

MEETING MINUTES

Kootenai Metropolitan Planning Organization
Policy Board Meeting
August 6, 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
Damon Allen	Idaho Transportation Department
Vic Holmes	City of Rathdrum
Al Hassell	City of Coeur d'Alene
James Mangan	Worley Highway District
Todd Tondee	Kootenai County
Anson Gable	City of Hayden
Marv Lekstrum	Lakes Highway District

Board Members Absent:

Norma Peone	Coeur d'Alene Tribe
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Staff Present:

Glenn Miles, Executive Director
Ryan Stewart, Sr. Transportation Planner
Bonnie Gow, Transportation Planner II
Donna Lively, Administrative Assistant

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 July Meeting Minutes.

Mr. Al Hassell made a motion to approve the July 2, 2009 meeting minutes. Mr. Lynn Humphreys seconded the motion, which was unanimously approved.

3. Public Comments.

Mr. Craig Wilcox, 2015 S. White Tail Crossing, Coeur d'Alene, requested to withdraw \$4,000 in funds from the bus bench account with Kootenai County for 7 additional bus benches, at the cost of \$500 per bench, plus an extra \$500 for plaque services and unexpected plaque costs. Mr. Wilcox stated that he had with him the agreement, invoice, account balance, and other verification documentation if needed.

Mr. Todd Tondee asked where the placement of the additional bus benches would be. Mr. Wilcox stated that his committee has been working with engineers from Coeur d'Alene and Post Falls and that there are designated areas for each bench, but before they are installed, the engineers will check ADA requirements and confirm locations. Mr. Wilcox stated that more precise information can be provided at a later date, including the location of all benches and sponsors. It was requested that this information be posted on a website.

Mr. Al Hassell suggested that in the future, this information be formally provided to the Board. Mr. Wilcox agreed to provide such information to the Board going forward. He added that the Coeur d'Alene Tribe has yet to sign off on the license agreement, which has been signed by the various jurisdictions. Currently, Citylink's insurance policy covers each bench location, but details need to be ironed out with the Tribe before the benches are installed.

Mr. Clay Larkin asked whether this information can be posted to the KMPO website. Mr. Glenn Miles stated that if Mr. Wilcox provides the information, staff can post it on the website. He added that Mr. Wilcox had already been advised to provide this information to staff in advance for inclusion in the Board packet. He suggested adding item "d" to Administrative Matters in order to formally consider Mr. Wilcox's request.

4. Administrative Matters – Glenn Miles

Vouchers 4.a.

Mr. James Mangan made a motion to approve the payments:

- a) KMPO Vouchers for July 2009 in the amount of \$45,903.68.**

The motion was seconded by Mr. Clay Larkin and unanimously approved.

b) SH 97 Supplemental Budget Request (Ruen-Yeager) – Glenn Miles

Mr. Miles reported that the State Highway 97 Corridor Study recently completed by Ruen-Yeager & Associates and approved by the Board required a substantially higher amount of detailed analysis and community/public participation than originally scoped. This analysis and community/public participation coupled with KMPO staff and ITD edits requested to ensure the report clearly described the complexity of the needs on SH-97 and the surrounding area resulted in a final billing exceeding the contracted amount by \$87,676.55.

Mr. Miles provided the payment options to the Board to address this over run:

- a. Deny the request. The work conducted was within scope and based on a budget prepared by Ruen-Yeager to complete the study activities. There was also a

significant delay by Ruen-Yeager in completing the study, despite several contract extensions.

- b. KMPO has received \$10,000.00 in developer fees for work on the corridor study to identify specific concerns and recommendations to address safety and capacity constraints on the north end of SH-97. KMPO can approve these additional funds to supplement the contract, since they were provided for the purpose of conducting the study.
- c. KMPO recognize the actual hours worked as evidenced in the Invoice submittal in the amount of \$29,825.03 and the direct costs of producing copies of the report in the amount of \$892.24, for a total of \$30,717.97; however, withhold the balance of the supplemental request based on the additional time, expenses, and delays incurred by KMPO and ITD to review, comment and edit the final report beyond the contracted extension dates previously approved to finish the report. KMPO would cover the additional \$20,000 from residual funds that could be made available from other contracts currently being closed out.
- d. Approve Ruen-Yeager's supplemental budget request as submitted.

