

CITY COUNCIL
Regular Meeting

October 5, 2009
7:30 P.M.

CALL TO ORDER:

Mayor Gottman called the regularly scheduled meeting of the Vandalia City Council to order at 7:30 P.M.

ROLL CALL:

Aldermen present were: Cable, Swarm, Brosman, Bennett, Feldpouch, McNutt, Black and Hobler.

PLEDGE OF ALLEGIANCE:

The Pledge of Allegiance to the American Flag was given by all present.

MINUTES:

A motion was made by Black and seconded by Hobler approving the minutes from September 21, 2009 meeting as presented. Motion carried.

REGULAR BILLS:

A motion was made by Brosman and seconded by McNutt approving the regular bills as presented. Motion carried.

SPECIAL BILLS:

A motion was made by Cable and seconded by Brosman approving all Special Bills as presented: Ameren IP in the amount of \$15,974.52 for electric & street lights; Governmental Consulting Solutions, Inc. in the amount of \$4,000.00 for consulting services for September & October 2009; Wal-Mart in the amount of \$22,288.98 for roadway reimbursement through August 2009; Barbeck Comm. Group in the amount of \$4,743.69 for installing radios and antennas in squad cars; Old Capital Tree Service in the amount of \$1,580.00 for cutting trees; Taylor

Law Offices in the amount of \$2,975.07 for TIF Redevelopment Agreement-Depot Project; First National Bank in the amount of \$163,040.63 for payment on the General Obligation Bonds 2007; Hank's Excavating in the amount of \$2,556,47 for a brick circular pattern sample; Richard's Brick Co. in the amount of \$3,840.70 for courtyard red brick pavers for the Gallatin St. project; Mettler Development, LLC in the amount of \$117,940.79 for Payment #6 & Final; City of Vandalia Water & Sewer Department in the amount of \$1,510.10 for postage; Centraz Industries in the amount of \$2,625.00 for sewer solvent; G.S. Robins & Co. in the amount of \$4,517.00 for supplies; Pittsburg Tank & Tower in the amount of \$2,325.00 for exterior inspection at the Water Plant. Motion carried.

**APPROVAL OF CHANGE ORDER #13
TO METTLER DEVELOPMENT:**

A motion was made by Brosman and seconded by Feldpouch approving the payment of Change Order #13 for additional work on change order in the amount of \$6,125.50 to Mettler Development for the Gallatin Street Sewer Improvements. Motion carried.

**RESOLUTION #2009-10-5-A:
IMPROVEMENT BY MUNICIPALITY
UNDER THE ILLINOIS HIGHWAY
CODE**

A motion was made by Brosman and seconded by Swarm adopting Resolution #2009-10-5-A, for Improvement by Municipality Under the Illinois Highway Code.

Motor Fuel Tax Funds in the amount of \$450,000 will be used for the downtown enhancement project on Gallatin Street. Motion carried.

RESOLUTION #2009-10-5-B:
APPROVING AMENDMENT #3 TO AN
AGREEMENT FOR PROFESSIONAL
SERVICES BETWEEN THE CITY OF
VANDALIA & HMG

A motion was made by Hobler and seconded by Cable adopting Resolution #2009-10-5-B, Approving Amendment #3 To An Agreement For Professional Services Between The City of Vandalia, IL, And Henry, Meisenheimer & Gende, Inc.

Voting by roll call: Swarm, yea; Brosman, yea; Bennett, yea; Hobler, yea; McNutt, yea; Cable, yea; Feldpouch, yea; Black, yea; Motion carried.

WEST MAIN STREET WATER &
SEWER PROJECT BIDS:

Scott Hunt, Engineer with Hurst-Rosche Engineering reported the bid letting on the Sanitary Sewer Extension and the Water Main Extension on West Main Street was held last week. Bid tabulation sheets and copies of the bids for the subject project were enclosed in each alderman's packet.

Hunt stated after the bid opening he contacted the hopeful bidders to make sure they were comfortable with their bid after the bid opening to verify whether or not they had dewatering.

