

# MISSOULA REDEVELOPMENT AGENCY

## CONDENSED BOARD MEETING MINUTES

September 22, 2008

FINAL

A meeting of the Board of Commissioners of the Missoula Redevelopment Agency was held at the MRA Conference Room, 140 W. Pine, Missoula, MT 59802 at 12:00 PM. Those in attendance or on the phone were as follows:

**Board:** Hal Fraser, Nancy Moe, Daniel Kemmis

**Staff:** Ellen Buchanan, Kari Nelson, Jilayne Lee, Lesley Pugh

**Public:**

### PUBLIC COMMENTS & ANNOUNCEMENTS

#### ACTION ITEMS

##### Silver Park Phase I Trail – Request to Approve Change Order

Nelson said the construction for the Silver Park Trail has begun and Western Excavating ran into some organic materials spanning the full length of the trail. She said the original design called for 6” of fill to be brought in for the trail to be built on that amount is not adequate to go over the organic material. Western Excavating proposed to put in a total of 18” of fill which is 12” more than what was specified in the original plan. Nelson said it’s been confirmed by the designer and his engineer that 18” will likely be suitable. However, first Staff wants to have Strata Geotechnical Engineering, the firm on-site doing materials testing, analyze test pits that Western Excavating will dig to confirm that the proposal of 12 additional inches is appropriate.

Nelson said because of the organics that were discovered when Western Excavating was digging for a concrete pad for the bench shelters, they realigned the trail so that it would avoid a lot of the deep organic material. The trail realignment costs \$3,700. Subsequent to that, Nelson said that’s when they discovered organics all along the trail. Excavation of an additional 12” will cost \$3,560. She said they will need to place geotextile along the trail to keep the layers separate from the organic. The estimate for this is \$2,805. Also, Nelson said the placement of the extra 12” of gravel will cost \$21,470. She said one more thing that was not included in her memo because it was just brought to her attention is a misunderstanding that the Timber Framers’ Guild would supply metal plates that go into the corners of the concrete pads to anchor the structures. Nelson said this is an additional \$1,500 and Western Excavating was able to supply the plates. Altogether, the total request for the change order to Western Excavating is for \$33,035.

Nelson noted that originally when the materials testing needed to be done, Buchanan signed a contract for \$1,469 with Strata Geotechnical Engineering to provide the materials testing for the concrete pads. She said the new testing will be an additional \$1,650 to that original agreement for a total of \$3,119.

Nelson said the materials for the big pergola from the Milltown Dam were in Polson for milling and have been shipped to the City Shops site. Jennifer Anthony paid for the shipping costs of \$700 because she had to sign off on them. She said MRA will reimburse Anthony for this cost. At the next Board meeting, Nelson said she will ask the Board to approve the rest of the payment to Dupuis Lumber for the final amount of the salvaged timbers, which will be around \$20,000.

Nelson said today's request is for a total of \$33,035 to Western Excavating and a total of \$1,650 to Strata Geotechnical Engineering for a total overall request of \$34,685.

Kemmis asked what organic material contains. Nelson replied it's sawdust and some has broken down even further to a consistency of garden soil. Kemmis said he had it in his mind that the whole site had been so thoroughly tested and examined that there wouldn't be any surprises about what kind of material was there. Kemmis asked if they hadn't anticipated this material along the line of the trail. Nelson replied there was some information in the Voluntary Cleanup Plan with a map that shows where the sawdust material is. Nelson said apparently Fred Ogram, the landscape architect from Abbotswood Design Group, was not aware of that map. She said Ogram was in contact with Geomatrix throughout the whole process but apparently he wasn't aware of the mapping that had been done.

Kemmis referred to the test pit observation and asked if Western Excavating will do what they're proposing (excavating the additional 12" and placing the geotextile and gravel down) in a small spot and then have Strata test whether it's sufficient or not. Nelson said Strata will do the testing before they actually carry out the plan to do the 12". She said after the testing is done Strata will make a recommendation as to whether or not the 12" is an appropriate solution. She said they may only need 9". Kemmis said in that case, with regard to the additional amount for Western Excavating, it's referring to an "up to" amount. Nelson agreed and said it's an amount not to be exceeded.

Moe asked who said they would only need 6" of fill. Nelson replied that was the amount specified in Ogram's original design for the trail. Moe asked if that was without any testing of the ground being done. Nelson concurred. Moe asked how MRA knows that 12" is all that needs to be dug up for additional depth. Nelson replied because of the load of the trail and what it's going to be used for, that's what Western Excavating felt would be the maximum amount needed to get the compaction they need. Moe said regardless of what the test results are they won't have to dig any deeper than an additional 12". Nelson replied no.

