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TOWN OF JEROME, ARIZONA

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MINUTES

SPECIAL MEETING OF THE JEROME TOWN COUNCIL JEROME CIVIC CENTER - 600 CLARK STREET - COUNCIL CHAMBERS WEDNESDAY, NOVEMBER 25, 2015 AT 11:00 A.M.

ITEM #1:	CALL TO ORDER/ROLL CALL Mayor/Chairperson to call meeting to order. Town Clerk to call and record the roll. <i>Mayor Currier called the meeting to order at 11:00 a.m.</i> <i>Town Manager/Clerk Candace Gallagher called roll. Present were Mayor Currier, Vice Mayor Freund, Councilmember Stewart, Councilmember Barber and Councilmember Vander Horst. Other staff present were Barry Wolstencroft, Building Inspector, and Joni Savage, Deputy Clerk.</i>
ITEM #2: 11:01	LEANING WALL UPDATE Council will review the status of the leaning wall project to determine how to proceed, and may or may not approve a change order for additional work. <i>Mayor Currier asked Ms. Gallagher to update Council regarding the leaning wall.</i> <i>Ms. Gallagher said that, at the last meeting, there was some confusion about inspections. She contacted Core Structure Group and, after a little digging, they found that they had done one more inspection for the buttress footing. She has not received that report yet. She noted that Building Inspector Barry Wolstencroft and Coby Cook of Elite Performance Concrete were both present at this meeting, and added that, at this point, our engineers won't sign off on this project unless epoxy anchors are put in.</i> <i>Councilmember Vander Horst asked where the anchors would go and what they would do. Mr. Wolstencroft said that they would go behind the rails. Mr. Cook explained that the engineers initially spec'd out an "S" beam, which is much larger and required it to be drilled into the wall three times. That was changed by the Town to railroad rails, and now instead of three anchors, they want thirty-three anchors drilled in. His opinion is that drilling all those anchors in will weaken the wall tremendously. He said that they grouted parts of the wall and filled parts of it with concrete, and part of the wall blew off because of the weight of the concrete. Drilling into that old concrete, he said, would weaken it.</i> <i>It was noted that there is a horizontal crack in the rear of the wall about four feet from the top. Councilmember Stewart said that it corresponds with the same crack on the front of the wall. The cells were grouted down below that, he said.</i> <i>Ms. Gallagher said that it appears that the engineer won't sign off until those epoxy anchors are put in, and there are differing opinions about the advisability of that. She noted that Mr. Wolstencroft agrees that it is not a good idea, and pointed out that Mr. Cook's quote of \$11,970 to perform the additional work specified by the engineers does not include the drilling of these anchors. In conclusion, she stated that Council had three options: 1) Do what the engineers say and have them sign off on it; 2) Let the wall sit like it is and accept the liability; or 3) Take the top portion of the wall down.</i> <i>Vice Mayor Freund asked why the rails aren't flush with the wall. Mr. Cook said that the engineers "draw these things in a perfect world where things are flush." One end of the wall had existing concrete protruding from it so they couldn't put them in flush. Mr. Freund asked about cutting the rails in half so that they would be flush on either end. Mr. Cook said that couldn't be done.</i> <i>Councilmember Stewart said that he had called Core Structure Group and asked if they would like the rails to be held out four inches at one end and tapered to nothing at the</i>

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Jerome Town Hall Located at 600 Clark Street, Jerome Civic Center

other end. The engineer told him that it would be better to hold them consistently out the same 4 inches all the way across the front face. Mayor Currier asked who he talked with, and it was determined he had spoken with Jacob, the owner of Core Structure Group. The Mayor asked if Mr. Stewart knew the date when he had talked to him or the period of time this conversation had occurred. Mr. Stewart said that it took place before the second inspection, prior to the concrete being poured.

Mr. Wolstencroft stated that the problem is that this was all verbal and nothing was in writing.

