

East Side Highway District Board of Commissioners
March 20, 2023
Board Meeting Minutes
Black Rock Road Validation Hearing Continued

1. Call to Order: Chairman Christensen called the meeting to order at 9:05 a.m.
2. Roll Call
Commissioner Christensen, Commissioner Sieverding, Commissioner Addington (excused)
Staff present: Director of Highways Weymouth, Deputy Director Yerian, Clerk Ham
Professional Staff: Attorney Weeks, JUB Engineer Angie Comstock P.E., HDR Engineer Daniel Baker P.E.
Guests: Jake Kammers, Greg Beale
3. Approval of Agenda Commissioner Sieverding moved to approve the March 20, 2023 meeting agenda. Commissioner Christensen seconded the motion. The motion carried.
Declared Conflicts of Interest: none
4. Black Rock Road Validation Hearing Continued: Chairman Christensen reconvened the hearing at 9:07 a.m.
Attorney Weeks, appointed as the Hearing Office, spoke to the following items:
 1. She reminded those present of the parameters of this quasi-judicial process. While the Board cannot answer questions, they may take testimony to assist them in their fact finding.
 2. She disclosed a Commissioner contact by a person interested in the outcome of the Board's decision via email. The email dated February 7, 2023 was read aloud for the record. Upon conclusion, she asked if there was any other contact with a Commissioner. Commissioner Sieverding disclosed that after a public hearing, she visited with Mr. Kammers outside the District office. She stated her conversation was limited to population growth, and she was proud to see the residents working together on the validation process.
 3. Since the last meeting, the Board requested a legal memorandum clarifying possible outcomes. The Board is tasked with reviewing all evidence and must decide what is in the public's best interest. She said regardless of the Board's decision, any interested party may appeal the decision within 28 days. (I.C. 40-208(6)) The memo described the road in two segments:
 - Segment One is the portion the District maintains to the turn around and has been used by the public for five years consecutively. I.C. 40-203 determines this to be a public highway vs. a public right-of-way. If the Board validates this segment, then it will continue operating as a public highway within the District's jurisdiction. To abandon a portion of a public highway, the Board must find it in the public's best interest to do so.
 - Segment Two is the portion of S. Black Rock Road beyond what the District maintains. This portion is considered public right-of-way, and its use is controlled by I.C. 40-117(9). According to this code section, a public right-of-way is open to the public, under the jurisdiction of the District, and with no obligation of the District to construct or maintain it.

- Attorney Weeks advised the Board to look at both segments separately based on an Idaho Supreme Court decision for a similar situation. Should the Board not validate either segment of S. Black Rock Road, it ends any jurisdictional claim, and it becomes a civil matter.

Chairman Christensen opened public testimony at 9:26 a.m.

Petitioner Jacob Kammers PO Box 1572, Newport Washington testified in favor of the petition. He indicated that a revised reciprocal agreement is in circulation.

Greg Beal 19561 Black Rock Road Cataldo, Idaho 83810 testified in opposition to the petition.

Petitioner Jacob Kammers presented a rebuttal.

The following exhibits are entered into the record:

Supplemental Staff Report (H); Attorney Memorandum (I); Public Comment Sheets (2) (J);

Emailed correspondence between resident and Commissioner (K).

Chairman Christensen closed the public testimony at 09:52 a.m., In deliberations the Board discussed abandonment vs. validation hearing proceedings and the benefits of handling them as separate issues. They also discussed how to avoid any land-locking scenarios, and with that in mind, to broaden the 300' scope and send notice to those newly identified landowners.

Commissioners directed staff to provide a Second Supplemental Staff Report reflecting what additional parcels (aside from those already noticed) most likely to use the road as their exclusive access.

Action: Commissioner Sieverding moved to continue the Black Rock Road Validation public hearing to May 15, 2023, at 9:00 a.m. for further testimony. Commissioner Christensen seconded the motion, and the motion carried. The following roll call was taken: Commissioner Sieverding – Yes; Commissioner Christensen – Yes.

5. Approval of Minutes

Commissioner Sieverding moved to approve the February 27, 2023 Regular Meeting Minutes as presented. Commissioner Christensen seconded the motion, and the motion carried.

6. Approval of Treasury Report

Commissioner Sieverding motioned to approve the Treasury Report. Commissioner Christensen seconded the motion, and the motion carried. The March 2023 Treasury Report Cash Fund Balances are as follows:

| | |
|---------------------------------|--------------------|
| Petty Cash | \$200.00 |
| Umpqua Checking | \$107,078 |
| Less Assured Macro-Balance | (\$1,500) |
| State Treasury Fund 891 | \$2,447,394 |
| CDA Lake Dr. DBF Fund 412 | \$1,591,682 |
| Traffic Mitigation DBF Fund 369 | \$248,400 |
| Total Funds | \$4,393,254 |

7. New Business

- A. JUB Project Status: Angie Comstock P.E. highlighted some of the following items:
- KN22872 Canyon & Fernan Lake Guardrail Construction: The contractor is prepared to begin work on April 4, 2023 and will start with Canyon Road, then will move to Fernan Lake Road. Residents will be notified of the planned construction schedule.
 - Frontage Road Bridge at Wolf Lodge Creek –The District will complete the work in fall 2023.
 - LHRIP: The District was approved for \$100K in grant funding for gravel surfacing at the March 10, 2023 LHTAC Council Meeting.
 - Potlatch Hill Road: Hannah Anderson with the Langdon Group is drafting a situation assessment to facilitate the workshop planned later this spring.
- B. Canyon Road Bridge – Daniel Baker P.E. HDR Engineering, now under contract with LHTAC, is moving forward with hydraulic design and Geotech permitting. A full bridge closure is needed so boreholes can be drilled through the bridge deck at each bridge abutment and pier location. The bridge structure must be analyzed for weight and retraction force rate before drilling. Details and a timeline will be provided when that information becomes available.

