

MINUTES–CITY OF ASHTON

SPECIAL COUNCIL MEETING

Tuesday, April 17, 2018

10:00 a.m.

714 Main (North Entrance)

*The purpose of the Agenda is to assist the Council and interested citizens in the conduct of the public meeting. Careful review of the Agenda is encouraged. Testimony from the public will be solicited for any item or issue listed under the category of **Public Hearings**. The Mayor will not normally allow audience participation at any other time. Idaho Law prohibits council action on items brought under this section except in an emergency circumstance.*

CALL TO ORDER & WELCOME

In Attendance: Teddy Stronks, Teresa Hansen, Tom Mattingly, Tadd Atchley and Jerry Funke.

Also in attendance: City Clerk Stegelmeier. Todd Martindale, Del Jensen, Brett Griffel and Marvin Fielding

Mayor Stronks opened the meeting at 10:14 am.

1. NEW BUSINESS:

- A. Wastewater Project, Pay Request Consideration: Mayor Stronks, Marvin Fielding **ACTION ITEM**
- Mayor Stronks explained that he called the meeting to discuss a pay request from Eagle Rock Timber on the Wastewater project. He felt he needed the Council's input/approval before he signed the request as the request concerned mobilization costs and the project is now on winter shutdown. Mayor Stronks asked Marvin to give himself and the council information on the request. Marvin explained that last fall the contractor had originally subcontracted work to Western Construction. When the equipment got here and before they were able to start there was a large rain storm and the equipment was never used. Western Construction has just billed Eagle Rock Timber for last fall and that is the reason for the pay request. Marvin went on to say that that the original bid costs can be shifted as long as the total does not change and they have shifted some of the numbers. When Marvin received this request, his concern was how Eagle Rock Timber was going to get the work done. He explained that they and if they would be shifting the mobilization costs. He has spoken with Steve (Eagle Rock Timber representative) twice concerning the matter. There is still money in the contract for GC mobilization and earth work subcontractor mobilization. Their intention is to use what is left in those line items. As long as they are not looking for more mobilization then Marvin will give consultant approval. Eagle Rock Timber is still on the hook to do the work. He went on to say that even with that rain, they are within their time and budget right now. Right now he and Eagle Rock Timber are trying to find a way to work with conditions that are wetter than expected. They are considering using a fabric and grid to build a base so they could get started early. This material would require a change order. Marvin is going to meet with Eagle Rock Timber on Friday to look at options. Todd made comment that it will ever dry out. The contractor would like the area to dry out instead of going with the change order. Marvin explained that if they are going to fight it then maybe the City better look at that change order rather than waiting until late in the summer. But really, today we are talking about what the contract allows. He explained that it wasn't the contractors fault or the City's fault that there was 4 ½ rain last fall when they finally got started. Marvin's opinion is that they did have the costs and they are on the hook to build the pond.

Councilwoman Hansen understands that they can use what was in bid. She knows it is not their

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fault but it looks like nothing has been done. The City told them that Ashton gets weather really early.

Councilman Atchley explained that the contractor knew the time was critical last fall and Delray had tried to explain to them that the scrapers wouldn't work. Councilwoman Hansen agreed with Tadd and again said that they City had told them about the weather. Councilman Funke explained that Western Construction winterized their equipment on the City site. They were not going to use the equipment and he doesn't understand why they contracted for it. Marvin said that his understanding is that they took a risk and then 2 days after they got the equipment there and they couldn't work them. They still intend to finish the work.

Marvin said that it would be a change in design if they add the fabric, etc. based on discussion with the City crew. The engineer's understanding was that in the summer they could get it dried up. Where they dug test pits – there was no ground water. If it will never dry up then the design will need to change. Councilman Atchley is concerned because he knows that they have just lost \$70,000 and they will be working on change orders to try to make up more of that money. Councilwoman Hansen said she wants to make sure the City is treated fairly. Many citizens are asking why there is nothing happening on site. They will need to attend the City Council meetings and then voice their concerns. Marvin said that Willie Tuescher at the DEQ had same concerns, i.e. are they going to be asking for more mobilization money? Councilman Atchley expressed his understanding that Mayor Stronks does not sign the pay requests that don't come out of the scheduled value. Councilwoman Hansen expressed her request that the City be more informed about what they are planning. The City's citizens are concerned.

Todd Martindale asked what happens if the project is not completed and we have to get an extension to discharge through winter. Delray Jensen explained that the discharge permit requires that it be completed by the first of November. Marvin said that yes – the compliance schedule says that it has to be done by November. There will be more discussions. Just got recommendations on grid and fabric. Brett Griffel asked that if the project is not done by November, would we still need to do a leak test. Marvin explained that the DEQ prefers that the City not use wastewater but they may allow it if needed.

Councilman Atchley explained that the contractor needs to work on dewatering the area to work. Marvin is hesitant to give direction to the contractor in case that would be a change of conditions under the contract. He worries that if we discuss dewatering extensively, they will come back and ask more money for dewatering. Councilman Atchley explained that he would assume that dewatering was part of what would be included in a bid. Councilwoman Hansen agreed and encouraged Marvin to keep the Council more aware on this project and in the future with Phase II.

Councilman Atchley again expressed his concerns about more change orders. He is also afraid that the contractor might be cutting corners. For example: the transfer pump is just floating out on the lagoon. How are they going to compact around it now? The City Council will be more vigilant in watching what is happening from now on. The contractors need to get working and go full bore to get the project done. Keller Associates need to be vigilant also in watching their work so that corners aren't cut.

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2. ADJOURNMENT:

Councilman Atchley made a motion to adjourn. Councilman Funke seconded the motion. The motion passed unanimously.

NEXT MEETING

- ◆ Special Council 7:00 p.m. – Wednesday, April 18, 2018, Council Chambers.
- ◆ Regular Council 7:00 p.m. – Wednesday, May 9, 2018, Council Chambers. Questions concerning items appearing on this Agenda or requests for accommodation of special needs to participate in the meeting should be addressed to the Office of the City Clerk or call 208-652-3987.

Minutes respectfully submitted by Cathy Stegelmeier, City Clerk.

Attest

Cathy Stegelmeier
City Clerk

Theo R. Stronks
Mayor