

City Council Meeting

June 10, 2010



CITY OF
REXBURG
America's Family Community

35 North 1st East
Rexburg, ID 83440

blairk@rexburg.org
www.rexburg.org

Phone: 208.359.3020 x2313
Fax: 208.359.3022

June 10, 2010

Mayor Richard Woodland

Council Members:

Christopher Mann – Council President
Rex Erickson Donna Benfield
Bruce Sutherland Brad Egbert
Adam Stout

City Staff:

Stephen Zollinger – City Attorney
Richard Horner – Finance Officer
John Millar – Public Works Director
Val Christensen – Community Development Director
Scott Johnson – Economic Development Director
Blair Kay – City Clerk

7:00 A.M. City Hall – Pledge to the Flag

Roll Call of Council Members:

Council Member Stout was excused.

Public Comment: on issues not scheduled on the agenda (limit 3 minutes) - None

Items for Consideration:

A. CONSTRUCTION, OPERATION, AND MANAGEMENT AGREEMENT between the city of Rexburg and Rexburg Redevelopment Agency Regarding “The Riverside Park Recreation Center Project” – Glen Pond

Glen Pond, Chairman of the Rexburg Redevelopment Agency presented the agreement. He asked the City Council members if there were any questions. If something isn’t clear, Mr. Pond said he technically can’t answer it; however, Brian Armbruster is available by phone.

Mayor Woodland asked if City Council Members had reviewed the contract. He asked for discussion.

Council Member Erickson asked City Attorney Zollinger if the contract was acceptable. City Attorney Zollinger explained the offer was acceptable. The contract was written very well.

Council Member Benfield had a couple of questions. She asked about page four, item three (3) Purpose:

“3. Purpose. The purpose of this Agreement is to provide for the definition of rights, obligations and responsibilities of the Agency and City regarding the construction of the Riverside Park Recreation Center Project. Generally, the Agency shall be responsible for the costs of construction of the Riverside Park Recreation Center Project (Agency Portion) and the City shall be responsible for the construction management, architecture, and project engineering of the Riverside Park Recreation Center Project and the City Improvements. This Agreement constitutes a joint agreement between the City and the Agency for the successful completion of the Recreation Center. The Agency shall also transfer any ownership of the facilities constituting the Recreation Center (Agency Portion) upon the issuance of a substantial completion certificate by the Architect.”

She asked about Public Works Director Millar verses Mr. Watson; she wants to receive more of a clarification as to each of their purposes and roles. Secondly, on page eight, where it says “The city shall prepare,” she would like to understand more fully.

“City shall prepare the engineering drawings, the bid specifications, obtain bids, and will award and prepare contracts for construction. The City shall serve as the Riverside Park Recreation Center Project engineer during the administration of the construction contract. The City shall be reimbursed for engineering services during the construction of the Riverside Park Recreation Center Project in the same manner as set forth in Section 7 herein.”

Johnny Watson explained how he will cover all of the design work. Public Works Director Millar will ensure the project will be easily maintained, cost effective to maintain, etc. Public Works Director Millar works as a second consult, or design buffer to make sure things are done the way he wants them to be done. This will make it easy for the city to take care of in the future. During construction, Mr. Watson will function as a general contractor dealing with scheduling with the sub-contractors. Mr. Watson will be the ultimate responsible party. Council Member Benfield said he answered her question in regard to who would be the primary person/entity responsible for it all.

Finance Officer Horner said technically the final person responsible would be Public Works Director Millar because he is the head operator over it for the city. City Attorney Zollinger said the “responsibility” differentiates according to the different factors contributing to the project. The design portion is the responsibility of Mr. Watson’s Company’s. Mr. Watson’s signature will be on the ultimate design of it. The City of Rexburg has responsibility for the city portion of the development. It is divided into two distinct projects: The Rexburg portion and the Urban Renewal portion. The infrastructure, architectural plans, etc is under the Urban Renewal agency. The City of Rexburg’s portion is the south and east sides. Architecturally, the Rexburg Urban Renewal Agency is the owner. They are represented fully by the City of Rexburg (Public Works Director Millar representing the City of Rexburg). He is the owner’s representative on behalf of Urban Renewal. During the design portion of the project, the city becomes the decision maker on how it will be played out.

Council Member Erickson asked if there was an accident and a worker breaks his back. Who is responsible? City Attorney Zollinger explained how it will be written in the construction document and whoever gets the bid will have to provide workman’s comp. Council Member Erickson was still concerned with liability issues. Council President Mann said the document said they needed to provide insurance it is read on page nine (9).

“(7) Carry insurance in the type and amount as more particularly described herein.”

Finance Officer Horner said the contractor will be required to provide workman’s compensation insurance for the workers. Mr. Watson explained the bidders will be required to have the appropriate insurance, and if they are on workers compensation, they cannot sue their employers. Council Member Sutherland said this is standard procedure.

City Attorney Zollinger explained the project is the same as any other project with the city.

Discussion on Memorial Drive, perhaps this was a typo. There was no record of naming the street that name. Council President Mann thought it was Veterans Street.

Council President Mann asked about page nine, item seven, there was a misunderstanding concerning the insurance liability once the facility becomes operational.

“(7) Carry insurance in the type and amount as more particularly described herein.”

Finance Officer Horner explained the insurance coverage. Council President Mann said he was just making sure they had thought about it beforehand.

