

CITY OF GREEN RIVER
CITY COUNCIL WORKSHOP PROCEEDINGS
December 14, 2010

The Governing Body of the City of Green River met in workshop session at 6:00 pm in the City Hall Council Chambers. Mayor Castillon called the meeting to order. The following Council Members were present: Pete Rust, Ted York, Tom McCullough, Jim Boan, Carl Morck and Lisa Maes. The following were present representing the City: City Administrator Barry Cook, Director of Public Works Mike Nelson, Purchasing Supervisor Trish Mansfield, and Director of Community Development Laura Hansen.

Council Members Elect Gary Killpack, Adam Coppolo, and Gene Smith were also present.

Spur Road Change Order

Mr. Cook said back in 2006 the city received a Consensus Block Grant to improve the road, sewer and water in the Scotts Bottom area. This was to be done for the growth of the city. In 2009 Mr. Jackman asked for the design of the Spur Road to be changed even though it was 95% complete, the governing body approved. The road was started in February of 2009 and is still in process. There have been six change orders to date on this project totaling \$119,000. Before council tonight is a change order in the amount of \$115,000 for removal of rock on the upper end of the service road. The recommendation is to approve the change order for \$60,000 and add it to the agenda for the December 21, 2010 council meeting.

Mike Brown of Inberg-Miller Engineers said they are the city's hired engineering firm for the construction of the Spur Road. His duties on this project consist of construction engineering and contract administration. The contract lists an estimated 50,000 cubic feet of material that will need to be moved. They thought 30,000 cubic foot of material would be rock and 20,000 cubic foot would be anything but rock. These are rounded figures. He said there are two issues that need to be addressed.

The first issue is rock excavation overrun. This issue is not part of the change order tonight but will be coming to council in the next few weeks. The contract documents state the contractor will be compensated for any rock excavated. Several meetings and discussions have taken place with city staff, the contractor, and Inberg-Miller. Inberg-Miller recommendation is to follow the payment procedure outlined in the contract documents. This is to measure the amount of rock once the job is complete and recommend a change order to compensate the contractor for any amount that is over the cubic yardage.

The second issue is the discovery of unsuitable rock for roadway during excavation. This is the reason for the change order before council tonight. The contract stipulates the contractor is required to excavate rock, break it down to smaller quantities by rolling over it with heavy onsite equipment for compacting. Smaller rock fragments can be placed under roadways and larger rock can put outside of the placements away from utilities. During the past few months of excavation they have found that the rock is not able to be broken down as required by the contract. They anticipated the total 50,000 cubic feet of material to be used for roadways. Since the discovery of 7,000 cubic yards of unsuitable rock they have worked with city staff and the contractor on a number of options. The simplest option is to remove the unsuitable rock from the site and to replace the rock with suitable material from another location. Another option would be to break down the rock that is on site with specialized equipment which comes at a higher cost. This option is what is recommended and what the contractor has been doing, and why the change order is before council.

He said if the change order is approved, it would increase the total contract amount to \$1,457,275.02. This is still less than the original engineers estimate and the second low bidder.

Council Member Boan asked how much rock has been excavated and why there is such a large difference in what is estimated and what is out there.

Mr. Brown said he will not know the total amount of rock moved until they measure in the next few weeks. The difference is because they do not know what is under ground.
Council Member Boan said Inberg-Miller has been paid \$90,546 already for this project so how much additional fees will be included if the change order is approved.

Mr. Brown said he is currently working with staff and the contractor on a time extension and he believes this will require a change order but he is not sure on the amount of time they will have to be out there so he cannot give an amount until he knows.

Council Member Boan said if this is approved then the city has no idea how much all of this could end up costing. He asked if there were any other contractors that are currently working on this project that might ask for more money.

Mr. Brown said the change order is for excavation work that High Desert Construction is doing but everything goes through the general contractor Reiman Corp.

Scott Reiman, General Contractor of Reiman Corp, said he still has an electrical subcontractor that has to trench through the rock, but he believes if the change order is approved, he would do anything he could to take care of those costs between himself and High Desert.

Council Member Boan said if this is approved then more contractors could come forward wanting money also.

Mr. Reiman said he cannot speak for his subcontractors because they have not even hit that batch of rock yet. This is the reason why he included that in his letter.

Council Member Boan asked if he would guarantee that he would take care of his subcontractors himself.

Mr. Reiman said he would.

Council Member Boan asked if the change order of \$60,000 included Inberg-Miller's costs.

Mr. Brown said no their cost is not included.

Council Member Rust asked if a ball park estimate of their cost would be around \$75,000.

Council Member Boan asked where the money was coming from.

Mr. Cook said if approved, then it will be paid for out of the Capital Projects budget under the line item for this project. The line item currently has \$946,000.

Mr. Jackman said he feels the contractors should stick with their original bid amount. They were cautioned from Inberg-Miller about the amount and the hardness of the rock. The city should not have to pay more for the rock because the contractors already knew about it.

He also has a problem with the rock they have moved to the slope where he has to build roadways, driveways, and homes. All of these large rocks need to be broken down and compacted.

Mr. Brown said Mr. Jackman's concerns are important but the rock will be compacted per the project specifications.

Mr. Reiman said Mr. Jackman's concerns are precisely the reason why they are asking for a change order. Breaking the rock down like it is outlined in the project cannot be done right now with the equipment they have on site because the rocks are so large.

