

**DECEMBER 14, 2009**  
**IONA-BONNEVILLE SEWER DISTRICT (IBSD)**  
**SPECIAL BOARD MEETING**

Meeting called to order by Chairman John Price at: 4:00 p.m.

**Board Members Present:** John Price (Chairman); Mike Klingler; Jason Blundell; Glen Clark; Kelly Howell

**IBSD Staff:** Cindy Wellman, Manager

**Attorney:** Tony Sasser, Echohawk Law

**Public:** Don Decker, 3-D Decker; Kevin Hayes, K-2 Builders; Aaron Blonquist, Tucwahtse; Monica Shook, Shook Construction; Matt Hansen, Byron Beck Builders; Ron Salazar, Ovard Construction; Rich Taylor, R. Jay Taylor Construction; Greg Hansen, Rockwell

**Agenda Items:**

1. Acknowledgment and reconsideration of public works status.
2. Statement of potential conflicts on bids: Kelly Howell
3. Bid Opening – New IBSD building
4. Adjournment

**Meeting minutes:** For additional information, please reference the meeting recording.

00:00:00            **PUBLIC WORKS STATUS FOR PROPOSED BUILDING**

There has been confusion as to whether the project for the new IBSD building was supposed to be bid as a public works. When the original bid documents were sent out by the architect there was not a specification manual and when it was later sent to the qualified contractors it did not specify that the project was public works.

Mr. Sasser stated that part of the confusion is that Chris Jensen with the Public Works Contractors License Division of Public Safety has Iona Bonneville Sewer District listed as an association. There are two categories, A and B, which could be followed according to state statutes and Category B dictates that Public Works contractors be utilized. Technically, IBSD does not have to follow Category B but this is the path that the IBSD Board chose based on counsel's advice. Mr. Price stated it was the intention of the Board to bid the project as a public works project. Mr. Sasser recommended that the project be renotified again requiring contractors to have a public works licensing.

Ron Salazar commented that the instruction to contractors did not include the public works requirement and this was confirmed by the Public Safety office. Since this was not clear in the bid package the bids received were not bid as Public Works.

Greg Hansen stated that since IBSD has the option of whether to use Public Work and since the bids have been submitted, he does not see the wisdom of having the project rebid. He, as well as

the other contractors, tried to verify with IBSD's office that the project was Public Works before preparing bids.

Mr. Blundell referenced an earlier meeting where Ms. McGovern recommended using a Public Works contractor even though it was not technically required. She also stated that non-Public Works contractors could join with a Public Works contractor on the project and so all the contractors were determined to be qualified.

Mr. Clark stated he believes the contractors bid in good faith and he suggested opening the bids. Mr. Sasser recommended not opening the bids. When the prequalification under Category B was requested it triggered a requirement for Public Works licensing but it was not made clear to the non-licensed contractors that they were not qualified. The specifications sent with the bid package did not list the Public Works requirement.

The Board and attending contractors discussed going ahead and opening the bid even though there was misinformation put out with the bid documents.

**MOTION:** Mr. Howell made a motion to proceed under Section A and open the bids today.

**MOTION SECONDED:** Mr. Clark seconded. **MOTION PASSED:** (Yay: Mr. Howell, Mr. Clark, Chairman Price; Nay: Mr. Blundell, Mr. Klingler)

01:38:20

01:38:20           **POTENTIAL CONFLICT OF INTEREST: KELLY HOWELL**

Mr. Howell submitted a statement that his past business dealings with individual involved with Rockwell Development may be perceived as a conflict of interest. He sold a company to LaSalle, a subsidiary of Rockwell Development, for which he still carries the note. Since it could be possible to construe that he has a financial interest related to Rockwell Development, he will refrain from making any statements or participating in any votes related to Rockwell.

Mr. Klingler made a public statement that he has performed work for Bateman-Hall and that he will refrain from any statements or votes involving this company.

01:40:45

01:40:45           **BID OPENING**

Mr. Blundell opened the bids as listed below:

R. Jay Taylor Construction – Base bid \$365,000.00, 150 calendar days, \$12,000 cold weather allowance.

Rockwell Development – Base bid \$364,000.00, 103 calendar days or 117 days for cold weather, \$14,000 allowance for cold weather construction.

Byron Beck Builders – Base bid \$354,030.00, 150 calendar days, \$21,241.00 allowance for cold weather.

K-2 Builders – Base bid \$334,298.00, 120 calendar days, \$25,000.00 cold weather allowance.

Ovard Construction – Base bid \$345,000.00, 150 calendar day, \$6,390.00 cold weather allowance.

Tucwahtse Construction – Base bid \$353,902.43, 180-210 calendar days, \$7,771.43 cold weather allowance.

Shook Construction – Base bid \$332,874.00, 150 calendar day, \$8,500.00 cold weather allowance.

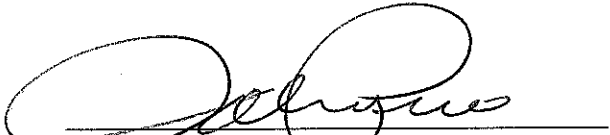
3-D Decker – Base bid \$326, 283.99, 120 calendar days, \$10,000 cold weather allowance.

Bateman Hall – Base bid \$337,000.00, 105 calendar days or 135 for cold weather, \$33,500.00 cold weather allowance.

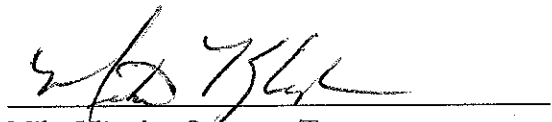
The apparent low bidder is 3-D Decker followed by Shook Construction and K-2 Builders.

01:52:30

The meeting Adjourned at 5:53 p.m.

  
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John Price, Chairman of the Board of Directors

12/22/09  
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Date

  
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Mike Klingler, Secretary/Treasurer

12/22/09  
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Date