

**Board of Directors Business Meeting**

**Friday, April 24, 2020, 7:00 a.m.**

**Location: Idaho Falls Auditorium District Office/Zoom Videoconference**

**467 Constitution Way, Idaho Falls, Idaho 83402**

**Attendees:** Terri Gazdik, Bob Nitschke, Steve Vucovich, Rob Spear, Salem Thomas, Mark Fuller, Mike Clements, Blake Davis, Rick Lawrence, Leith Sheets, Kevin DeKold, Trenton Saxton

1. **Action Item** - Call to Order – at 7:04 a.m.
2. **Public Comment** (Any member of the public is welcome to take three minutes and share concerns or questions with the Board) - None.
3. **Action Item –** Approve change order for landscaping of Pioneer Drive - Spear said it was necessary to include this item on the agenda today because it is part of the Pioneer Road project and because the agenda for the 4-28 meeting is quite full. Spear explained that the original estimate for landscaping Pioneer Drive was $140k and was not part of the original Bateman Hall bid because this has been defined as an owner’s responsibility. The bid received from Seasons West was for $74k. Adding Bateman Hall’s 6% CM/GC fee of $4.4k brought the total to $78,400. There were three bidders. Seasons West was the lowest bidder.

Nitschke said he does not understand the urgency of accepting a bid for landscaping. Clements explained that trees have to be planted as soon as the paving is done in July. They also need to put in the irrigation system. The landscaping will have to be complete before they can turn the road over to the city in September. All the bids were competitive and having Seasons West perform the work is efficient because they were the same landscape contractor for Event Center Drive.

Nitschke also asked if only deciduous trees will be planted along the road. Clements said they are matching exactly what went on Event Center Drive because it has already been approved by Snake River Landing and the City of Idaho Falls.

Fuller asked why the other two bid submittals included a topsoil deduct while the bid from Seasons West did not. Clements said there was some confusion with the bid scope and the other two bidders did not realize that they did not have to provide the topsoil as HK is going cover it.

Gazdik clarified that the Board is not approving the design but approving the bid. Spear shared a screen describing the detail of the landscape plan. Gazdik asked if the trees in the design were different. Spear showed that there are three different types of trees included in the design that the City approved.

Gazdik said she is pleased with the timing of the bid and that it is half the expected price. It seems opportune to approve the proposal.

Nitschke asked if the irrigation, piping, and valves will be consistent with the rest of the City. Nitschke said that has not always been priority in the past. Clements said having the same landscape contractor as Event Center Drive is an advantage and would ensure consistency. Motion to accept the proposal from Seasons West by Vucovich. Seconded by Nitschke. Motion passes.

1. **Action Item –** Review, discuss and approve change order request for unsuitable soil removal on Pioneer Drive.

Spear explained that upon removal of the asphalt from Pioneer Drive, soft spots emerged due to the poor soil conditions under Pioneer Drive. When MTI inspected the site, it was determined that soft native sandy silty clay was observed to depths between 1.5 to 2.5 feet below the exposed subgrade. Occasional basalt cobbles and boulders were found near the bottom of each sandy silty clay layer, and below the sandy silty clay, dense cemented sandy gravel was observed. It was determined that allowing this soil to heal (dry out) on its own was not possible. HK provided two alternatives: (1) Remove all of the sandy silty clay soil down to the sandy gravel and replace with structural fill per the geotechnical report; Or, (2) remove 2 feet of sandy silty clay soil, place woven geotextile fabric and replace with structural fill per the geotechnical report. MTI also identified issues with the triangular area east of Pioneer Road (bus stop turnaround). MTI recommended that HK grade the exposed subgrade to provide a smooth surface prior to placement of woven fabric and structural fill in triangular area where elevations are sufficiently low to allow woven fabric and a full 24 inches of subbase structural fill in addition to the required 8/4/3 (subbase/base/asphalt) pavement section. Spear said that these issues were not identified earlier because the asphalt had not been removed and the assumption was that some of this would dry out and not cause further issues.

Leith Sheets explained that the event center land has been irrigated farmland for years which means the water accumulates in certain areas. One of the issues with this site is there is a cementation layer which does not allow the water above it to dissipate. This makes it not ideal land on which to build a road.

Nitschke asked why the Board had to pay for the road when it was already established by the City before the Board took it over. Blake Davis said he did not know and would like to ask the City to help with the payment of fixing the pre-existing issues. Sheets said that a concern of his is timing and how quickly the City could act to assist. The special meeting was convened because they need approval as soon as possible in order to have this road completed by July 4th as the City is mandating. Sheets explained that there will be delays if the Board decides to not approve this today. Sheets explained, the road was not in despair when the Board assumed responsibility. Pioneer Road was originally a county road, but the city took it over upon annexation of the Event Center site. It is a possibility to ask the City for help, but it would likely pause the work being done to the roads. Spear reminded the Board that they have asked the City for financial support on the roads a number of times and they have always declined due to development agreement that was transferred to the Board when it accepted the land donation. Fuller agreed and said that even though the Board was not part of the land donation negotiation, that is the way it was decided. In answer to Nitschke’s question, Fuller clarified that the road is the Board’s responsibility. It will eventually be dedicated back to the City for maintenance.

