

The Board of Aldermen met in regular session at 6:00 P.M.

Aldermen Present: Greg Smith, Roch Buckman, Michael Purol, Tyler Wheeler and Gerry Quinn

Aldermen Absent: Mark Greening

Others Present: Jackie Pangborn, Kevin O'Bryan, Rich Enochs, Darren Freidank, Chris Koltzenburg, Nathan Smith and John Wilcox

Mayor Minor called the meeting to order.

Mayor Minor asked everyone to stand and recite the Pledge of Allegiance.

The Board of Aldermen reviewed the consent agenda. Alderman Purol motioned to approve the consent agenda; Alderman Wheeler seconded it, with all in favor.

Mayor Minor opened the floor for open forum. Jackie Pangborn said that there are several issues on the Sewer Rehabilitation Project that need to be addressed. Mark Bross was unable to attend this meeting; but did give her his list. The first item is pay request number 5 from Municipal Pipe Tool in the amount of \$5,850.00. Alderman Smith motioned to approve this pay request; Alderman Purol seconded it, with all in favor.

The Board reviewed pay request number 4 from Visu-Sewer of Missouri, LLC in the amount of \$13,795.11. Alderman Purol motioned to approve this pay request; Alderman Smith seconded it, with all in favor.

The Board reviewed contract change order number 2 which would increase the contract time for Visu-Sewer of Missouri, LLC by 77 days due to conflicts in scheduling with other contractors. After discussion, Alderman Purol motioned to approve contract change order number 2 with Visu-Sewer of Missouri, LLC; Alderman Smith seconded it, with all in favor.

The Board reviewed pay request number 8 from K & N Excavating in the amount of \$242,959.92. Alderman Purol motioned to approve this pay request; Alderman Smith seconded it, with all in favor.

Alderman Greening joined the meeting.

The Board reviewed contract change order # 1 with K & N Excavating. This contract change order is for adjustments to as constructed quantities, reflecting all utility repairs (deduct), and additional work as assigned by City staff during the course of construction. This increased the amount of the contract by \$278,477.70 from \$1,499,920.00 to \$1,778,397.70. This contract change order does not address the issue of additional time to complete the contract. The extra work assigned by City

staff does not include Meadow Drive since it was determined that probably only two houses would hook to a new sewer on this street. Alderman Buckman said that the sewer problems on Meadow Drive will no doubt arise in the future. After further review and discussion, Alderman Purol motioned to approve contract change order # 1 with K & N Excavating; Alderman Wheeler seconded it, with all in favor.

The final issue to be addressed is liquidated damages and retainage. Liquidated damages can come out of retainage. K & N Excavating understands that liquidated damages are a possibility and they would prefer it come out of retainage. By having it come out of retainage, it would reduce the potential for litigation to pursue the liquidated damages. To date the liquidated damages are estimated at \$86,000.00. The City will not be able to charge liquidated damages on the extra work listed in contract change order # 1 with K & N Excavating and this work will have to be tracked specifically.

Chris Koltzenburg said that K & N Excavating's bonding company is withholding payments from them in anticipation of liquidated damages being assessed. The City is withholding 10% retainage which Mark Bross recommends being used for liquidated damages. Chris Koltzenburg requested that the City send a letter to K & N's bonding company asking them to release the funds that they are holding for the possibility of liquidated damages being assessed. He asked if an agreement on the liquidated damages could be worked out. They are looking to be finished in two weeks with the original contract and 7 weeks with the additional work. Chris Koltzenburg said that if something cannot be worked out on the liquidated damages, K & N Excavating may have to consider finishing the original contract and pulling out. It would no doubt cost the City more to bring in another contractor to do the extra work called for in contract change order # 1. After a lengthy discussion, the Board agreed that Mark Bross needs to be included in the decisions regarding liquidated damages and K & N's bonding company releasing funds. Jackie Pangborn said that she will be meeting with Mark Bross this Thursday, October 15, 2015 at the weekly meeting for the Sewer Rehabilitation Project. Alderman Purol motioned to authorize Mayor Minor to send a letter to K & N's bonding company releasing the funds that they are holding for liquidated damages on the condition that Mark Bross is satisfied that the City will have sufficient leverage for K & N Construction to complete their work and pay the City imposed liquidated damages on this project from the retainage; Alderman Smith seconded it, with all in favor except Alderman Greening. Mayor Minor said that everyone will be updated via email on this matter.

