

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

OCTOBER 1, 2019

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, October 1, 2019 at 6:00 p.m., there being present upon roll call the following members:

Steve Widmyer, Mayor

Woody McEvers) Members of Council Present
Amy Evans)
Loren Ron Edinger)
Dan Gookin)
Dan English)
Kiki Miller)

CALL TO ORDER: Mayor Widmyer introduced Honorary Mayor Saydie Green, who called the meeting to order.

INVOCATION: Pastor Jeff Smith with Northwest Family Church (PF) provided the invocation.

PLEDGE OF ALLEGIANCE: Honorary Mayor Saydie Green asked Councilmember McEvers to led the Pledge of Allegiance.

The Mayor thanked Saydie for her interest in government and wished her success in the future.

IDAHO/WASHINGTON AQUIFER COLLABORATIVE (IWAC) EFFICIENT IRRIGATION AND LANDSCAPE DESIGN GUIDELINES – Water Superintendent Terry Pickel, noted that Bijay Adams, General Manager of the Liberty Lake Sewer and Water District. He noted that Mr. Adams is the resident expert on the philosophy of efficient irrigation. Mr. Pickel explained that the most recent IWAC project is the development of “Efficient Irrigation and Landscape Design Guidelines.” He noted that 70% of irrigation water is wasted, and it is in the best interest of all to protect and preserve water resources so that we do not end up like the states that are now fighting for water. He noted that a good motto to remember is “only rain water down the drain.” Mr. Adams noted that there are no industry standards, building standards, or building codes for irrigation and landscape design (e.g., electrical, plumbing, and building codes). The majority of irrigation systems and landscapes are designed and installed by individuals who may be seasonal and lack experience, professional licenses, or certifications. He further explained the waste of water that occurs when there are distribution uniformity problems and that different types of sprinkler head maybe a good and inexpensive fix. He showed a demonstration project conducted at some property owned by the Liberty Lake Water and Sewer District, which resulted in reduced water usage and it cost approximately \$500.00. Mr. Pickel noted that the goal of the presentation was to provide an education as to the importance of

designing, installing, and maintaining efficient landscapes. Additionally, that local jurisdiction enacts water efficient irrigation and landscape requirements for new and rehabilitated landscape projects to address irrigation efficiency and design standards. This guide provides the recommended elements that an ordinance or design standard should include, to ensure landscapes are designed with water efficiency in mind. Lawn and yard checklists should include efficient irrigation upgrades; proper installation and maintenance; seasonal adjustments; and use of native and drought tolerant plants. IWAC's goals for Irrigation guidelines include: a reduction of regional Summer irrigation PEAK usage; enhancement to regional efficiency standards; protection of water quality and quantity; and provisions of a menu of implementation options from which municipalities can choose. He expressed a hope that the City will consider use of these guidelines to help establish a regional standard for irrigation water use efficiencies and low water use landscape design. Mayor Widmyer noted that a residential homeowner experiences challenges trying to get vendors out for advice, and asked if the Water Department could post a list of qualified vendors that could help design residential systems appropriately. Mr. Pickle noted that there are limited number of certified individuals, and will work on a list.

COUNCIL ANNOUNCEMENTS:

Councilmember Evan reminded community that leaf removal starts on November 12 and encouraged citizens to keep the leaves on their property until November 1. She noted that they will start in the south section of town and move their way north. She noted that the Mayor's Arts Award ceremony will take place on October 9, at 6:00 p.m. at the Hagadone Event Center, all are welcome to attend.

CONSENT CALENDAR: Motion by McEvers, seconded by Edinger, to approve the Consent Calendar.

1. Approval of Council Minutes for the September 17, 2019 Council Meeting.
2. Approval of Minutes for the September 23, 2019 Public Works Committee Meeting.
3. Approval of Bills as Submitted.
4. Setting of General Services and Public Works Committees meetings for Monday, October 7, 2019 at 12:00 noon and 4:00 p.m. respectively.
5. **Resolution No. 19-044-** A RESOLUTION OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO DECLARING PROPERTY AS SURPLUS AND AUTHORIZING THE SALE OF THE SURPLUS PROPERTY AT AUCTION.

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

RESOLUTION NO. 19-045

A RESOLUTION OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO AUTHORIZING CHANGE ORDER NO. 2 TO THE CONTRACT WITH APOLLO, INC. FOR THE WASTEWATER TERTIARY TREATMENT PHASE 2 IMPROVEMENTS.