Mr. Miles stated that in recognition of both the changing conditions encountered during the study and the delays incurred by KMPO in having timely completion of the study, staff recommends the KMPO Board consider payment option "c" as a fair and equitable way to cover Ruen-Yeager's direct costs to complete the report.

Mr. Clay Larkin asked how project cost over runs can be prevented in the future. Mr. Miles stated that language has been added to KMPO contracts specifying that services rendered are to be charged within the current billing. Mr. Larkin asked whether there was a legal issue in transferring funds from one project to another. Mr. Miles responded that when a project is closed out, any excess funds are available for reallocation, which, under the Urban Balancing Guidelines, can be reassigned to other projects via a budget supplement.

Mr. Todd Tondee asked why it took so long for these additional expenses to be brought to the Board's attention since it was known that the study would take longer to complete and additional costs could be assumed. Mr. Miles explained that the study itself was completed during the contract period; it was the delivery of the product that was delayed due to needed specificity. Mr. Vic Holmes opined that there must have been an indication that cost over runs would be incurred. Mr. Miles stated that KMPO staff was never notified. Mr. Holmes asked whether the contractor had an obligation to notify staff or the Board of the potential over run. Mr. Miles responded that this was why he is suggesting an adjustment to Ruen-Yeager's supplemental budget request.

Mr. Jim Mangan made a motion to approve payment option "c" recommendation as presented. Mr. Damon Allen seconded the motion. A roll call vote was then taken. The vote was as follows:

Damon Allen	Yes	Clay Larkin	Yes
Marv Lekstrum	Yes	Anson Gable	Yes
Lynn Humphreys	Yes	Vic Holmes	No
Al Hassell	No	Jim Mangan	Yes
Jimmie Dorsey	Yes	Todd Tondee	Yes

The motion was approved with a vote of 8 yeas and 2 nays.

c) SRTC Contract Renewal/RFP Results

Mr. Jimmie Dorsey stated that the Board received KMPO service proposals from the following 3 parties on the Monday, August 3rd deadline: 1) David Evans & Associates/Panhandle Area Council (DEA/PAC), 2) Spokane Regional Transportation Council (SRTC), and 3) Wilbur Smith & Associates.

Mr. Dorsey stated that due to the complexity of the proposals and in accordance of the contract, he recommended that legal counsel review the proposals. It was also suggested that a professional consultant or committee review the proposals and provide the Board with a recommendation.

Mr. Lynn Humphreys made a motion to take this matter under advisement for the opportunity for 1) legal counsel to review the proposals, 2) for the Board to find a suitable consultant to review the proposals, and 3) for the Board to convene a committee to review the findings. James Mangan seconded the motion, which was approved by all present with the exception of Mr. Todd Tondee who voted nay.

Mr. Tondee asked whether there was one proposal from each applicant. Mr. Miles stated that the RFP specified that multiple copies be submitted. The Board proceeded to open the packages containing the proposals and noted that there were 10 copies from Wilbur Smith, 11 copies from SRTC, and 10 copies from DEA/PAC.

Mr. Todd Tondee made a supplemental motion that the proposals be distributed to all Board members and legal review and Board members provide comments/questions/recommendations before deciding whether outside consultant services were needed. Mr. Lynn Humphreys concurred with the motion amendment; Marv Lekstrum seconded the motion, which was unanimously approved.

d) Proposed New Agenda Item: Bus Bench additional funding request – Craig Wilcox

It was noted that a motion was needed to approve the release of \$4,000 towards the funding of 7 additional bus benches per Mr. Craig Wilcox’s earlier request.

Mr. Clay Larkin made a motion to authorize the release of \$4,000 to Mr. Craig Wilcox to fund 7 additional bus benches. Mr. Al Hassell seconded the motion.