Mayor Currier asked when the second set of plans were drawn. Mr. Cook referenced an email from Jacob Vinton at Core Structure Group stating that he was "quite frustrated" with how members of his company handled this project, and that he had been away until October 6. Mr. Cook concluded that those plans were probably drawn during the first week of October. He recalled the meeting onsite, attended also by the Mayor, Councilmember Stewart and Ms. Gallagher, where the engineer asked him "Where are your drawings?" Mr. Cook told him then that he did not have any drawings, but was standing next to Mr. Stewart when Mr. Stewart called Core Structure Group on the phone, and they told him to go ahead and put them in, and to go ahead with the pour -- so they put them in and they poured. When the engineer asked "Where are your plans?" (referring to the second set of drawings), Mr. Cook replied that he had never received a second set of drawings, and neither Mr. Wolstencroft nor Ms. Gallagher had received any either.

Mayor Currier interjected that the plans were sitting in the engineer's drawer. Ms. Gallagher agreed, and noted that Core Structure Group has acknowledged that and they are not charging us for those.

Mike Parry, a Jerome resident, asked, "How can you build something if you don't have a set of plans?" Mayor Currier explained that we did have the first set of plans. There was a revised set of plans that no one knew existed except the person that prepared them, and he was on vacation.

Mr. Cook said that the only thing that changed from one set to the other was the detail of how they wanted to attach the beams. He said that he heard Councilmember Stewart on the phone telling Core Structure that the beams would be cockeyed. He was told to make it level and we would shim the back of it, so that is what they did. They did not tell us that it would change from three epoxy bolts to thirty-three.

Councilmember Vander Horst asked who from the Town managed this project. Councilmember Stewart held up his hand. Mayor Currier said he that he had asked Councilmember Stewart to keep an eye on the project, however it is technically the Manager's job to manage these things and that complicates the issue. He believes Councilmember Stewart acted in good faith and does not believe he did anything wrong here. Personally, he said, he believes it is the Engineers' fault.

Ms. Gallagher agreed and said that she was grateful that Councilmember Stewart jumped in to help because he knows a lot more about this type of work than she does.

Councilmember Vander Horst opined that neither Ms. Gallagher nor Councilmember Stewart have the professional qualifications to oversee this project. He asked if Mr. Wolstencroft or the Town Engineer was asked to do that. Mayor Currier said that he believed that the Town Engineer was in charge. Mr. Vander Horst said that the Town Engineer was unaware that we had gone forward with the project. Mayor Currier noted that he had been at the meetings when we were discussing this, Shephard Wesnitzer hired the structural engineer, and the structural engineer's report was addressed to them. Mr. Vander Horst said that Town Engineer Richard Aldridge was unaware that we gave out the contract "because nobody told him."¹

Mayor Currier noted that this doesn't change our situation at the moment. We have three choices here -- to spend an additional \$10,000 to \$12,000, or to tear down the top of the wall, or to accept it as it is. He asked if anyone saw another alternative.

Vice Mayor Freund said that one thought would be to get another opinion regarding the engineering. He cannot see the point of so many ties between the rail and the wall.

¹ Clerk's note: The Engineer had been advised of this. Later in the meeting, Ms. Gallagher provided copies to Council of an email she sent to Richard Aldridge on August 27 advising him that the contract was being awarded. See page 4.

Councilmember Stewart said that the only thing we should do further is to shim behind the rails that are in place which are out 4" from the wall. No drilling should be done.

Mr. Parry said, "At this point you should do what the engineer says. If the wall fails, it is their liability ... The liability is the key thing here."

Vice Mayor Freund said that we weren't advised in a timely fashion to make those changes, and we should contact the State Board of Technical Registration and file a complaint.

Mayor Currier asked Ms. Gallagher if she had spoken with the Town Attorney about this. She replied that he has been out of the office, and she has not.

Councilmember Stewart said that it is not just epoxy anchors that the engineers now want. They are now asking for more vertical columns and bond beams. "They want a huge amount of work done," he said. It was noted that the cost would be at least \$12,000. Mr. Cook noted that removing the fill for behind the wall would be in addition to that, if that is necessary.

