

NASHVILLE TOWN COUNCIL MEETING MARCH 8, 2010

ATTENDANCE – Council members present – President Roger Kelso (via telephone as a non-voting member), Vice-President Robert Kirlin, Councilmember Sean Cassiday, Councilmember Charles B. King and Councilmember Arthur Omberg (left at 8:37pm). Also in attendance – Town Superintendent Roger Bush, Chief Administrator Phyllis Carr, Town Attorney Jim Roberts and Clerk-Treasurer Brenda Young.

COUNCIL BUSINESS

1) CALL TO ORDER by Vice-President Kirlin at 7:00pm.

2) STORM DRAINAGE PROJECT – BID AWARD

Carrie Riley of ARa reported at the last Council meeting bids were opened for the Storm Drainage Project. DLZ Engineers sent a letter to OCRA regarding their determination that Dave O'Mara Contractor Inc. was the lowest bidder after they went through the bid tabs. DLZ also recommended, since the bid came in under the budget, to accept alternates one and two. This will make the total bid \$569,676.00. Ms. Riley explained after the award is made, contracts will be delivered before the next Council meeting.

Town Superintendent Bush asked if they could utilize more of the funding. Ms. Riley advised the change orders cannot exceed 20% of the grant amount and it cannot go outside the scope of the work. Ms. Riley reminded the Council this project is funded by 100% grant funds with no match required by the Town.

Vice-President Kirlin asked Town Attorney Roberts if he reviewed the contract. Town Attorney Roberts affirmed he had looked at the contract and it is ok to sign with the exception of the signature page in that it does not have the Councilmembers nor attestation by the Clerk-Treasurer. Chief Administrator Carr offered to make the changes to the signature page so the document could be signed later in the meeting.

Councilmember Omberg made a motion to accept the Storm Drainage Project bid as recommended by ARa in the amount of \$569,676.00. Councilmember King seconded the motion. All were unanimously in favor of the motion.

3) BACK -HOE LOADER – BID AWARD

Town Superintendent Bush advised he sent a memo to the Council with the bid tabulation and noted that John Deere did not include the accessories in their bid. He added in the cost of the accessories and found the Case back-hoe to be cheaper and his recommendation is to purchase the Case back-hoe from McDonald Machinery Company. Town Superintendent Bush believes this is a good price and the financing fits them well.

Councilmember Omberg made a motion to accept the Case bid. Councilmember King seconded the motion. Town Superintendent Bush noted with this low of a bid they are trading in what they have and getting everything brand new. The town is purchasing the back-hoe and the company is loaning the Town the money at 4.56% for 60 months. Vice-President Kirlin asked Town Attorney Roberts if they should sign the contract without a delivery date. Town Attorney Roberts suggested they either

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postpone the decision on this until the Council meeting on March 18th, or accept it contingent on delivery within whatever time frame seems appropriate. Discussion. Councilmember Omberg withdrew his motion and Councilmember King withdrew his second to the motion. Councilmember Omberg made a motion to accept the contract, the Case bid contract with the contingency of a 45 day delivery. Councilmember King seconded the motion. All were unanimously in favor of the motion.

4) SEWER EXPANSION PROJECT – ENGINEERING CONTRACT

Councilmember Omberg advised that President Kelso who is in Tripoli, Libya was on speakerphone at this time to join the meeting. It was noted he would not be allowed to vote on any motions as he was not physically at the council meeting.

Vice-President Kirlin advised that Tony Akles of Strand Engineers is presenting two new engineering contracts. One contract is the standard Rural Development contract and the other is a side agreement with Strand Engineers. Mr. Akles explained the first contract goes back to the \$400,000 that Rural Development wants to see as shown on line A2.

Councilmember Omberg asked Mr. Akles why they cannot do the project for \$400,000. Mr. Akles explained it will take at least \$518,000 to get the project done. Councilmember Omberg noted when they received the bid from Strand they said it would take a certain amount to finish the project and now they are changing the number. Mr. Akles advised the first bid was without much work being done down at the plant and now they are doing a lot more work to the plant due to it being in the flood plain. Discussion.