Mr. Vic Holmes stated that in accordance with the revised Idaho Public Open Meeting Laws, an item cannot be added to a meeting agenda unless it is done 48 hours prior to the scheduled meeting or at the beginning of the meeting with good cause as to why it was not made part of the original agenda.

Mr. Todd Tondee made a motion to add the bench proposal to the agenda due to the fact that it was brought to the Board's attention and the funds needed to be expended in a timely manner. Mr. Vic Holmes seconded the motion, which was unanimously carried.

Mr. Clay Larkin restated his motion to authorize the release of \$4,000 to Mr. Craig Wilcox to fund 7 additional bus benches. Mr. Vic Holmes seconded the motion, which was unanimously carried.

Mr. Miles assured the Board that such incidents would not happen again, stating that in the future, late agenda item requests will be postponed to the following month's agenda. He noted that this was the second time the Board has had to address this issue at the last minute.

Mr. Clay Larkin asked for clarification on the previous agenda item regarding the utilization of an outside consultant to review/summarize the KMPO service contract proposals and whether or not a motion was needed from the Board to address any financial constraints or needed authorizations. Mr. Lynn Humphreys noted that his modified motion was that the Board members and legal counsel review the proposals and if an outside consultant would be needed, the Board could take action at that time. Mr. Miles suggested that if the process needs to be expedited, the Board could have a week or two to review the proposals and if an independent review is deemed necessary from an outside source, the Board upon consensus can authorize Mr. Dorsey to pursue the matter based on financial parameters specified by the Board.

Mr. Dorsey asked the Board whether two weeks was enough time to review the proposals. Mr. Lynn Humphreys opined that the Board could review the documents in a two week period, but felt legal staff would need more time. Mr. Miles questioned whether the purpose of legal counsel review was to ensure that each proposal meets the sufficiency of the RFP or analyze the content and quality of each proposal. If it is to ensure RFP sufficiency is met, he opined that it shouldn't take legal staff more than an hour per document to make that determination because the RFP was very specific in its requirements.

Mr. Tondee questioned the timeliness of the current contract and whether there was a reason why the Board could not discuss their findings at the next Board meeting. Mr. Dorsey stated that he has had discussions with Mr. Miles and legal council with regard to the contract and that legal council stated that there was no need to extend the

contract as written. He added that the contract with SRTC was not extended at the last Board meeting. Mr. Miles noted that SRTC is currently not under contract with KMPO, but has continued to provide services and billing to KMPO. He noted that from an audit standpoint it makes sense to extend the contract until September or October, depending on when the Board intends to take action on this issue. He added that also from an audit standpoint he didn't feel comfortable incurring expenses on the part of SRTC without a contract knowing that SRTC would be reimbursed.

Mr. Todd Tondee made a motion to extend the KMPO service contract with SRTC through the end of September.

Mr. Al Hassell asked whether this would give the Board enough time to enter into a negotiated contract with a provider (if selected in September) for the October Board meeting. The Board concurred to which Mr. Tondee amended his motion as follows:

Mr. Todd Tondee made a motion to extend the KMPO service contract with SRTC through the end of October. Mr. Al Hassell seconded the motion, which was unanimously approved.

5. Public Transportation

a) Status Report on Citylink Service – Alan Eirls

Mr. Alan Eirls reported that ridership was up and that it was the highest month to date. He noted that the C route was down a bit perhaps due to construction. He noted that there has been some opposition in downtown Coeur d'Alene; a business owner has asked Citylink to move the stop located in front of her business. Citylink has not taken action on her request since other business owners may see it as an opportunity to make the same request.

Citylink received another complaint regarding the use of Foster Avenue on one of their routes. Last fall, the same complainant requested that the route which utilized Foster Avenue be modified so as not to use the residential area. Although Citylink was authorized to use this road as part of their normal route, they agreed to use Sherman instead for convenience purposes as well as the likelihood of increased ridership. Foster Avenue would be used only when there were obstructions to the normal route area (e.g., parades, etc.). The current complaint is due to Citylink's use of Foster Avenue to get around the construction on 4th Avenue. Citylink will advise the complainant that the route detour is only temporary until the construction on 4th is completed.

