

MINUTES OF A REGULAR MEETING OF THE CITY  
COUNCIL OF THE CITY OF COEUR D'ALENE, IDAHO,  
HELD AT THE LIBRARY COMMUNITY ROOM

May 3, 2022

The Mayor and Council of the City of Coeur d'Alene met in a regular session of said Council at the Coeur d'Alene City Library Community Room May 3, 2022, at 6:00 p.m., there being present the following members:

James Hammond, Mayor

Dan Gookin ) Members of Council Present  
Dan English )  
Woody McEvers )  
Amy Evans )  
Christie Wood )  
Kiki Miller )

**CALL TO ORDER:** Mayor Hammond called the meeting to order.

**INVOCATION:** John Pulsipher of The Church of Jesus Christ of Latter-day Saints led the invocation.

**PLEDGE OF ALLEGIANCE:** Councilmember McEvers led the pledge of allegiance.

**AMENDMENT TO THE AGENDA:** Mayor Hammond noted the presentation on the Annual Audit Report had been moved to the May 17, 2022, meeting.

**MOTION:** Motion by Gookin, seconded by Wood, to remove item Other Business I.-4 - Approval of the purchase of a dump truck for the Streets and Engineering Department through ARPA funds.

**DISCUSSION:** Councilmember Gookin stated he felt the item should be presented at a workshop, along with the list of other needed requests to use American Rescue Plan Act (ARPA) funds, with Councilmember Wood concurring. Councilmember Miller noted she felt the request wasn't a budgeted item and would prefer to see it with other ARPA requests, unless it was time sensitive. City Administrator Troy Tymesen explained that staff had previously presented a list of requests including the dump truck, noting that the reason it was brought forward at this time was due to timing of the order as if it was not placed soon, it would not arrive by snow season. Councilmember Gookin asked if any of the other items requested to use ARPA funds were also time sensitive, with Mr. Tymesen responding that the dump truck purchase was a priority due to ongoing price increases and the short supply. Streets and Engineering Director Todd Feusier stated the price had increased by \$20,000 in the past four-months and if not ordered now, they would be required to order a truck which would not be delivered for 18-months. Councilmember Gookin clarified his motion was to remove the item from the agenda, urge staff to hold a workshop as soon

as possible in order to address the ARPA items, not to debate the need for the dump truck. Councilmember English asked if the dump truck was on the original list of ARPA funded requests, with Mr. Tymesen responding it was. Councilmember English was in agreement that another ARPA workshop was warranted. Mayor Hammond asked if there were other funds available, other than ARPA monies which may be used to purchase the dump truck, with Mr. Tymesen responding fund balance could be used, yet in order to use it, approval was needed by Council. Mayor Hammond stated he had committed to Council that no ARPA funds would be spent, except the funds previously approved for the Police Department Substation expansion, in order to give Council the opportunity to hear priorities and give their input. Councilmember Gookin then withdrew the motion.

**PRESENTATION:** Mayor Hammond proclaimed May 2022, as Mental Health Awareness Month with Clark Richman, CDA NAMI Board President accepting the proclamation.

**PUBLIC COMMENTS:**

Debra Rose, Athol, stated she had investment property in Coeur d'Alene and noted she was concerned with the lack of civility and disruptive behavior she had witnessed at Council meetings and encouraged Council to restrict public commenting to items on the agenda.

**ANNOUNCEMENTS:**

Councilmember Miller noted the Library's new hours of operation were working well. She also wished her Mother, and all the other mothers, a "Happy Mother's Day."

Councilmember Evans announced the City's Arts Commission had openings and encouraged anyone interested in serving the community to apply and information on the Arts Commission was available on the City's website at [www.cdavid.org/arts](http://www.cdavid.org/arts).

Councilmember Gookin mentioned he had been approached by community members who were not in favor of meeting invocations and had asked Mayor Hammond to reopen discussions regarding them. He noted he would like to explore other denominations providing the invocations and would like the City's legal staff to research the legality of conducting invocations at the meetings. Mayor Hammond directed staff to place the invocation discussion on a June Council meeting agenda.

