

**WORLEY HIGHWAY DISTRICT BOARD OF COMMISSIONERS
REGULAR MEETING
November 29, 2017
9:00 A.M.**

MINUTES

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

Susan Weeks, Attorney for the District
Pauli Frantz, Hamaker Road

Laura Ward, Hamaker Road
Kyle Capps, Rock Creek Club

Approval of Agenda

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

Conflicts of Interest on the Agenda

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

Approval of Minutes

Miller MOVED to approve the minutes of the November 8, 2017 regular meeting. Johnson SECONDED the motion. Mangan CONCURRED. The motion PASSED UNANIMOUSLY.

Public Hearing- Abandonment of The Club at Rock Creek

Mangan opened the hearing at 9:02 a.m. He said this is the time and place set for the public hearing on The Club at Rock Creek's petitions for abandonment of Viewer Report Roads No. 24 (Black Rock Road Resurveyed); Road No. 26 (Busby Change to Loffs Bay to Belgrove Road); Road No. 251 (Black Road Road) and Roads No. 687 (Powers Road). At this time, I will open the public hearing. If you have not signed in, please do so. If you filled out a public hearing sheet and have not turned it in, please turn it in to our attorney, Susan Weeks, now. At this time, I appoint Susan Weeks to act as the Board's hearing officer. The Board's district clerk will record the proceedings.

Weeks stated at this time, we will conduct a joint hearing on all four petitions to abandon. I will first start with Road No. 24, then testimony will be taken on Road No. 26, which is an exchange of right-of-way; Road No. 251 will be considered next, and Road No. 687 will be considered last. We ask you limit your testimony to reasons why the petition should or should not be granted. Testimony should be directed to the Board, and not to other persons present at the meeting.

Mr. Howard will first present the staff report and staff recommendations as to each road in the order indicated. Following Mr. Howard's staff report, the petitioner or its representative will be allowed to address the Board. Following that presentation, I will take the comment sheets in random order. For those people who do not wish to speak, I will read their comments into the record. For those people who wish to speak, please state your name, and your current address, and provide your testimony. The petitioner will be allowed to present rebuttal after all comments on the road under consideration are received. After each road petition is finished, we will move to the next road petition and follow the same procedures.

ROAD No. 24

Weeks asked Mr. Howard to please proceed with the presentation of the staff report on Road No. 24.

BOARD OF COMMISSIONERS REGULAR MEETING MINUTES

NOVEMBER 29, 2017

Page 2

Howard recommended to adopt Resolution 2017-03, Resolution 2017-04, Resolution 2017-05 and Resolution 2017-06; to accept Exchanges and Abandonments as presented; each separately and under their own merits. He gave background for the development.

The Club at Rock Creek is a Planned Unit Development (PUD) that is a modification of what was Black Rock North PUD which began in 2005. Reviews and negotiations by and between the developers and Worley Highway District (district) have been ongoing since 2005.

Additionally, the district has an active GIS and Mapping program in which the public rights-of-way, from as far back as the public records of the Kootenai County can provide, are kept, mapped and maintained. This program was in its infancy at the time in which the PUD began.

In joining the information from the PUD and the district mapping, it came to light that there were public rights-of-way within the PUD that may have no further benefit to the public and others that may need corrections made to secure a benefit to the public.

When this information was brought to the developer's representative, he recognized the need to clear the title of the property while understanding the district's position and responsibilities. This began a long process of research and planning for the area surrounding the PUD.

It is the task of the district and its staff to protect the public's best interests. I feel that the resolutions before the board today accomplish that task by ensuring public access to all parcels adjacent to public rights-of-way, removing parallel rights-of-way which have been sufficiently mitigated and causing for replacement of or addition to those rights-of-way in need of such action.

Laura Ward entered at 9:03

Kyle Capps entered at 9:05

Weeks asked the petitioner to speak on this matter.

Kyle Capps stated that he and Mr. Howard have been working on this for a couple of years, attempting to resolve old right-of-ways that are already served by existing roads, or future roads that will be built in future subdivisions. He indicated that they have identified all the areas of concern, and the only area that they thought could still be put into use we relocated the right-of-way in order to accommodate us and the district in the future. Mr. Capps also indicated that he is happy with how the negotiations went and the outcome of said negotiations.

