

Village of Rapids City
 February 16th, 2022
 Committee of the Whole Meeting

Committee of the Whole Meeting to discuss:

- Waterloo Change Order Review
- 2022/2023 Budget Planning Meeting – Infrastructure, Public Works, Water, Sewer, and Waste Management

President Mire called the meeting of the Committee of the Whole to order at 6:00pm.

Roll Call:

Physically Present: Fiems, Fowler, Robertson, Rankin and Mire

Virtually Present: None.

Absent: Schnieder, Enloe

Others:

Physically Present: Nick Mason, Village Attorney, Clerk Housenga, Public Works Director Bump, Chis Cooper of MSA Professional Services, Sarah Ford entered at 6:05pm

Virtually Present: None.

Mire opened this meeting by reviewing the agenda for this meeting then handed the floor to Chris Cooper of MSA Professional Services. Cooper stated the change in drilling technique was derived as subcontractor, Advanced Underground, indicated they were not confident that he could complete the job with the current elevation specifications without causing harm to Canadian Pacific Railroad which the subcontractor told Canadian Pacific not McClintock. Therefore, Canadian Pacific Railroad shut down the project. Mire noted at the time of original approval of change order number 1 the board was not aware of the real reason as to why the change was required/requested. The board was under the impression that a bidder could not be found to fulfill the technique that was originally spec out. Cooper stated after Canadian Pacific Railroad shut down the project, he had a conversation with McClintock at which Cooper was told by McClintock that he could not find a driller that would complete the auger boring as originally designed. Mire also noted if the board was aware of the true reason a new drilling technique was need their actions may have been different. Cooper presented a physical copy of the agreement for the Waterloo Project, explaining the contract details how change orders are handled. Cooper states he is not imbedded enough to make financial decisions for the Village but will discuss his opinions and recommendations concerning the below change orders submitted by McClintock Excavating.

Change Order	Modification Reason	Amount
2	Additional rock excavation of South Shore Lane	\$ 2,080.00
3	Advanced Underground Invoice	\$ 5,151.00
4	Additional trench boxes and steel plates	\$29,120.00
5	Additional: HDD, 6"x6" pressure tap, I fusible PVC, PVC WM 6"	\$11,930.00
6	Increase in material cost due to waiting time for Village to approve contract	\$ 5,413.99
7	90 Degree bends for water main elevation adjustment from elevation of bore hole to elevation of water mains	\$ 2,542.00
8	Attempt to inject grout into the boring annular space	\$ 3,999.62
9	Excavating and backfill of pit in VanDuyne yard	\$17,891.91
10	Canadian Pacific Roadway Worker in Charge Beyond 6 days - 21days	\$26,250.00
11	Geotechnical Engineer of Record Beyond 6 days-21days	\$26,250.00

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Cooper recommended the below actions pertaining to each change order as follows.

Change Order	Recommended Action	Recommendation Reason
2	Approve	Change due to drilling technique change.
3	Not Approve	Advanced Underground mobilized; mobilization is in the original agreement for the fulfilled project. Advanced Underground did not complete the project. - Due to drilling technique change.
4	Approve	Additional shoring due to change in drilling depth, knowledge of this was presented to the board prior to work commencing - Due to drilling technique change.
5	Approve	Additional quantities need not due to change in scope of project. - Not due to drilling technique change.
6	Not Approve	Cooper provided a project timeline to trustees detailing the wait time was not due to Village, but to lack of proper insurance need by McClintock for Canadian Pacific Railroad requirements
7	Approve	Cooper stated this was an oversight on his part. - Not due to drilling technique change.
8	Not Approve	Requested by Canadian Pacific Railroad to prevent collapse - Cooper calculated an estimation of mobilization for the attempt to inject the grouting in the amount of \$281.00 and recommends paying this amount - Due to drilling technique change.
9	Not Approve	McClintock arranged with VanDuyne to dig beyond Village approved easement, Article 10 of the agreement, Per Mason not a valid charge - This change was not communicated with the Village prior to work completed. - Cooper stated he would recommend negotiating cost since the Village did benefit from the action taken.
10	Not Approve	Original scope of the project provided for 6 days of the Roadway Worker. Due to failure in injecting grouting a monitoring program has been set in place for the railway. - Due to drilling technique change - Cooper verbal recommends paying
11	Not Approve	Monitoring of railway. McClintock hired IMEG to monitor railroad track elevation during construction but did not call off the monitoring once work was completed. - Due to drilling technique change - Cooper verbal recommends paying

