

MEETING MINUTES

Kootenai Metropolitan Planning Organization
Policy Board Meeting
October 1, 2009
Post Falls City Council Chambers, City Hall, First Floor
Post Falls, Idaho

Board Members in Attendance:

Jimmie Dorsey, Chair	East Side Highway District
Clay Larkin, Vice Chair	City of Post Falls
Lynn Humphreys	Post Falls Highway District
Andrea Storjohann	Idaho Transportation Department (alternate)
Vic Holmes	City of Rathdrum
Al Hassell	City of Coeur d'Alene
James Mangan	Worley Highway District
Anson Gable	City of Hayden
Marv Lekstrum	Lakes Highway District
Damon Allen	Idaho Transportation Department

Board Members Absent:

Norma Peone	Coeur d'Alene Tribe
Todd Tondee	Kootenai County

Staff Present:

Glenn Miles, Executive Director
Ryan Stewart, Senior Transportation Planner
Bonnie Gow, Transportation Planner II
Donna Lively, Administrative Secretary

1. Call to Order.

The meeting of the Kootenai Metropolitan Planning Organization Policy Board was called to order by Chair, Jimmie Dorsey at 1:30 pm.

2. Approval of September Meeting Minutes.

Mr. Lynn Humphreys made a motion to approve the September 3 and September 10, 2009 meeting minutes. Mr. Marv Lekstrum seconded the motion, which was unanimously approved.

3. Public Comments.

Ms. Susie Snedaker from Coeur d'Alene asked whether KMPO is addressing the issue of light rail and would recommend that existing rail lines in Coeur d'Alene (though not compatible with light rail) not be removed. She stated that KMPO has dealt with transit

successfully and that the City finally has a park and ride lot. She noted that light rail concerns all members of the public and that the value of rails is substantial.

Mr. Dorsey replied that the KMPO Board is currently not addressing this issue. Mr. Glenn Miles responded that consideration was given to look at high capacity transportation or at least preserving that option in the corridor as long as there was an active, functional rail line serving the industry along that corridor; however, Burlington Northern Santa Fe (BNSF) recently decided to abandon that corridor. He noted that there were efforts in the late 1990s to consider light rail, but KMPO has not addressed it as part of the public transportation system. Ms. Snedaker replied that perhaps the time to address it is now.

4. KCATT Recommendations.

a. 2010 FY Unified Planning Work Program.

KCATT Chair, Mr. Kevin Howard, reported that KCATT had three recommendations based on their regular September 22, 2009 meeting.

The first recommendation is for adoption of the 2010 FY Unified Planning Work Program (UPWP). Mr. Vic Holmes asked whether the project budget as described in item 4 of the KMPO contract was set in the future. Mr. Miles stated that the UPWP is not the contract, but rather the scope of work activities outlined for the coming year. Mr. Holmes inquired about item 10.A. of the contract to which Mr. Miles responded that the UPWP was presented to the Board last month and outlines the scope of work of activities that KMPO will be undertaking in the coming year as well as the anticipated budget of revenue/expenses for each of those activities. Mr. Holmes stated that he would reserve his questions for the discussion on the contract.

Mr. Clay Larkin asked whether the \$115,000 budget listed on page 8 becomes part of the negotiated contract when the Board approves the UPWP. Mr. Miles responded that it does, but that the budgetary document can be amended once the Board determines what projects/expenses to incur.

Mr. James Mangan made a motion to adopt the 2010 FY Unified Planning Work Program as presented. Mr. Lynn Humphreys seconded the motion, which was unanimously carried.

b. Transit Center Site Location Study

Mr. Howard stated that the second KCATT recommendation is for KMPO Board adoption of the Transit Center Site Location Study Final Report.

Mr. Miles stated that a memo contained in the Board packet with a recommendation to adopt the report, which includes a recommendation for a general location south of

Seltice Way and east of Riverstone Drive (without identifying a specific location within the report).

Mr. James Mangan made a motion to adopt the Transit Center Site Location Study Final Report as presented. Mr. Clay Larkin seconded the motion, which was unanimously carried.

c. Riverstone Transit Center (Direction on Next Steps)

Mr. Howard stated that the third KCATT recommendation is for the KMPO Board to enter into a site acquisition process consistent with the Transit Center Location Study and in coordination with the City of Coeur d'Alene, ITD's Real Estate Acquisition Services, and Kootenai County to identify a specific location for the purposes of site development and appraisal negotiations.