Furlong Excavating had no issues with their bid, they were willing to stand behind it.

Jim Rossel of Haier Plumbing & Heating stated on Thursday afternoon they knew the water conditions in Vandalia and were willing to stand behind their bid since they had dewatering included. Hunt asked them what type of dewatering. He stated they intended on using well points which they have used in the past and that's what they included in their bid.

So we proceeded from there to put our recommendation letter together. Friday morning Hurst-Rosche was getting ready

to submit it to the City Administrator Jimmy Morani, when Scott Hunt received a phone call from Jim Rossel of Haier Plumbing requesting that Hurst-Rosche do soil borings to verify what is out there so they can determine whether or not they want to stand behind their bid. Just to verify, he said "I'm not intending on submitting a change order, but if you do borings we can tell you whether or not we think our well points are going to dewater that sanitary sewer out there".

Scott Hunt told him it was stated in the bid documents that research was required by the bidders because dewatering and trench shoring was incidental to the unit price of sewer and the lift station.

Scott said he would double check with the City to verify that it was determined in the bid documents and discussed in the pre-bid meeting that no additional payment would be made for dewatering. Scott said he tried to get a commitment from Haier based on this information if they were going to withdraw their bid or submit a change order for dewatering once the contract is executed? His response was, "we don't intend on submitting a change order unless we come out and our well points don't dewater it, the trench."

Scott Hunt stated that he felt it was clear in the specifications that the contractor is responsible for performing this investigation and the city would not award any change orders related to dewatering or trench shoring.

Hurst Rosche would not recommend a change order for Haier for that reason. Scott stated that Mr. Rossel argued back that he thought that if they come out and their well points don't work he could make a case that's a legal question as far as whether or not they could force the City into a change order or not. Our argument is, the documents were set up and that should have been included in their bid.

City Attorney Jack Johnston stated that he reviewed the bid documents today and felt that it was as clear as can be.

Attorney Johnston's recommendation was that there would be no issue in Haier's mind that the city's position is that it was clear in the contract documents that dewatering was part of the bid, and Haier had the opportunity to withdraw their bid.

Mayor Gottman said at 2:25 P.M. he received an email from Jim saying "we do not intend to withdraw our bid".

Alderman Brosman stated we have the proper documentation if we accept their bid we would have every right to refuse any change order for dewatering.

Alderman Feldpouch stated that he hates to see somebody win the bid by basically coming back and try to ask for money after the fact.

Alderman Brosman said that he hated to spend an extra \$50,000 more for a project than needed to.

Alderman Feldpouch asked if it was too late to bid it out again.

Public Works Director John Moyer said that we would be running too late. Sloan's wants water by Christmas. Weather conditions are also a factor.

Scott Hunt stated that they have reviewed the bids and recommend award of the bid for Contract A - Sanitary Sewer Extension to the low bidder Haier Plumbing & Heating in the amount of \$190,193.60.

A motion was made by Brosman and seconded by Cable approving the low bid of \$190,193.60 from Haier Plumbing & Heating.

A roll call vote was taken: Feldpouch, nay; Hobler, nay; Black, nay; Swarm, nay; Cable, yea; McNutt, nay; Bennett, yea; Brosman, yea; 3 yea and 5 nay;

A motion was made by Swarm to accept the second lowest bid from Furlong Excavating in the amount of \$246,821.60 for Contract A, but died for a lack of a second.

A motion was made by Feldpouch and seconded by Hobler to accept the bid from a local contractor, Precise Construction in the amount of \$250,006.00.

A roll call vote was taken: Feldpouch, yea; Hobler, yea; Cable, nay; Brosman, yea; Black, yea; Swarm, nay; McNutt, yea; Bennett, yea. 6 yeas and 2 nays. Motion carried.

A motion was made by Cable and seconded by Black accepting the low bid from Furlong Excavating, Kell, Illinois in the amount of \$68,388.74 for Contract B-Water Main Extension on West Main Street.

Voting by roll call: Feldpouch, yea; Hobler, yea; McNutt, yea; Swarm, yea; Black, yea; Bennett, yea; Brosman, yea; Cable, yea. Motion carried.

