

**MINUTES  
CITY COUNCIL MEETING  
December 30, 2008**

The Wayne City Council met in special session at City Hall on Tuesday, December 30, 2008, at 5:30 o'clock P.M. Mayor Lois Shelton called the meeting to order with the following in attendance: Councilmembers Verdel Lutt, Jon Haase, Dale Alexander, Kaki Ley, Kathy Berry and Ken Chamberlain; City Attorney Mike Pieper; City Administrator Lowell Johnson; and City Clerk Betty McGuire. Absent: Councilmembers Brian Frevert and Doug Sturm.

Notice of the convening meeting was given in advance by posting in three places (City Hall, City Auditorium and Library) on December 26, 2008, and a copy of the meeting notice and agenda were simultaneously given to the Mayor and all members of the City Council. All proceedings hereafter shown were taken while the Council convened in open session.

Roger Protzman, Engineer with JEO Consulting Group, was present to address Council's decision at the last regular council meeting awarding the UV Disinfection Project contract to Christiansen Construction Co. LLC of Pender, Nebraska, in lieu of his recommendation to award the same to the low bidder – Penro Construction Co. of Pender, Nebraska.

Mr. Protzman advised the Council that on December 2<sup>nd</sup>, the City received six bids for this project. They ranged from \$202,443 to \$256,853. The bids were very competitive and represent accurately what the approximate cost of this project is. The total base bid on the bid form did not include the cost of heating the site. That was excluded from the base bid because it was an unknown factor. Therefore, based upon the

base bid, Penro Construction Co. of Pender, Nebraska, was the low bid at \$202,443. Christiansen Construction Co. LLC was the second low bid at \$205,443. Both companies indicated they could have the project done by May 1<sup>st</sup>. April 27<sup>th</sup> was set as the completion date. They left the start-up date open because there is a long lead time on the equipment. He and city staff have done everything they could to try to expedite this project and move it forward. One of those steps was to break out the equipment and bid the same earlier.

It was his understanding that at the Council meeting, there was significant discussion about what happens if we have to heat. One of things that the Council wasn't aware of at that time was that there are still some things that have some lead time to get here, such as the steel that goes in the concrete. These items take about 8 weeks to get here. The contractors all thought this project would take about 30-45 days to build if they had everything on site. That told him the contractors would not need to start until March 1<sup>st</sup> or shortly thereafter, which would then allow ample time for the steel and miscellaneous metals to get here, and also the concrete. Even if the Council wanted to start the project now, we would have a hard time getting concrete from a concrete plant. Mr. Protzman's opinion was that heat is probably going to become a moot issue if we start March 1<sup>st</sup>. It is probably not going to take anything more than a blanket on the concrete pours because it is not a very big area.

Attorney Pieper asked Mr. Protzman if the bidders were asked to bid the heating. Mr. Protzman responded that it was listed as an additional work bid item if needed.

Mr. Protzman's recommendation was to rescind the Council's previous action and award the contract to Penro Construction Co. based upon the base bid which is \$3,000 less than the next low bid of Christiansen Construction Co. LLC.

Attorney Pieper noted to the Council that the motion needed to be made and seconded by Councilmembers that were in the majority of the original motion awarding the contract to Christiansen Construction.

Councilmember Chamberlain made a motion and seconded by Councilmember Haase to rescind Resolution 2008-104 accepting the bid and awarding the contract on the UV Disinfection Project to Christiansen Construction Co. LLC of Pender, Nebraska. Mayor Shelton stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried.

Councilmember Ley introduced Resolution 2008-107, and moved for its approval; Councilmember Alexander seconded.

#### RESOLUTION NO. 2008-107

A RESOLUTION ACCEPTING BID AND AWARDING CONTRACT TO PENRO CONSTRUCTION CO. OF PENDER, NEBRASKA, ON THE CONSTRUCTION OF THE "2008 WASTEWATER TREATMENT FACILITY, UV DISINFECTION SYSTEM PROJECT."

Mayor Shelton stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried.

Councilmember Lutt made a motion and seconded by Councilmember Alexander to adjourn the meeting. Mayor Shelton stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried and the meeting adjourned at 5:47 p.m.