Referencing change order number 6, Mire pointed out that the Village was prepared to sign the contract when presented, but McClintock was the one to cause the delay due to the failure to provide the proper insurance the Canadian Pacific Railroad required.

Mire informed the board he met with Attorney Mason who advised that the board table change orders 2, 4, 5, 7, 8, 10, 11, further recommended denying 3, 6, 9 this determination was based on the reasoning that not all facts were presented prior to work starting. After discovery of the facts, Mire, Rankin, Bump and Housenga along with Cooper met with McClintock in which Mire told McClintock he needed to come in at contract price, McClintock understood. An additional meeting was requested for a status update in December in which McClintock stated they were too busy attend. Mire expects honest business practices to be conduct by all contracting agencies. Rankin motioned the board deny change orders number 3, 6, 9 and 2, 4, 5, 7, 8, 10, 11 change orders be tabled pending discussion with the contractor at a future meeting; said meeting request is to be drafted by the Village Attorney and mailed to McClintock; Fiems seconded the motion. All present members voted yes, motion passes. The forementioned meeting is to be attended by Cooper, Mire, Rankin, Bump and McClintock.

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Mire updated the board that the Waterloop is in operation, ground restoration needs to be completed and until all work is completed a 5% retainage can be held (approx. \$25,000.00). All change orders as they stand come in at approximately \$152,400.00 but there will be additional cost for monitoring railroad ground disturbances for six more additional months.

It was noted once McClintock identified he could not complete the work at bid cost he should have expressed that right away, the amount of change orders requested are not a norm for these types of projects.

Mire called for a brief recess prior to moving the meeting forward at 6:44pm.

At 6:48pm Mire reconvened this Committee of the Whole Meeting with a role call, in attendance once again was Fiems, Fowler, Robertson and Rankin.

Rankin reviewed budget items for considerations as follows:

Grounds and Buildings	Estimated Cost
Repair Roof, add false ceiling and insulation in Maintenance Building	\$36,000.00
Roof for former salt storage building on 17th Street.	\$30,000.00
Community Center Entry Door	\$3,000.00

Water	Estimated Cost
Fund transfer to upgrade water system control panel in the future	\$5,000.00
5-year water tower inspection	\$50,000.00

Sewer	Estimated Cost
Preventative jetting	\$5,000.00
Build a partial flood wall around the 14th street generator	\$15,000.00

Streets	Estimated Cost
17th Street erosion control. Total cost 800K	\$800,000.00
Salt 150 tons @ \$91.73 per ton	\$15,000.00
Road Patch	\$10,000.00
13th Street culvert replacement	\$280,000.00

Equipment	Estimated Cost
New Dump Truck	\$100,000.00

Other	Estimated Cost
Summer Employee	\$10,000.00

Mire would like an Infrastructure subcommittee meeting to discuss Maintenance Building modifications and upgrades. Fowler would like to have the base board heat in the Community Center. Bump explained there is transite watermain is located on 17th Street, he would like to see us replace those sections of the main while replacing 17th Street.

With no further business to conduct Fiems motioned to adjourn this Committee of the Whole Meeting; Fowler seconded. All members of the board concurred, motion passes. President Mire adjourned by consensus of the Board at 7:18pm.

Missy M. Housenga
 Village Clerk