Councilmember Vander Horst noted that the wall already doesn't look like it used to, and asked how much more the look of it would change if we do what the engineers are asking. Councilmember Stewart said that there would be two sixteen-inch vertical concrete buttresses, and more columns facing the Spirit Room. Mr. Cook said, "It will be drastically changed. It will be changed as much once again as it already has."

Mayor Currier said that he doesn't want to spend another nickel on this. Councilmember Vander Horst agreed, but added that he has concerns about liability.

Steve Knowlton, a Jerome resident, suggested that if all parties involved (the Town, the Engineers and the contractor) made mistakes along the way, perhaps the cost could be shared among the entities.

Councilmember Vander Horst pointed out that Core Structure Group is taking some of the blame, and Mr. Cook said that he can share in part of the blame as well. His quote didn't include the backfill. He and Councilmember Stewart looked at the backfill, he said, and Mr. Stewart said that he would remove that material. Mr. Cook said that he had his inspections done correctly, and the work was performed exactly how he quoted it and how he was told to do it. Mr. Wolstencroft said that this was true, except for the bond beam across the top, which was on the plans. Mr. Cook said that he did the bond beam per Councilmember Stewart's request, so he did it the way he had been told to do it. He had no reason to believe that a verbal direction from Councilmember Stewart wasn't from the Town.

Mr. Wolstencroft agreed with Mr. Knowlton's suggestion, to see if the engineers might make some concessions here. Ms. Gallagher noted that she had asked Mr. Aldridge about that already and he didn't seem to want to budge.

Councilmember Stewart spoke about the backfill, which he said was discussed with the engineers on site before they drew up the plans. The engineers said to remove the tree stump and some of the big rocks, and to pour some concrete behind the wall. All of that was done, he said.

Mr. Parry stated that "engineers draw everything times three. They don't care what it costs. Liability is a scary thing and you have to have documents to back it up."

Councilmember Stewart said this was definitely a good lesson for all of us to have everything in writing.

Mr. Cook said again that the only thing we changed was to put in the railroad rails instead of a steel beam, but they came back asking for thirty three anchors and vertical bond beams twelve feet in the air. He doesn't understand why Core changed this so drastically. Ms. Gallagher said that it was her understanding that those changes were required because parts of the wall remained hollow, when the engineers expected it to be filled with concrete.

Councilmember Barber said that she believes that they are probably asking for vertical beams to support the extra weight put on the top of the wall. She also commented that this was a learning experience for all the new Councilmembers.

Councilmember Vander Horst asked if we would need to go back to DRB in order to proceed with other options. Mayor Currier replied that we would not, because, at this point, he believes it's a safety matter. "If we spend more money, it's not a safety issue anymore," Mr. Vander Horst said. Mayor Currier said that he had a good point, and in that instance, they should be consulted.

Mr. Knowlton spoke again about the Engineer having some responsibility for this mistake, and Mr. Parry agreed that a meeting with them may be prudent at this time.

Ms. Gallagher noted that this was the second time that Core Structure Group apologized for an error, and also, in their second clarification, they specified anchors at twelve feet O.C. and they noted that they should have been specified at twelve inches O.C.. Mr. Cook clarified that he had bid this at twelve feet.

Councilmember Vander Horst said that perhaps the first decision to be made is whether we even want to spend more money if we can't even see the wall. Vice Mayor Freund said that there would be additions but he believes they will be hidden. Councilmembers Vander Horst and Stewart each corrected Mr. Freund and advised him that the columns would be on the outside, and very visible.

Mayor Currier asked to see the latest drawing, and Ms. Gallagher left the room to retrieve those. In the meantime, Mr. Cook used the white board to draw for Council what the wall looked like originally, what they had done, and what the new changes would look like.

