

**East Side Highway District Board of Commissioners
Regular Meeting Minutes
March 16, 2020**

Chairman Christensen called the board meeting to order at 9:00 a.m.

Present: Chairman Christensen, Commissioner Austin, Commissioner Addington, Director Weymouth Supervisor Pankratz, Secretary Leake.

Conflicts of Interest: Commissioners each answered "no".

Action: Motion by Commissioner Addington to amend the agenda to include Amend the Sick Leave Pool Policy, as authorized under IC-74-204 (4). Seconded by Commissioner Austin. Motion carried.

Visitors: Angela Comstock PE -JUB Engineering; Caroline Mellor TLG; Marc Levesey HMM; Korby Baker & Kris Mayhew MMC, Laura Winter PE Ruen Yeager

Angela Comstock provided the Board of Commissioner the following updates:

- LHTAC scored the bridge applications and we scored 500 on the Cataldo Bridge application which puts us in the 3rd position for funding. From the funding standpoint there is about 3.1M ahead of the bridges. Commissioner Christensen asked if the increase in bridge funding just passed by legislators would be funneled into this program and help our application? Engineer Comstock was unsure how that would be handled and said it is possible that it won't be available for past applications such as ours. We should refer to LHTAC for more specifics on how/when that will be implemented.
- Safety Funding: The Canyon/Fernan Lake Guardrail Project is above the cut; Burma intersection scored too low due to the cost benefit ratio. We will continue to seek funding for this important safety project.
- French Fernan LID Workshop: Since the last board meeting she has met with staff regarding the public LID workshop. She introduced Caroline Mellor, of TLG (a public involvement arm of JUB), who has been involved with the development of the workshop. In light of whether or not public meetings will continue the Board asked for a short version of the draft plan. Ms. Mellor said the goals are to help the residents understand the concept of an LID; to determine if there is adequate interest of participation in the LID; to identify the various factors involved (variables such as bike/ped paths, widening, curves etc); and to ascertain what the residents are willing to support. The next step would be to create the presentation for the workshop both the electronic version and story boards, then share that with the Board to work out any kinks ahead of time. The idea is to involve the public in a manner that is meaningful and allows them to take ownership in the process. Due to the virus, Commissioner Christensen believes that we probably won't have any public events until this fall, but wants to keep the ball rolling. Commissioner Austin asked how much it will cost. Engineer Comstock said the contract is a not-to-exceed estimate of \$5-7K, and while some of that has been used for development, the bulk will go towards the event. Director Weymouth suggested we let JUB finish up what they started while it is fresh in everyone's minds. JUB suggested that we use the list of participants from the last open house to communicate with the residents regarding the planned events so we don't lose momentum. Supervisor Pankratz asked if it would be worth considering to apply for

Federal-Aid funds to complete the un-funded portion of the project when they come up in the future (with the understanding it is 5-7 years out)? Engineer Comstock said the STP-Rural applications would be due this fall.

Commissioner Austin said with all the unknowns we should be shelf ready in case there is a flush of money and it would be nice to take advantage of the lower interest rates, so if we were to incur some debt, now would be the time.

Previous Minutes:

Commissioner Austin made a motion to approve the February 13, 2020 Special Call Meeting Minutes and the February 18, 2020 regular meeting minutes. Commissioner Addington seconded the motion. The motion carried with unanimous approval.

Treasury Report:

Commissioner Austin made a motion to approve the Treasury Report

Petty Cash	200.00
Umpqua Checking:	81,881.91
State Treasury Account Fund 891	1,368,533.21
Less Umpqua Assured Macro-Balance	<u>(1,500.00)</u>
Balance of Working Capital this Date	1,450,412.12
Dedicated Funds in Accounts 369 & 412	2,208,300.00
All Funds Total	3,657,415.12

New Business:

(The order of new business was re-arranged to better accommodate the guests present and minimize their time at the district in light of the social distancing mandate.)