Mangan read the following resolutions:

RESOLUTION 2017-03
Right-of-Way Abandonment and Vacation of Road No. 24
within the
Club at Rock Creek PUD

WHEREAS, a petition has been filed with the Worley Highway District to abandon and vacate Unopened Road Rights-of-Way within a portion of Sections 04, 05, 08, and 09, Township 48N, Range 04W, Boise Meridian, Idaho, and,

WHEREAS, the subject right-of-way of this resolution is:

BOARD OF COMMISSIONERS REGULAR MEETING MINUTES

NOVEMBER 29, 2017

Page 3

Black Rock Road Resurveyed, Road No. 24, located in Sec. 8, Township 48 N, Range 04 W is a highway by Viewers Report, with legal description, herein after referred to by road number 24; and

WHEREAS, the petitioner owns the property abutting the aforementioned road; and

WHEREAS, Road No. 24 is parallel to and approximately 1/3 of a mile North of Loffs Bay Road (a constructed road); and

WHEREAS, Road No. 24 is within the Club at Rock Creek PUD from the Northwest corner of Parcel Number 48N04W-08-1950 to the Northeast corner of Parcel Number 0-0770-005-001-0; and

WHEREAS, the parcels adjacent to Road #24 have legal access to Loffs Bay Road; and

WHEREAS, should Road No. 24 be developed in the future, a right-of-way for a turnaround has been provided as depicted on Exhibits "E" and "F", attached hereto and by this reference hereby incorporated herein; and

WHEREAS, the Worley Highway District Board of Commissioners can find no cause to retain public rights-of-way provided within the aforementioned road segment; and

WHEREAS, Idaho Code 40-203 (a) requires the Worley Highway District Board of Commissioners to abandon and vacate roads from Worley Highway District's system by resolution; and

WHEREAS, Idaho Code 40-203(i) provides that "If the commissioners determine that a highway or public right-of-way parcel to be abandoned and vacated in accordance with the provisions of this section has a fair market value of two thousand five hundred dollars (\$2,500) or more, a charge may be imposed upon the acquiring entity, not in excess of the fair market value of the parcel, as a condition of the abandonment and vacation; provided, however, no such charge shall be imposed on the landowner who originally dedicated such parcel to the public for use as a highway or public right-of-way; and provided further, that if the highway or public right-of-way was originally a federal land right-of-way, said highway or public right-of-way shall revert to a federal land right-of-way."; and

WHEREAS, the Worley Highway District has been duly compensated fair market value for the aforementioned road segment; and

WHEREAS, by this action, no parcels of land will be caused to be without legal access.

NOW THEREFORE BE IT RESOLVED the Worley Highway District Board of Commissioners hereby abandons and vacates Road No. 24 within and adjacent to the Club at Rock Creek PUD from the Northwest corner of Parcel Number 48N04W-08-1950 to the Northeast corner of Parcel Number 0-0770-005-001-0 and shall be removed from the district road system and right-of-way map.

ROAD NO. 26

RESOLUTION 2017-04
Right-of-Way Abandonment and Vacation of Road #26
within the
Club at Rock Creek PUD

BOARD OF COMMISSIONERS REGULAR MEETING MINUTES

NOVEMBER 29, 2017

Page 4

WHEREAS, a petition has been filed with the Worley Highway District to abandon and vacate Unopened Road Rights-of-Way, within a portion of Sections 04, 05, 08, and 09, Township 48N, Range 04W, Boise Meridian, Idaho, and,

WHEREAS, the subject right-of-way of this resolution is:

Busby Change to Loff's Bay to Belgrove Road, Road #26, located in Section 5, Township 48 North, Range 04 West.

is a highway by Viewers Report, with legal description, herein after referred to by road number, and

WHEREAS, the petitioner owns the property abutting the aforementioned road; and

WHEREAS, Road #26 within Parcel Number 48N04W-05-1000, Exhibit "C" attached hereto and by this reference hereby incorporated herein; has been mitigated with right-of-way in exchange, Exhibits "A", "B" and "C" attached hereto and by this reference hereby incorporated herein; and

WHEREAS, the Worley Highway District Board of Commissioners can find no cause to retain public right-of-way provided within the aforementioned road segment; and

WHEREAS, Idaho Code 40-203 (a) requires the Worley Highway District Board of Commissioners to abandon and vacate roads from Worley Highway District's system by resolution; and

WHEREAS, by this action, no adjacent parcels of land will be caused to be without legal access.

NOW THEREFORE BE IT RESOLVED the Worley Highway District Board of Commissioners hereby abandons and vacates Road #26 within Parcel 48N04W-05-1000, Kootenai County, Idaho and shall be removed from the district road system and right-of-way map upon receipt of a deed to the Worley Highway District for the right-of-way described in Exhibits "A", "B" and "C".