Mr. James Mangan asked where the funds for the center would come from. Mr. Miles responded that the intent of the acquisition of real estate would be through the use of stimulus funds that have been set aside, but that other funding opportunities would be pursued. A congressional request for additional funding for public transportation has been submitted to Congressman Minnick's office as part of the next authorization bill.

This action item would initiate the formal process to identify a specific site in coordination with the City of Coeur d'Alene, ITD's Real Estate Acquisition Services, and Kootenai County. He recommends that a subcommittee of Board members be convened to provide oversight in the process and ensure all Board members are kept informed.

Mr. Mangan asked if the process would not go beyond price negotiations. Mr. Miles stated that it would not; but rather set up the process for price negotiations at which point a fair market appraisal would be conducted and the process opened for public input. He stated that at this point in time, minimal or no contact with property owners is needed, since negotiations are aimed at what is in the best interest of the public.

Mr. Larkin asked what the Tribe's next grant status is. Mr. Miles stated that next March will be the next redistribution of stimulus funds and a 2011 appropriations request will be made in late January or early February. Since SAFETEA-LU expired yesterday, a 30-extension is anticipated either today or tomorrow and will continue until a new authorization is made. He said that there is no one source of funding, but rather several opportunities over the next 6 to 8 months.

Mr. Larkin asked whether November 1st marks the end of the 3 year grant period for the Coeur d'Alene Tribe. Mr. Miles confirmed that it was the last year for that cycle. Mr. Larkin asked whether the Tribe would get a grant for another 3 year period. Mr. Miles responded that it is for Board discussion and determination as to whether or not to renew the contract if requested by the Tribe. The Tribe has not contacted KMPO staff to request another grant.

Mr. Miles stated that ultimately, a confidential report would go to the KMPO Board and the County Commissioners outlining the specific piece of property and an offer in order to begin negotiations.

Al Hassell made a motion that the KMPO Board enter into a site acquisition process consistent with the Transit Center Location Study and in coordination with the City of Coeur d'Alene, ITD's Real Estate Acquisition Services, and Kootenai County to identify a specific location for the purposes of site development and appraisal negotiations. Mr. Marv Lekstrum seconded the motion, which was unanimously carried.

A poll was taken of Board members who were interested in sitting on a sub-committee to provide oversight in the site acquisition process and ensure all Board members are kept informed. Those Board members agreeing to convene a sub-committee were Marv Lekstrum, Lynn Humphreys, Al Hassell, Clay Larkin, and Jimmie Dorsey.

5. Administrative Matters – Glenn Miles

a. KMPO Service Contract – Art Macomber

Mr. Vic Holmes asked whether item 8, Termination, in the KMPO/SRTC Contractor Agreement favored SRTC over KMPO in that SRTC is permitted to stop performing in the event of a material breach by the KMPO. Mr. Art Macomber responded that in any contract, any party can stop performing if there is a material breach; the question then becomes “what constitutes a material breach?” He stated that SRTC has a greater liability of a material breach than the Board, since the Board’s primary responsibility is to oversee the work of SRTC and approve requested invoice payments. He stated that the reasonable and required solution for two public entities would involve discussions between the two parties.

Mr. Vic Holmes expressed concern regarding item 10, Compliance with Laws, in that KMPO, not SRTC, is ultimately responsible for compliance with all applicable federal laws/regulations. Mr. Macomber responded that while SRTC performs the duty of delegation it is under the direction of the KMPO Board.

Mr. Clay Larkin expressed disappointment that no dollar figures were included in the contract and asked whether the contract, as presented, represents a blank check. Mr. Macomber responded that it does not, adding that the Request for Proposal (RFP) included that the Board and KMPO were allowed to rely on a bidders bid in order to move forward on approving and getting into a contract. SRTC bid approximately \$245,700 and the Board relied on this amount when considering whether or not to enter this contract. He added that this number should be referenced when SRTC comes through with invoices and expected or proposed project amounts. Mr. Macomber explained that the reason why a cap should not be provided in the contract is that it would unnecessarily constrain the Board when making decisions. The Board can direct SRTC to provide financial statements which reference the amount provided in the bid.

Moreover, there are adequate safeguards in the Board's control as the independent contractor to come to a number applicable to the current circumstances. The bid amount noted by SRTC is for the first year of a three year contract and it would be prudent to keep it open should there be an infusion of federal funding or an alteration of funding from KMPO members.

