

City of Choteau

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OFFICIAL MINUTES OF THE JANUARY 17, 2017 MEETING OF THE CHOTEAU CITY COUNCIL

Present were Mayor Jack Conatser, Council Member Stewart Merja, Council Member Dan Lannen, Council Member Jill Owen and Council Member Rose Crawford.

Staff present was Public Works Director Mike Maples and Deputy Clerk Mary Corey. Finance Officer Jodi Rogers was excused.

Citizens present were Melody Martinsen of the Choteau Acantha, Jim Patterson and Kevin Johnson of DOWL.

CALL TO ORDER

Mayor Conatser called the meeting to order at 7:00 p.m.

APPROVAL OF THE MINUTES OF THE CITY COUNCIL MEETING OF DECEMBER 20, 2017

A motion to approve the minutes of the December 20, 2017 meeting was made by Council Member Crawford, seconded by Council Member Merja. The motion passed with all in attendance voting aye.

REQUESTS TO BE OUT OF STATE

Mayor Conatser requested to be out of state January 25, 2017 until February 6, 2017.

A motion to approve the request was made by Council Member Lannen, seconded by Council Member Merja. The motion passed with all in attendance voting aye.

UNFINISHED BUSINESS

WWTP UPDATE

Kevin Johnson explained that there are several punch lists being worked on. One was requested by Kevin for Williams Brother Construction to do before they will agree to substantial completion. There is also one for WesTech to complete before the programmer gets here on February 6th. The final and longest list addresses aesthetic issues.

He reported that since the 19th of December, three quarters of the cities flow has been going into the plant. As of yesterday, all of the flow is going into the plant.

He stated that he does not know if Williams Brother Construction will be asking for a suspend work order to come back and finish the drying beds. He feels that if the weather holds, they should keep working on them. He thinks it will take about six weeks.

He explained that some of the big issues that need to be resolved are flow meters that are not working right and the HVAC system runs all the time.

Council Member Lannen asked if we have to give them partial substantial completion. He stated that they have had excellent construction weather for the last year but they did not seem to want to work. Kevin replied that he cannot tell them when they have to work, they are in charge of their construction schedule. Public Works Director Maples asked if liquidated damages still apply to the drying beds. Kevin replied that if they request the suspend work order, the clock stops.

NEW BUSINESS

VOTE ON PAY REQUEST #17

Mayor Conatser asked Kevin if he would explain the process to withhold partial payment of some of the equipment at the treatment plant until we know that it works and is in warrantable condition.

Kevin Johnson replied that he has been trying to get a meeting together with Williams Brother Construction but they would not come on the 5th or the 12th. The council meeting was even moved to accommodate them. He did not send the pay request to them until the 13th. There were three items on the percent complete side that he did not agree with (mobilization, start-up and the drying beds). He reduced payment for those as well as for liquidated damages for December 11th through the 25th. Williams Brother Construction is upset because they did not receive the pay request within 10 days. He stated that five percent of the payment is withheld

each month as a retainer, until the job is complete. He also explained that the liquidated damages are for being late and is not tied to any particular aspect of the project.

Council Member Lannen asked if we have any issues with the freezing problems we have had, whose responsibility would that be. Kevin replied that everything should be under warranty.

Council Member Owen asked if it is up to the construction company to ask if they want to request a stop work order. Kevin replied that they would work it out with the city. Council Member Lannen stated that he would rather have a good product than frozen concrete. He might not like a stop work order but he would not be opposed to it.

Public Works Director Maples asked if they do request a stop work order, would they remove all of their equipment. Kevin replied that the city could put provisions on it but generally they would only remove equipment they no longer need.

A motion to approve pay request #17 in the revised amount of \$78,912.82 was made by Council Member Lannen, seconded by Council Member Merja. The motion passed with all in attendance voting aye.

