

City of Kenmore, Washington
City Council Special Meeting Minutes
August 14, 2017

CALL SPECIAL MEETING TO ORDER — The Kenmore City Council special meeting was called to order by Mayor Baker at 5:30 p.m.

Councilmembers present:

Mayor David Baker
Deputy Mayor Allan Van Ness
Councilmember Brent Smith
Councilmember Laurie Sperry
Councilmember Milton Curtis
Councilmember Nigel Herbig
Councilmember Stacey Denuski

Staff present:

Rob Karlinsey, City Manager
Joanne Gregory, Finance and Administration Director
Kris Overleese, Public Works Director
Zack Richardson, Civil Engineer
Kelly Chelin, City Clerk

FLAG SALUTE

The Council led the flag salute.

AGENDA APPROVAL

The agenda was approved as submitted.

CONSENT AGENDA

Councilmember Denuski moved to approve the consent agenda as submitted, Mayor Baker seconded the motion. The motion passed 7-0.

The consent agenda included the following:

The following checks and electronic payments are approved for payment:

Total check numbers: 37400 through 37528 in the amount of \$575,552.20.

Payroll check numbers: 10068, 10069, 10070 and 10071 in the amounts of \$218.11, \$845.34, \$600.90 & \$218.11.

Total payroll and health savings account electronic deposits dated: 7/21/2017 and 6/30/2017 in the amount of \$88,563.85.

The following checks and electronic payments are approved for payment:

Total check numbers: 37529 through 37540 in the amount of \$67,510.36.

Payroll check numbers: 10072, 10073, 10074 and 10075 in the amounts of \$953.75, \$885.45, \$109.06 and \$682.25.

Total payroll electronic deposits dated: 8/4/2017 in the amount of \$89,143.91.

BUSINESS AGENDA

Authorize the City Manager to Approve a Change Order for \$100,000 and Increase the Contract Authority to \$967,868 for Contract 17-C1653 with ERRG for the NE 192nd St Culvert Replacement Project - Zack Richardson, Civil Engineer

Engineer Richardson explained that the City is currently under contract (17-C1653) with Engineering Resources/Remediation Group (ERRG) for construction of the NE 192nd St Culvert Replacement Project. The project has experienced delays which have resulted in additional project costs. The delays were a direct result of Frontier's failure to relocate existing utility lines within the project area. Staff worked to minimize cost and project impacts because of the delay, but a significant amount of additional effort resulted from having to re-sequence the work.

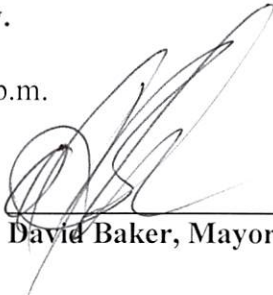
The contractor submitted a notice of delay to the City on 7/24/17 and the staff immediately notified Frontier of the City's intention to tender all the cost associated with the delay to Frontier. It is staff's opinion that Frontier should pay all cost on this claim per the indemnification provisions of the existing franchise utility agreement. State law requires that the City pay the contractor promptly and cannot delay contractor payment while waiting for reimbursement. Staff has coordinated with the legal team to ensure that the City's position is defensible.

To create a clear record of the delay impacts, the contractor and the City inspector have been coming to agreement daily on impacts from the delay and are documenting daily costs. The total cost is not finalized, but the costs are expected to be about \$100,000, which exceeds the change order authority of the City Manager. (1) Staff recommends that Council authorize the City Manager to sign a change order for \$100,000.

The cost of the change order above will cause total project cost to exceed the current contract authority which was previously approved by Council at the April 24, 2017 meeting (\$867,868). (2) Staff is recommending that the Council authorize the City Manager to amend the current contract by \$100,000 bringing the total contract authority to \$967,868.

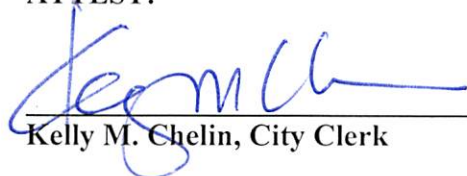
MOTION: Councilmember Curtis made a motion to authorize the City Manager to Approve a Change Order for \$100,000 and Increase the Contract Authority to \$967,868 for Contract 17-C1653 with ERRG for the NE 192nd St Culvert Replacement Project, Councilmember Herbig seconded the motion. The motion passed unanimously.

Mayor Baker adjourned the meeting at 5:35p.m.



David Baker, Mayor

ATTEST:



Kelly M. Chelin, City Clerk