President Kelso voiced his disappointment on how this came out and feels that they have their backs to the wall and they don't want to blow several million dollars of grant funds. He and Town Superintendent Bush talked before the Council meeting and discussed possibly using the additional property taxes that will be collected in these areas for a time period to use it as additional investment into the project for the additional engineer costs.

Vice-President Kirlin noted they are not currently charging the customers a sewer hook-up fee because the grant funds increased if they did not charge a fee. He asked how much they would lose in the grant if they charged a hook-on fee. Town Superintendent Bush advised he spoke with Mike Strahl of Rural Development and they do not want to see any tap on what so ever.

Councilmember Omberg said he was still perplexed as the government is giving Strand a very high rate to do the engineering process. Mr. Akles explained this is not a typical type project and that's why there is an increase in their rates. Discussion.

Vice-President Kirlin addressed Gerald Swenson of Rural Development's suggestion that they add a surcharge. Mr. Akles presented this supplemental agreement to the Council that says the additional \$118,000 project costs will be paid to Strand. Council discussed the possibility of a user surcharge. Councilmember Omberg said he was angry with the situation because if it was his grandmother that lived in this area on a fixed income, this would be \$10 less a month that she has to spend. Councilmember King asked if more engineering fees would come up down the road. Mr. Akles said he and Town Superintendent Bush have gone through the project scope and there won't be any additional fees once the contract is signed with Strand, the Town and Rural Development. President Kelso commented they could get a loan against what they believe will be additional tax collection on the new annexed areas to pay the additional engineer costs rather than a monthly fee or surcharge on each user.

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Town Attorney Roberts looked at the supplemental contract and voiced concern about paying off the \$118,000 in twelve equal monthly payments. He suggests if they are going to pay it out of the increased tax revenues from the annexed areas it might be better for the town to spread out the payments to two or three years.

Vice-President Kirlin asked if Town Attorney Roberts had reviewed the \$400,000 contract. Town Attorney Roberts reported he had reviewed the contract and it is a standard engineer's contract. Mr. Akles added this is a basic fill in the blank form. Discussion.

Councilmember King made a motion to approve the engineering contract for \$400,000 with Strand Engineers. Vice-President Kirlin seconded the motion and asked if there was any further discussion. Councilmember Omberg said he was not happy. Vice-President Kirlin commented that he was not happy either. Councilmember King said nobody was happy. All were unanimously in favor of the motion.

Vice-President Kirlin turned to the supplemental agreement and suggested they make payments for 48 months rather than 12 months. Mr. Akles advised he would speak with his office about changing the number of months to pay off the supplemental agreement. Councilmember Cassidy made a motion to accept the supplemental agreement of \$118,000 with 48 months to pay it off. Councilmember King seconded the motion. All were unanimously in favor of the motion.

Mr. Akles advised he would get back to Town Superintendent Bush within twenty-four hours regarding his company's approval of the 48 month payment plan. He will also bring over all documents to be signed as well.

5) DEER RUN PARK – SEWER CONNECTION

Architect Steve Miller presented drawings to the Council regarding the proposed sewer connection. Mr. Miller explained Option 1. The Catholic Church has a two inch line in which they have negotiated an easement with the Tilton's and the Town. If St. Agnes Catholic Church is interested in letting the park hook-on to their line, the church wants to make sure the park does not take up more capacity than the church would ever need. Jim West of Strand has gone through the engineering and proven to the church that the park would not take up too much capacity. The church wants money from the park to compensate for part of the cost for the line and the County Commissioners are negotiating this. The church would prefer that the Town of Nashville take over the line for the pumps from the park in case there were any problems, this would be a public line. Mr. Miller explained the park at Deer Run is planning on putting in septic tanks and pumping water only. He noted option one requires that the Town would agree to take over the sewer line if the park hooks onto it.

Mr. Miller explained option two is that the park does not hook into the Catholic Church sewer line, but go underneath Salt Creek directly to the plant. This would be a shorter distance and not have to go up over a hill. Tom Tilton prefers this option and would give the park the easement for free across his field to the plant, but he wants an easement that goes through the park property over to fifteen acres he owns to the west of it. There is a possibility that in the future the Tilton's may want them to move the line at some future date to move dirt. Mr. Miller believes both options will cost the County about \$50,000 and he believes they have \$60,000 to spend. He noted either option will also have to go through IDEM.

