

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

February 20, 2024

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 on February 20, 2024, at 6:00 p.m., there being present the following members:

James Hammond, Mayor

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

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

INVOCATION: Jason Nye with CDAIDE led the Invocation.

PLEDGE OF ALLEGIANCE: Councilmember English led the pledge of allegiance.

PUBLIC COMMENTS:

Bill Brizee, Hayden, believes that the traffic congestion in I-95 and Government Way is because there is no single entity that has full control of the traffic light synchronization. He explained that the Idaho Transportation Department (ITD) controls the synchronization and timing of certain traffic signals while CDA controls the traffic signals on Northwest Blvd. He added that on Government Way in CDA and Hayden, the ITD controls the traffic signals in the East/West direction while CDA controls the North/South. He submitted a draft Resolution for the ITD to release control of the traffic lights to the local authority in Kootenai County. He also proposed a proactive way of controlling traffic by putting up a sign on the least travelled road midway between light that says "if you're travelling this speed, you will hit the next green light." He also suggested getting rid of the flashing yellow lights.

Tom Torgeson, Fernan, talked about the sale of dirt and the eventual transfer of the Atlas waste product back to city owned property. He noted that the city should sell the dirt at market value, hence, it must be sold at \$13 or \$14 per cubic yard. He also said that the city should not take contaminated soil and place it on city property. He questioned the city's move to giving the soil to ignite cda and stressed that it needs to go through bidding and sold to CDA residents.

MAYOR AND COUNCIL COMMENTS:

Councilmember Wood inquired about what will happen to the resolution submitted by Mr. Brizee. Mayor Hammond replied that he will look into it.

Mayor Hammond requested the appointment of Mike Becker as Trustee for the City of Coeur d’Alene Employee Benefits Trust.

MOTION: Motion by Evans, seconded by McEvers, to appoint Mike Becker as a Trustee for the City of Coeur d’Alene Employee Benefits Trust.

Motion carried.

CONSENT CALENDAR:

1. Approval of Council Minutes for the February 6, 2024 Council Meeting.
2. Setting of General Services/ Public Works Committee Meeting for Monday, February 26, 2024, at 12:00 noon.
3. Approval of SS-22-12 Lake City Marketplace: Final Plat

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

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

Motion carried.

RESOLUTION NO. 24-016

A RESOLUTION OF THE CITY OF COEUR D’ ALENE, KOOTENAI COUNTY, IDAHO, APPROVING CHANGE ORDER #1 TO THE CONTRACT WITH DARDAN ENTERPRISES, INC. FOR THE TREATMENT OPERATIONS BUILDING REMODEL IN THE AMOUNT OF \$94,320.28

STAFF REPORT: Capital Programs Manager Mike Becker explained that the City entered a Contract with Dardan Enterprises, Inc. for the Treatment Operations Building Remodel on March 21, 2023. He requested approval of Change Order #1 in the amount of \$94,320.28 to provide for unforeseen work including modification of security fence and concrete slab, replacement of carpet and LVT flooring, modification of kitchen and locker rooms, relocation of conference room wall, electrical modifications and wall deletion, modification of mechanical room, miscellaneous electrical work, and repair in the men’s bathroom.

DISCUSSION:

Councilmember McEvers asked for clarification if the requested additional work was overlooked in the original design. Mr. Becker explained that these are after thoughts and were caught as he was also the construction manager on the project. He added that their target move into the building is the first week of March and they will be presenting the last two remaining change order proposals to the Council as well. Councilmember English asked about the Collections Department,

to which Mr. Becker clarified that this is now the Treatment Operations Department that operates the switches. Councilmember Wood asked for more detail about the locker capacity, with Mr. Becker noting that the two sets of lockers are for personal gear and clothing while the other is for storage of safety equipment, located in a separate location.

MOTION: Motion by McEvers, seconded by Gookin to approve **Resolution No. 24-016**, Approval of Change Order #1 in the amount of \$94,320.28 to the Contract with Dardan Enterprises, Inc. for the Treatment Operations Building Remodel Project.

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

RESOLUTION NO. 24-017

A RESOLUTION OF THE CITY OF COEUR D' ALENE, KOOTENAI COUNTY, IDAHO, APPROVING THE TRANSFER OF STRUCTURAL FILL MATERIAL FROM CITY PROPERTY ON ATLAS ROAD NORTH OF AND ADJACENT TO INTERSTATE 90 TO IGNITE CDA IN EXCHANGE FOR UNSUITABLE SOILS FROM THE ATLAS MILL SITE ("MT. HINK") FOR THE PURPOSE OF FACILITATING CONSTRUCTION ACTIVITIES AT THE ATLAS MILL SITE AND THE CONSTRUCTION OF A SWALE AS PART OF THE IDAHO TRANSPORTATION DEPARTMENT I-90 EXPANSION PROJECT.

STAFF REPORT: City Administrator Troy Tymesen explained that the Idaho Transportation Department ("ITD") previously transferred a parcel of property on Atlas Road north of and adjacent to Interstate 90 (the "property") to the City for a possible well site for the City's Water Department. After a test well was drilled, the Water Department determined that the property was not viable for a groundwater well. ITD recently approached the City and requested that the City transfer the property back to the State for use as a stormwater swale as part of its future I-90 expansion project. After discussion between ignite cda, ITD, and the City, ignite cda requested to use approximately 75,000 cubic yards of structural fill from the Property for filling the Atlas Phase 3 excavation which resulted from the hauling of unsuitable "Mt. Hink" material to the Ramsey Road pit. In exchange for the structural fill, ignite cda will back haul approximately 60,000 cubic yards of structurally unsuitable "Mt. Hink" soils to the property. The "Mt. Hink" soil is suitable for a stormwater swale and ignite will contract to have the finish grade of the swale site to ITD's desired configuration. The City will then transfer the property back to ITD. The City Streets and Engineering Department has determined that the construction of the swale will not impact on the future Atlas Road expansion. He further stressed that this proposal will be at no cost impact on the city.