A. Audit & Assurance Services Manager Kris Mayhew & Supervising Senior Korby Baker presented the Board of Commissioners with the audit report for the fiscal year ending September 30, 2019. Mr. Mayhew reviewed the auditor's responsibilities towards the district, pointing out that the first page of the report clarifies to the reader what was audited. He went on to say that a big mechanic of the audit is that they cannot audit their own work, which means the district is responsible for its work and the schedules that illustrate our financial information. He said what is very helpful for the auditors is the fact that the district uses a 3rd party pre-audit consultant service, (the district uses Mary Richter CPA), to review and assist in the preparation of the journal entries and schedules. A strong system of internal controls augmented with the 3rd party CPA is paramount in the strength and health of our organization and financial reporting. Magnuson McHugh & Company reported that the audit was a clean audit.

B. Beauty Bay Drive: The guests were not present, so this will be a continued item.

C & D are addressed later in the minutes.

E. MS4 & NDPES Permit: Laura Winter PE with Ruen Yeager is providing the district (and Lakes and Post Falls Highway District) compliance services for this required permit which allows stormwater discharges from Highway District jurisdictions to waterways of the US.

Why: The 2010 census determined the urban boundaries which set portions of ESHD jurisdiction in an urban area, and by this occurrence, now required ESHD to manage the

stormwater discharges within their urban area through a MS4 Permit. Post Falls and Lakes Highway Districts have been bound by the MS4 Permit and its requirements since 2009.

History: Since 2013 the permitting process has been complicated with unprecedented delays and multiple draft permit changes. It has been a confusing sort of mess with some over-reaching expectations - partly due to the changing permit administration from Federal to State and significant changes in the permit itself. (i.e. changing from a joint permit with the three highway districts, to a Statewide Permit, and now back to a joint permit.)

While the permit(s) was in the public comment period (draft form) she, the districts, and Attorney Weeks worked diligently to negotiate the requirements -trying to keep the permit goals attainable. For example - PCB testing. The Cities of Coeur d Alene and Post Falls both have been testing for PCBs for 7 years with negative results, yet the permit was requiring the districts to test the road sweepings and all outfalls annually (outfall being a conveyance point of water). Considering the costs involved it didn't make sense to test when historical testing documents that PCBs in North Idaho are non-existent.

What Does the Contract Cover: Engineer Winter manages all annual staff training; and public outreach. Annual reporting is done in January/February. Public outreach is primarily conducted in the spring beginning with Earth Day in May; dry weather monitoring of all outfalls takes place during the summer. This means they look for running water, then record it, test it for certain markers. Fall (October) is all other clean-up.

Current Status: We have submitted a permit application, but it remains in a limbo status with the EPA however; the EPA does recognize and appreciate the good faith effort that our district has exhibited. Engineer Winter said she does not know when the permit will be finalized especially with the virus related shut-downs. 2021 is the expected time frame for the DEQ to assume full administration of the permitting process.

Discussion: Commissioner Christensen asked some of the following questions:

- "If approved, what will the permit require?" She said there would be extensive record keeping and reporting. All the sweepings from roads with outfalls would have to be recorded (weighed and documented).
- How many outfalls were in the 'urban area'? The permit covers the outfalls in the 'urban' area in which case that would include Coeur d Alene Lake Drive, Fernan Lake Road, and French Gulch area.
- How do we manage stormwater treatment for approaches? Supervisor Pankratz said we have design guidelines for stormwater retention in the AHDKC Standards. The problem isn't the new approaches/development, it is the older ones - (pre-permit era). Engineer Winter added that stormwater does not go to the wastewater treatment plant. It is problematic in many older neighborhoods. Stormwater in rural areas isn't as regulated and they have different contributors to the nutrient loading of the lakes.

Director Weymouth and Engineer Winter are planning a district-wide outfall assessment in the near future.