Mr. Al Hassell stated that he recalled a suggestion made to review routes and complaints every year vs. upon receipt. Mr. Eirls responded that Citylink is storing requests for review but that immediate attention will be given to safety and/or ADA violation complaints. Mr. Miles clarified that part of the recommendation made to

Citylink was that complaints would be reviewed during the fall and spring and if route changes were made as a result, a public comment process would be utilized.

Mr. Tondee asked for clarification as to the route on Foster and whether the buses were excessively loud or a stop made where she lives, noting that streets are open 24 hours. Mr. Eirls responded that the buses are not unusually noisy and that it was just the one resident that complained. He stated that for the sake of keeping the peace and the fact that Sherman was perhaps a better choice for ridership, Citylink decided to make the route change. Mr. Tondee expressed concern that a citizen may think that they can have their street from 8 am to 5 pm. for their convenience. Mr. Eirls stated that they considered this possibility, but assured him that Citylink made their decision based on the number of businesses on Sherman and briefly offered reasons why some residents would not want a route directly in their neighborhood.

b) Status Report on KATS Service – Helen Stephens

Ms. Helen Stevens reported that ridership was down and opined that it was due to senior citizens not wanting to get out in the hot weather. Mr. Jimmie Dorsey noted that based on the report, ridership was close to what it was last year.

Ms. Stevens made note of a correction to the recently published KMPO newsletter, stating that KATS did not receive American Recovery and Reinvestment Act funding for new vehicle purchases. She has talked with John Austin regarding the purchase of a new wheelchair accessible vehicle for the urbanized area with any remaining stimulus funds if available.

c) Financial Report – John Austin

Mr. John Austin reported that the \$570,000 in stimulus grant funds were obligated on Monday. The grant can be amended with regard to the Transit Center site construction funds when the Board determines what site to move forward with. He stated that of the \$570,000, \$300,000 will go towards two Citylink buses, and the remaining \$270,000 will go towards four support vehicles; two for Kootenai Medical Center (KMC) and two for Citylink – one support vehicle and one for paratransit services.

Mr. Austin asked Mr. Craig Wilcox about the insurance issue with regard to the bus benches. Mr. Wilcox stated that the Coeur d'Alene Tribe has yet to sign off on the license agreement (acknowledging coverage) that the other jurisdictions have endorsed due to a sovereignty issue. The benches are currently covered for personal injury under Citylink's insurance policy. It was suggested that in order to move forward, either the County or KMPO can sign the agreement acknowledging that all benches are insured rather than having the Tribe sign as the transit authority.

Mr. Larkin questioned whether the Tribe should participate in the agreement should they want to sponsor buses at other locations in the future given the fact that there are no buses programmed on the reservation at this time. Mr. Wilcox noted that the reservation is outside the urban area and that another agreement with the Tribe would then be needed. Mr. Larkin stated that he intended to make a motion, but now feels that it should go through legal review. Mr. Glenn Miles concurred expressing his concern that KMPO is a planning and programming organization, not an asset-based organization. Kootenai County is the designated recipient of federal and state funds for public transportation – they are the defacto transit organization that supplies contracts to KATS and the Tribe. Therefore, legal review would be appropriate. Mr. Larkin asked whether becoming a Regional Public Transportation Authority (RPTA) would be the umbrella over everyone. Mr. Miles responded that it would and that an RPTA would be the regional corporation that takes ownership of the assets and would utilize their own insurance coverage to protect their assets and any liability associated with it.