Councilmember Wood noted today was her last day on North Idaho College Board of Trustees and she looked forward to having more time to spend on City of Coeur d'Alene business. Mayor Hammond thanked Councilmember Wood for her many years of service.

Councilmember English noted he looked forward to discussions on the invocations and public comment policy.

Mayor Hammond recognized National Teacher's Week, thanked all teachers, and personally wished to thank TJ, Jessica, and Virginia. He mentioned the teaching profession could be difficult at times, and applauded all teachers who serve in the community.

Mayor Hammond requested the appointments of Mahlon “Skip” Priest to the Design Review Commission, and Amy Evans to the ignite CDA Board.

**MOTION:** Motion by McEvers, seconded by Wood, to appoint Mahlon “Skip” Priest to the Design Review Commission, and Amy Evans to the ignite CDA Board. **Motion carried.**

**CONSENT CALENDAR:**

1. Approval of Council Minutes for the April 19, 2022, Council Meeting.
2. Setting of the General Service/Public Works Committee Meeting for May 9, 2022.
3. Approval of Bills as Submitted.
4. Approval of Financial Report.
5. Setting of a Public Hearings for May 17, 2022:
  - a. V-22-02, Vacation of a portion of Mountain Avenue right-of-way adjoining the northerly boundary line of Lot 13, Block 24 of the Lake Shore Addition plat.
  - b. V-22-03, Vacation of a portion of Veneer Road right-of-way adjoining the southwesterly boundary line of Lot 1, Block 4 of the Atlas Waterfront First Addition, and Lots 5, 6 & 7, Block 6 of the Atlas Waterfront Second Addition.
  - c. V-22-04, Vacation of a portion of Atlas Road right-of-way adjoining the easterly boundary line of Lot 1 & 2, Block 1 of the Atlas Waterfront First Addition.
6. Approval of the Outdoor Seating Permit for 401 E. Sherman and 108 N. 4<sup>th</sup>, the addition of the Goat Lounge to the Moose Lounge; owner Dave Pulis.

**MOTION:** Motion by Gookin, seconded by Evans, to approve the Consent Calendar as presented.

**ROLL CALL:** Evans Aye; Miller Aye; McEvers Aye; Gookin Aye; English Aye; Wood Aye.  
**Motion carried.**

**RESOLUTION NO. 22-018**

A RESOLUTION OF THE CITY OF COEUR D’ALENE, KOOTENAI COUNTY, IDAHO, AUTHORIZING CHANGE ORDER #1 TO THE CONTRACT WITH SELLAND CONSTRUCTION, INC., FOR THE KATHLEEN AVENUE IMPROVEMENTS

**STAFF REPORT:** City Engineer Chris Bosley requested Council approve change order #1 to the Kathleen Avenue Improvement project contract with Selland Construction, Inc. He stated as part of Idaho Transportation Department’s (ITD) Fastlane project, intersection improvements were made to US-95 at its intersection with Kathleen Avenue which included two (2) left turn lanes from southbound US-95 onto eastbound Kathleen Avenue. ITD chose to keep only one (1) left turn lane in operation until the southernmost eastbound lane could be extended to Government Way. He noted in January 2022, Council approved a contract with Selland Construction, Inc., to complete the construction. Construction began in April, and because the more recently placed asphalt near US-95 was showing signs of distress, staff was requesting the use overlay funds to extend the project, providing a new asphalt surface over the entire road segment. The cost of the change order is \$100,473.56, and funding was available within the approved Streets & Engineering budget. Approval of the change order would enable the City to provide a new asphalt surface over

the entire road segment under the existing construction contract. Paving would be completed at night.

