

City of Clark Fork

Minutes of the 6/9/2025 Clark Fork Regular City Council Meeting

Mayor Russell Schenck called the June 9, 2025 Regular Meeting of the City Council to order at 6:00 p.m.

Pledge of Allegiance: Mayor Schenck lead the Pledge of Allegiance.

Roll Call of Council Members: Sharon Banning, Jay White, and Vicki Woodward were present, constituting a quorum.

ADDITIONS to the AGENDA No.

CONSENT AGENDA: ACTION ITEM.

Motion to Approve the Consent Agenda:

Council Member White moved to approve the Consent Agenda. Council Member Woodward seconded the motion. All in favor. Motion Carried.

New Business:

A. Discussed, Century West Engineering Sidewalk Project and Bid Award, ACTION ITEM.

Ryan Luttmann of Century West Engineering was present to give updates on the sidewalk project. Ryan gave an overview of the bid opening with the breakdown of the bids and gave his lowest bid recommendation of LaRiviere,INC., with a bid of \$216,434.00.

Council Member White moved to make a motion to approve accepting LaRiviere,INC for the total bid amount of \$216,434.00. Council Member Woodward seconded the motion.

Roll call Vote of Council Members:

Sharon Banning - Y

Tanya Becker - Absent

Jay White -Y

Vicki Woodward -Y

Motion carried.

B. Discuss, Century West Engineering Sidewalk Project Contract Amendment, ACTION ITEM.

Ryan Luttmann presented the amendments to the Main Street Sidewalk Construction Phase Services and the council found no issues with it.

Council Member Woodward moved to approve the Mayor signing the contract amendments for the Sidewalk Extension. Council Member White seconded the motion.

Roll Call Vote of Council Members:

Sharon Banning –Y

Tanya Becker –Absent

Jay White -Y

Vicki Woodward -Y

Motion carried.

C. Discussed, Century West Engineering Water Project Update and 9th St Well Bid Award., ACTION ITEM.

Dan Remmick was present to give the 9th Street Well Bid Award results. Dan stated there were three bids and gave their recommendation of Universal Well Drilling with the lowest bid of \$151,600.00

Council Member White made a motion to accept awarding the bid for the 9th street well to Universal Well Drilling with a bid of \$151,600.00. Council Member Woodward seconded the motion.

Roll Call Vote of Council Members:

Sharon Banning –Y

Tanya Becker –Absent

Jay White -Y

Vicki Woodward -Y

Motion carried.

D. Discussed, ICRMP Insurance Renewal Rates.

The City received its insurance renewal estimate from ICRMP. The council was provided with the policy declarations for 2023-2024 and the upcoming fiscal year for comparison. The 2025-2026 premium is estimated at \$12,167 an increase of \$2,421.

E. Discussed, Rod & Gun Club Fireworks and Catering Permits.

The city received the annual application for the Rod and Gun Club's fireworks and catering permits. Council had no issues with the permits as nothing has changed in the process since previous years.

Council Member Woodward moved to approve the Rod and Gun Club fireworks and catering permits. Council Member Banning seconded the motion.

Roll Call Vote of Council Members:

Sharon Banning – Y

Tanya Becker –Absent

Jay White – Y

Vicki Woodward -Y

Motion carried.

F. Discussed, Kaniksu Right of Way Agreement.

The council discussed renewing the Kaniksu Right of Way Agreement for an additional five years with no changes from the previous contract.

Council Member White moved to approve the Mayor signing the Kaniksu Right of Way Agreement. Council Member Banning seconded the motion.

Roll Call Vote of Council Members:

Sharon Banning – Y

Tanya Becker –Absent

Jay White – Y

Vicki Woodward -Y

Motion carried.

G. Discussed, Braniff Site Plan Application.

Laura Braniff was present to discuss her reason for building an eight-foot wood fence. She stated that she has several people trespass on to her property as well as frisbees from the frisbee golf course coming on to her property, with people entering her property to retrieve balls and frisbees.

Council Member White moved to approve the Braniff Site Plan Application for an eight-foot fence. Council Member Banning seconded the motion.

Roll Call Vote of Council Members:

Sharon Banning – Y

Tanya Becker –Absent

Jay White – Y

Vicki Woodward -Y

Motion carried.

