

**AGENDA SUMMARY – SPECIAL MEETING OF THE CITY COUNCIL
GEORGE FINA MUNICIPAL BUILDING - 314 EDMOND ROAD NORTHWEST
Minutes for Tuesday, March 13, 2012- 5:30 P.M.**

MEMBERS PRESENT:

Mayor Valerie Thomerson; Mayor Pro-Tem Larry Gage, Councilman Vernon Woods, Councilman Hoss Cooley, Councilman Wade Johnson, Councilman Jeff Davis.

ABSENT:

None

STAFF PRESENT:

City Manager Jim Crosby, Arti Patel: Community Development Director, City Clerk/Treasurer Jennifer Smith; Attorney Mike Segler and Engineer Joe Davis.

1. **CALL TO ORDER** - Mayor or Mayor Pro Tem
2. **ROLL CALL** - City Clerk or Deputy City Clerk
3. **FLAG SALUTE** – Leon Myers
4. **INVOCATION** – Ron Lee
5. **BUSINESS ITEMS** -
 - a. **CONSIDERATION, DISCUSSION AND POSSIBLE ACTION ON APPROVING AN AGREEMENT WITH THE PIEDMONT SCHOOL SYSTEM TO PAY \$90,000 TOWARD THE IMPROVEMENT OF THE SANITARY SEWER SYSTEM LOCATED ON 164/WASHINGTON AVE. NW AT THE SITE OF THE NEW INTERMEDIATE SCHOOL BUILDING AND TO AUTHORIZE THE MAYOR TO SIGN SAME AGREEMENT**

Councilman Davis made a motion to accept and approve item a. It was **seconded** by Councilman Johnson.

Councilman Woods asked if anyone from the school was present at the meeting. He stated that he had several questions to ask the school. Jerrod Moser was one member present with the school board. Councilman Woods said he had attended the School Board meeting the day before and they stated there was not current contract with the City of Piedmont. It had previously expired on November 30, 2011. He asked what it is that we are approving?

Mr. Segler stated that he knew of no withdraw or expiration of the contract. If that

contract had expired then we would be voting on the approval of a counter offer.

Councilman Woods stated that the new amount of the lift station presented to the school was \$105976.48.

Mr. Segler stated that the motion on the table is to approve the \$90,000.00. If someone wants to amend that motion that can be done.

Mayor Pro Tem Gage stated that in the past we had made motions for the attorney's to work out the details and that has not worked with the school in the past. He wanted to know if we could make an amendment for the school to pay the new amount that has been presented.

Mr. Segler stated the motion on the table would have to be approved and then you can amend that motion.

Councilman Woods asked the condition of the sewer line we are discussing. It had been stated in the past that the line could not support the Skyline neighborhood and the new school building.

Engineer Mr. Joe Davis stated that it was his understanding that the line would not support both areas in the condition it is in. This is all information from his review of a letter written by Ellen Stephens our previous engineer.

Mayor Pro-Tem Gage wanted to make sure he understood something that had been stated in the past. It was his understanding that majority of the time the school and the houses would not be using the line at the same time at its highest capacity, so if we were working on the line it should be fine for the near future sometime around when the school opens.

Mr. Davis stated that if the council was to approve the next item on the agenda that the plan would be start as soon as possible.

Councilman Woods stated that in the past the project was said to take 9 to 12 months to complete. How could you possible complete this by the time school opens and not mess the whole neighborhood up?

Mr. Davis explained that in the past when they have done repair on old water lines of this nature there is an agreement with the contractor to bypass the old lines if there were any complications.

Councilman Johnson asked if that is the contingency plan that would already be put in place.

Mr. Davis stated yes that would be a contingency already in place.

Mr. Crosby asked if Mr. Davis could explain the time line of the repair.

Mr. Davis stated that he would anticipate that within 30 to 60 days while waiting on approval from DEQ they would have design completed and gone out to bid. So within 60 to 90 days they would have contractors out to bid and then they would anticipate construction time to be around 2 months. He went on to state his company has the staff to have someone on site right away to make sure they can meet those dates. This would include easement and right of way work that might need to be done.