Kevin O'Bryan presented the Director of Public Works report to the Board of Aldermen. Kevin O'Bryan requested authorization to solicit bids for a snow plow for the front end loader. Alderman Greening motioned to solicit bids for a snow plow for the front end loader; Alderman Smith seconded it, with all in favor.

Kevin O'Bryan reported that a 2007 Ford pickup truck has been purchased for the Sewer Plant.

Rich Enochs said that the Fire Department open house and hayride was well attended.

Jackie Pangborn presented the Director of Administration's report to the Board of Aldermen:

- Contact was made with a representative of Fairbanks Morse regarding upgrading the generating engines at the Power Plant. They said that they would need to do a plant assessment. The Board asked that the cost for this assessment be determined and presented to them.
- She presented the sidewalk application to the Board for review. The application is for residents only and calls for a minimum of a four foot width. Alderman Purol said that the City should pay up to a five foot width to meet ADA requirements. After further discussion, Alderman Purol motioned to revise the specifications to state that the minimum width is four feet, but the City will pay for concrete up to five feet in width; Alderman Wheeler seconded it, with all in favor.
- The City received a written complaint about 406 South Chestnut Street.
- She presented a proposed lease agreement with the City and Arts Hangar Group LLC for renting the ground that their hangar sets on at the airport. The Board agreed to a lease payment of \$300.00 per year. The terms of the lease will be 15 years with an option for another 10 years. The renter is to maintain liability insurance in the amount of \$500,000 per incident and \$1,000,000 in the aggregate. After discussion, Alderman Purol motioned to authorize the Mayor to sign this lease agreement; Alderman Wheeler seconded it, with all in favor except Alderman Buckman who abstained.
- She presented an agreement for Dispatch Services with Monroe County 911. The rate is the same as last year. Alderman Wheeler motioned to authorize Mayor Minor to sign this agreement on behalf of the City; Alderman Purol seconded it, with all in favor.
- The City was sent a letter from the Department of Natural Resources stating previous correspondence from them contained a "Letter of Warning" even though the inspection reported correctly that no unsatisfactory features were found. DNR sent the City another letter apologizing for this error and asked the City to disregard the Letter of Warning. Alderman Buckman asked that DNR contact all parties that they copied on this letter and inform them of this error.
- Jackie Pangborn has given John Zekind until October 16, 2015 to provide her with detailed plans for rehabilitating his property at 602 East Cleveland Street.
- The City is at the point where we can obtain new cell phones and enter into a new contract with US Cellular. Currently we have 7 cell phones at a cost around \$450.00 per month. The City can get 9 smart cell phones with 20 gigabytes of shared data for around \$550.00 per month. There has been a request for 3 of these phones be military grade which will add a one-time cost of \$49.99 per phone. After discussion, Alderman Greening motioned to

approve entering a new plan with U.S. Cellular and obtaining the phones as requested; Alderman Quinn seconded it, with all in favor.

- The Elementary School will be having a “Big Truck Night” on October 26, 2015 from 5:00 pm to 6:00 pm. They requested authorization to block Fourth Street from Washington Street to the west where their gravel parking lot ends for this event. Alderman Purol motioned to close this street as requested; Alderman Quinn seconded it, with all in favor.
- The Public Works Department is requesting authorization to solicit bids for the sale of some of their older trucks and equipment. They will have bid specifications ready at the October 22, 2015 meeting. Alderman Greening motioned to approve soliciting bids for the sale of the surplus equipment; Alderman Wheeler seconded it, with all in favor.

Alderman Smith motioned to adjourn the open session and go into executive session authorized by RSMO 610.021 (3) hiring, firing, disciplining or promoting of particular employees and by RSMO 610.021 (1) legal actions, causes of action or litigation involving a public governmental body and any confidential or privileged communications between a public governmental body or its representatives and its attorneys; Alderman Buckman seconded it, with the vote as follows:

Greg Smith .....	Yea	Michael Purol .....	Yea
Mark Greening .....	Yea	Tyler Wheeler .....	Yea
Roch Buckman .....	Yea	Gerry Quinn .....	Yea

After the adjournment of the executive session, the open session was reconvened.

Alderman Smith motioned to ratify the decisions made in executive session to give John Albright and Chris Perkins each a \$1.00 per hour increase effective with the new pay period; Alderman Quinn seconded it, with all in favor.

Alderman Quinn motioned to adjourn the meeting; Alderman Purol seconded it, with all in favor.

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Neal Minor, Mayor

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Gary Osbourne, City Clerk