Council Member Boan asked if the work on the rock has already been started.

Casey Doak, High Desert Construction, said yes they have started this work. This has been done on their own time and with his own money because they did not want to delay the project.

Council Member York clarified, Reiman is asking for \$115,000 and Inberg-Miller is asking for \$60,000.

Mr. Reiman said it was only \$105,000.

Council Member Rust asked how much will be left after the \$60,000 is taken out.

Mr. Cook said he would have to get that information from Finance. He was only going by the actual expenditure as of the end of November.

Council Member Rust said he would like to know the figures before they decide. This way the city will not be over budget.

Mr. Brown reminds council they will have another change order request in a few weeks for the cost of the rock over run. Mr. Brown said the original estimate is 30,000 cubic yards of rock but he thinks it will be closer to 40,000 cubic yards.

The Mayor clarified 40,000 cubic yards more or 10,000 cubic yards.

Mr. Brown said 10,000 cubic yards more.

Council Member Boan said that would total \$12,500.

Council Member McCullough said if they add \$235,000 to all of this are we still going to be under budget.

Mr. Cook said yes.

Council Member McCullough asked for Mr. Nelson's opinion.

Mr. Nelson said he feels it is a reasonable request.

Council Member Boan asked if it would be \$75,000 on top of the contracted amount for Inberg-Miller.

Mr. Brown said they have spent the \$90,000 that was estimated. This amount was based on the amount of time it would take for the job to be completed. The contracted amount of time was 120 days.

Council Member Boan asked why the job is taking longer.

Mr. Brown said it is because of the rock.

Council Member Boan asked if this had been going on for two months.

Mr. Brown said they learned of a potential over run four months ago.

Council Member Boan asked when was the council informed.

Mr. Cook said council was informed two months ago.

Council Member Boan asked if they go and look at the site before they bid on a project.

Mr. Doak said he went over to the site multiple times.

Council Member Boan asked if Mr. Doak had any concerns about the rock.

Mr. Doak said they look at the site and then they estimate the amount of material.

Council Member York said he knows he had been doing this on his own time but maybe the next time he should stop the work until he can get the financials in order.

Mr. Doak said he bid on the project and whether council approves the change order or not the job needs to be done.

The Mayor asked if the road stayed where it was initially designed, would the rock still be an issue.

Mr. Brown said where the road was designed initially. It would have been less of an issue.

The Mayor asked if the original design/placement of the road had been bid on.

Mr. Brown said the roadway was bid, based on its current location it was never bid for the other location.

Mr. Cook said it was completely redesigned. The project would have not encountered as much rock and the road would have been finished two months ago.

Council Member McCullough said to move forward he suggests the change order be put on the agenda for December 21, 2010 council meeting.

Service Road Update

Mr. Cook said they have a finalized agreement for the service road between Green River and Rock Springs. The county commissioners asked that changes be made to the agreement which basically states the City of Green River will be responsible for the expenses for work area one and 1/3 of the total expense for work area 2. The County and City of Rock Springs will be responsible for 1/3 of the total expenses of area 2.

He commended the Mayor for staying with this project all the way through.

City Administrator's Report

Mr. Cook updated council on a few items:

- Workshop in January to discuss the tire issues.
- Tomahawk project
- Moving of the water salesman from the utility building on Shoshone

He also had a conference call on legislative issues:

- Direct distribution of \$26 million to cities and towns to make up for what was cut last year
- Funding for Capital Projects
- Bringing back the Consensus Block Grant
- First bill: Increase of four cents for state wide sales tax (for every dollar spent we get 30 cents this would change to 45 cents)
- Second bill: Raise the caps by 30% (mineral royalties and severance tax)
- Wyoming Press Association is requesting that cities and towns record all executive sessions on tape and those recordings be kept on file. Anytime more than four commissioners or council members meet they are trying to circumvent the Open Meetings Law and should be looked upon with tighter scrutiny. They are also asking that anyone requesting copies of documents no matter how many will get them within 48 hours and charges can be made for only the cost of the paper not labor.
- Solid Waste issues, Public Works contract issues, Liquor Licenses

Mayor and Council Reports

Council Member Boan asked when the figures for the census will come out.

The Mayor said in January 2011.

The Mayor also said he met with the County Commissioners and the Mayor of Rock Springs and they asked for the continuing support for putting a list of issues together that they would like to take to the legislative group in Cheyenne, Wyoming. They will meet February 16, 2011 at Little America.

The Mayor said on December 27, 2010, at the Hampton Inn, at 6:30 pm they will be having a meeting to discuss the legislative agenda.

He said General SynFuels is sponsoring a project to develop a breakthrough in recovering oil. It is an environmentally friendly project; they use heat to extract oil from shell rock. This is currently happening on White Mountain.

Council Members Morck and McCullough had nothing to report.

Council Member Boan reminded everyone the tourism committee will be meeting on December 15, 2010 in the Council Chambers at 7:00 pm.

Council Member Maes said she attended the Carbon Storage presentation by the University of Wyoming and she asked them to contact her about presenting to the council. She asked for Mr. Cook to look into a workshop in February or March.

Council Members York and Rust had nothing to report.

ADJOURNMENT

The meeting adjourned at 7:20 pm.

H. Castillon, Mayor

ATTEST:

Jeffrey V. Nieters, City Clerk