Mr. Larkin stated that in April, SRTC presented a three year proposal to the Board for \$483,000 per year. The recent bid may be the best deal for KMPO should the Board decide to accept the contract. Mr. Miles responded that the earlier amount provided by SRTC was relative to what was occurring at the time and the additional projects underway. The total expenditures for the year-to-date actuals for calendar 2009 were \$422,769, which was close to SRTC's cost estimate. Of that, \$198,000 was for contractual services for studies that the Board approved above and beyond administrative costs. Capping the contract would not include studies that receive additional funding or the administration of additional projects. He suggested that the UPWP budget become the baseline budget for the work program year, which coincides with what the contract states would be performed. The proposal is based on historical record of what SRTC has been spending to provide services to KMPO. Should the Board decide to amend the UPWP and reduce the KMPO administrative responsibilities down to \$245,000, the Board will need to direct SRTC what to remove from the work program.

Mr. Macomber stated that if a limiter is placed in the contract, the work plan becomes limited. He recommended keeping limiters in the work plan so that the Board retains greater control of expenses. Mr. Miles added that the work program is used to base project costs on as well as expenditures and have a direct correlation to the work program budget.

Mr. Al Hassell questioned the lack of Board control over how SRTC fulfills or executes projects approved by the Board in item 9, Independent Contractor. Mr. Macomber explained that the Board assigns projects to SRTC and by definition; an independent contractor determines how the work will be performed. SRTC works on behalf of the Board and must accommodate what is assigned or be able to explain why something cannot be done. Mr. Miles added that SRTC must follow federal guidelines with regard to what constitutes the metropolitan planning process. Mr. Macomber explained that this is what the Board pays the independent contractor with known expertise to do.

Mr. Hassell questioned why Washington State travel rates should apply to an Idaho entity. Mr. Macomber explained that Washington State travel rates are applicable because SRTC is located in the State of Washington and the travel is to/from a Washington State location. He expressed concern over imposing dual tracking on SRTC over minimal travel laws.

Mr. Hassell requested that an Idaho financial institution be named for funding deposits noted in item 24 A.2. (Project Records/Accounting Records). Mr. Miles responded that all receipts related to KMPO go to the City of Coeur d'Alene Treasury for accounting

and disbursement. Mr. Macomber stated that one can be named so long as it is a secure financial institution. Mr. Miles requested listing “the City of Coeur d’Alene KMPO treasury account” in order to avoid ambiguity as to where the funds are deposited. Mr. Miles added that funds are distributed on a cost reimbursable basis; consequently, KMPO “borrows” from SRTC until the funds are received.

Mr. Vic Holmes noted that a correction to item 18. A., Incorporation of Federal Terms/Purchasing. The word “the” prior to “KMPO” in the last sentence should be removed.

Mr. Lynn Humphreys made a motion to accept the SRTC Contractor Agreement as prepared with corrections noted. Mr. James Mangan seconded the motion, which was carried by all present, with the exception of Mr. Al Hassell who voted nay and Mr. Clay Larkin who abstained.

b. Vouchers – KMPO General August 2009 Expenses

Mr. Miles reported that the largest payment was to The Land Group, Inc., dated August 21 for the Transit Center Location Study. He noted that it was for services provided from May through July and that the payment delay was due to a lack of detail on some invoices.

c. Vouchers – KCATT Update January through August 2009 Expenses

Mr. Miles noted that HDR Engineering, Inc. provided modeling support services for the KMPO Travel Demand Model.

d. Vouchers – SH-97 Study – Key 9770

Mr. Miles noted that additional services were provided by Ruen-Yeager & Associates on the SH 97 Corridor Study.

e. KMPO Financial Report

Mr. Miles noted that a KMPO revenue/expenditure recap was provided in the Board packet outlining the revenue and expenditure sources to date. He asked that if there are any changes the Board would like to make to the format of the report to please advise Mr. Dorsey.

Mr. Lynn Humphreys made a motion to approve the payments for the following Vouchers: KMPO General August 2009 Expenses, KCATT Update January through August 2009 Expenses, and SH-97 Study – Key 9770. The motion was seconded by Mr. Vic Holmes and unanimously approved.

f. 2010 FY Unified Planning Work Program.

