

Special City Council Minutes
October 28, 2015
Dundee City Hall

Call to Order

Mayor Russ called the meeting to order at 7:30 P.M.

Council and Staff Attendance

Present: Mayor David Russ, Councilors Jeannette Adlong, Ted Crawford, Storr Nelson, Tim Weaver and Kristen Svicarovich. Unexcused Absence: Councilor Doug Pugsley. Staff member: Rob Daykin, City Administrator.

Public Attendance

None.

Scope and Fees for Pinnell Busch Inc. for Services Related to the Dundee Fire Station

City Administrator Daykin referred to the email from Jim Omundson, Pinnell Busch, describing the scope and the fees and the contract information for the services which were distributed to the Council members.

Mayor Russ asked for confirmation that \$46,000 will cover Phase III of the investigative services. Daykin confirmed the estimated fees include the outside testing and subcontracted services which Pinnell Busch doesn't provide (\$15,000) and their analysis and reports (\$31,000). The agreement is based on actual costs, which may be less or more than the estimated amount. Russ asked the estimated timeframe for the work. Daykin stated work is proposed to start up November 4th, although the final report and recommendations may not be completed until mid-month. The Mayor expressed concern for the deadline to file the performance bond claim. Daykin advised that legal counsel has sufficient information to provide the letter demanding the contractor to address the work that failed to meet contract specifications. There will be a walk through the station prior to the one year anniversary of substantial completion, November 11th, with Baldwin General Contracting, Inc., Mackenzie, the City Attorney, and staff. Pinnell Busch's investigative work may not be completed by November 11th, but it will be completed prior to arbitration. The expectation is that this work will provide the information to substantiate the City's position on the corrective action needed to remedy the issues at the station. There will be additional fees for representation at arbitration or at trial.

Councilor Crawford inquired how much has been expended to this point. Daykin replied: \$7,500 for evaluation of the concrete floor, \$20,000 for initial investigation of the roof system, and an estimated \$6,000 for attorney fees. Legal counsel has enough information to support that the roof needs to be fixed. The scope of services will clarify what needs to be corrected and the cost of the repairs. Mayor Russ supported moving forward to ensure the problems are addressed correctly. Councilor Nelson supported moving ahead to provide the best evidence in support of the City's position in future legal proceedings.

Daykin shared this would be funded, through the end of the fiscal year, by the contingency in the General Fund and by not using the full amount of the transfer for the fire station apparatus in the Equipment Reserve Fund.

The Mayor noted that the Council supports Chief Stock; in that he has gone beyond his duty to try and ensure the project was completely correctly from the start.

The motion was made and seconded to authorize the City Administrator to execute the agreement for Phase III services with Pinnell Busch Inc. in the approximate amount of \$46,000. C. Nelson expressed concern to ensure we have the best legal representation from Jordan Ramis PC representing the City. Daykin will relay the Council's concerns. **The motion** passed unanimously.

Mayor Russ relayed that the principle from Dundee Elementary School would like to give a short presentation to the Council on what is happening at the school. Staff will add it to the upcoming agendas.

The meeting was adjourned at 7:55 P.M.



Jeannette Adlong
Council President

Attest:



Debra Manning, MMC
Assistant City Recorder