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CITY OF DELTA, UTAH
SPECIAL CITY COUNCIL MEETING
AUGUST 7, 2013

PRESENT

Gayle Bunker	Mayor
John Niles	Council Member
Steven Pratt	Council Member
Betty Jo Western	Council Member

ABSENT

Robert Banks	Council Member
Tom Stephenson	Council Member

ALSO PRESENT

Todd Anderson	City Attorney
Alan Riding	Public Works Director
Ken Clark	Assistant Public Works Director
Gregory Jay Schafer	City Recorder
Dent Kirkland	Public Works Employee
Robert Worley	Sunrise Engineering

Mayor Bunker called the meeting to order at 7:00 p.m. He stated that notice of the time, place and agenda of the meeting had been posted at the City Building, on the Utah Public Notice website, the Delta City website, and had been provided to the Millard County Chronicle/Progress and to each member of the City Council at least two days prior to the meeting.

BUSINESS

MAYOR GAYLE BUNKER: SHERWOOD SHORES WATER LINE EXTENSION CONTRACT

Mayor Bunker advised Council Members that the contractor had submitted a proposal for extension of the contract. Robert Worley, Sunrise Engineering, explained that the Sherwood Shores water line extension project was bid out in three phases: A) installing pipe from Delta City water line to the east side of Gunnison Bend Reservoir, B) boring under the reservoir, and C) all water line work inside Sherwood Shores Subdivision. Phase A was completed in early May and Phase C was completed in late May. The contractor for Phase B, boring under the reservoir, arrived at the site on April 30th and was able to get the pilot hole through to the other side of the reservoir, then they began having equipment break downs. They finally got the hole reamed out and began pulling the pipe through and had to back it out because of another equipment failure. After multiple attempts to pull the pipe

1 through, and additional equipment failures, they have come to us with a request for an extension of
2 the contract and payment of additional funds in the amount of \$87,000.00. The contractor cites
3 changing conditions such as quick sands, debris and an underground stream as reasons why the
4 project has not yet been completed. They claim they experienced conditions different than stated the
5 contract and this justifies the request for additional funds for the project.
6

7 Public Works Director Alan Riding stated there has been extensive discussion regarding the
8 problems that have arisen with the boring project. He noted the contractor has had numerous
9 equipment failures, resulting in time consuming repairs. Public Works employees and the Mayor
10 feel that we need to tell the contractor he needs to complete the job, as bid, with no extra funding.
11 It is also felt that, if the contractor had the proper equipment to do the job in the proper manner, the
12 project would already be completed. Because of equipment and other problems, this contract is now
13 approximately three months past the deadline for completion. Nothing has been paid to the
14 contractor, to this point, except the cost of purchasing the pipe.
15

16 Mayor Bunker clarified that our contract is with the general contractor on the project, Lamar Barton,
17 and not with the boring company. The subcontractor, HDD Specialists, is actually doing the boring.
18 Mayor Bunker has been to the project site numerous times and questioned whether, even with the
19 extra funding requested, the contractor will get the job completed. Mayor Bunker stated his
20 agreement with Public Works Director Riding, that we need to proceed by telling them to fulfil the
21 contract, as bid, without additional funding. It is estimated that the contractor has been down, due
22 to equipment failures, for approximately half of the time they have been on the project.
23

24 There was extensive discussion of options available for responding to the contractor's request for
25 an extension of time and additional funds, as well as the contractor's claim that conditions are
26 different than represented. Mayor Bunker reiterated that the Public Works Department recommends
27 we advise the contractor we will not pay additional funds and we expect the project to be completed
28 as bid. Council Member Betty Jo Western asked if we were going to provide a time limit in which
29 the contractor must respond to our notice. It was determined that we should give the contractor ten
30 days to respond and provide a proposed plan for completion of the project. Council Member Betty
31 Jo Western MOVED to deny the request for additional funding for HDD Specialists, LLC, to
32 complete the boring project and inform the contractor that the project must be completed as bid and
33 they must provide a plan for project completion to Delta City by August 19, 2013, including a time
34 line for completion of the project. The motion was SECONDED by Council Member John Niles.
35 Mayor Bunker asked if there were any comments or questions regarding the motion. There being
36 none, he called for a roll call vote. The vote was as follows:
37

38	Robert Banks	Absent
39	John Niles	Yes
40	Steven Pratt	Yes
41	Tom Stephenson	Absent
42	Betty Jo Western	Yes

1 The motion passed.
2

3 Mayor Bunker suggested we include a statement in the notice to the contractor that Delta City has
4 no preference whether the old bore hole is used or whether a new one is created. City Attorney
5 Anderson suggested that we simply put the responsibility on the contractor to determine how the
6 project is to be completed. It was determined that we will not make any statement regarding how the
7 project is to be completed, just our expectation that the project be completed.
8

9 Mayor Bunker asked if there were any comments, questions or other items to be discussed. There
10 being none, Council Member Betty Jo Western MOVED to adjourn the meeting. The motion was
11 SECONDED by Council Member Steven Pratt. Mayor Bunker asked if there were any comments
12 or questions regarding the motion. There being none, he called for a vote. The motion passed with
13 Council Members John Niles, Steven Pratt and Betty Jo Western voting in favor and Council
14 Members Robert Banks and Tom Stephenson being absent.
15

16 Mayor Bunker declared the meeting adjourned at 8:03 p.m.
17
18
19

20 _____
GAYLE BUNKER, Mayor
21
22

23 _____
24 GREGORY JAY SCHAFER, MMC, City Recorder
25

26 MINUTES APPROVED:
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29