Mr. Cook talked about a recessed section of about two feet—they had to form and pour a cap next to that. That was the only piece of cap they had to put in, he said. They poured a solid eight inches. In the process of pouring, a piece of the wall blew off the top. Now there is an additional void on the wall. He explained that the Engineer wanted more areas dug out and concrete poured, which would give vertical support. He explained that the concrete is flush with the surface of the wall. The problem is, this wall is broken, and it is a significant crack. The section with the buttresses will never move. The engineers are worried about the top of it falling over the buttresses. On the original plans, the engineers wanted the backfill taken out. They took the fill out below the crack. Councilmember Stewart took out the tree stump and dirt to behind the crack line. This is solid concrete behind the wall, so there is no movement. They dug a foot below the crack and then they drove rebar in two feet below the crack and filled it with solid concrete. The engineers are saying that, since they didn't go all the way to the bottom, but just to below the crack, they want the additional work done. They want a foot below the crack filled with concrete. He doesn't believe that the area can be cleaned out like the engineers are requesting.

Councilmember Barber asked about the additional rebar they asked for. Mr. Cook responded that this wall is made like a block wall. Whoever did this back in the day was extremely talented. What the engineers want us to do is to drill from one hollow space to another and connect with rebar and then have it poured solid. They are hollow, and he would have to make forms underneath, which will require hours of form work. He went on to say that this is way over-designed and over-engineered. "I'm not an engineer," he said, "but I don't believe that wall will ever move."

Ms. Gallagher returned with the drawings and also provided Council with copies of an August 27 email she sent to Town Engineer Richard Aldridge, stating, "We are about to finalize a contract with Elite Performance Concrete in Camp Verde for the leaning wall work, in accordance with the plans drawn by Core Structure Group," requesting sealed plans and noting that special inspections would be required. Mr. Aldridge received and replied to that email.

Councilmember Vander Horst asked what the estimate would be from the Contractor for the thirty-three bolts and epoxy. Mr. Cook said that he had told Ms. Gallagher that he couldn't do it because it is a beveled bolt. He is afraid that if he drills a hole and puts a beveled washer in it, it won't be flush, and the engineer will complain about it. He added that, if the Town wants to get the bolts, he will be happy to put them in.

Councilmember Stewart asked how far the buttresses extend from the bottom of the wall. Mr. Cook responded that the footings extend five feet out. Mr. Stewart surmised, if we were to leave it as is and not spend any more money, we could put a fence at the base of the buttresses so that if anything did fall off the top there is a fall zone. The fence would look like the fence that was already there, not chain link or barbed wire. Councilmember Vander Horst asked Mr. Wolstencroft how high he thought the fence would need to be.

Councilmember Stewart interjected that it would need to be three to four feet high. Mr. Wolstencroft said, "I think six feet high."

Mayor Currier asked if the horseshoe pits could be moved further away. Councilmember Stewart said that there is plenty of room. He added, "We are not talking about a collapse zone from the base of the wall, there is just a little bit on top that would just go directly down if it did fall." Councilmember Barber asked, "How tall is the part that could fall off?"

Councilmember Stewart replied, "three and a half or four feet." Councilmember Vander Horst asked, "How far is that off the ground?" Councilmember Stewart responded that it was twelve feet off the ground. It is grouted past the cold joint, he said, "so you're talking about the top four feet and concrete below that." Councilmember Vander Horst commented that it could bounce off the buttress and over the fence.

Mr. Parry suggested again that Council speak with the engineers. Mr. Wolstencroft agreed and suggested that we base it on whether they are willing to make some concessions with respect to price and engineering. If they aren't, we could then come back and look at our other options.

Mr. Cook said, "Mayor, they [the engineers] are trying to say that somehow the ball was dropped between the Town and me and Barry. The ball was dropped by them a long time ago. They just finally came to the table yesterday or the day before saying, 'Here's the other structural inspection we couldn't find.'"

Councilmember Vander Horst asked if we had cut a check to Core Structure. Ms. Gallagher said that the check went to Shephard, not to Core.

Mayor Currier said that if we leave the wall as is, our main concern was that lower wall. We need to repair that wall and do some excavation behind it. "Does anyone think the people below are in danger?" he asked. Vice Mayor Freund said that, personally, he didn't think there was a danger. Mr. Parry commented that "no hard hat would stop that." Mr. Cook said that we had an excavator up there and it didn't change the wall. He is not an engineer but he doesn't believe it will fall and endanger anyone.

