

Mayor Darrell Kerby called the special council meeting of July 14, 2005 to order at 8:00 a.m. Present for the meeting were Mayor Kerby, Council Members Mick Mellett, Russ Docherty, and Leslie Falcon, Clerk Kris Larson, City Administrator Stephen Boorman, Water Department Supervisor Chuck Lycans, Street Department Supervisor John Youngwirth, Economic Development Coordinator Robin Ponsness. Also present was Gary Aitken from the Kootenai Tribe and Elizabeth Ciepiela from the Bonners Ferry Herald. Attorney Tim Wilson joined the meeting.

The purpose of the special meeting was to discuss the State/Local Agreement for the Visitor's Center and Parking Lot Project; approve material change on the Pedestrian Underpass Tunnel Project; and approve the District 1 waterline bid.

The first item on the agenda was the State/Local Agreement for the Visitor's Center and Parking Lot. Mick Mellett questioned the difference in the dollar amount on the original contract and this contract. Stephen Boorman explained the difference to be the match to be supplied by the Kootenai Wildlife Refuge. The second question was the ownership retention. Mick asked if the City would take over both the parking lot and the visitor's center. Stephen said there is one parcel of property and the City would get the property that the parking lot and visitors center sits on. Mick also asked about the ownership of the building and the maintenance of the building. Stephen said the original contract was a design contract. The drawings are in industry format per our contract with the engineer. If we continue with the original agreement with the State we would have to convert to the Idaho Transportation Department (ITD) format. The new contract keeps the industry standards format so no change is needed. Council discussed the ownership issue and the maintenance of the visitor's center. Robin Ponsness inquired if the State would offer any assistance to the City for major repairs needed. Stephen said if the City owns it there will be no further assistance from the State. Leslie Falcon expressed concern over cost overruns on the visitor's center project. Russ Docherty asked if the bid for the building of the visitor's center comes in at more than the amount we have can the City scrap the project and what would the City's liability be. Mayor Kerby said the City would have to pay the engineering costs. Stephen said federal aid projects cannot be bid with alternates. Mick asked if there are restrictions on the building. Mayor Kerby said the federal money requires the use of the visitor's center for the purpose in which it was approved. There were two different agreements with the State. One was a maintenance agreement and the other was the official design and construction agreement. Mayor Kerby said the new state/local agreement is handing over the ownership of the project to the City. The City will have its own inspectors on the project. The State will still have oversight of the project because they are involved. Russ expressed concern about the maintenance costs of the building and if the bids come in higher than expected. Stephen said we have the ability to rebid or leave out something such as landscaping. Mayor Kerby said the Council will have the final say over the project. Stephen said a two inch overlay on the parking lot has been agreed to by Welch Comer but the State has not approved this change yet. The two inch overlay is what John Youngwirth wanted.

Gary Aitken asked if the water line would be trenched in with conduit. Stephen said it would be. Mick anticipated the parking lot coming in less than the \$300,000 allocated.

Mayor Kerby said there is a question about if there is a savings from the parking lot if those funds can go toward the construction of the visitor's center. Mick also expressed concern about future years and there not being enough funding to keep the visitor's center open if the City would have to pay the funding back. Robin said it is likely that there will not be a permanent employee at the visitor's center but it will probably be operated by volunteers. Mayor Kerby said it will be operated much like the golf course as it was built with grant funding. The primary use of the facility will be a visitor's center but it does not prohibit the use for public meetings, etc. Mayor Kerby clarified the questions he would take to ITD. Can funding not used on the parking lot be used toward the visitor's center? Leslie said she is concerned about the review by the State of change orders and processes and them being timely with their review while costs continue to increase. Mick asked Darrell to make sure the visitor's center and the parking lot will be turned over to the City and if the funding is short in the future and we have to close the visitor's center what the repercussions would be.

Mick Mellett moved that the Mayor have approval upon answering questions to his satisfaction concerning the State/Local Agreement for the Visitor's Center and Parking Lot to sign the agreement. Leslie seconded the motion. She inquired concerning the cost for Section IV, #3 (signs, markings, traffic signals) and if the state can cancel the contract. Russ said if the State does not receive federal funding they can cancel the project. Mayor Kerby said if there are other reasons that the State cancels the contract we will seek legal advice and go before a judge. Leslie expressed concern about the costs incurred up to the point of termination. Stephen said other costs not anticipated with the bid the City would be responsible for. Mayor Kerby asked Attorney Wilson if he had any problems with the contract. Tim said he did not.