Chairman Christensen called for a recess at 10:17; the meeting resumed at 10:30.

- C. MS4 Permit: The contract with Welch Comer Engineers is due for renewal.
Action: Commissioner Sieverding motioned to approve the contract renewal and authorized Director Weymouth to execute the contract. Commissioner Christensen seconded the motion, and the motion carried.
- D. 2023 Road Stabilization Bid Award: Director Weymouth, describing 2023 program costs, attributed a significant \$38,000 savings compared to last year, even with increased material costs, equipment purchases and efficiency improvements.
Action: Commissioner Sieverding motioned to accept the piggyback bid and GMCO's quote for material and service. Commissioner Christensen seconded the motion, and the motion carried.
- E. Surplus Equipment: The Director's Staff Report identified Units 118 (2008 Dodge pickup) & 317 (2006 GMC pickup) that have exceeded their useful life span. He proposes to sell both items, valued less than \$10K, through an auction.
Action: Commissioner Sieverding motioned authorizing staff to proceed with the disposal of Unit 118 and Unit 317. Commissioner Christensen seconded the motion, and the motion carried.
- F. Frontage Road Paving: Director Weymouth reported that after reviewing the asphalt overlay piggyback bid opportunity from Interstate Concrete & Asphalt, it would be more economical to complete the work ourselves and without impacting our summer workload.
- G. AHDKC Standards: A motion was made at the March 9, 2023 AHDKC meeting to approve the 2023 Standards; however, that version had a last-minute addendum that removed the Mountainous Terrain verbiage in Section 600 (page 32), that was yet to be

discussed by the members. The motion carried with two noted objections from Commissioner Christensen and Director Weymouth. After deliberations it was determined that Director Weymouth will draft an addendum to be reviewed at our April Board Meeting.

8. Old Business:

Item 1: Clerk Ham will coordinate a May Workshop date. The workshop addresses our hiring policy, job descriptions, personnel policy, and cyber security.

Item 2: New traffic count data is uploaded onto the new GIS platform. The counters have been out for the last five weeks, and new data will be uploaded as the season progresses. We migrated all the older counts to the server, organized them by road, and then ran a data validation. The validation revealed a 20% of the numbers changed. Director Weymouth also reported that the previous 2-day counts do not meet the industry standard. Moving forward, all our counts will be a 3-day minimum. We don't have enough counters to collect data on our roads every two years. With this in mind, we will conduct counts on the major collectors every two years, then address the remaining roads based on the higher traveled roads.

9. Correspondence Permits and Reports: No comments

10. Staff Reports

Director of Highways Weymouth:

- All staff is back to full-time with no restrictions.
- We will start the construction season as soon as the load limits are lifted.
- We have 23.8 million in grants in front of us, with a District match of \$620K. Pubworks can track project costs, and staff is working on the reporting mechanics of that feature.
- We are processing a lot of bids and quotes related to our summer projects. Sunnyside's gravel bid opening is March 29th. The results will be shared and contractor selected at the April 3, 2023 Special Meeting.
- Does the Board support the road stabilization cost shares in Indian Mountain and Arrow Road? Both Commissioners agreed with that continued agreement with residents.

Deputy Director Yerian:

- He is fitting several trucks that multitask as water and deicer/mag units. This will serve the District well in terms of time and money efficiencies.
- He emphasized the benefits of managing the Road Stabilization Program ourselves. Multi-tasking equipment allows us to apply the product when it is most effective, and reducing flow rates when appropriate enable us to manage purchased material more efficiently.
- Without the equipment modifications we've made in the last year, we would have been 15% over budget – the cost of everything has increased.
- Putting wings on the plow trucks will increase the efficiencies of snow plow routes.

Commissioner Sieverding discussed active legislation on SB1056 regarding covered loads.

Director Weymouth replied that we have been in contact with IAHD Executive Director Veldhouse about the bill and its financial impact on the Districts.

She asked about the of the DH1510 report. Staff provided a status update and Mr.

Wallingford's time frame to receive final information. She would like to see a breakdown of

the mileage and different surface changes annually. Moving forward, Director Weymouth anticipates finalizing the report online by the end of each calendar year.

Commissioner Christensen attended another Blue Wolf Community Meeting, giving them an update on the projects planned in that area. He hopes Legislators will address the transportation budget before wrapping up the session in the next few weeks.

Adjournment

With no further business, the Chairman adjourned the meeting at 11:43 a.m.

Graham Christensen, Chairman
Sub District 1 Commissioner

Angela Sieverding
Sub District 2 Commissioner

Mark Addington
Sub District 3 Commissioner

Rosie Ham
District Clerk