STAFF REPORT: Wastewater Superintendent Mike Anderson explained that the original agreement and Change order one included the construction of a third covered Primary Clarifier, a

third Secondary Clarifier, and the additional concrete tankage, piping, pumps, membranes at the Tertiary Membrane Filtration (TMF) and a lifting apparatus needed for the removal and maintenance of the TMF membrane cassettes. Change Order No. 2 is for all the unanticipated and additional work items that are common for the completion of projects this size and complexity. This work is summarized in the attached Change Order through Change Proposal Requests (CPR) 001-035 and Work Change Directives (WCD) 001-066. He provided a brief overview of the changes and the process of reviewing and recommending those changes that occurred during the course of the project. He presented a graph of the change in phosphorous and ammonia levels that were lowered due to the completion of this project. He also noted that the City is now four years ahead of schedule in reference to the discharge permit granted through the State of Idaho. Change Order No. 2 will increase the contract by \$971,404.59 resulting in a new contract total of \$17,675,334.59. In addition, Change Order No. 2 will extend the substantial completion date by 237 days and the Final Completion Date by 207 days. Funds for this Change Order No 2 are available in FY 19-20 Wastewater Operating Fund.

DISCUSSION: Councilmember McEvers asked if this completes the construction at the Wastewater plant or will there be another phase. Mr. Anderson stated that they anticipate additional phases later on. For example, they had the foresight to be able to treat 5 million gallons; however, as development occurs it is likely there will be a need to treat 6 million gallons; however, there is no need for another building. Councilmember McEvers asked for clarification regarding the buildout capacity. Mr. Anderson notes that the estimated buildout is 85,000 people and right now the system can handle 70% capacity. Councilmember Miller noted that she had a lot of questions at the committee level and wanted the community to understand that the Council is paying attention and staff is very accountable for the project and thanked Wastewater for their leadership on this project.

MOTION: Motion by Gookin, seconded by English to approve **Resolution No. 19-045;** approving Change Order No. 2 to the Agreement with Apollo, Inc. for Construction of the Wastewater Tertiary Treatment Phase 2 Improvements.

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

RESOLUTION NO. 19-046

A RESOLUTION OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO, APPROVING A MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF COEUR D'ALENE AND THE DEPUTY FIRE CHIEFS.

STAFF REPORT: City Administrator Troy Tymesen explained that the proposed Memorandum of Understanding (MOU) is for a 3-year term. It includes the Deputy Fire Chief's being leveled in the City's compensation/classification plan at a Pay Grade 18 (3.95% overall increase for fiscal year 2019-2020, including the 2.5% COLA); increasing the educational incentive pay to be equivalent with all other employee groups; and an increase in the monthly HRA/VEBA contribution to \$165.00 per month. The proposed MOU with the Deputy Fire

Chief's was discussed in good faith with the City, and the compensation and benefits included will provide a competitive package for the three Deputy Fire Chief's represented.

DISCUSSION: Councilmember McEvers asked if the increase costs associated with the MOU was included in this year's budget. Mr. Tymesen confirmed it was an anticipated expense. Councilmember English asked what was the change in VEBA contribution amount. Mr. Tymesen noted that this group was below the rest of what staff was receiving, and thought it was about \$25.00. Councilmember Miller questioned the term of the contract. Mr. Tymesen explained it was three years and was tied into the same timeline as the Fire Union Contract. Councilmember Gookin asked if the Deputy Chief's would be included in the Fire Union Contract in three years. Mr. Tymesen noted that it would not be bundled but negotiated separately, at the same time.

MOTION: Motion by English, seconded by Gookin to approve **Resolution No. 19-046;** approving a Memorandum of Understanding with the Fire Department Deputy Chiefs for the term of October 1, 2019 through September 30, 2022.

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

RESOLUTION NO. 19-047

A RESOLUTION OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO, APPROVING A MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF COEUR D'ALENE AND THE POLICE DEPARTMENT CAPTAINS.

STAFF REPORT: City Administrator Troy Tymesen explained that this proposed Memorandum Of Understanding (MOU) is for a two-year term and includes the Police Captains being leveled in the City's compensation/classification plan at a Pay Grade 19 (5.84% overall increase for fiscal year 2019-2020, including the 2.5% COLA); with a benefit for Administrative Call-Out Compensation for up to 50 hours per year payed at the Police Captains gross hourly rate of pay and placed into their HRA/VEBA plan. The proposed MOU with the Police Captains was discussed in good faith with the City, and the compensation and benefits included will provide a competitive package for the two Captains represented.