Councilman Woods asked how much this would cost.

Mr. Davis stated that very preliminary estimate would be close to \$300,000.00.

Councilman Woods asked Mr. Crosby where this money would be coming from since the school would not pay us anything until the project is completed.

Mr. Crosby stated as we had discussed in the past it would come out of Capital Improvement. It was not budgeted for anything else and the money is available.

Mayor Pro-Tem Gage wanted to amend the motion to have the school pay us the new cost of \$105976.48. He felt that was only fair. He also wanted to make sure they had a permit to connect to the sewer.

Community Development Director Arti Patel explained the permit was a process they would have to go through or will go through at the time of approval, she stated she would check and see what all fees have been paid from the school.

Councilman Davis stated that his original motion was for the \$90,000.00 but agrees that we should allow the City Manager and the Attorney to revisit that and see if we can work it out for more money.

Mr. Segler stated that having himself and the City Manager possible negotiate a different amount was not in the motion so that would have to be approved and then amended.

Mayor Thomerson asked if the council would allow Mrs. Mueller to speak. She has been at the last few meeting to speak on this issue and has not gotten the chance. She had questions that maybe someone from the school could possible address.

Mrs. Mueller asked why the sewer was not include in the school bond when the school was going up.

Mayor Thomerson stated that is not something the council can answer.

Mrs. Mueller also wanted to know if there was \$200,000.00 extra for the sewer why has that not been paid on Jeff Williams contract.

Mayor Thomerson stated that had not been up for discussion.

Mrs. Mueller also state that all these guys ran on fixing roads which is a big deal and

felt that they should do something with the roads before they do the sewer unless it is something that has to be done.

Mayor Thomerson thanked her for her comments.

Mr. Jerrod Moser from the school spoke on behalf of the school. He mentioned the fact that this had been in the process for a long time and they had been trying to work with the council and the previous City Manager for months and had gotten nowhere. He stated that they put off voting on the lift station at a previous meeting the night before to give the city the change to have an additional option in front of them. They are in a huge time constraint. They have a special meeting scheduled for this Friday at 12pm to see what the City can offer them. They are already out some additional dollars.

Mayor Pro-Tem Gage wanted to make mention of what he had said about working with the previous City Manager and that was really a one way deal so he understands where he is coming from but as far as working with us, not really. He feels we do need to work together. He feels we need to come to an agreement of the additional funds.

Mayor Thomerson asked Mr. Segler if we needed to vote on the additional amendment first.

Councilman Woods made that the motion be amended to change the amount from the original \$90,000.00 to the amount it would cost the school now the \$105976.48. He felt the \$90,000.00 is null and void at this time.

Councilman Johnson wanted to comment on the \$90,000.00.

Mr. Crosby stated they needed a second on the amended motion.

Mayor Pro Tem **seconded** the motion.

Councilman Johnson said he had done some research on this issue since the board meeting last night. It was his understanding that the additional amount was due to the original contract being sub contracted out and that is where most of that cost was coming from. He stated he also spoke to Mr. Crosby on the issue and asked Mr. Crosby to speak on this item briefly if he would.

Mr. Crosby asked Mr. Davis to speak on his original review of the original lift station. After his review he felt the initial cost was very similar. After talking further with the contractor they had not accepted they original bid and thought they were going to gravity flow. After resubmitting the cost of the lift station at a later date that is when the amount had changed. What Councilman Johnson had spoken to was where some of the additional cost had come from?

Mr. Crosby stated that the additional cost is due to the subcontracting the project at this time. He felt that the lift station would not be the best route to go. Gravity flow is always better.

Mayor Thomerson wanted to make mention of something that Mr. Gage had stated about splitting the cost difference of the additional funds if that might be something to work with.

