

CITY OF IVANHOE

SPECIAL MEETING

MINUTES

December 8th, 2020

4:00 PM

Meeting was called to order by Mayor Bennett at 4:18 PM. Mayor Bennett explained the delay for the meeting to start was in order for Council to assemble after she and 2 of the Council members met with representatives of Mason Construction and LJA Engineering at Chanticleer to look at street issues. A Quorum was established with all Council members present (Councilman Morris via phone due to health issue). City Attorney Brad Elrod and Public Works Coordinator David Marshall were present. The meeting was livestreamed via the city Facebook page. Councilman Vonderlin provided the invocation and the Mayor led the Pledge of Allegiance.

Agenda Item #1 – Mason Construction street project (Chanticleer)

Mayor Bennett recognized invited guests Mr. Le Short co-owner of Mason Construction and Supervisor Mr. Kelly Esinger, and Ms. Victoria Dia and Mr. Allen Sims from LJA Engineering. She then turned the floor to Councilman Herrington to provide details of the city's concern regarding issues that have been observed on Chanticleer after Mason Construction did some patch work following completion of the street rehabilitation. Councilman Herrington expressed thanks to the contractor and engineering firm for being on the walk-thru of Chanticleer prior to the meeting. Mr. Esinger explained that the company is willing to perform the street repairs as detailed in Option #3 for warranty work in letter sent to the city previously. A discourse occurred between Councilman Herrington and Mr. Esinger for clarification of the work the contractor will do to remedy the problems that were observed and pointed out during the walk-thru. Councilman Herrington also had a discourse with Mr. Allen Sims for verification of the discussion that occurred while meeting with the contractor on-site including determining actual depth of the asphalt (some areas are thin) and cracks that are occurring on the repair patches. Also of concern was the visible look of a newly installed street that already has numerous patch areas. Councilman Herrington then had a discourse with Public Works Coordinator Mr. David Marshall regarding how the repair patches were done by the Mason Construction crew. Councilman Herrington then reviewed for the Facebook audience the agreement with Mason Construction for sealing the center seam, redoing patches, determining the base depth meets the engineering specs, and the cost of a fog seal to provide a unified look on the street (Mason Construction will have to sub-contract the fog seal work which will be arranged by LJA Engineering). Mr. Esinger presented the question of getting payment released on the amount the city retained until the problems are resolved, he explained the street repair work will not be able to commence until after the end of the year. Councilman Herrington responded that the position of the city is to get the road fixed and to get Mason Construction paid, the details will need to be finalized in writing. Councilman Herrington then made the motion to move forward with Mason Construction as

discussed for the street repairs and giving the Mayor authority to sign off on the agreement that will include Mason Construction, LJA Engineering and the city. Councilman Blackstone submitted the second and the motion passed unanimously. Mr. Sims verified that LJA will absorb the additional cost of management oversight on the repair work, that his firm has had a good working relationship for many years with Mason Construction. Mayor Bennett ended the agenda item thanking the invited guests for attending and asked for prayer for Mason Construction supervisor Mr. Chris Ard (who lives in Ivanhoe) for quick recovery from a severe case of Covid 19.

Agenda Item #2 – Acquisition of Skid Steer

Mayor Bennett turned the floor to Public Works Coordinator Mr. David Marshall to provide information on a used skid steer that is needed by the Public Works Dept. Mr. Marshall explained that the skid steer is an extremely versatile machine and more limber than the mini excavator. The skid steer proposed for purchase is a 2014 model with 1450 hours and has been used on a ranch, not heavy construction. The cost is \$22,000 which includes “no-flat” tires worth \$3,000 and a set of lift tongs with the standard bucket and quick attach auxiliary equipment & hydraulic connectors. He provided a list of the public works jobs that can be done more rapidly with the skid steer than other machines in the department. Being a smaller machine, it can be used to clean the stilling basins at the two cement dams. Councilman Vonderlin expressed concern about any damage caused by the machine turning while on improved street surface. Mr. Marshall responded that the skid steer is a smaller unit and doesn’t weigh as much as other pieces of equipment operating on the streets doing the same work. Councilman Vonderlin then made the motion to purchase the skid steer. Councilman Herrington provided the second. In discussion Councilman Warren observed that the Public Works Dept. has a lot of equipment and is understaffed for the number of machines and asked who would operate the additional piece of equipment. Mr. Marshall responded that the city is accumulating the necessary equipment to more quickly address street and right of way issues. When a piece of equipment speeds up work then the personnel can move on to other projects. An example would be cleaning the stilling basin at Charmaine Dam. Based on the cost from the last time the work was done by a contractor the skid steer will pay for itself in four years. Additional discussion occurred on volunteers assisting the Public Works Dept. operating equipment. Following the discussion Council approved the motion to buy the skid steer.

Agenda item #3 – Removal of dilapidated structure (Lagunas property)

Mayor Bennett turned the floor to Councilman Herrington for a report on the estimated cost of demolishing two dilapidated structures on property the code enforcement department has been working for code violations for over two years. Councilman Herrington informed Council the estimate for the work is about \$2,000 due to having to clear underbrush as well as the demolition work, but does not include haul off costs. The metal siding can probably be recycled by a contractor to offset some of the expense. There is no way of knowing what is inside the structures that might have to be dealt with. Mayor Bennett noted that the public works crew can do the demolition and asked the city attorney for

clarification on the process. Mr. Elrod said the Council has already condemned the buildings during previous meeting, if the city wants to recover its cost a lien will need to be placed on the property. Councilman Vonderlin made the motion to proceed with the building removals. Councilman Warren provided the second and the motion passed unanimously.

Agenda item #4 – Change to codified ordinance for truck traffic and parking on city streets

Councilman Vonderlin informed Council the Planning & Zoning Commission had developed and reviewed the addition of Section 70.07 to the codified ordinance addressing truck traffic and parking on city streets. He brought the motion to adopt the addition to the codified ordinance. Mayor Bennett noted that the Section 70.07 needs to be separated from the General Liability insurance and there is a conflict between requirements of Section 70.07 and the General Liability insurance requirement. With no second presented to the motion Mayor Bennett postponed the agenda item in order for it to be developed in ordinance form.

Agenda item #5 – Ordinance #2021-2 General Liability requirements for contractors performing work for the city

Mayor Bennett turned the floor to Councilman Warren to review the proposed ordinance which will replace a city resolution. Councilman Warren read the ordinance which requires certain levels of liability insurance for any contractor providing service to the city. He then made the motion to adopt Ordinance #2021-2 on first reading. Councilman Blackstone submitted the second and the motion passed unanimously.

Agenda item #6 – Ordinance #2021-3 Residential Construction requirements and liability insurance requirements

Mayor Bennett explained there is a question about the portion of the proposed ordinance referencing contractors insurance requirements and the version that had been agreed on eliminating the requirement, She then postponed the agenda item to the December 10th, 2020 Council meeting.

Agenda item #7 – Ordinance #2021-4 Interference with Police Service Animal

Mayor Bennett turned the floor to City Marshal Terry Riley to explain the reason for the Ordinance which is already a state law. Marshal Riley said the ordinance will allow the city to recover cost should someone interfere with or try to harm the dog, since there is an investment of about \$30,000 in the

animal. Councilman Blackstone made the motion for first reading of Ordinance #2012-4. Councilman Warren provided the second and the motion passed unanimously.

Agenda Item #8 – Adjourn

Councilman Blackstone made the motion to adjourn with a second by Councilman Warren, and the meeting was concluded at 5:41 PM.

Respectfully submitted,

C. D. Woodrome, City Secretary