**DISCUSSION:** Councilmember McEvers asked where the funding would come from, with Mr. Bosley responding it would come from the overlay fund. Mayor Hammond asked if there were cost sharing opportunities with ITD, with Mr. Bosley responding their jurisdiction ended at the crosswalks. Councilmember Gookin stated he was pleased the intersection was getting the much-needed improvements.

**MOTION:** Motion by McEvers, seconded by English, to approve **Resolution No. 22-018**, approving Change Order #1 to the Agreement with Selland Construction Inc., for the Kathleen Avenue Widening Project.

**ROLL CALL:** Miller Aye; McEvers Aye; Gookin Aye; English Aye; Wood Aye; Evans Aye.  
**Motion carried.**

### **RESOLUTION NO. 22-019**

A RESOLUTION OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO, APPROVING AN AGREEMENT FOR CONSTRUCTION AND COST SHARING FOR LACROSSE AVENUE SWALE CONSTRUCTION AND MATERIAL SHARING WITH ACTIVE WEST, LLC

**STAFF REPORT:** City Engineer Chris Bosley requested the approval of an agreement with Active West, LLC, for construction of the Lacrosse Avenue swale. He said in October of 2020, ignite CDA approved a contribution of up \$1.8 Million for the design and construction of Lacrosse Avenue. As a part of the construction, approximately 5,500 cubic yards of excess material were to be excavated from the site. He noted in order to avoid expenses related to hauling and disposing of the material, staff worked with the owner of an adjacent property, Active West, LLC, to create an agreement to sell the fill material to them. City Council approved the agreement in April of 2021. He said as the project nears completion, the City had an opportunity to utilize remaining ignite CDA funding from the \$1.8 Million, along with a contribution from Active West, LLC, to create a large swale, removing stormwater from an outfall to the Spokane River. He stated the funding for the swale had been approved by ignite CDA, and the additional \$50,000 from Active West, LLC, would fill the funding gap, allowing for the construction of the swale. As part of the agreement, Active West, LLC, would be allowed to drain stormwater from their future development to the swale, which would partially lie on an unusable part of their property. The swale construction would also create a more aesthetic use of the railroad corridor which was desired by Active West, LLC. Staff requests approval of the second agreement with Active West, LLC, for construction of the Lacrosse Avenue swale.

**DISCUSSION:** Councilmember McEvers asked if it would be a grassy swale, with Mr. Bosley responding it would be dryland grassy and low maintenance. Councilmember Gookin asked for more information relating to the ignite CDA funding. Mr. Bosley stated they had not used all of the \$1.8 million previously approved by ignite CDA for the project. Mayor Hammond stated constructing the swale was a good project and it would also help divert stormwater from the north

along Northwest Boulevard. Councilmember English stated the Lacrosse project was progressing very well.

**MOTION:** Motion by English, seconded by Wood, to approve **Resolution No. 22-019**, approving an Agreement with Active West, LLC, for the Lacrosse Avenue swale construction.

**ROLL CALL:** Gookin Aye; English Aye; Wood Aye; Evans Aye; Miller Aye; McEvers Aye.  
**Motion carried.**

### **RESOLUTION NO. 22-020**

A RESOLUTION OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO AUTHORIZING CHANGE ORDER #1 TO THE CONTRACT WITH LARIVIERE, INC., FOR THE LACROSSE AVENUE IMPROVEMENTS

**STAFF REPORT:** City Engineer Chris Bosley requested Council approve a change order with LaRiviere, Inc., for construction of the Lacrosse Avenue swale. He said in October 2020, ignite cda approved a contribution of up \$1.8 Million for the design and construction of the Lacrosse Avenue extension. Additional funding for this project was being provided by the City's Wastewater Department (\$31,856.00), Water Department (\$162,227.08), and Streets & Engineering's Stormwater fund (\$50,943.00), and a prior agreement with Active West, LLC (\$68,285.00). He stated the total funding identified for the project was \$2,113,311.08. He noted as a part of the City's Stormwater Outfall Volume Reduction Program, an opportunity was identified to construct a large swale and redirect stormwater that was piped through the site, removing approximately 60 acres (40 million gallons) of stormwater basin from draining to the Spokane River. He said although the swale construction was part of a proposed agreement with Active West, LLC modifications to the existing storm system were required to make the swale functional. He stated without the change order to the contract, the swale would be constructed but no water would be redirected to it until a future project made the connection. He stated staff recommended the approval of the change order with LaRiviere, Inc. for construction of the Lacrosse Avenue swale.