ROAD NO. 251

RESOLUTION 2017-05

**Right-of-Way Abandonment and Vacation of Road No. 251
within the
Club at Rock Creek PUD**

WHEREAS, a petition has been filed with the Worley Highway District to abandon and vacate Unopened Road Rights-of-Way within a portion of Sections 04, 05, 08, and 09, Township 48N, Range 04W, Boise Meridian, Idaho, and,

WHEREAS, the subject right-of-way of this resolution is:

Black Rock Road, Road No. 251, located in Sections 4, 5, 8 & 9, Township 48 N, Range 04 W, and is a highway by Viewers Report, with legal description, herein after referred to by road number, and

WHEREAS, the petitioner owns the property abutting the aforementioned road; and

BOARD OF COMMISSIONERS REGULAR MEETING MINUTES

NOVEMBER 29, 2017

Page 5

WHEREAS, the access to all parcels adjacent to Road No. 251 within the Club at Rock Creek PUD, hereafter referred to the "Club", will be provided by a private road system proposed by the Club for the Planned Unit Development (PUD-55-05); and

WHEREAS, the portion of Road No. 251 east of Loff's Bay Road that traverses through a subdivision has a private road system with recorded legal access by easement as depicted on Exhibit "X" attached hereto and by this reference hereby incorporated herein; that provides for the parcels within the area adjacent to Road No. 251; and

WHEREAS, an examination of terrain clearly shows it to be impractical to connect the Southeast end of Road No. 251 and Rockford Bay Road; and

WHEREAS, the Worley Highway District Board of Commissioners can find no cause to retain public rights-of-way provided within the aforementioned road segment; excluding the portion easterly of the aforementioned PUD of which petition has not been made; and

WHEREAS, Idaho Code 40-203 (a) requires the Worley Highway District Board of Commissioners to abandon and vacate roads from Worley Highway District's system by resolution,

WHEREAS, Idaho Code 40-203(i) provides that "If the commissioners determine that a highway or public right-of-way parcel to be abandoned and vacated in accordance with the provisions of this section has a fair market value of two thousand five hundred dollars (\$2,500) or more, a charge may be imposed upon the acquiring entity, not in excess of the fair market value of the parcel, as a condition of the abandonment and vacation; provided, however, no such charge shall be imposed on the landowner who originally dedicated such parcel to the public for use as a highway or public right-of-way; and provided further, that if the highway or public right-of-way was originally a federal land right-of-way, said highway or public right-of-way shall revert to a federal land right-of-way."; and

WHEREAS, the Worley Highway District has been duly compensated fair market value for the aforementioned road segment; and

WHEREAS, by this action, no parcels of land will be caused to be without legal access.

NOW THEREFORE BE IT RESOLVED the Worley Highway District Board of Commissioners hereby abandons and vacates Road No. 251, excluding the portion that lies easterly of the Club, Parcel Number 0-7191-001-002-0, Kootenai County, Idaho, of which petition has not been made; and shall be removed from the district road system and right-of-way map.

ROAD NO. 687

RESOLUTION 2017-06
Right-of-Way Abandonment and Vacation of Road No. 687
within the
Club at Rock Creek PUD

WHEREAS, a petition has been filed with the Worley Highway District to abandon and vacate Unopened Road Rights-of-Way within a portion of Sections 04, 05, 08, and 09, Township 48N, Range 04W, Boise Meridian, Idaho, and,

BOARD OF COMMISSIONERS REGULAR MEETING MINUTES

NOVEMBER 29, 2017

Page 6

WHEREAS, the subject right-of-way of this resolution is:

Powers Road, Road No.687, located in Section 4, Township 48 N, Range 04 W, and is a highway by Viewers Report, with legal description, herein after referred to by road number; and

WHEREAS, the petitioner owns the property abutting the aforementioned road; and

WHEREAS, Road No.687 parallels current Loff's Bay Road and a right-of-way for Loff's Bay Road providing access to the public was previously given to the district in the form of a Plat (Book H, Pages 26 through 26 G, Kootenai County, Idaho); and

WHEREAS, the Worley Highway District has been duly compensated through the aforementioned right-of-way plat; and

WHEREAS, the Worley Highway District Board of Commissioners can find no cause to retain public rights-of-way provided by Road No. 687 adjacent to The Club at Rock Creek Planned Unit Development (PUD-55-05) from the Southwest corner of Parcel Number 0-7191-001-002-0 to the Northern property line of Parcel Number 48N04W-04-2950, as depicted in Exhibits "R" and "S" attached hereto and by this reference hereby incorporated herein; and

WHEREAS, Idaho Code 40-203 (a) requires the Worley Highway District Board of Commissioners to abandon and vacate roads from Worley Highway District's system by resolution; and

WHEREAS, by this action, no parcels of land will be caused to be without legal access.