F. Special Events Permit for the Coeur d Alene Marathon:

Action: Motion by Commissioner Austin to approve the permit, seconded by Commissioner Addington. Motion carried with unanimous approval.

G. The Board directed staff to issue a memo about the Federal and State guidelines and to keep them updated as things change. The memo should also address limiting public interaction; restricted public access to the office, practicing diligent hygiene, and if symptomatic please stay

home. According to the CDC and Panhandle Health District the symptoms are a fever 100.4 degrees and higher, cough, and shortness of breath. In regards to social distancing the Commissioners discussed closing the office to the walk in traffic, limiting office staff time to one at a time, and working from home. Also discussed were the ideas for crew time and maybe splitting time in different shifts.

There is talk about Federal reimbursement for missing work due to the virus. The district will follow this provision as it is made available - whether it is on a Federal and/or State level. Also discussed was the district's status as first responders and if that would provide more accessibility for childcare when the situation applies.

Action: Motion by Commissioner Addington to amend our existing Sick Leave Pool Policy (#c under Sick Leave in the Personnel Manual) The following will be added to 2.c. Once their personal leave time is exhausted, employees may request sick leave pool hours for absence from work due to a pandemic related situation. Seconded by Commissioner Austin. Motion carried.

The Chairman called a recess at 10:55am; the meeting was called back into order at 11:05 am.

Agenda Item #D

Chairman Christensen moved to call the meeting into an Executive Session at 11:05 am pursuant to IC 74-206 (f) to discuss pending litigation. Motion by Commissioner Austin; seconded by Commissioner Addington.

Roll call to enter into executive session: Commissioner Christensen: Yes; Commissioner Austin: Yes; Commissioner Addington: Yes. Motion Carried.

Executive Session closed at 11:20. The meeting immediately reconvened into regular session.

C. Faceless Cedar: Participating via telephone: Attorney O'Dowd and CUP Applicant Charlotte Hagen.

Since the last board meeting there have been discussions between the district and the applicant and her attorney about conditions the District requested that remain unresolved. Attorney O'Dowd asserted that the applicant is unwilling to comply with the mitigation requests involving an easement and any monetary payment for road improvements, however they are willing to construct the approach to AHDKC standards.

Attorney O'Dowd asked if the letter she recently sent to Attorney Weeks was part of the board meeting packet for the public record. The board was aware that Attorney Weeks received a letter however district declined her request, citing the letter was attorney to attorney correspondence and is not part of the board packet. It was noted that Attorney Weeks would have a response letter by the end of the week. Through further discussion it was discovered that the County was stating they did not receive our official comment letter. It was agreed that the October 30, 2019 comment letter would be sent again to Kootenai County for their records. Post Meeting Note: March 17, 2020 The letter was sent directly to Vlad Finkel Planner II via with the statement that the requests for conditions of approval as stated in the letter stand, and that the district makes no amendments.

Old Business: (Follow-up List)

1. Boothe Park - proposed encroachment. The applicant needs to obtain the appropriate permits from Kootenai County. Once that is done the applicant would need to re-visit their request with the district. Status: complete.
2. EPA MS4 & NPDES Compliance: Status: Complete.

3. Open House/ LID workshop - Status: Ongoing.
4. 4th of July Creek Culverts: Supervisor Pankratz and Director Weymouth met with Mr. Terry Harwood, Executive Director of the Basin Commission. Mr. Harwood said he has some ideas and would get back to us. Director Weymouth contacted True North to obtain a culvert estimate which hopefully will be available in the next week or so. Status: Ongoing.
5. Office Expansion: Director Weymouth submitted a proposal from Architects West. The T & M not to exceed \$6,200 seemed expensive to the Commissioners. Director Weymouth will negotiate with the architect to see if they can reduce that for us. Status: Ongoing.
6. Fee Structure and Impact Fees: The District is prepared to go first in beginning the adoption process and will indicate this at Thursday's AHDKC meeting. Action: A Public Hearing date should be scheduled at the next board meeting.