Mayor Kerby said when the State changed the ownership from the State to the City his initial feeling was to scrap the project. He is now of the opinion that it is a benefit to the citizens of the community to obtain control of the parking lot and the building. Mayor Kerby said he believes there is value to the community for the project especially the restrooms. The motion passed – Mick Mellett “yes”, Russ Docherty “yes”, Leslie Falcon “yes”.

Attorney Tim Wilson left the meeting.

The pedestrian underpass tunnel material change was the next item on the agenda. Mayor Kerby said the change is from an aluminum material to galvanized steel. Stephen said the original contained concrete footings and the cost savings is for using the galvanized steel culvert on top of compacted soil and pouring a concrete floor in the tunnel. This is where the savings occurs and also lessens the completion time of the project. Mayor Kerby asked if the height diminishes with the culvert. Stephen said it will actually be taller. Mick asked if the wall space will be less. Stephen said it will be a little less due to the footer being eliminated. Leslie inquired about the lighting in the tunnel. Stephen said there will be lighting in the tunnel and the City will install it. There will also be electricity for the security system. Stephen said the contractor came up with a better plan. Gary Aitken thinks the alternate tunnel is good and it is important to get the

customers of the Kootenai River Inn safely to town. The tunnel will be a little lower on the City parking lot side than the Inn side. Stephen said the total savings for the project would be about \$52,000. This savings will be 50 percent to the City or about \$26,000. Mayor Kerby said the underpass pedestrian tunnel is a part of the puzzle including the downtown revitalization project. The improvements to the City including the parking lot at the end of Main Street are all tied together. The changes would be recommended to the State.

Mick Mellett moved to approve the amended proposal of the pedestrian underpass tunnel to the State. Leslie Falcon seconded the motion. She asked about the minimum cover on the culvert as compared to the original aluminum plan. Stephen said the cover requirements are set by engineering standards and the steel structure is stronger. Mick asked how this compares to the original contract. Stephen would have to compare the two. Stephen said the City will require concrete rather than gravel on the outside of the structure. Mayor Kerby commented about artwork on the inside of the tunnel and how it will have to be attached with brackets. Gary asked if the State would have to be consulted. Leslie commented that the project will be completed faster with the steel culvert rather than with the aluminum structure. Stephen said this project is set for August but we are not sure if this will be the start date. The motion passed – Mick Mellett “yes”, Russ Docherty “yes”, Leslie Falcon “yes”.

Gary Aitken said he thinks the restrooms and visitors center will attract people to the City to spend their money. Gary left the meeting.

Russ Docherty commented that the Zenier Family had water from the City in the 1940's in District 1. The original bid was \$330,000 approximately for the District 1 waterline. There will be more rock work on the alternate waterline and a difference in the pipe through the log yard. There is another change order to remove the pipe between Davidson's and the Petersons. If the City approves the alternate waterline out to Davidson's rather than to Petersons the options will be explored to supply water to the Petersons.

Mayor Kerby said Petersons do not have a written right to City water to go across the Davidson's property. Whoever used the water in the past may have had a license rather than an easement across Davidson's property and a license can be revoked. Mick said there is a pigtail line that goes from Davidson's to the present Peterson property and asked if this is the responsibility of the City. Chuck thinks the 4400 foot line from Petersons is only inch and a half. The City will revisit the inch and a half line option with Welch Comer. From Stephen's research there is no easement on the top of the dike road and therefore it would belong to the county. Mayor Kerby said there is still one customer that will be consuming untreated water but options will be explored to rectify this situation.

Mick Mellett moved to authorize the Mayor to sign the contract for the District 1 waterline improvement project including cost overruns and change orders in the amount

of \$77,000. Russ Docherty seconded the motion. The motion passed – Mick Mellett “yes”, Russ Docherty “yes”, Leslie Falcon “yes”.

There being no further business the meeting adjourned at 9:15 a.m.

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Darrell Kerby, Mayor

Attest:

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Kris Larson, City Clerk