VOTE ON REVOLVING LOAN FUND APPLICATION - HERO BREAKAWAY, LLC

Mayor Conatser stated that an application has been received from Ben Collins and Ty Lidstrom of Hero Breakaway LLC. They are requesting a loan of \$10,000 to purchase a plastic injection mold, materials and other equipment to be able to manufacture a breakaway rope for the rodeo industry.

Mayor Conatser reported that he spoke briefly with Pete Rasmussen who said that it is a good product.

Council Member Merja spoke with Ben Collins for the better part of a day and thinks it will be a good product. He also spoke with Pete Rasmussen who has used one of the ropes and liked it.

Council Member Lannen stated that if someone wants a loan, they should show up for the meeting. He asked if they are manufacturing right now. Council Member Merja stated that they will be purchasing the mold and will have them manufactured for now.

Council Member Owen asked how they will be marketed. Council Member Merja replied that they have a lot of contacts in the industry and will attend all of the trade shows. She then asked about collateral.

A motion to table the loan request was made by Council Member Lannen.

Melody Martinsen explained that there has never been a requirement for the borrower to attend the council meeting. She explained the history of the revolving loan fund.

Council Member Merja suggested that this loan request not be tabled and that a letter be sent to future borrowers, requesting they attend the council meeting that is considering the loan request.

Council Member Lannen withdrew his motion to table the loan request.

A motion to approve the loan request from Hero Breakaway LLC with a personal guarantee from each of the partners as well as the LLC was made by Council Member Merja, seconded by Council Member Crawford. Council Members Merja, Crawford and Owen voted aye. Council Member Lannen voted nay.

CLAIMS

A motion to pay the claims for December 2016 in the amount of \$192,261.76 was made by Council Member Owen, seconded by Council Member Merja. The motion passed with all in attendance voting aye.

LAW ENFORCEMENT REPORT

The Law Enforcement Report for December 2016 was submitted for Council's review.

CITY JUDGE'S REPORT

There was no City Judge's Report submitted.

PUBLIC WORKS DIRECTORS REPORT

Public Works Director Maples reported that the crew has been busy plowing and removing snow and fixed a leak in the Pavilion roof.

He stated that they are checking the wastewater treatment plant a few times a day while it is still on manual to make sure it is running as it should as the alarms are not working properly. They are also manually running the lift station, recording equipment times, temperatures, etc until the designed controls are programmed to function.

He explained that because of the demands of the treatment plant, he asked for and received another 30-day extension on the open cut mine permit.

He reported that the transmission went out in the new garbage truck. BJ took it apart, ordered the parts and had it back running in three days. The white pickup also needed repairs so he is glad we had ordered another plow. We now have one for backup.

Council Member Merja stated that the only complaints about the plowing was the pile in front of Grizzly Auto Sales.

Council Member Owen stated that a citizen told her the city used to plow the sidewalks and wonders why we don't anymore. Council Member Lannen replied that was over 20 years ago. He further stated that the plow was wider than the sidewalks and it would be a problem with all the properties that have sprinkler heads next to their sidewalks.

FINANCE OFFICERS REPORT

Finance Officer Jodi Rogers was excused.

MAYOR AND COUNCIL REPORTS

Council Member Owen reported that there will be an economic development roundtable at the Stage Stop Inn on January 19, 2017 at 7:00 p.m. She further reported that the Sassafras Stomp will be held at the Pavilion on January 20, 2017 starting at 6:30 p.m.

Council Member Lannen stated that Butte is putting in a malt plant to handle grain for the microbreweries.

Mayor Conatser asked council to bring their ideas/suggestions on the fireworks issue as it will be discussed at the next council meeting.

PUBLIC COMMENT

None

ADJOURNMENT

A motion to adjourn the meeting at 8:02 p.m. was made by Council Member Lannen, seconded by Council Member Owen. The motion passed with all in attendance voting aye.

John W. Conatser, Mayor

Mary E. Corey, Deputy Clerk