

# 04-16-2018 Council Minutes

Crooksville Council Meeting Minutes Monday, April 16, 2018

**ROLL CALL:** Mayor Redfern called the meeting to order with the following members present Mr. Rice, Mr. Locke, Mr. Hampton, Ms. Smith, Mr. Dennis, and Mr. Loomis. Tom Collins and Jan Baughman were present.

Mayor Redfern stated that Council will not be discussing anything dealing with Auxiliary Police and that if any citizens were present for this could come to the Workshop meeting next week and it can be discussed as well as any other citizen's comments or complaints. They will need to call and get on the agenda, there will be one spokesperson for each topic and that spokesperson will have 5 minutes.

**MINUTES:** Motion to approve Clerk's minutes was made by Mr. Rice and seconded by Mr. Locke. Motion carried.

**APPROVAL OF REPORTS:** Motion to approve Clerk's Reports for March was made by Mr. Rice and seconded by Mr. Locke. Motion carried. Motion to approve Mayor's Court report for March was made by Mr. Rice and seconded by Mr. Dennis. Motion carried.

**CORRESPONDENCE AND MESSAGES:** Mayor Redfern stated that he had applied for a mosquito grant totaling \$11,600 this week. He has also received information on an additional grant that he is going to apply for to help with the Asset Management plan that has to be put together by October. He stated that he will have more information for Council at the following Workshop.

**SOLICITOR'S LIST:** Jan stated that she has no updates for Council.

**PAID BILLS:** A motion to approve Resolution 2018-29 paid bills and payroll was made by Mr. Hampton and seconded by Ms. Smith. Motion carried.

**TO BE PAID BILLS:** A motion to approve Resolution 2018-30 to be paid bills was made by Mr. Rice and seconded by Ms. Smith. Motion carried.

**TRANSFER:** A motion to approve Resolution 2018-31 transferring funds was made by Mr. Locke and seconded by Mr. Dennis. Motion carried.

**PARK & RECREATION:** Motion to hire Jody Bowen as the Pool Manager for the 2018 Season was made by Mr. Locke and seconded by Mr. Dennis. Motion carried.

Motion to hire Austin Morgan as the Assistant Pool Manager for the 2018 season was made by Mr. Dennis and seconded by Mr. Locke. Motion carried.

**SAFETY:** Mayor Redfern has given Council an updated Community Service report from Jerry Marks.

**LEGISLATIVE:** Motion to accept the third reading of Ordinance 2618, an Ordinance Declaring Certain Real Property No Longer needed for any Municipal Purpose and Authorizing its Advertisement for Sale was made by Mr. Loomis and seconded by Mr. Locke. Motion carried.

Motion to accept Ordinance 2618, an Ordinance Declaring Certain Real Property No Longer needed for any Municipal Purpose and Authorizing its Advertisement for Sale was made by Mr. Dennis and seconded by Mr. Hampton. Motion carried.

**OTHER OLD BUSINESS:** Jobes Henderson was present to give Council an update for the Waterline Project. Grant stated that Thursday they had their AIS meeting. (American Iron & Steel), which is a requirement for the EPA funding. There were representatives from US EPA, Ohio EPA, and a third party company that documents everything taken in during bidding and making sure the contractors follow through with the American Iron & Steel requirements. This was more of an informative meeting than a compliance meeting to make sure all matches up and moving forward how to request that information. They did want to make sure that they had all of the certificates that are required and will get out to Jobes Henderson a report that will document the visit and any recommendations they have.

For an update on Contract #1, The Waterline Replacement Project, most of the mains that are currently installed have been pressure tested and Grant believes there are two that still need tested and disinfected for all the ones currently installed. All services on Snell Drive have been hooked back up and turned back on as well as Tunnel Hill Road with possibly one service that has not been hooked back up yet. Brown Circle Drive, there is still a leak on the North end of the Loop and Freedom has not been able to locate yet but the South end

has been tested and passed. Freedom has put down temporary seed and straw to address the requirements given to them by EPA. There are no pay apps for approval tonight. They have been submitted but they are still waiting on the waiver of lien before payment can be issued.

For Contract #2, Mid-Atlantic has put down temporary seed and straw to meet EPA requirements as well at the site for the tank. Regarding the tank issues, there was a meeting last week with the Contractor to see if a resolution could be made. The company has verbally committed to providing a glass lined tank that will be white on the interior as specifications are laid out. They have submitted a pay application totaling \$13,068.60 but this one is also being held pending resolution as the tank does not meet specifications as required.