City Attorney Zollinger said Memorial Drive needs to be corrected.

Council Member Erickson continued to discuss the insurance for the project. City Attorney Zollinger explained they are going to provide insurance for the facility. They are not going to ignore it; it will be taken care of. We will add this project to our insurance coverage.

Mr. Pond said he will have the wording for Memorial Drive stricken.

Council Member Egbert requested monthly updates for the project. Mr. Watson said he will perform weekly inspections and email it to City Council.

Council Member Erickson moved to accept the Operation Management Agreement between Rexburg and Rexburg Redevelopment Agency as amended; Council Member Sutherland seconded the motion; **Mayor Woodland** asked for a vote:

Those voting aye

Council Member Erickson
Council Member Mann

Those voting nay

None

Council Member Sutherland
Council Member Benfield
Council Member Egbert

The motion carried.

B. Accept bids for earth work on Riverside Park – John Millar

Mr. Watson explained the bids for earthwork which includes waterline and sanitary sewer. Jack Zollinger was the low bidder. His estimate was \$210,000. He budgeted \$250,000.

He allowed Mr. Zollinger to review his bid. Mr. Zollinger was comfortable with his bid. He would start right away, but is waiting for his GPS model to be built. He will excavate from all of the elevations under the ground and then bring it back up. Once that is completed, they will be able to start inserting concrete.

Council Member Benfield asked if sub-contractors would be held to a schedule, and if so, do they agree to that timeline? Mr. Watson said yes or they would have to pay damages up to \$500.00 per day.

Council Member Erickson asked about earthwork near the soccer fields, is that earthwork included in this bid? Mr. Watson said yes. Public Works Director Millar said there will be excavation work done with what Mr. Watson was speaking. Council Member Erickson asked about the sprinkling system, stub outs, etc. Mr. Watson said they were going to install water main line for culinary water. Public Works Director Millar said there will be water pumped out of the canal for the green areas. City Attorney Zollinger said this is to be done to prevent cutting roads in the future. Mr. Watson said two different pool suppliers are indicating lower numbers than expected.

Discussion: Council Member Erickson said money saved can be used for other portions of the park like ball parks. Council Member Benfield asked if it would be possible to add a temporary cover over the pool; Mr. Watson said maybe foundations for a cover could be installed. It would be a lot of money. Not for the cover itself, but the mechanical system. Council Member Benfield was just wondering if that could be a possibility.

Council Member Egbert moved accept the low bid for earth work from Zollinger Construction on Riverside Park; Council Member Erickson seconded the motion; **Mayor Woodland** asked for a vote:

Those voting aye

Council Member Erickson
Council Member Mann
Council Member Sutherland
Council Member Benfield
Council Member Egbert

Those voting nay

None

The motion carried.

Mr. Watson said it was a real good list of local contractors. Council President Mann said the City Council appreciates the use of local contractors.

C. Agreement between the City of Rexburg and the Architect (JRW & Associates) for the Riverside Aquatic Facility – John Millar

Mayor Woodland opened the discussion.

City Attorney Zollinger said he thinks this agreement is between Urban Renewal and JRW & Associates for the Riverside Aquatic Facility assigning the responsibility to the city.

Council Member Erickson said the city has to be careful not to ensure that the City of Rexburg does not become the Urban Renewal Agency.

City Attorney Zollinger explained it is the city of Rexburg in behalf of Urban Renewal Agency.

Council Member Erickson asked about the \$5.248 million bid for the aquatic facility. He confirmed the city would not be paying the \$367,412.50 for the architect agreement with JRW & Associates. He said Mr. Watson did a great job. The city will be able to save a lot of money from this project. Discussion on bidding locally.

Mr. Watson is only bidding according to state statutes. He personally contacts the local expertise. He does his very best to ensure to contact local citizens first.

Council Member Sutherland moved to accept agreement between the City of Rexburg and the Architect (JRW & Associates) for the Riverside Aquatic Facility in behalf of Urban Renewal; Council Member Egbert seconded the motion; **Mayor Woodland** asked for a vote:

Those voting aye

Council Member Erickson
Council Member Mann
Council Member Sutherland
Council Member Benfield
Council Member Egbert

Those voting nay

None

The motion carried.

City Attorney Zollinger asked about discussing yesterday's discussion in an Executive Session. Mayor Woodland said yes, they could have an executive session.

Mayor's Report:

Consent Calendar: The consent calendar includes items which require formal City Council action, however they are typically routine or not of great controversy. Individual Council members may ask that any specific item be removed from the consent calendar for discussion in greater detail. Explanatory information is included in the City Council's agenda packet regarding these items.

1. Approve the City of Rexburg Bills-**deferred to June 23, 2010.**

Council Member Egbert moved to go into Executive Session per Statute 67-2345 (f) to communicate with legal counsel for the public agency to discuss the legal ramifications of and legal options for pending litigation, or controversies not yet being litigated but imminently likely to be litigated. The mere presence of legal counsel at an executive session does not satisfy this requirement; Council President Mann seconded the motion;

Mayor Woodland asked for a roll call vote:

Those voting aye

Council Member Erickson
Council Member Mann
Council Member Sutherland
Council Member Benfield
Council Member Egbert

Those voting nay

None

The motion carried.

Executive Session.

Executive Session ended.

Adjournment

Attest:

Richard Woodland, Mayor

Blair Kay, City Clerk