T-21 GRANT PROJECT:

Mayor Gottman said that the downtown project was 60% completed and moving along very well.

CITY ADMINISTRATOR:

City Administrator Jimmy Morani reported that the issue between the City of Vandalia and Computer Sharks USA has been resolved.

STANDING COMMITTEE REPORTS:

Alderman Cable reported on the river intake project.

Alderman McNutt announced that the Cemetery Committee will meet at 5:00 P.M. on Thursday, October 8th at City Hall.

Alderman Hobler announced that camping at Vandalia Lake will continue till November 1st.

Economic Development Director JoAnn Givens submitted a monthly report for October in your packet.

MAIN STREET:

Dana Whiteman, Main Street Coordinator reported on Corn Days.

Dana reported that the donations from the Fourth Street Music Festival 50/50 raffle to Main Street amounted to \$278.00.

The next Morning on Main Street will be held on October 13th at 8:00 A.M. at WPMB/WKRV.

Spooktacular Saturday will take place on October 24th from 10:00 A.M. till 2:00 P.M.

Dana reported that Joanna Helm has stepped down as Board President due to family health issues. Steve Barker will be the new Main Street Board President.

ANNOUNCEMENTS :

Mayor Gottman announced that he received two complaints from people in the neighborhood in regard to the loud music during the Fourth Street Music Festival on September 26th. One of the individuals lives five blocks away from where the festival was held.

Another complaint came from members of a local church that they did not approve of some of the merchandise that was being sold at the festival.

Chief of Police Eason remarked that there were a few arrests from the event.

A "thank-you" from Jean Stombaugh and family on the donation made to the Fire Department in memory of George Stombaugh who served as a Vandalia Volunteer Fireman for several years.

Mayor Gottman reported on the IML Conference that he and other elected officials attended in Chicago last week.

Mayor Gottman announced that information was provided in your packet from Fayette Water Company on the Vandalia Lake Area Easements.

Mayor Gottman announced CEO Kenneth Bardwell with the Motown Group was unable to attend, due to the death of his sister.

Mr. Bardwell stated that his partners were prepared to come to the meeting this evening, but after learning of

the death of Mr. Bardwell's sister, they felt it was appropriate to reschedule.

Mayor Gottman stated that Motown has requested an extension. No action will be taken at this time.

The bill has been submitted to Motown on the traffic impact study for the Metro Sports Entertainment Complex.

Mayor Gottman announced that he along with Jimmy, JoAnn and John Moyer met with IDOT to discuss a 4-way stop at Veterans Avenue and Sunset Drive.

IDOT suggested a "Roundabout". IDOT will make a presentation to the governing body in the near future.

Mayor Gottman announced that twenty-eight park benches will be sold in memory of or in honor of a family member. The bench will sell for \$600.00 each, which includes the bench and the plaque to go on the bench.

Cable asked Public Works Director John Moyer where we stand on the sidewalk repair.

Mayor Gottman requested that Moyer contact the individual to give us a time frame on when they will begin.

AUDIENCE:

Rick Cripe, President of Precision Construction publicly thanked the council for awarding him the contract on the West Main Street project.

UPDATE FROM HURST-ROSCHE:

Scott Hunt, Engineer for Hurst Rosche reported on the Water Treatment Plant. The permit was submitted to IEPA on September 29th.

Hunt reported that they are awaiting receipt of warranty prior to final acceptance of the City Hall roof replacement and authorization of final payment.

Hurst-Rosche has executed all the contract documents for the Vandalia Lake Spillway repairs that were awarded to Precision Construction at the last council meeting.

**CEMETERY BUILDING PUT ON
HOLD TILL CITY RECEIVES
MONEY:**

Mayor Gottman mentioned that the city was awarded some money for the new Cemetery Building but at this time the city has not received that money.

Mayor Gottman said the City will not bid this job till we receive the money.

ADJOURNMENT:

There being no further business to discuss a motion was made by Black to adjourn. Motion carried.