Freedom Construction was present with their law firm representative. The lawyer was present to address the letter Freedom received from the Village Solicitor about 10 days ago. Present with the lawyer was Roy Heskett and Nate Worthington. They want to stress to Council that Freedom is committed to finish this project. He stated that he understands there are hiccups but would like to work with Council to continue and finish this project. Regarding schedule concerns, he would like to emphasize that Freedom has brought in an additional crew that has sped up the construction and the progress will continue to improve with the better weather. Freedom would like to work with the Engineer on ways to do the work and get more help with utility locations. In response to the letter received regarding payment to the lower tier suppliers, they are working internally to take care of these and would like to see Freedom being allowed to work on this project, and by doing so, the value of the project will continue to be increased and when the next pay application comes up on May 7<sup>th</sup> meeting, he proposes that Freedom come to Council and possibly the workshop before and let them know what has been done with Ferguson and possibly do a joint check from the funds Council releases. The lawyer wanted to emphasize that there is a bond in place that he is familiar with. They do not think that termination at this time is going to be in anyone's best interest. He is proposing to Council to allow Freedom to continue working for a few more weeks and they believe that they will have the payment to the lower tier suppliers addressed and they would like to address the week before the meeting. He discussed processing conditional lien waivers at first and then unconditional lien waivers. They are requesting additional time to finish the job. Mayor Redfern stated that he agrees that no one wins when faced with this situation and can most likely come up to some agreement on this but it is up to Council. Mayor Redfern stated that they are trying to get this completed for the citizens of the Village and upgrading the water system. Mr. Hampton asked where Freedom is in regards to percentage of work done compared to what should be done. Mr. Hampton stated that he cannot see this project getting done in time. Nate Worthington explained that he had sent an updated schedule to Jobs Henderson on Friday and they are looking at a completion date of the first of November. He stated that if Council looks at that schedule and with two crews, this will get Freedom there. He told Council that if and when he needs an additional crew, he will add one. Mr. Dennis asked if they think an additional crew needs added now. Roy Heskett stated that they just added a crew last week. Mr. Heskett believes they are in the neighborhood of 30% completed and this is due to weather, etc. The second crew is almost caught up with the first crew and believes with good weather they should be able to catch up pretty quick and if needed add another crew and work together. They explained that the Engineers just received the new schedule on Friday and probably hasn't had time to review. Freedom's lawyer stated that the recurring issue with line locations continues to come up and believes this has affected their progress. He believes going forward and get this resolved, it would be in everyone's best interest to continue on. They are requesting from the Engineers to get the utilities marked and any obstructions out of the way. Mr. Rice asked if Freedom's plan was to continue with sections and Nate responded that he would like to do this and if another crew come in, complete these in an orderly fashion. Mr. Hampton discussed the change order that Freedom requested that they are wanting the Village to pay approximately \$30,000 for. Mr. Worthington explained that this was requested because the technique they are supposed to use is not feasible. Mr. Hampton stated that he is okay with some of the alleys and things but not the main streets. Mr. Heskett stated that if it is bored you have to go through and expose the utilities and by the time this is done, the pavement is already destroyed and they do not know where the right of way would be for this. He said that he is asking for this because they cannot afford it the way the plans are engineered. Mr. Loomis stated that if bored there would be multiple holes that needed filled in anyways as it would be if they dig across. Mr. Worthington stated that he worries about any lines that are not marked but understands what Council is saying. Alan Brown with Jobs Henderson asked Mr. Worthington about the schedule update and wanted to verify that they are asking for 21 working days for the schedule adjustment. He asked if they feel this will be enough to get them back on track or does he feel there will be more requested at a later date. Mr. Brown stated that it looks like the final completion date would be as of February. Mr. Worthington stated that he believes it will be a final completion date of December 15<sup>th</sup>. They stated that the punch list will be done at the end of each section to be completed, not at the very end of the project. Mayor Redfern asked Freedom to explain what a punch list is. Nate explained that a punch list is any corrections to the work that may need done after it is inspected by Engineer before it is signed off on. Mr. Dennis asked Jobs Henderson why the discrepancy between the

percentage done from them to Freedom Construction. Alan Brown stated that he looked at it a couple different ways. Main line installation as far as quantity is at about 21% complete, as far as service line they are just shy of 3%, as far as service reconnections they are shy of 2% and if you look at cost it is about 13.3% for work complete. It just depends on how you look at it and what factors you add in. The March pay application was approximately \$52,000 and is currently being held. Total amount billed is about \$1.3 million total out of \$4 million which shows that 25% has been billed out. Contract time is just shy of 57% of time and 53% of project time based on their schedule of what should be completed.

**NEW BUSINESS:** Nothing.

Kelly Bresett asked when she would go because she was supposed to be on the agenda. She stated that she had a couple questions. Mayor Redfern told her that she needed to wait until after executive session.

**EXECUTIVE SESSION:** Motion to go into executive session per ORC 121.22 (G) (3) for Possible Litigation was made by Mr. Dennis and seconded by Mr. Hampton. Motion carried.

Council is back out of executive session with no decisions made.

Kelly Bresett stated that she had called and was wanting to be put on the agenda. She stated that it was her understanding that this is a Village Council meeting and she thought this was when Citizens could bring their concerns before Council. Mayor Redfern explained that Council changed this to being done at Workshop meetings so that there was more time to discuss and research. Solicitor Baughman explained to her that they only do this on the 2<sup>nd</sup> and 4<sup>th</sup> meetings of the month. Ms. Bresett stated that she just had a couple questions based on rumors floating around and asked if she could bring them before Council tonight. Mr. Hampton explained to her that it is more informal at Workshops and is easier for Council to hear the Citizens comments/complaints. Mayor Redfern explained to her that she did have the alternative to fill out a complaint form that she can fill out and he can bring before Council. Ms. Bresett explained that this is the way for her to verify whether these rumors are fact or not. Mayor Redfern asked her to put it in writing and he will get them answered for her.

**ADJOURNMENT:** A motion to adjourn was made by Mr. Rice and seconded by Mr. Locke. Motion carried.

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BRITTANY ROSS  
Fiscal Officer

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FRED REDFERN  
Mayor