Mr. Miles suggested obtaining copies of the proposed license agreements for legal staff review. Mr. Wilcox stated that the agreements have been forwarded to Mr. Art Macomber for legal review.

d) DEQ Update – Mark Boyle

Mr. Glenn Miles reported that Mr. Mark Boyle was not able to attend but has offered to provide an electronic update to the Board upon his return if needed. He also noted that Canyon County and the City of Caldwell requested and were provided with the white paper prepared by KMPO staff for the last legislative session. They have indicated to DEQ that they are not interested in a testing program.

e) Transit Center Location Study Recommendation – Ryan Stewart

Mr. Ryan Stewart stated that the Transit Center Location Study is close to completion; however, the selection of the preferred location is needed in order for the consultants to finalize their final report and detailed analysis and allow KMPO to proceed in selecting a specific location. A copy of the PowerPoint presentation was provided to Board members as well as a copy of the second Technical Memo, which was sent electronically prior to the meeting. Mr. Stewart reminded the Board that the team associated with the study is composed of the consultants, The Land Group, Inc. and LSC Transportation Consultants, as well as the Steering Committee (comprised of representatives from ITD, the City of Coeur d'Alene, Panhandle Area Council, Citylink, KATS, KMC, Kroc Center, Agency on Aging, and KMPO staff). Mr. Stewart emphasized that the scope of the study was for a consultant to assist KMPO in the selection of a preferred transit center location. He briefly outlined some of the tasks that were outlined in the RFP and noted that a large number of sites were originally considered. Mr. Stewart added that a public involvement process was included, and that the optional task regarding a vehicle storage/maintenance facility was ruled out early on due to various feedback. He then reviewed the location evaluation criteria and described the levels of review used in narrowing the site locations.

Mr. Stewart then introduced Mr. Stan Griswold from The Land Group, Inc. who provided conceptual site illustrations on the three top ranked sites: Riverstone, Appleway, and Ramsey. Mr. Griswold outlined the pros and cons and conceptual design and cost estimates for each of these sites.

Following Mr. Griswold's presentation, Mr. Stewart requested that Board action be taken to accept a preferred transit center site based on consultant findings, public and steering committee input, and KCATT and Public Transportation Roundtable recommendations. He asked that the Board defer action to agenda item #6, KCATT Recommendations. He added that the next steps will include consultant finalization of their final report which will include more detailed analysis and recommendations of a specific site within the Board approved location and more detailed cost estimates. Securing funding for the Center and questions as to who will own, manage the facility will also need to be answered.

Mr. Jimmie Dorsey inquired about the amount of parking at each site. Mr. Stewart responded that the final report will indicate a minimum and maximum number of parking spaces available at the site, noting that other park and ride sites will house additional parking. Mr. Griswold noted that both the Ramsey and Riverstone sites had 160 parking spaces each, and the Appleway site had 136 parking spaces. Mr. Todd Tondee questioned the cost of the Appleway site asking why the land was less expensive. Mr. Griswold responded that the acreage included the potential acquisition of an adjacent ITD owned right-of-way and was an average of the costs of the ITD and Tribe-owned land.

6. KCATT Recommendations

Mr. Kevin Howard reported that KCATT had two recommendations that will be presented for Board consideration. He stated that after much debate, KCATT recommends that the KMPO Policy Board accept the Riverstone area as the preferred location for the Transit Center.

Mr. Clay Larkin made a motion to accept the east side of the Riverstone area as the preferred Transit Center location site.

Mr. Howard provided clarification with regard to Mr. Larkin's motion, stating that to his understanding the Riverstone location is a general area. KCATT debated the two potential sites in the Riverstone area until it was emphasized that approval of the Riverstone "area" is not site specific in order to enable the Board to move forward on the acquisition of funds. The recommendation is to identify Riverstone as the location for the center; a preferred site(s) within the Riverstone development would later be identified and brought to the Board for the purpose of negotiating a purchase and sale agreement.

Mr. Clay Larkin made a motion to accept the Riverstone area as the preferred site for the Transit Center location. Mr. Al Hassell seconded the motion, which was unanimously approved.

Mr. Howard noted that the second KCATT recommendation is that the KMPO Board accept the 2030 - 2015 Model Project List as presented with updates to follow. Ms. Bonnie Gow stated that at the last KMPO Board meeting, the Board received copies of the 2007 KMPO Base Model and the 2007 Land Use Update for 2015 – 2030. Staff is requesting the KMPO Board to adopt these items.