Mr. Moser wanted to state again that the School would much rather spend the \$90,000.00 on the school building but feels they are making a good faith effort to offer this money on something the city is going to fix in the first place.

Mayor Pro- Tem Gage says that he felt they were going to differ; this was not handled properly from the beginning. When the school would not even discuss it with us that caused a problem. We as a council need to know these things so we can plan. We tried to work with the school and they would not work with us and basically felt they were the school and we are going to do this.

Mr. Crosby stated the money couldn't be spent on the school building anyway it would be spent on a lift station or the sewer line either way.

Mayor Thomerson stated all we are asking is that we ask the school to pay the city the same amount it is going to cost them to put in a lift station. With all due respect to the school there were problems with this from the beginning. The school did not provide us with all the proper information. She knew from working with Arti that there were several problems from the beginning on several issues. As time has gone on Arti has been able to clear up most of those problems. The contractors for the school were not aware they did not have a cleared building permit from the time they started. The schools engineers dropped the ball. Our decision tonight needs to be if we would like to make the school a counter offer on the new amount. It would save the school system in the long run for maintenance on the lift station.

Councilman Cooley asked if we could make the motion to decide that tonight and take that to the school.

Mr. Segler added that we can, but we are getting a little out there with all the motions. There is a motion on the floor. We need to vote on the amendment.

Councilman Cooley asked what the second motion was.

Mr. Segler stated the motion on the floor was to approve the amendment for the new amount of \$105976.48.

Mayor Thomerson said we have a call for a vote.

Mr. Segler stated the vote is to amend Councilman Davis motion from the \$90,000.00 to the new amount of \$105976.48.

The vote was

AYE: Councilman Davis, Councilman Johnson, Councilman Cooley, Councilman Woods and Mayor Pro- Tem Gage.

NAYE: None

Mr. Segler stated that additional motion that needed to be approved was Councilman Davis's motion was to allow the mayor to move forward to present this new amount to the school board.

It had already been approved and seconded. (Directly under item a.)

The vote was:

AYE: Councilman Davis, Councilman Johnson, Councilman Cooley, Councilman Woods and Mayor Pro- Tem Gage.

NAYE: None

- b. **CONSIDERATION, DISCUSSION AND POSSIBLE ACTION ON DIRECTING THE CITY ENGINEER TO BEGIN CONSTRUCTION PLANS ON THE PROPOSED SANITARY SEWER LINE LOCATED ON 164/WASHINGTON AVE. NW AT THE SITE OF THE NEW INTERMEDIATE SCHOOL BUILDING AND TO PREPARE THE ITEM FOR BIDDING.**

Councilman Davis made a motion to approve item b. It was **seconded** by Councilman Cooley.

Councilman Woods asked what if the school does not approve item a?

Mr. Segler stated that you could amend the current motion to include it being contingent on the schools approval.

Councilman Davis agreed with that motion.

Councilman Woods asked the motion be amended to add this item is dependent on the school approving the new agreement that we just approved.

It was **seconded** by Mayor Pro- Tem Gage.

The vote was:

AYE: Councilman Davis, Councilman Johnson, Councilman Cooley, Councilman Woods and Mayor Pro- Tem Gage.

NAYE: None

Mr. Segler stated that vote was for the amendment so now they need to approve the original motion.

The vote was:

AYE: Councilman Davis, Councilman Johnson, Councilman Cooley, Councilman Woods and Mayor Pro- Tem Gage.

NAYE: None

6. **COUNCILMEMBER COMMENTS-**

Mayor Pro Tem added he wanted to make sure they had a permit.

Mr. Crosby said he would check into that.

7. **ADJOURN –**

Councilman Davis made a motion to adjourn. It was **seconded** by Councilman Johnson.

The vote was:

AYE: Councilman Davis, Councilman Johnson, Councilman Cooley, Councilman Woods and Mayor Pro- Tem Gage.

NAYE: None



Mayor Valerie Thomerson



City Clerk/Treasurer Jennifer Smith