Councilmember Stewart said that, even before the buttresses were in place, the lower wall is out of the collapse zone. Now, with the buttresses, it is not going anywhere.

Councilmember Barber that said she saw the wall falling on Holly, and that entire wall fell in one piece. It landed on a station wagon and moved it out into the road. We have had high winds, she said, and that wall would have already fallen by now.

Councilmember Stewart noted that there is nothing behind the wall pushing on it. Mr. Aldridge had said he was worried about wind being able to blow over that concrete wall. There is no pressure behind it, he said. The dirt is behind the buttresses.

Vice Mayor Freund mentioned an alternative way to secure the wall with cables and a dead man at a modest cost.

Mayor Currier recapped and asked staff to talk to the structural engineers and Shephard-Wesnitzer and see if they will meet us halfway on this project. Mr. Parry said, "You want to have a face to face with them and tell them you want economic engineering, not costly engineering." Mr. Knowlton spoke again about splitting the cost.

Mr. Cook said that the engineers never gave them a schedule for special inspections. "We called them," he said, "and they never said anything when they came out. I believe Core Structural dropped the ball."

Mayor Currier referenced the email provided by Ms. Gallagher and said that he is ready to bring in the attorneys to the meeting. Vice Mayor Freund agreed. Mr. Knowlton recommended that we begin these discussions without the attorneys, as having them there would appear as a threat. Councilmember Stewart noted that we have already tried to talk to the engineers and they've said they won't sign off on this unless we do what they want. Councilmember Vander Horst said that, if we bring in attorneys to a meeting with the engineers, they might leave the room. Mayor Currier agreed that it would be more difficult to come to terms with the engineers if the attorneys were in the room.

Mr. Wolstencroft referred to the cable cages in Oak Creek Canyon and suggested that we could do something similar at the wall.

Vice Mayor Freund clarified, regarding the attorneys, "I think we should consult them - I don't think we should unleash them."

Discussion ensued regarding the logistics of scheduling a meeting with the engineers. Mayor Currier pointed out that the next agenda item is regarding the appointment of our engineers. Ms. Gallagher suggested that it might be wise to schedule the meeting just discussed before finalizing appointment of our Engineers. The Mayor agreed. He directed staff to set up a special meeting with the engineers to find a more economical solution to this. They do have some liability in this, he said. Vice Mayor Freund agreed that they should share some of this responsibility.