(Agenda item 8.a, Other Business, KMPO Travel Demand Model Adoption and 2030–2015 Growth Projections and Project List Approval was addressed at this time causing the remaining agenda items to be out of order.)

Ms. Gow also provided an updated copy of the 2030–2015 Project List (from what was included in the Board packet), noting that changes were highlighted in green. Any future updates to the project list will be forwarded to Board. Mr. Miles explained that the purpose of having the project list is so that when project development/construction applications are received they can be verified that they are contained in an adopted plan. Also, when applied to the model, jurisdictions can visualize what the cumulative effect of the projects will be to the transportation network between now and 2015 and 2030. Jurisdictions were asked to include 2007 cost estimates so that the Board has a scope and breadth of what a 30 year transportation plan looks like in terms of cost.

Ms. Gow noted that she has begun to build the 2030 projects into the 2030 model. Mr. Miles reiterated that staff needs approval of the 2007 KMPO VISUM Travel Demand Base Model as well as the 2030 Land Use Forecast (recommended by KCATT), which drive the development of the number of trips being generated by the model, as well as the list of projects that the 2015 and 2030 model will be built against in order to see what the effect is going to be.

Mr. James Mangan made a motion to adopt the 2007 KMPO Base Model and approve the 2007 Land Use Update for 2015 – 2030 and the 2030–2015 Project List as presented with updates to follow. Mr. Lynn Humphreys seconded the motion, which was unanimously approved.

7. Director’s Report – Glenn Miles

Mr. Glenn Miles reported that the Congress has decided not to approve the 18 month extension of the existing SAFETEA-LU (Safe, Accountable, Flexible, Efficient Transportation Equity Act – A Legacy for Users) due to several late amendments. An \$8 billion infusion into the Highway Trust Fund is expected to be approved in order to keep it solvent for the next several months. The House is very much interested in getting a draft bill out for debate; however, the Senate is less interested pending results from the climate change bill and several other bills.

TIGER applications for the \$1.5 billion nationwide competition are due September 15th. Mr. Miles is unaware of any applications coming from the State of Idaho, other than a few in Boise.

Mr. Miles noted the ITD Board tour occurred this past month, which included the ground breaking for the Dover bridge project and the US-95 “missing gap,” which the Board approved funding for. Mr. Miles state that Mr. Damon Allen did an exceptional job as the tour host. He suggested sending a letter of gratitude to the ITD Board for their action on the “missing gap.”

The Urban Balancing Committee held various southern jurisdictions accountable for several projects that have been held on the books since 1992 that have not been funded or that have been funded but further action has not been taken.

Mr. Miles added that \$250,000 in construction funds have been received for the Government Way project. He noted that KMPO has received approximately \$6 million in redirected funds due to project readiness.

8. Other Business

a) KMPO Travel Demand Model Adoption and 2030–2015 Growth Projections and Project List Approval – Bonnie Gow

(This agenda item was addressed earlier under agenda item #6, KCATT Recommendations.)

9. Board Member Items

Mr. Clay Larkin welcomed Board members and attendees to Post Falls. He reported that he made his annual plea for the Access project before the ITD Board and took the message to them that their Urban Renewal committed \$1.2 million of dedicated funds from the Greensferry Project for preliminary and final design of the Access project. They are currently in the midst of getting documents signed and over to ITD. He stated that they hoped to have a final design for the Greensferry/Access 90 project by this time next year.

Mr. Miles complimented the Board on having projects prepared and recognized for available funding.

Mr. Jimmie Dorsey congratulated Mr. Bob Miller and Mr. Tom Feeley on their recent successful election results.

Mr. Lynn Humphreys concurred with Mr. Miles regarding project readiness stating that the squeaky wheel gets the grease first.

Glenn Miles reported that according to the consultant, the ARRA funded Hanley Road project in Dalton Gardens will be bid ready at the same time their current Hanley project will be bid ready. This means that the project will be done under one bid and completed one year yearly.

10. Adjournment.

There being no further business before the Kootenai Metropolitan Planning Organization Policy Board, the regular meeting was adjourned at 3:26 pm.

Donna Lively
Recording Secretary