Fuller asked if it was possible to construct a “bronze version” of the road (alternate #1) instead of a “platinum version” of the road (alternate #2). Spear explained that if the road is not constructed to the recommended design requirements, then the City can decline to accept Pioneer Road donation. Ongoing maintenance would then be the responsibility of IFAD. Sheets explained that the City will go through the construction documents to make sure everything is the way it needs to be and if it isn’t they will not accept the road to be a public right of way and they will not maintain it. The warranty is for one year and HK has a disclaimer for Option 1 that they will not liable for any re-work, if soft spots persist through the fabric. Sheet said there is really no way to tell if the fabric would do the job of removing sinking land completely.

Sheets explained the two options the Board has available. One is suggesting removing 2 feet of land, put a layer of fabric down to separate the original soil and the soil HK would bring in to return the land to subgrade level. The other option is to remove three feet of soil and bring in three feet of new soil while not having to use the fabric. The fabric is $17,000 itself, but that is still cheaper than the second option. However, if something did go poorly using the fabric (alternative #1) then the road would need to be reconstructed as proposed in alternative #2.

Fuller asked if option two really means removing all the bad material or if it means they will be removing 2.5 feet. What happens when they remove 2.5 feet and there is actually more soil that needs to be removed? Sheets said they had done three different surveys (which is standard and sufficient for this distance of road) and all of them indicated that about 2.5 feet would need to be removed. The idea would be to remove all the potential bad soil the first time and have MTI verify it. It could be plus or minus the planned 2.5 feet, but on average it should be close to it.

Gazdik asked if the proposal could be worded to include a “not to exceed clause”? She asked what would happen if more soil needed to be removed? Sheets said that the current proposal would include the $35 cubic yard cost. Which was the amount in the original bid. The unit add or loss would be in reference to the unit cost. Sheets said they could reword it, but their intent is to remove all unsuitable material and based on their information it is an average of 2.5 ft. Lawrence said HK feels confident with the 2.5 feet. Clements suggested adding a “not to exceed” number so that if HK does go over, they are required to return to the Board and explain why. He said that generally HK presents a conservative number so he is not very concerned about exceeding the currently presented number and it may be even a little under. Spear said he also feels confident with HK’s estimate because he was told by HK the amount bid would cover the cost of the soil removal. Gazdik said she would feel more comfortable with the “not to exceed” option. Clements said they knew they would be dealing with unsuitable soils from the beginning, so they had this competitive bid from the beginning.

Gazdik asked if option 1 is truly a viable option. Sheets said that it is unless something does go wrong, then you are paying for ripping up the road that was constructed and replacing it anyway. He said he does worry about the fabric option and future maintenance. If it ever has to be cut for pipes or anything else, then it loses its viability. Sheets said the City would likely accept it as long as the road stays strong during the year-long warranty period. Lawrence said there is no guarantee that something would not happen to the road after construction is complete. Sheets suggested negotiating the overage for if the construction company exceeds the current designated amount. He said HK may just charge the maximum amount so that they do not have to worry about doing any overage and negotiating the cost further. Gazdik said she feels this is the way to go.

Vucovich asked where the Board is on the overall budget for Pioneer Road and how much this will add to the cost? Spear explained that the Board has captured all the rock removal savings and the excess in the various allowances. The total of those savings equal $297,684. Even with this extra cost, the Board is still under budget by about $58k.

Vucovich motioned to approve the change order. Nitschke seconded. Gazdik asked Spear to talk with HK to change the language to include “not to exceed.” Lawrence and Sheets said they would get the changed paperwork to Spear as quickly as possible. Spear informed Sheets and Bateman Hall that HK could immediately begin the work for Option 2. Sheets asked for clarification on which option the Board approved as the motion did not explain it.

Vucovich amended his motion to approve the change order request for option two concerning unsuitable soils subject to adding the language that it says, “not to exceed.” Seconded by Nitschke. Motion passes.

**Report and Updates**

1. **Discussion Item** - Executive Director Report – Spear asked to discuss the agenda for April 28, 2020 meeting. He explained that the original item 5 was discussed today and will be removed. Nitschke requested to review the IE Productions contract. Spear said he would add it as an action item as Gazdik suggested.
2. **Discussion Item** - Legal Report - Fuller did not have anything to share.

C**alendar and Announcements**

1. Upcoming IFAD Meeting – **Next Meeting on April 28, 2020**
2. **Discussion Item** - Announcements and Minor Questions
3. **Discussion Item** - Agenda Items for April 28, 2020 meeting
4. **Action Item** - Adjournment from Public Session - Motion from Nitschke to adjourn. Seconded by Vucovich. Motion passes. Meeting is adjourned at 7:45 a.m.

**Action Items**

Spear update the change order request for unsuitable soil removal on Pioneer Drive