**DISCUSSION:** Councilmember Miller noted she had concerns with change orders in general and felt the projects should be sent out to bid. She said funding on the project was from ignite CDA, and they had approved the change order, therefore she could support it. Councilmember English noted change orders often times had saved substantial dollars for projects, as the contractor and their equipment were already on-site, and could quickly make the desired changes.

**MOTION:** Motion by English, seconded by Wood, to approve **Resolution No. 22-020**, Approving a Change Order with LaRiviere, Inc., for the Lacrosse Avenue Swale Construction.

**ROLL CALL:** McEvers Aye; Gookin Aye; English Aye; Wood Aye; Evans Aye; Miller Aye.  
**Motion carried.**

**RESOLUTION NO. 22-021**

A RESOLUTION OF THE CITY OF COEUR D’ALENE, KOOTENAI COUNTY, IDAHO, APPROVING AN AGREEMENT FOR PROFESSIONAL SERVICES WITH T-O ENGINEERS FOR CONCEPTUAL DESIGN VALIDATION FOR THE 15<sup>TH</sup> STREET RECONSTRUCTION PROJECT

**STAFF REPORT:** City Engineer Chris Bosley requested Council approve the contract with T-O Engineers for concept validation for the 15<sup>th</sup> Street Reconstruction project. He said in 2011, Lake City Engineering was awarded a preliminary design contract to design the reconstruction of 15<sup>th</sup> Street, between Best Avenue and Harrison Avenue. In 2017, they were awarded the final design contract to complete the construction drawings, and in 2021, they contacted the City and stated they were unable to complete the project. He stated that in order to validate the design that had been completed to date, and seeing an opportunity to provide better stormwater management than what was previously designed, staff would like to sign a contract with T-O Engineers to begin design on the project. He noted T-O Engineers was on the City’s on-call list for professional services. He said the new design would also look for opportunities to capture and dispose of stormwater with swales, rather than piping to the existing outfall. He said upon completion of the contract, City staff would decide on the remainder of the design, depending on what funding was available, which may decide which design standards and procedures must be followed. He said the cost of the contract was \$49,900.00, and funding was available from City impact fees.

**DISCUSSION:** Mayor Hammond asked how much had been paid to the previous consultant, with Mr. Bosley responding \$120,000 had been paid and clarified that the City would receive the work completed by the previous consultant. Councilmember McEvers noted he appreciated staff looking into better options for stormwater diversion.

**MOTION:** Motion by McEvers, seconded by Evans, to approve **Resolution No. 22-021**, Approving an Agreement with T-O Engineers for the Conceptual Design Validation for Reconstruction of 15th Street.

**ROLL CALL:** English Aye; Wood Aye; Evans Aye; Miller Aye; McEvers Aye; Gookin Aye.  
**Motion carried.**

**RESOLUTION NO. 22-022**

A RESOLUTION OF THE CITY OF COEUR D’ALENE, KOOTENAI COUNTY, IDAHO, APPROVING THE PURCHASE OF A 2023 WESTERN STAR DUMP/PLOW TRUCK FROM FREIGHTLINER NORTHWEST FOR THE STREETS AND ENGINEERING DEPARTMENT USING ARPA FUNDING