NOW THEREFORE BE IT RESOLVED the Worley Highway District Board of Commissioners hereby abandons and vacates Road No. 687 adjacent to The Club at Rock Creek PUD from the Southwest corner of Parcel Number 0-7191-001-002-0 to the Northern property line of Parcel Number 48N04W-04-2950 and shall be removed from the district road system and right-of-way map.

Kyle Capps indicated that The PUD listed as PUD 55-05 has changed to PUD 16-001.

Commissioner Miller requested that resolution 2017-06 be modified to clearly state an exclusion of Loff's Bay Road from abandonment.

These items will be amended and resolutions will be signed at the next Board meeting on 12/13/2017.

The only comment sheet was provided by Kyle Capps, who's testimony was heard.

Weeks closed the hearing at 9:46 AM.

Chairman Mangan brought the resolutions up for vote at 9:47.

Chairman Mangan Moved for the approval resolution 2017-03.

Carol Richel called the roll: Commissioner Johnson- aye; Chairman Mangan- aye; Commissioner Miller- aye. The motion PASSED UNANIMOUSLY.

Chairman Mangan Moved for the approval resolution 2017-04.

Tomi Maynard called the roll: Commissioner Johnson- aye; Chairman Mangan- aye; Commissioner Miller- aye. The motion PASSED UNANIMOUSLY

Chairman Mangan Moved for the approval resolution 2017-05.

Tomi Maynard called the roll: Commissioner Johnson- aye; Chairman Mangan- aye; Commissioner Miller- aye. The motion PASSED UNANIMOUSLY

Chairman Mangan Moved for the approval resolution 2017-06.

Tomi Maynard called the roll: Commissioner Johnson, aye; Chairman Mangan, aye; Commissioner Miller, aye. The motion PASSED UNANIMOUSLY

Kyle Capps left at 9:53

Public Comments

None.

Old Business

Susan Weeks stepped down at 9:54, and did not participate on the Hamaker Road Issue.

Request for Speed Limit Change on Hamaker Road

Howard read into record the Idaho Code 49-654 statutes on adjusting traveling speed to meet road conditions.

Howard and Assistant Supervisor Howe went out and drove Hamaker Road with the Ball Bank Indicator on board. According to Howard's testimony, they found that:

The Ball Bank Indicator shows the first corner off of Rockford Bay Road should have an advisory speed limit of 20 MPH.

The Ball Bank Indicator shows the second corner off of Rockford Bay Road should have an advisory speed limit of 10 MPH.

In considering the vertical curve (hill top) located 0.5 miles from Rockford Bay Road, the stopping distance (site distance) is limited. The stopping distance of 155 feet is appropriate for the vertical curve thus indicating a 25 MPH speed is the safer in this location. Any posting above 25 mph would leave the judgement to slow down for the hill top to the driver of the vehicle.

I have prepared the following calculations showing stopping distance at each speed and travel time on the straight portion of Hamaker Road considering the horizontal curves are to be set with the information from the Ball Bank indicator.

MPH	Stopping Dist.	Travel time. East of curves.	Time Difference.
35	250 ft.	1 min. 12 sec.	0 sec.
30	200 ft.	1 min. 24 sec.	12 sec.
25	155 ft.	1 min. 42 sec.	30 sec.

As such and considering a driver must slow (driver judgement) for the limited sight distance on the vertical curve, the actual travel time difference between 35 mph and 25 mph is 23 seconds.

BOARD OF COMMISSIONERS REGULAR MEETING MINUTES

NOVEMBER 29, 2017

Page 8

It is my recommendation that the speed limit be reduced to 25 mph and the appropriate curve signs per the Manual on Uniform Traffic Control Devices be placed at the two curves on the West end of Hamaker Road.

Public Comment-

Pauli Frantz of 9831 W Hamaker Rd provided comment- She is concerned that adding significant signage will reduce drivers focus on the road. She is for reducing the overall speed limit.

Miller MOVED to follow Howard's recommendation to change the speed limit to 25 MPH and place signs at the 2 curves on the west end of Hamaker Road. Johnson SECONDED the motion. Mangan CONCURRED. The motion PASSED UNANIMOUSLY.

Ward left the meeting at 10:05 a.m.

Frantz asked the board about the possibility of putting in a radar detected speed of travel sign on Belgrove Bridge. Chairman Mangan deferred to Howard for response to the question. Howard indicated that such signage would be cost prohibitive in this rural setting.

