

CITY COUNCIL AGENDA REQUEST FORM

Today's date: 11 / 8 / 16

Date of meeting 11 / 16 / 16

(City Council meetings are held the 1<sup>st</sup> and 3<sup>rd</sup> Wednesday of each month.)

Name of Citizen, Organization, Elected Official, or Department Head making request:

Ryan Luttmann, Public Works Director

Address: 1123 Lake Street

Phone number and email address: 263-3407 rluttmann@sandpointidaho.gov

Authorized by: Ryan Luttmann

*name of City official*



*City official's signature*

(Department Heads, City Council members, and the Mayor are City officials.)

Subject: Utility Hearing for the Schweitzer Cutoff Bridge Project

Summary of what is being requested: A hearing to provide opportunity for utilities to comment on the requirement to relocate utilities associated with the bridge replacement project.

The following information **MUST** be completed before submitting your request to the City Clerk:

1. Would there be any financial impact to the city?  Yes  No

If yes, in what way? \_\_\_\_\_

2. Name(s) of any individual(s) or group(s) that will be directly affected by this action:

Have they been contacted? **Yes or No**

Utility Companies

Yes

3. Is there a need for a general public information or public involvement plan? **Yes or No**

If yes, please specify and suggest a method to accomplish the plan:  Yes  No

4. Is an enforcement plan needed? **Yes or No** Additional funds needed? **Yes or No**

Yes  No

Yes  No

5. Have all the affected departments been informed about this agenda item? **Yes or No**

Yes  No

**This form must be submitted no later than 6 working days prior to the scheduled meeting. All pertinent paperwork to be distributed to City Council must be attached.**

**ITEMS WILL NOT BE AGENDIZED WITHOUT THIS FORM**

Boiler Plate Agreements and Waivers will be furnished by the Utility Coordinator. The Utility Coordinator will finalize all Agreements.

The District will prepare and forward a draft Waiver and two sets of Utility Plans with highlighted utility relocations for each Utility Company whose facilities are being relocated at Project Expense. Relocations at Utility Company expense shall be highlighted in green and relocations at Project expense shall be highlighted in yellow. The District shall also furnish two sets of Utility Plans with only those relocations to be relocated at Project expense highlighted in yellow for each Utility Company relocating facilities at Project expense. The Utility Plans with only the relocations at Project expense highlighted in yellow will be attached to the original Agreements.

When Utilities are relocated at Project Expense, the Utility Coordinator will obtain all signatures for the Utility Hearing Waivers and Agreements on those facilities being relocated at Project Expense. The Utility Coordinator will assign Agreement Numbers and notify the District as to when the Waivers and Agreements were signed. The Utility Coordinator will forward the District copies of signed Waivers and Agreements for their records.

5. District will submit to Utility Companies relocating facilities a courtesy set of highway construction plans when project is being advertised. Utility Coordinator will furnish the District with a Boiler Plate cover letter for this purpose.

### **SECTION 445.00 – UTILITY HEARING PROCESS**

A utility hearing is held in accordance with Subsection 40-312(3) of Idaho Code when a Utility requests a utility hearing. The intent of a utility hearing is to allow an opportunity for a Utility to present objections to relocating or adjusting utility facilities to accommodate a highway improvement project to the Idaho Transportation Board. The Utility may rescind its request for a utility hearing up to the time that the Idaho Transportation Board takes the Utility's objections under advisement.

The utility hearing process takes a number of months to complete. The process includes a utility hearing meeting consisting of a discussion of hearing issues; taking of testimony at the utility hearing; submittal of a Board agenda item with hearing testimony; time for the Idaho Transportation Board to consider and make a determination on the hearing testimony during a regular scheduled meeting; and finally, actions to implement Board's decision. A project cannot be advertised until a requested utility hearing is held and a determination by the ITD Board is made on the utilities objections to relocating or adjusting their facilities. The District is encouraged to try to resolve any potential utility hearing issues as soon as the issues are identified. These issues may be resolved by modifying various design elements of the project to eliminate or lessen impacts to utility facilities, if the changes wouldn't compromise the purpose and the need of the project.

The steps of the utility hearing process are as follows:

1. Utility submits a written request for a utility hearing to ITD. The Utility may rescind its request for a utility hearing and sign a waiver to the utility hearing up to the time that the Idaho Transportation Board takes the Utility's objections under advisement.
2. The Utility then identifies the issues to the proposed utility relocation or adjustment to the District, and the District attempts to resolve these issues.
3. The District schedules a utility hearing meeting.

- Generally a date, time, and location agreeable to the Utility is arranged, although ITD has the authority to establish any of the meeting parameters.
  - Utility is officially notified of utility hearing meeting by certified letter with return receipt (identifies the utility representative that signs for the letter). Utility is encouraged to limit oral testimony to one or two representatives and to provide written testimony.
  - District coordinates the utility hearing portion of the utility hearing meeting with an available ITD hearing officer.
  - The District coordinates the discussion portion of the utility hearing meeting. Appropriate exhibits and/or plans need to be available.
4. The utility hearing meeting starts with a discussion between the Utility and ITD about the issues so that everyone is aware and knowledgeable of the project and utility issues with the intent of possibly resolving the Utility's objections to the project. Attendance of this discussion is normally anyone involved with the project and includes ITD, the Utility and any necessary person they wish to have in attendance. Attendees may leave at the conclusion of the discussions except those who are going to present testimony at the utility hearing.
    - Provide an overview of the project and utility issues.
    - Discuss and concisely define the objections of Utility.
    - Discuss any potential modifications to project design that could eliminate or lessen impacts to utility facilities without compromising the purpose and need of the project.
  5. Utility hearing is held by a hearing officer in a private area to tape oral and take written testimony separately from the Utility and local entities. Consultants and other parties of interest for the Utility and local entities may present testimony as authorized to do so by the Utility or local entities. The conclusion of the utility hearing ends the utility hearing meeting. If the Utility does not attend, the hearing officer notes this fact. ITD does not provide testimony because ITD's position will be shown by the Idaho Transportation Board agenda item with Board resolution.
  6. Hearing officer provides original tape of oral testimony and original written testimony to the District Project Development Engineer and duplicate tape of oral testimony and copies of written testimony to the District Project Development Engineer.
  7. The District has the tape of oral testimony transcribed by Office of Communication.
  8. The District submits a Idaho Transportation Board agenda item including Board resolution and copies of the utility hearing testimony.
  9. Idaho Transportation Board meeting is held and board members make a decision. Generally a decision is made against the Utility if it did not attend the utility hearing meeting. Please be aware that the decision may be to hold the agenda item to future meetings or request additional information; generally the Utility is not allowed to make a direct presentation to the Idaho Transportation Board.
  10. The District notifies all parties involved of the Idaho Transportation Board's decision and takes other actions to implement the Board's decision.

#### **SECTION 450.00 – PROJECT SUBMITTED FOR ADVERTISING**

The District will notify the Utility Coordinator as to when the project will be advertised. The District will forward to the Utility Coordinator a copy of the Project Clearance Summary Sheet. The Utility Coordinator will verify all utilities have been addressed.