	<p><i>It was discussed and agreed that the meeting would be among the engineers, contractor, staff, Mayor Currier and Councilmember Stewart.</i></p> <p><i>Councilmember Vander Horst asked if there might be some value, following the meeting, in getting together to go over lessons learned from this experience. Mayor Currier agreed.</i></p> <p><i>Mr. Cook commented that he appreciated working with both Ms. Gallagher and Councilmember Stewart on this project. Mayor Currier thanked him.</i></p>
<p>ITEM #3: 12:07</p>	<p>PROFESSIONAL ENGINEERING SERVICES</p> <p>Council will review Statements of Qualifications received from five engineering firms, and may select one or more firms for an oral interview/presentation.</p> <p>Mayor Currier referred to Statements of Qualifications received from five firms vying to become (or remain) our Town Engineers:</p> <ul style="list-style-type: none"> • Shepherd-Wesnitzer (our current engineers) of Prescott • Granite Basin Engineering (with Jim Binick, our former engineer) of Prescott • Rick Engineering Company of Phoenix • Woodson Engineering & Surveying of Flagstaff • Westland Resources of Tucson and Flagstaff <p>Council discussed each firm and their respective qualifications, pros and cons.</p> <p>Ms. Gallagher explained that the process we should follow is to ultimately choose one firm and try to negotiate with them. At this point, however, Council is simply determining which firms to interview. Council can choose to interview more than one firm before deciding which firm to negotiate with.</p> <p>Vice Mayor Freund asked if Council would have any fiscal information at all. Ms. Gallagher said that Council would choose just one firm to negotiate with. If we can't work out a satisfactory fiscal arrangement, then you move on to the second choice. Councilmember Vander Horst commented that this is State law.</p> <p>Council continued their discussion, which at one point included discussion of the Sunshine Hill water tanks. Councilmember Stewart explained that those tanks are 50 or 60 feet lower than the Cleopatra Hill tanks. The higher tanks will get used, and if need be, the lower tanks will feed into Town. They don't feed the Eagles Nest or the Warehouse. The Sunshine Hill tanks can serve about 90% of the Town, he said, but are only regularly used by Bell Road and the State Park. If the Cleopatra Hill tanks drain, the Sunshine Hill tanks can kick in.</p> <p>After further review and discussion, staff was directed to arrange interviews with Council for Shephard Wesnitzer, Westland Resources and Woodson Engineering.</p>
<p>ITEM #4: 12:36</p>	<p>EXTENSION OF EXISTING CONTRACT FOR ENGINEERING SERVICES</p> <p>Council may extend the existing contract with Shephard-Wesnitzer, Inc., which expires as of December 21, 2015, by 10 days, to expire and include December 31, 2015.</p> <p>Motion: A motion was made by Councilmember Vander Horst to approve the extension of the existing contract with Shephard-Wesnitzer, Inc. and seconded by Vice Mayor Freund. The motion passed, 5-0.</p>
<p>ITEM #5: 12:37</p>	<p>APPOINTMENTS TO LOCAL PSPRS (PUBLIC SAFETY PERSONNEL RETIREMENT SYSTEM) BOARD</p> <p>Council may (1) approve the appointment of Mayor Lew Currier (or his designee) as Chair of Jerome's local Public Safety Personnel Retirement System (PSPRS) Board for the remainder of his term, and (2) approve the Mayor's appointment of a citizen member of the Board for the remainder of a four-year term ending November 20, 2019.</p> <p>Ms. Gallagher explained that the PSPRS Board consists of two citizen members, two police members and the Mayor.</p> <p>Councilmember Stewart asked if it matters if a member is a Town employee. Ms. Gallagher said that it does not.</p> <p>Mayor Currier reported that Walter Acker recently resigned from the Board, and Councilmember Vander Horst noted that Mr. Acker is not a citizen. Mr. Acker had been a member of the Board for many years, and Mayor Currier said that he didn't know how he got appointed. Until recently, he said, the Board only met when there was a retirement, and they have only had one retirement in the last five years. The State regulations have</p>

	<p>changed, however, and the Board is now required to meet annually. We need to have a citizen member appointed to fill Mr. Acker's seat, but the Mayor has not been able to come up with anyone.</p> <p>After a brief discussion, Councilmember Vander Horst agreed to fill the seat, on a temporary basis, until the end of the year, and attend the upcoming meeting, and the Mayor will continue to seek a replacement.</p> <p>Councilmember Stewart mentioned that Nancy Smith might be a possible candidate. She is involved with the Auxiliary and has accounting experience. Mayor Currier said that he would contact her.</p> <p>Motion: Motion was made by Councilmember Stewart to appoint Councilmember Vander Horst for the rest of this calendar year to the Public Safety Personnel Retirement System Board. It was seconded by Councilmember Barber. The motion passed, 5-0.</p> <p>Motion: Motion was made by Councilmember Vander Horst to appoint Mayor Currier to the Public Safety Personnel Retirement System Board. It was seconded by Vice Mayor Freund. The motion passed, 5-0.</p>
ITEM #6:	<p>Upon motion by Councilmember Stewart, seconded by Councilmember Vander Horst and unanimously approved, the meeting was adjourned at 12:45 p.m.</p>

Edited by Town Manager/Clerk Candace Gallagher from minutes taken and transcribed by Deputy Town Clerk Joni Savage.

APPROVE:

ATTEST:



Lew Currier, Mayor

Candace B. Gallagher, CMC, Town Manager/Clerk

Date: 5-11-16