France left the meeting at 10:07 a.m.

Executive Session

Citing Idaho Code 74-206 (c) Chairman Mangan MOVED that the Board enter into executive session at 10:08 a.m. Maynard called the roll with the commissioners voting as follows: Commissioner Johnson, aye; Chairman Mangan, aye; Commissioner Miller, aye.

The purpose of the executive session was to discuss right-of-way acquisition with Susan Weeks. Kevin Howard and Carol Richel were asked to stay for testimony.

Break- Mangan recessed the meeting at 10:44 a.m.

Reconvened- Mangan reconvened the regular meeting at 10:49 a.m.

Finnebott, Bennion, and SunUp Intersections

Howard updated that JUB is working with utilities to ascertain what is needed for right-of-way.

La Delcardo Bay Rights-of-Way

Additional updates were provided by Susan Weeks during executive session. A validation hearing may be necessary in the future.

New Business

WORK PROGRESS REPORT by Supervisor Howard

ON THE ROAD

The crew, with much appreciated assistance from the Coeur d' Alene Tribe and JUB Engineers, completed the Burton Road Bridge project. On November 8th we enjoyed a noon BBQ gathering to mark the completion.

BOARD OF COMMISSIONERS REGULAR MEETING MINUTES

NOVEMBER 29, 2017

Page 9

Dustin, Kurt, Ed, Susan and I attended a class on risk management in Coeur d'Alene that was presented by ICRMP.

During the first part of November we experienced winter like weather. The crew plowed and sanded roads as needed.

The district was able to pick up several trailer loads of concrete guardrail offered by Frank Gurney; free to anyone that wanted them. They have many uses for the district, including but not limited to slide repair, road closures, shoulder repair, etc.

Some ditches were cleaned this month. There were some areas with obvious issues that were targeted so that they were ready for the coming spring runoff.

Some of the crew hauled sand from Post Falls Highway District's Huetter Pit to the Mica yard and the Worley yard for winter use.

Some of the crew graded graveled roads to prepare them for the start of winter maintenance.

The crew went to Post Falls Highway District for a class on winter anti-ice and de-ices applications. I have heard positive feedback from the class.

Vehicle and Equipment Repair

(ST) Shop truck
(DS) Dealer Service
(W) Worley Shop

Pickups

#30 – Serviced and checked the brakes.
#65 – Serviced and new tires installed.

Trucks

#145 – Sander body and plow attached for winter use; changed one of the right rear tires.
#150 – Serviced and prepared for winter.
#180 – Serviced and prepared for winter.
#190 – Serviced and prepared for winter; installed a new sander body.
#220 – Winterized the water system.

Motor Graders

#305 – Serviced and prepared for winter use.
#340 – Serviced and prepared for winter use.
#355 – Serviced and prepared for winter use. (W)

Wheel Loaders

#415 – Serviced, repaired bucket and installed new cutting edge.

Trailers

#680 – Replaced tires and check out for use. (New Trailer)

Rollers

#730 – Winterized the water system.

Planned work for this coming Month

- Winter Maintenance
- Ditching; if and when weather allows.

Annual Road and Street Finance Report

Richel gave the board the Annual Road and Street Finance Report. The board questioned listing a lease to purchase under the lease line of the report. Richel stated that she would verify where those funds should be listed and adjust as necessary.

Miller MOVED that the Annual Road and Street Financial Report for fiscal year 2017 be approved as written. Johnson SECONDED the motion. Mangan CONCURRED. The motion PASSED UNANIMOUSLY.

Discussion- 2017 IAHD Convention

Mangan shared that the resounding message at the convention was that extra moneys provided by the surplus eliminator bill should not be depended on, as those moneys may not always be available. Mangan complimented Kevin, Dustin and the crew for doing an excellent job of staying on top of regular maintenance, while finding man hours to complete extra projects funded by House Bill 312.

Bills presented for approval

Miller MOVED that the bills be approved as presented on the check register. Johnson SECONDED the motion. Mangan CONCURRED. The motion PASSED UNANIMOUSLY.

Upcoming Meetings

The next Board meeting will be December 13.
KMPO Board Meeting will be December 14.

Commissioner Comments

None.

Adjournment


Mangan adjourned the meeting at 11:31 a.m.

RESPECTFULLY SUBMITTED BY:

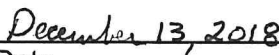


Tomi Maynard, Administrative Assistant

APPROVED BY:



James Mangan, Chairman



Date