H. Discussed, Silver Valley Law Legal Contract and Fees.

Council discussed the updated Silver Valley Law Legal Contract and Fees and found no issues with it.

Council Member Banning made a motion to approve the Mayor signing the new contract with Silver Valley Law. Council Member White seconded the motion.

Roll Call Vote of Council Members:

Sharon Banning – Y

Tanya Becker –Absent

Jay White – Y
Vicki Woodward -Y
Motion carried.

I. Executive Session pursuant to I.C. §74-206(1)(f):

A. Discuss, Settlement of Noble/Century West Dispute Related to Bank Fraud.

Council Member Banning made a motion to enter in to executive session pursuant to I.C. §74-206(1)(f). Council Member White seconded the motion.

Roll Call Vote of Council Members:

Sharon Banning – Y
Tanya Becker –Absent
Jay White – Y
Vicki Woodward -Y
Motion carried.

All public left the room and the council entered the Executive Meeting.

Council Member Banning made a motion to close the executive meeting. Council Member White seconded the motion. All in favor. Motion carried.

Regular meeting reconvened.

The Mayor read a statement as follows:

In November 2024, the City fell victim to an incident of criminal fraud related to the City's water infrastructure project. Promptly after discovering the fraud, the City began working diligently to recover funds and provide authorities with information necessary to pursue the threat actors. In the months that followed, the City compiled information which would ultimately aid in analyzing its own responsibility for this loss, while also employing experts to review the security breach. The City was eventually successful in recovering approximately \$192,937.22 of the total \$483,519.12 that was misdirected to a threat actor.

While this matter remains under pending criminal investigation with the Federal Bureau of Investigation, the City has spent recent months evaluating the legal implications for the three local parties involved; Noble Excavating, Century West Engineering, and the City itself. This internal analysis, led by the City's general counsel and litigation firm Givens Pursley, revealed three things:

1. That it is not likely that the security breach which led to the infiltration of a threat actor into email correspondences between Century West and Noble was the City's responsibility, nor could the City have taken any action to stop said breach.
2. That even if the City was not responsible for the security breach, if this matter were litigated, there is still a reasonable likelihood that the City could be responsible for all or a portion of the loss.

3. That the cost of litigation to the City has a reasonable likelihood of exceeding the actual costs associated with the loss.

The City has attempted to contact both Noble Excavating and Century West in order to negotiate potential settlement of this matter. It is clear that neither party wishes to accept the responsibility for the loss, placing the City in a difficult position to expend an amount certain to resolve this matter, or to litigate this matter and risk an uncertain amount of money in court costs, attorney fees, and expert witnesses. Taking into consideration the high cost of litigation to prove that Century West or Noble Excavating is the most responsible party, as well as the risk that a jury may ultimately find that any one of them were responsible, or all three are jointly responsible, it would seem the most prudent course of action would be to proactively to resolve this dispute.

During the course of settlement correspondences, Century West has informed the City that it would be willing to accept approximately 10% of the remaining loss, without ceding their beliefs that they should not actually be responsible for this loss. In a similar vein, and without ceding our beliefs regarding the responsibility for this loss, I would propose to my City Council that resolving this matter now by accepting the contribution of Century West and offering to make payment to Noble Excavating for the remaining balance due of approximately \$290,581.90, would be the most prudent manner of moving the City forward without outstanding liability. With this in mind, is there a motion from Council authorizing our attorneys to proceed forward with negotiating a settlement agreement with Noble Excavating in this regard?

Council Member Banning made a motion to authorize the Mayor to proceed forward with negotiating a settlement agreement with Noble Excavating, including language affirming the City's not guilty position. Council Member White seconded the motion.

Roll Call Vote of Council Members:

Sharon Banning – Y

Tanya Becker – Absent

Jay White – Y


Vicki Woodward – Y

Motion carried.

MOTION TO ADJOURN. ACTION ITEM.

Council Member Banning moved to adjourn. Council Member White seconded the motion. All in favor. Motion carried. The meeting adjourned at 7:18 p.m.

Respectfully Submitted,



Kat King, City Clerk


Russell Schenck, Mayor