



**MINUTE RECORD**  
**Regular Council Meeting City of Haven**

**Meeting: REGULAR**

**Date: July 1, 2019**

**THE CITY COUNCIL MEETING IN REGULAR SESSION WAS CALLED TO ORDER AT 7:00 PM BY MAYOR, ADAM WRIGHT. THE FOLLOWING PEOPLE WERE PRESENT:**

**Council Members: Matt Johnson, Ron Dale, Sandra Williams, Tricia Paramore.**

**Absent: Philip Kauffman.**

**Others: Leslie Atherton, Derek Stoll, Stephen Schaffer, Tommy Hornbeck, Martha Holmes, Don Paddock, Don Ford, Bryce Matteson, Dean Chesnut.**

The meeting was opened with the flag salute and followed with a moment of silence to honor those in the military, first responders, and other public service to our country and community.

No changes were made to the agenda, and no one signed up to speak during public comment time.

**Minutes**

Johnson moved and Dale seconded to approve the minutes of the June 17, 2019, meeting. Motion passed with four "yes" votes.

**Accounts Payable**

Williams moved to approve accounts payable to Faith Paramore, totaling \$102.10. Dale seconded, and the motion passed four to zero. Paramore abstained as Faith is her daughter. Then Williams moved to approve all other accounts payable, totaling \$66,805.83. Johnson seconded, and the motion passed unanimously.

**Don Paddock, Paddock Enterprises, Inc.: Pool Project:**

*Status Update*

Paddock advised the Council that we are six weeks behind schedule with the contractor, Compton Construction, and he is not happy with the contractor. He said, "The workmanship is less than what we would want and now we're struggling just to get it done." Compton Construction is in penalty now, meaning liquidated damages could be assessed. Paddock reiterated that the workmanship is a problem. Part of the pool floor must be torn out and redone. Paddock sent Compton a Notice of Discrepancy outlining the issues and the necessary resolution. The project manager, Thomas Pipes, responded with a suggestion for a patch. Mayor Wright responded Thursday morning, reiterating that a patch job would not suffice; it would have to be redone. Prior to the meeting, Paddock and Wright were on the job site, and not only did that area remain untouched, the superintendent on site had not been given any direction as to how to proceed with correcting the error.

Compton Construction produced a new schedule today suggesting July 18, 2019, would be the new opening date. Paddock said he didn't think that would happen because of the cure time required on paint and concrete as well as need for water balance. Once they start painting, Paddock advised, we are still ten days out to even put water in it. Paddock suggested August 1, 2019, as a potential date to be up and operating but only if Compton Construction starts to produce.

Though there has been a lot of paperwork documenting the issues and many talks about perfection and expectations, Paddock suggested the City have their attorney write a letter to Compton Construction to get them in gear.

Approved 08.05.2019



Paddock informed the Council that, according to the contract, liquidated damages are assessed at \$200 / day since the last mutually agreed upon completion date of June 26, 2019. At the time that date was agreed upon, the City was assured that Compton would work longer hours and weekends to get the project hammered out. However, that additional effort has yet to be seen.

Ultimately, by way of consensus, the Council agreed to have the City Attorney send a letter to Compton Construction outlining the issues with hopes to get a response from a principal at the company.

Paddock departed.

*Consider Payment Application from Compton Construction, Inc.: \$100,599.30*

Paddock had signed off on the payment application presented to the Council. However, Council members were hesitant to approve the payment application after hearing of the issues on the project. Mayor Wright explained that most of the items listed on the payment application are completed items or items we have not had issue with. Stoll inquired about Item 14 "Patch Pool" with a listing of work completed as \$16,454.60. All agreed this was the most recent failure on the job -- the failure that was discovered more than a week ago that a fix has not been started for. Atherton suggested the Council withhold that part of the payment to aid in getting the attention of someone higher up at Compton Construction and noted if the Council wished to do so, the amount of payment would be \$84,144.70 rather than \$100,599.30. Paramore said she would feel more comfortable going that route. Williams moved to issue payment to Compton Construction in the amount of \$84,144.70. Paramore seconded, and the motion passed with four "yes" votes.

**Derek, Stoll, Public Works Director:**

*Consider Bids for Ditch Cleaning*

Stoll presented two bids to the City Council for ditch cleaning across the City. They came in as follows:

DITCH RESTORATION BIDS - 07.01.2019			
		Cronus, LLC	Paul's Excavating, Inc.
1	1st St from Industrial East to HB Road - N & S Ditch	\$ 24,026.61	\$ 26,200.00
2	HB Road N to E Flow Line (just N of Stadium Dr) - W Ditch ONLY	\$ 16,633.81	\$ 23,400.00
3	Salina Dr from 4th St North to 5th St - W Ditch	\$ 2,910.92	\$ 6,500.00
4	N. End Stadium Dr Ditch That Runs E to HB Road	\$ 1,386.15	\$ 4,500.00
5	S. Emporia at 1st North of RR Tracks Flow to East	\$ 1,016.51	\$ 3,500.00
	<b>Bid Total</b>	<b>\$ 45,974.00</b>	<b>\$ 64,100.00</b>
	<b>Added Option:</b>		
+	Tree Removal on Item #4	\$ -	\$ 4,700.00
			\$ 68,800.00
	<b>Total of Top Priorities</b>	<b>\$ 20,930.87</b>	<b>\$ 34,400.00</b>

Paramore inquired as to the difference of the bids. Atherton noted a representative from Cronus, LLC, Dean Chesnut, was present. Chesnut said perhaps they were more optimistic than the other bidder about the time it would take to complete the project. After discussion about money available for the project, Paramore moved to award the work for Items 2-4 to Cronus, LLC, for a total not to exceed \$20,930.87. She inquired about timeline. Chesnut estimated four to five weeks' time to complete if the whole project were pursued, so likely just three weeks for the portion the City wishes to pursue with hopes to start next week. Johnson seconded, and the motion passed unanimously.

*Consider Purchase of Truck (\$29,700 budgeted)*

Stoll presented two bids to the City Council for the purchase of a new truck for Public Works. This would be to replace the 2007 Chevrolet. The bids received fell as follows:





unable to locate one. He called the original contractor to come back with any size bucket truck to attempt to complete the job. They did just that. Then we had difficulty getting B&B Hydraulic to timely respond to our need for their services. Ultimately, Mayor Wright stepped in on a weekend, called B&B Hydraulic to explain the City's need to get the bucket truck moved. They suggested he bring in the broken hose to have it repaired so the truck could at least be moved. He did that, and then the truck was able to be removed. Ultimately, Stoll agreed the repair took much longer than it should have, but the issues that caused the delay could not have been anticipated.

Williams noted the school provides free breakfast and lunch for kids during the summer. She voiced concern with the safety of kids traveling to the school using the alley between 4<sup>th</sup> and 5<sup>th</sup> Street and crossing N. Kansas Avenue where there is no crosswalk. It is simply not a place where traffic expects pedestrians to cross, and she has already seen one cyclist wipe out to avoid being hit. Schaffer advised that ultimately the best option would be for the pedestrians or cyclists to use the crosswalks, but he will monitor the area to see what might be done to resolve the issue.

#### **Agenda Planning**

Items for July 15<sup>th</sup> were read aloud.

#### **Adjournment**

At 8:15 PM, Paramore moved, and Dale seconded for adjournment. The motion passed unanimously.

/s/

Adam Wright, Mayor

Attest:

/s/

Leslie Atherton, City Clerk