Moe asked why Dupuis Lumber didn't do the shipping of the timber. She asked if that was MRA's initial agreement with them. Nelson said Dupuis Lumber would have been

responsible to get it to us somehow, but it ended up being a local company that shipped it and it ended up being a separate contract. She said it would have been paid for by MRA either way. Moe asked if the shipping was included in the storage costs from Dupuis, that they would store it and ship it back to us. Nelson replied it wasn't spelled out that way. Moe asked if MRA thought that's what was going to happen. Nelson said yes. She said she didn't have a final bill from Dupuis Lumber until recently, but it would have had the shipping costs on there. Moe asked if the Board needed to approve \$700 for Jennifer Anthony to cover that shipping. Buchanan said it's within the amount that she can approve, she just wanted the Board to be aware of what she was approving. Lee added that it was brought up at the last meeting and so this is a follow up.

Moe said MRA learned something on this project when the contractor's fees increase 150% of what the original bid was. Kemmis said it does surprise him that this should have come as a surprise. He said he wasn't sure where the lack of communication existed and wasn't suggesting it was on MRA's part, but it did seem to him that so much is known about that site that this probably should have been factored into the original estimate. Nelson said that is correct.

Fraser asked what credentials Abbotswood Design Group has to bid out excavation. Nelson replied they have a civil engineer that is subbed to them. Fraser asked if there were other bids besides the one from Western Excavating. Nelson replied yes. Fraser asked if any of them included payment for this or have testing included. Buchanan said the testing is not the responsibility of the contractor. Nelson reviewed the bid prices that came in and all but one were under \$100,000. She said the architect's estimate was \$131,000. Fraser questioned how MRA got a bid for \$59,000, considering the architect's estimate. Buchanan said contractors are trying to keep their doors open and in the last six months everything has come in under engineer's estimates, which is certainly not the City's typical experience. Fraser asked where the funds will come from for this portion. Buchanan said MRA has carried over \$200,000 in the MRA budget for the Riverfront Trail connection since before she became Director. However, she said it's only for the trail and doesn't include lighting, landscaping, etc. The rest will be done when the whole park is done.

Moe said she understands the sentiment that contractors are buying projects, but said another way to look at it is that they're bidding City projects at a reasonable amount and then, as MRA's found in the past, projects have been overbid because it's an MRA project. Buchanan responded that she thinks the City has felt that way in general for MRA, Parks and Recreation and Public Works projects.

Fraser said he's very disappointed in the civil engineer and the landscape architect and how the project got there without any investigating or communication with somebody that knows something. He said it's also a mystery to him how, with all the information that's available on that site, an error of this magnitude was made. Moe asked if this was MRA's only alternative. Nelson replied yes. She said Staff was talking and discussed the fact that MRA still would be paying for this, but the difference is that Staff would have known ahead of time, going into it, how much it would cost.

Kemmis said another implication of this is that when MRA selected a bidder on one basis and then it turns out that the work that needs to be done is actually considerably different, there comes a question of fairness of the bid process. He said all the bidders have the same information and he does understand what the Staff is saying, that this probably is what it costs and what it was going to cost. He said he does think that MRA needs to communicate to the Landscape Architect its unhappiness with how it's turned out. Nelson replied that Staff had a conversation with Ogram on Friday. Buchanan said the difference in the bids was not the quantities, it was the unit prices. She said she firmly believes you always pay a little bit more when there's a change order because it's not competitively priced. Buchanan said she does think that because it's Western Excavating, MRA has an advantage because it's one of Kevin Mytty's companies and they already have materials on site that they can use and it's less expensive than if they had to haul it from somewhere.

**MOTION**

**KEMMIS: I WILL MOVE THAT THE CONTRACT WITH WESTERN EXCAVATING BE AMENDED TO PROVIDE FOR AN ADDITIONAL AMOUNT NOT TO EXCEED \$33,035 AND THAT THE CONTRACT WITH STRATA GEOTECHNICAL BE INCREASED BY \$1,650. Moe seconded the motion with the understanding that Strata Geotechnical is going to do its work first before Western Excavating is paid anything except for realigning the trail segment that was already discussed. Kemmis said that was his understanding in making the motion.**

**3 ayes, 0 nays. Motion passed unanimously. Cates and Englund absent.**

**OTHER ITEMS**

Lee said there were two applications submitted for the MRA representative on the Historic Preservation Commission Board. There was a subcommittee of Fraser and Moe formed. Lee asked how the Board wanted to proceed. Mary Ryan was put in a different position by City Council so the choices for the MRA position are Ken Duce and Jamie Ryan Lockman. It was decided that Lee will send out the information on the candidates and Fraser and Moe can decide who will serve on MRA's behalf.

**ADJOURNMENT**

Meeting adjourned at 4:00 pm.

Respectfully Submitted,



Lesley Pugh  
Secretary II