DISCUSSION: Councilmember Evans asked if the VEBA contribution was in addition to the monthly amount. Mr. Tymesen confirmed that it would be in addition, as long as the call outs take place and would be a maximum of 50 hours per year. Councilmember Gookin asked if this contract term was to be in sync with the Police Association negotiations. Mr. Tymesen confirmed and clarified that the pay grade system gives specific pay buffers between Captains, Police Chief, and Lieutenants. Councilmember English asked how many people are in the Captain position. Mr. Tymesen noted there were two employees holding the position of Police Captain.

MOTION: Motion by Gookin, seconded by Edinger approve **Resolution No. 19-047**; Approval of a Memorandum of Understanding with the Police Captains for the term of October 1, 2019 through September 30, 2021.

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

RESOLUTION NO. 19-048

A RESOLUTION OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO
REJECTING ALL BIDS FOR THE ATLAS WATERFRONT PROJECT AND
AUTHORIZING STAFF TO NEGOTIATE WITH CONTRACTOR(S) FOR PRICING
WITHIN THE AVAILABLE BUDGET.

STAFF REPORT: Parks and Recreation Director Bill Greenwood explained that the City purchased the Atlas Mill site with the intent to reserve the waterfront area as public open space. Considerable public input helped direct the public space design to be focused on a natural style park with separate pedestrian and wheeled vehicle trails, water accesses, adequate parking and a historic lumber mill themed restroom/picnic shelter and park maintenance storage building. The project also restores a historic beach and provided several “add alternate” options, if funding permitted, including a dog park, ADA swim access and kayak launch, site furniture, log booms for swimming safety, and others. The available construction funding from ignite CDA is \$6,000,000. The City is not currently providing project funding. One responsive bid was received from Cameron Reilly Construction with a base bid of \$6,602,489.90 and Additive Alternates totaling \$1,230,297. The base bid is \$602,489.90 over the available budget. The Engineer’s estimate is \$6,053,802.70 and \$1,222,888 for the base bid and Additive Alternates, respectively. T. LaRiviere submitted a bid less than a minute after the bids were closed and it was not able to be considered. T. LaRiviere authorized the City to review their bid pricing. T. Lariviere’s base price was \$5,408,603.10 and additive alternate pricing totaled \$945,930.40. Both the Engineer’s estimate and the T. LaRiviere pricing indicate lower cost pricing is likely available to the City on the open market.

The Legal Department has determined that Idaho Code 67-2805(2)(a)(viii) and (ix) authorizes the Council to reject all bids, and after finding it to be a fact, pass a resolution declaring that the project can be performed more economically by purchasing the goods and services on the open market. The Engineer’s Estimate and the T. LaRiviere pricing indicate that the project can be performed more economically by purchasing the goods and service on the open market. Mr. Gridley explained that the state statue allows the City to reject all bids if it is over the budgeted amount. The State statue goes on to say, that it must be based on a finding of fact that the project can be done more economically in the open market. Mr. Gridley clarified that the finding of fact in this case is that the untimely bid would have been within budget and that an open market negotiation could net a contract under the established budget. He noted that the Council could also reject and rebid, but not within the timeline of doing construction during the low water season.

DISCUSSION: Councilmember Gookin asked if the City would talk to both contractors. Mr. Greenwood said he would talk to Cameron Reilly first, as they had a responsive bid, and he

believes it would be better to have one contractor for the entire project. Councilmember Miller asked for clarification regarding the Council finding of fact to include the bid being over budget. Mr. Gridley said you can reject all bids, and it is not tied to the engineers' estimates. Councilmember Miller asked if the plan was to continue with a phased project. Mr. Greenwood noted that the priorities will be within the negotiated agreement; for example, the ADA swim area and kayak launch might be able to have some infrastructure included now and other parts can be done later.

MOTION: Motion by Gookin, seconded by English, to approve **Resolution No. 19-048**; noting to the finding of fact that the project can be performed more economically by negotiating in the open market as evident by the secondary estimate provided outside of the bid. Rejection of Bid for the public space at the Atlas Waterfront and authorization for staff to move forward with a negotiated contract.

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

MOTION: Motion by Gookin, seconded by McEvers to enter into Executive Session pursuant to Idaho Code 74-206 (1) (b) To consider the evaluation, dismissal or disciplining of, or to hear complaints or charges brought against, a public officer, employee, staff member or individual agent, or public school student; (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.

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

The City Council entered into Executive Session at 6:59 p.m. Those present were the Mayor, City Council, City Attorney, and Human Resource Director. Council returned to regular session at 7:25 p.m.

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

The meeting adjourned at 8:37 p.m.

Steve Widmyer, Mayor

ATTEST:

Renata McLeod, City Clerk