**STAFF REPORT:** Streets and Engineering Director Todd Feusier requested Council approve the purchase of a 2023 Western Star dump/plow truck for the Streets & Engineering Department (Department). He said dump trucks utilized by the Department were an essential and critical tool that were used daily. He said the Department currently had eight (8) trucks, with the newest being 14-years old. He said increasing maintenance costs and the availability of parts for the aging fleet

were a constant challenge in their commitment to provide quality service. He noted that Idaho Code allowed the City to piggyback onto a state/political subdivision bid, and in this case, the bid obtained by the City of Coeur d'Alene Drainage Utility allowed the City to purchase the dump truck at a competitive cost without having to conduct a separate bid. He said the cost of the dump truck was \$247,086.11 which would be funded by utilizing American Rescue Plan Act (ARPA) funds. He stated these types of purchases were requiring exceptionally long lead times as dealer inventory was low. He noted if Council were to approve the purchase at this time, the expected delivery date was January 2023. He said equipment pricing was increasing rapidly and the quote given expires on May 6, 2022. He mentioned the Western Star dump/plow truck offered as the low bid by Freightliner Northwest had been analyzed and determined to meet the City's specifications. He said if the City didn't order the truck by Friday, May 6, it would be released for sale to others and they would have to order one at a higher price and wait 18 months for delivery. He asked Council to approve the purchase from Freightliner Northwest for one (1) 2023 Western Star dump/plow truck in the amount of \$247,086.11.

**DISCUSSION:** Mayor Hammond asked if Council approved the purchase, what would the financial liability be at this time, with Mr. Feusier responding payment would be due within 30-days from truck delivery. Councilmember Wood asked if they would still have an opportunity to approve other ARPA funded projects, with Mayor Hammond responding in the affirmative. Councilmember McEvers said he appreciated the Streets Department working with the City during lean times and getting the most out of their equipment. Councilmember Gookin asked Mr. Feusier about finding used trucks, with Mr. Feusier responding there was used inventory available, yet they were not in good condition and he wouldn't recommend purchasing one of them. Councilmember Miller asked for confirmation if the purchase was approved tonight, and at a later ARPA workshop the funding was not approved, the funds would then need Council approval to come from fund balance. Mr. Tymesen confirmed that was the appropriate process. Councilmember Gookin asked City Attorney Randy Adams if it was an obligation council would be setting for next year's budget, with Mr. Adams responding it could be considered a budget obligation and the contract would have to have a non-appropriation clause in it. He said Council could authorize the signing of the contract with the non-appropriation clause and appropriate the funds at a later date prior to the due date of the contract. Councilmember Gookin stated he thought the economy was in a long recession and felt pricing would decrease in the future yet he was not comfortable taking a wait and see approach at this time. Mayor Hammond stated it was a substantial obligation in the Streets Department to be holding on to old equipment and as budget talks continued the issue would need to be addressed.

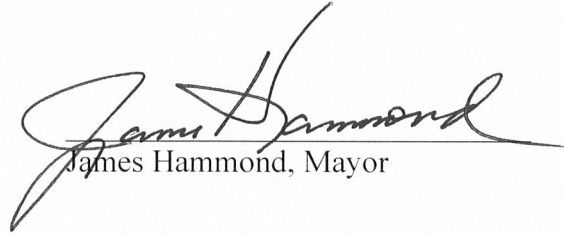
**MOTION:** Motion by Wood, seconded by McEvers, to approve **Resolution No. 22-022**, approving the purchase of a Dump Truck for the Streets and Engineering Department using future appropriations.

**ROLL CALL:** Wood Aye; Evans Aye; Miller Aye; McEvers Aye; Gookin Aye; English Aye.  
**Motion carried.**

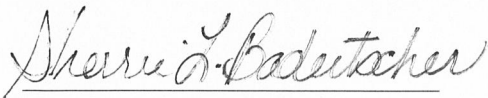
**J. ADJOURNMENT:** Motion by McEvers, seconded by Wood, that there being no other business, this meeting be adjourned. **Motion carried.**

The meeting adjourned at 7:14 p.m.

ATTEST:



James Hammond, Mayor



Sherrie L. Badertscher  
Sherrie L. Badertscher  
Executive Assistant