DISCUSSION:

Councilmember Wood raised the issue of the value of the dirt if the City were to sell it, with Mr. Phil Boyd, President of Welch Comer, responding that one can buy a GSB from Interstate for \$4.50 a cubic yard for a processed product which is not native soil. He noted that sometimes their clients will pay a royalty just to purchase the soil; the price in the rural area is \$0.50 a cubic yard while in other areas it will sell for \$1-\$2 a cubic yard for the royalty to mine it out of the hill which is not

a processed material. Mr. Tymesen added that the value of the dirt at Mt. Hink would be at \$2-\$3 a cubic yard. Mr. Boyd mentioned that they conducted several boring and huge test pits of the native soil and found out that there was no contamination. Councilmember Wood asked about the cost for the remediation of Mt. Hink, to which Mr. Tony Berns, Executive Director of ignite cda, explained that the total forecast of Phase 3 spending is \$11.245 Million, and the forecasted sale revenue will be about \$12.62 Million. Councilmember Wood mentioned that she is in support of the city's partnership with ignite cda on the Atlas project and she would want it to be successful, however, she raised concern about the legality of taking city property and not sell it through a bid process. City Attorney Adams explained that the City has power under Idaho Code §50-301 to sell and convey real and personal property. He added that Chapter 14 of Title 50 sets out how the city can sell real property but there is no corresponding statute which governs how a city may sell personal property such as dirt. Therefore, the City can sell personal property in the best interests of the City.

Mayor Hammond asked what the benefit is to the city should the Council move forward with the proposal, with Mr. Berns explaining that this will be a win-win opportunity for the city and ignite cda. He explained that they will be able to get this fill material in a quick and timely manner and the city would benefit from getting Mt. Hink, area Phase 3, developable which would allow for residential opportunities and reimbursing the city in a timelier manner, and then ITD gets the swale that is functional. Councilmember McEvers asked for clarification on the market price of the dirt, to which Mr. Boyd responded that the numbers are conflated because of costs of royalty, transportation, and transport quantities. He said that the price that they have negotiated is \$12 a cubic yard which would include cost of movement, placement, and compacting it to a structural condition. He added that it is almost free dirt but there will be costs of moving it around. He explained that if they buy from a supplier, the cost would be doubled or closer to \$30 a cubic yard.

Councilmember Gookin asked if there is an agreement or Memorandum of Understanding (MOU) with ITD, to which Mr. Tymesen replied that there is a no formal MOU at this point regarding the swale. Councilmember Miller noted that ITD has apparently drafted the swale into their plan but since there is no MOU, she asked what would happen if they decided that they don't want the parcel of property for their swale, resulting to having 65,000 cubic yards of unsuitable soil on city property. Mr. Boyd replied that the unsuitable soil will be placed within the right-of-way and gave assurance that it will not harm the city in the future because it's in the right-of-way. Councilmember Gookin proposed that the swale should be taken off the table unless there is an MOU with ITD. He added that he is also concerned about the actual costs which for him is not a fair trade. Councilmember Evans noted that should the city move forward with the proposal, it will be of benefit to have a signed MOU or a letter of intent with ITD. Mr. Adams agreed that having an MOU will certainly identify each of the party's obligations and responsibilities.

Mayor Hammond asked the Council if they would be interested in tabling this item for the next Council meeting to get more information on the MOU or letter of intent, costs, and other details. He requested the Councilmembers to submit any questions to Mr. Tymesen.

MOTION: Motion by Gookin, seconded by Wood to table **Resolution No. 24-016**, Approval for ignite cda to remove soil from city owned property for structural fill at the Atlas Waterfront project, for further discussion at the next City Council meeting.

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

EXECUTIVE SESSION: Motion by Gookin, seconded by Wood, to enter into Executive Session as provided by Idaho Code 74-206 (f) To communicate with legal counsel for the public agency to discuss the legal ramifications of and legal options for pending litigation, or controversies not yet being litigated but imminently likely to be litigated and 74-206 (i) To engage in communications with a representative of the public agency's risk manager or insurance provider to discuss the adjustment of a pending claim or prevention of claim imminently likely to be filed.

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

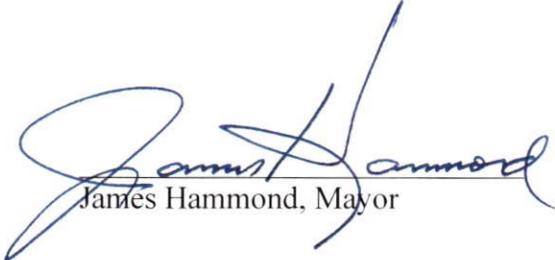
The Council entered into Executive Session at 7:00 p.m. Those present were the Mayor, City Council, City Administrator, City Attorney, and City Clerk.

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

Council exited Executive session at 7:28p.m. Matters discussed included legal options for pending litigation, or controversies not yet being litigated but imminently likely to be litigated and adjustment of a pending claim or prevention of claim imminently likely to be filed.

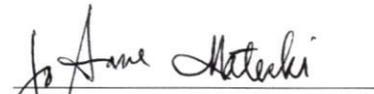
ADJOURNMENT: Motion by Gookin, seconded by English, that there being no other further business, this meeting be adjourned. **Motion carried.**

The meeting adjourned at 7:28 p.m.



James Hammond, Mayor

ATTEST:



Jo Anne Mateski
Executive Assistant