Mr. Miles stated that this agenda item was already addressed under “KCATT Recommendations.”

g. Transit Center Site Location Study

Mr. Miles stated that this agenda item was already addressed under “KCATT Recommendations.”

h. Riverstone Transit Center (Direction on Next Steps)

(This agenda item was already addressed under “KCATT Recommendations.”) Mr. Damon Allen requested clarification on the subcommittee providing oversight on the Riverstone Transit Center. It was confirmed that Board members Clay Larkin, Jimmie Dorsey, Al Hassell, Lynn Humphreys, and Marv Lekstrum comprise the subcommittee. Mr. Miles suggested that Kootenai County, not present at the Board meeting, should also sit on the subcommittee as they are the federal transit administration grant recipient.

6. Public Transportation

a. Citylink Status Report – Alan Eirls

Mr. Alan Eirls reported that ridership for the month of September was good, down only approximately 300 riders overall between August and September, but up over 1,600 riders from the same time last year. He stated that Citylink is providing notice in the Spokesman Review and the Coeur d’Alene Press regarding the Transit Forum Study scheduled for November 2, 2009 at the Coeur d’Alene Library between 4 to 6 pm. He noted that Mr. Ryan Stewart will be asked to attend, along with Mr. John Austin.

b. KATS Status Report – Helen Stephens

Ms. Helen Stevens reported that ridership numbers were up in Post Falls but down for the City of Rathdrum. Mr. Marv Lekstrum requested that the report reflect 13 months similar to Citylink’s report in order to compare same month figures. Ms. Stevens responded stating that she will ensure the change is made.

c. Financial Report – John Austin

Mr. John Austin reported that \$570,000 in stimulus funds have been received for the purchase of six vehicles, 4 for Citylink and 2 for the Kootenai County Medical Center. \$720,000 in stimulus funds are available for the Transit Center Site. FTA has advised that the funds must be obligated soon. He added that the first step in securing the funds is to complete the National Environmental Policy Act (NEPA) on the site. He suggested that an alternate project be selected to utilize the funds should delays in the

acquisition process prevent the funds from being obligated. He recommended that the Board allow the environmental work be done on the parcel as soon as possible. Mr. Miles stated that Kootenai County would have to authorize the funds since they are the grant recipients. He encouraged that the agency charged with completing the NEPA coordinate with ITD's Right of Way Acquisition Services so that they are involved every step of the way since ultimately, ITD will need to certify the acquisition process.

Mr. Clay Larkin made a motion to approve moving forward with the NEPA process on the proposed Transit Center Location Site in coordination with Kootenai County and ITD's Right-of-Way Acquisition Services. Mr. Al Hassell seconded the motion, which was unanimously carried.

d. DEQ Update – Mark Boyle

Mr. Mark Boyle reported that Kootenai County was below the trigger level in September on the inspection/maintenance legislation. The Environmental Protection Agency (EPA) under the new administration will re-review the ozone standard, possibly returning to the earlier recommendation of 70, which is where Kootenai County was at the beginning of the season.

Mr. Clay Larkin asked how Governor Otter's budget reductions (7.5% for DEQ) will affect the local jurisdictions in Kootenai County given the footlocker of issues facing DEQ. Mr. Boyle responded that he did not know.

e. Citylink Public Transit Forum and Service Evaluation Process – Ryan Stewart

Mr. Ryan Stewart reported that the Citylink Public Transit Forum and Service Evaluation Process was a carry over from last month's meeting. He noted that staff is looking for Board direction as to whether or not staff should assist Citylink in the development of a fair, equitable, and consistent process, i.e., the development of a service evaluation policy, for evaluating service requests. Once approved by the Board, the policy will be used in future public forums to ensure discrimination does not occur and that the public feels that their requests/concerns are dealt with in a fair manner.

Mr. James Mangan expressed concern regarding a process to deal with complaints that would require costly studies. Mr. Miles responded that this is what staff is trying to avoid by establishing criteria to build a matrix from. In absence of criteria to use to base evaluations on, there is the concern of subjectivity based on who complains the loudest.

The question was asked whether safety issues would have some sort of preliminary overview for screening purposes. Mr. Stewart responded that staff would look to established processes/procedures from other agencies; safety being the number one concern, without having to go through any lengthy, expensive process.

Mr. Al Hassell made a motion approving KMPO staff to develop a service evaluation policy/process in evaluating Citylink service requests. Mr. Lynn Humphreys seconded the motion, which was unanimously carried.