President Kelso believes they would also need to work with the homeowners on McClary Road if they were to dedicate this line as a public line. The Town would also need right-of-ways to access it before

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they could take this over as a public line. If the Town were to take over the line through McClary Road it would service more people in the long run. Councilmember Omberg suggested the County go into an agreement with the Catholic Church regarding the line rather than including the Town. Discussion. Councilmember King voiced his favor for option two as did Councilmember Omberg.

President Kelso left the meeting via phone at 8:05pm.

Vice-President Kirlin advised they should take option one off the table from the consensus he is hearing from the Council. Mr. Miller noted the Tilton kids would have to re-agree to come across the field and any one of them could abstain unless they put in language they would relocate the line if asked. Discussion. Vice-President Kirlin summarized what he heard from the Council; that they suggest the Town to tell the County they will entertain hooking up the sewer line from Deer Run Park to the treatment plant (option two), providing the County owns it, maintains it and pay for all of it. If this doesn't work out with the County, Mr. Miller may come back to the Council and discuss other options.

6) DR2 DOWNTOWN REVITALIZATION PROJECT – DLZ ENGINEERS

Clerk-Treasurer Young advised she talked with Town Superintendent Bush about her being the Owner/Representative for the project as she is the chairperson for the Main Street Committee. If Council is in agreement with this appointment, they will need to make a motion. Councilmember Omberg made a motion to appoint Clerk-Treasurer Young as the Owner/Representative of the Downtown Revitalization project. Councilmember Cassiday seconded the motion. All were unanimously in favor of the motion.

Mike Keevan of DLZ showed the plans with the changes that were discussed at the Main Street Committee meeting. Discussion. Clerk-Treasurer Young clarified they will be enhancing the area and refurbishing some of the existing stone structures.

Mr. Keevan advised the first advertisement for bids will be March 17, 2010 if everything is approved by Council this evening. Carrie Riley with ARA noted the bids will have to be advertised twice, seven days apart and ten days prior to the bid opening and they also need a pre-bid meeting. The bid opening is scheduled for April 15, 2010. Town Superintendent Bush explained if everything works correctly, construction could start 45 days after the bid opening.

Vice-President Kirlin asked about the invoicing. Mr. Keevan explained how they invoice for the project.

Councilmember King made a motion to approve the plans with minor changes. Councilmember Cassiday seconded the motion. All were unanimously in favor of the motion.

The Council confirmed with Mr. Keevan that Clerk-Treasurer Young is the person responsible for the representative for the Council on this project. Vice-President Kirlin clarified they will be meeting with Charlie Day of DLZ on March 12, 2010 at 9am to look at the project area.

7) ANY OTHER UNFINISHED BUSINESS OR COMMENTS THAT MAY COME BEFORE THE COUNCIL

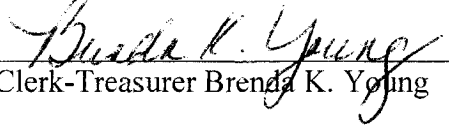
Nothing presented.

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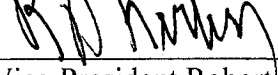
ADJOURNMENT

Councilmember King made a motion to adjourn the meeting. Councilmember Cassiday seconded the motion. The meeting was adjourned by Vice-President Kirlin at 9:09pm.

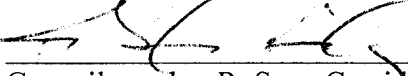
The audio recording made at the Town Council meeting on 3-08-10 is retained in the office of the Town Clerk-Treasurer.


Clerk-Treasurer Brenda K. Young

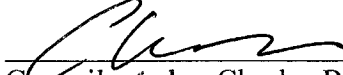
President Roger Kelso



Vice-President Robert Kirlin



Councilmember R. Sean Cassiday



Councilmember Charles B. King



Councilmember Arthur Omberg