Correspondence, Reports, Permits: (See attached)

Commissioner Christensen asked about item #13: Supervisor Pankratz said the work was being done outside of the public right of way so we had no issue with it.

Commissioner Austin asked about item #14: Director Weymouth said District Clerk Sieverding asked the state about the Urban Renewal District in our jurisdiction - when it retires, and do the funds go to the base roll, or new construction.

Secretary: We received word from the Boy Scouts of America that the last invoices will be paid electronically and payment should be received within the week.

Supervisor Pankratz:

1. Fish and Game bought the property out at Black Lake. The first meeting he had with them in Medimont (Rebecca Stevens with the CDA Tribe, Brad Corkill - a Board Member for Idaho Fish and Game, and several others from within the agency) he brought up the District's concerns with Fish and Game not running the pumps and saturating the Black Lake Road. Now we are facing the exact situation we feared would happen. The pipe we put in after the FEMA disaster is now under water. We are in the process of writing a letter to the Idaho Fish and Game Director expressing our concerns.

Director Weymouth:

1. He asked Jeremy Russell Surveyor at JUB to look into the ownership at Boothe Park. Recent county maps show a shift that needs clarified so we know exactly where our right of way lies.
2. There is a separation of pedestrians vs. traffic safety issue related to the Redmond Hill area. He is looking into options to address the safety concerns while not impeding snow plowing.
3. He and Supervisor Pankratz met with Idaho Asphalt regarding piggy back options. Bonner County is opening bids this week which may give us an opportunity to piggy back their prices. Commissioner Christensen asked how many miles we plan on seal coating this season. Supervisor Pankratz indicated 1 mile of Dredge Road (the asphalt zipper will be used); Marmot Trail needs another shot to cap last year's work, and this leaves some wiggle room for Director Weymouth to work with for other projects. He did say that Coeur d Alene Lake Drive will get another shot, but that would be sometime in the future after the striping wears off.
4. East Side Highway District is participating in the County's 5 year update of their All-Hazard Mitigation Plan. This is necessary to be eligible for Federal disaster funding if one is declared.

5. Attorney Weeks reviewed the most recent Palmer suit (CV28-19-4630) and she referred it to Peter Erblin with ICRMP, but did indicate the statute of limitations may have expired.
6. Crews are working on spring clean-up and project work will start once load limits are lifted.
7. Last year we purchased a ditching head attachment. This equipment is proving to be a valuable investment. It is being used in Sub 3 right now. They are getting about 2 miles a day done which is more than double the miles but now with one employee vs. 5 crewmen and equipment it took using previous methods.
8. Foreman Horning and Crewman Arnold took the water truck/de-icer to Prineville Oregon last week for factory repairs. While in the area they picked up purchases from the Bureau of Federal Surplus. All arrived home safely.
9. Well Springs Road: The gates have been removed. The owner asked for some additional time to remove the posts since they are set in concrete.
10. Two employees are scheduled for medical leave this month. Expected recovery ranges from 3-6 weeks. We may need to work with Integrated Personnel to have some pre-qualified contractors that we can utilize.
11. Director Weymouth asked about the chain of command for responding to the Legislative Blasts. The commissioners agreed the comments should come from a board member when possible.
12. The Federal and State governments have declared disaster emergencies due to the COVID19 outbreak. We need to work immediately on plans for employee safety.
We went on to further discuss the impact of the spreading virus and how to implement a policy that protects employees and public who interact with us.

Chairman Christensen:

Commissioner Austin:

Commissioner Addington:

Commissioner Addington made a motion to adjourn the meeting at 12:15 p.m. Commissioner Austin seconded the motion, which was unanimously approved.

Chairman Commissioner Christensen
Sub-District 1

Commissioner Austin
Sub-District 2

Commissioner Addington
Sub-District 3

Leake
District Secretary Treasurer