7. Director's Report – Glenn Miles

Mr. Glenn Miles reported that Governor Otter received discretionary funds through the Department of Education for transportation. Post Falls Highway District received \$500,000 for the Prairie/McGuire roundabout; City of Coeur d'Alene received \$255,000 for the Kathleen/Howard project. Dalton Gardens is expected to put their Hanley Avenue project out to bid by October 26. ITD received redistributed stimulus funds, including US-95 from Wyoming to SH 53, in addition to \$6 million for the I-90 bridge deck repair projects at the state line, which requires a TIP amendment and public comment period (already commenced). A TIP amendment recommendation will be forthcoming to the Board.

The Senate published their Climate Change Bill, i.e., their Cap and Trade Bill, and MPOs were referenced over 65 times. The Bill would require MPO involvement in coordinating land use, driving a parallel between transportation and land use planning. The Bill also seeks per capita Vehicle Miles Traveled (VMT) reductions in order to address greenhouse gas emission reductions and a move towards non-motorized public transportation. Existing growth patterns reflect outward growth both in Kootenai and Spokane Counties, indicating increased VMT.

Both the House of Representatives and the Senate approved their versions of the 2010 Appropriations Bill. A continuing resolution passed extending SAFETEA-LU to October 31; however, there are 12 Appropriation Bills requiring action (transportation included) and there is speculation that the Transportation Bill will be the omnibus bill to get all Appropriation Bills passed before Thanksgiving.

Staff has been working with ITD, Federal Highway Administration, and the City of Post Falls to answer questions regarding the Greenacres Access Project. Mr. Lynn Humphreys requested clarification on the funds received through the Department of Education. Mr. Miles responded that it was \$500,000 for the Post Falls Highway District and \$255,000 for the City of Coeur d'Alene.

8. Other Business

a. KMPO 2030 – 2015 VISUM Travel Demand Forecast Model Update – Bonnie Gow

Bonnie Gow stated that while working on the existing project list she discovered that there were Federal Functional Classification (FFC) projects that had not been included. These FFC projects have since been added to the project list that will be incorporated into the 2030 – 2015 Model. A copy was provided to KCATT at their last meeting and jurisdictions were requested to confirm that these projects should be included in the

Model and identify the funding sources for these FFC projects. She provided a deadline of Friday September 25, 2009, for jurisdictions to respond.

Bonnie stated that she hopes to have the 2030 – 2015 model completed by the next KCATT meeting scheduled for October 27. In addition, she reported that the 2007 base model will be released, the land use is complete, and plotted sheets with volumes will be provided to the jurisdictions.

Mr. Clay Larkin noted that Post Falls will need to report those local projects that are in their Transportation Master Plan and are funded by their impact fees. Ms. Gow reminded the Board that jurisdictions need to provide her with the funding sources for each project.

Mr. Miles reported that the project list is an underestimate of the total cost of what each jurisdiction is requesting. He noted that the list reflects the amount of funds being requested relative to the demand for projects over the next 20 plus years. Jurisdictions will be able to use the modeling tools to determine the deficiencies in their networks. Mr. Miles recommended that the Board hold a retreat to discuss regional transportation priorities with regard to investment decisions. KMPO staff will engage KCATT and the KMPO Board over the next six months to determine where the shortfalls are and what the regional priorities should be relative to funding sources. Mr. Dorsey noted that the presentation was made at his request to emphasize the importance of staff's modeling efforts and the impact it will have on each jurisdiction.

Mr. Miles stated that there are several factors in play that will influence the ultimate modeling outcome: Federal legislation, e.g., the next Authorization Bill and the Cap and Trade Bill, in addition to the financial struggles facing the State of Idaho and each jurisdiction. Fortunately, KMPO will have a good model for "what if" scenarios in determining investment strategies.

9. Board Member Items

Mr. Clay Larkin thanked Mr. Miles for sharing Mr. Ryan Stewart who presented his white paper at the North Idaho Mayor's Coalition.

Mr. Damon Allen reported that ITD had their statewide balancing for the draft STIP and the \$6 million 2010 Bridging the Valley funds came up. He asked Mr. Miles whether these funds can be shifted out of the district to another project. Mr. Miles responded that since it is a high priority project, the funds cannot be transferred. High priority classified projects come with their own obligation authority and do not have an expiration date unless congress appeals it. Bridging the Valley currently has \$5 million in high priority funding for grade separations, etc. within the corridor. Mr. Allen asked whether it would be beneficial to move it to another year. Mr. Miles stated that it can be moved out to the future (2012 or 2013) and taken to the Board for approval.

ADJOURN Regular Session

There being no further business before the Kootenai Metropolitan Planning Organization Policy Board, the regular meeting was adjourned at 2:51 pm.

Donna Lively
Recording Secretary