

**POCATELLO DEVELOPMENT AUTHORITY**  
**Board of Commissioners Special Meeting**  
**February 26, 2002**  
**11:00 a.m.**

**City Hall**  
**911 North 7<sup>th</sup> Avenue**

**11:00 a.m. Council Chambers**

Call to Order – Chairman Neuhardt

**Action and Discussion Items**

Project HOPE

Stormwater Sewer Project

**Executive Session, if required**

# Pocatello Development Authority

ISU Research and Business Park  
1651 Alvin Ricken Drive  
Pocatello, Idaho 83201

*An urban renewal agency for the City of Pocatello, Idaho*

February 28, 2002

Mr. David R. Schiess  
Schiess & Associates  
7103 South 45<sup>th</sup> West  
Idaho Falls, ID 83402

Re: Pocatello Stormwater Project  
Requested Additional Fees

Dear David:

I have been directed by the Pocatello Development Authority Board of Commissioners to contact you regarding your pending request for an additional \$21,000.00 in engineering fees to complete the construction management portion of your contract with PDA for Phase I of the Pocatello Stormwater Project.

We received your letter indicating you would not be able to appear at the special meeting of the PDA Board on the day of the meeting. The fact you were not going to be at the meeting to discuss the above matter was of some concern to the PDA Board since Paul Scoresby was at the regular monthly PDA Board meeting on February 12, 2002, made the above request for additional fees, and was informed the Board would bring the subject up at a special meeting on February 26, 2002.

The PDA Board was of the opinion that this same request was presented to the PDA Board at the November 13, 2001, regular meeting and the Board made a decision at that meeting to approve an Addendum to the contract providing for complete construction oversight service to be increased to \$169,920.00 for Phase I of the project. This was an additional \$12,000.00 over the original contract amount and they took into account that an additional \$15,000.00 in "saved" money from services you would not have to perform under the original contract was also available to you.

The PDA Board will grant you one more opportunity to make a presentation regarding this request due to your failure to appear at the special meeting. The position of the PDA Board at this point is that you signed a contract based on a "sum not to exceed" figure to complete the Phase I construction oversight services. After two presentations from your firm, they feel they have already gone beyond what was contemplated by or required under the terms of the original contract when they approved the addendum in November, 2001.

David Schiess  
February 28, 2002  
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The PDA Board would like you to provide them with a letter indicating whether you are going to complete construction oversight services for Phase I of this project if they deny your request for additional fees. They have also asked me to be prepared to discuss their legal options if they deny your request and should you refuse to complete said services.

If you have any questions, please contact me.

Sincerely,

A handwritten signature in black ink that reads "A. Dean Tranmer". The signature is written in a cursive style with a long, sweeping underline.

A. Dean Tranmer  
Attorney for PDA Board

ADT/rv

cc: Harry Neuhardt, PDA Chairman  
Roger Chase, Mayor, City of Pocatello & PDA Board member  
Ray Burstedt, PDA Executive Director



# Schiess & Associates

CONSULTING ENGINEERS

7103 SOUTH 45TH WEST, IDAHO FALLS, ID 83402  
OFFICE: (208) 522-1244 • FAX: (208) 522-9232

WATER SYSTEM DESIGN • WASTEWATER TREATMENT • STORM WATER MANAGEMENT  
PLANNING • TRANSPORTATION • CONSTRUCTION MANAGEMENT

February 25, 2002

Pocatello Development Authority  
Chairman Harry Neuhardt  
1651 Alvin Ricken Drive  
Pocatello, ID 83201

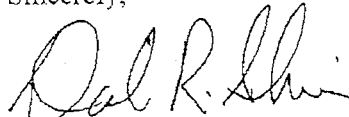
RE: Pocatello Stormwater Improvements, Project No. 01023/01029

Dear: Mr. Neuhardt;

We sincerely regret to inform you that we cannot attend the February 26, 2002 PDA meeting. I committed several weeks ago to teach a class at 11:00 a.m. to a group of water and waste water professionals from around the valley. This class will be taught in the Pocatello City Water Shop. My commitment to teach this class could not be changed on such a short notice.

Both Paul and I need to be in the meeting when we discuss the issues surrounding the projects. We request that you delay making decisions regarding the stormwater projects or their budgets until we have received bids for the Cadet Field Diversion project. At that time, we can stand before the board to represent ourselves with more data and bid results. We will come prepared to the March 12, 2002 meeting to discuss award of the Cadet Field Diversion project, budgets and our involvement to complete this work. We can modify our scope of work to fit your needs based on actual data rather than estimates or projections. We are capable and willing to complete the engineering portion of the work in a manner that will be satisfactory to PDA and to the City. We appreciate your understanding and look forward to visiting with you in March.

Sincerely,



David R. Schiess, Principal

Cc: Dean Tranmer  
Greg Lanning  
Ray Burstedt  
Mayor Roger Chase