

The McAlester City Council met in Special session on Tuesday, October 12, 2015 at 5:30 P.M. after proper notice and agenda was posted, October 9, 2015, 2015, at 4:35 P.M.

**Call to Order**

Mayor Harrison called the meeting to order.

**Roll Call**

Council Roll Call was as follows:

Present: Weldon Smith, Travis Read, Robert Karr, Buddy Garvin, Jason Barnett & Steve Harrison  
Absent: John Titsworth  
Presiding: Steve Harrison, Mayor

Staff Present: Peter Stasiak, City Manager; John Modzelewski, City Engineer/Public Works Director; William J. Ervin, City Attorney and Cora Middleton, City Clerk

**Scheduled Business**

1. Discussion on Change Order No. 5 to the contract with Carstensen Contracting, Inc. for the construction of CIP#2 Improvements. (*John C. Modzelewski, P.E., CFM, City Engineer and Public Works Director*)

Executive Summary

Discuss Change Order No. 5 to the contract with Carstensen Contracting, Inc. The Change Order will add \$169,946.35 to the project bringing the Contract Price to \$3,052,595.60.

Manager Stasiak began the discussion by informing the Council that this had been presented to him about a week ago, it was the final pay estimate for CIP#2 and along with the final pay estimate was Change Order No. 5 in the amount of \$169,946.35. He had initially denied because he had been unaware of this and had wanted to look into it further. He stated that after meeting with Josh Dede, with Carstensen, there were two (2) other Change Orders that were time sensitive and needed to be addressed. He added that he had placed this Change Order on tonight's agenda for discussion to keep the Council from being caught off guard.

Miles Hunter, Engineer with EST, addressed the Council commenting on the nature of construction and that contracts usually have a final change order that reconciles all fixed quantities.

There was a lengthy discussion among the Council, Mr. Hunter, Manager Stasiak, Josh Dede, with Carstensen and Attorney Ervin concerning the previous engineer with EST, allowing EST and Carstensen to work out the details of the contract and Change Order, the percent that

contracts were allowed to go over, how State Statute affected contractors and municipalities, if the City had verified that this work had been completed, the time it takes to schedule a Special Meeting, why this had not been addressed before now, the specifics of the contract, what would be practical to keep the project moving, and how small changes can turn into significant amounts.

Mayor Harrison commented that this would put the Council in a difficult position when it is brought back as an action item. He recommended that when this got reworked that the numbers go down to the extent they possibly could. City Attorney Ervin commented that there had been discussion that EST may have authorized work and City should look at amount that EST may contribute.

There was no action taken on this item.

2. Consider and act upon, Change Order No. 2 to the contract with Carstensen Contracting, Inc. for the construction of CIP#4 Amendment Improvements and authorize the Mayor to sign Change Order No. 2. (*John C. Modzelewski, P.E., CFM, City Engineer and Public Works Director*)

Executive Summary

Motion to approve Change Order No. 2 to the contract with Carstensen Contracting, Inc. for the construction of CIP#4 Amendment Improvements and authorizing the Mayor to sign Change Order No. 2 which increases the Contract Price from \$1,098,691.60 to \$1,110,248.33.

A motion was made by Councilman Karr and seconded by Councilman Smith to approve Change Order No. 2 to the contract with Carstensen Contracting, Inc. for the construction of CIP#4 Amendment Improvements and authorizing the Mayor to sign Change Order No. 2 which increases the Contract Price from \$1,098,691.60 to \$1,110,248.33.

Before the vote, Director Modzelewski addressed the Council explaining that this was to address an existing water main that was not shown on the City's records. There was no further discussion, and the vote was taken as follows:

AYE: Councilman Karr, Smith, Read, Garvin, Barnett & Mayor Harrison

NAY: None

Mayor Harrison declared the motion carried.

3. Consider and act upon, Change Order No. 6 to the contract with Carstensen Contracting, Inc. for the construction of CIP#4 Improvements and authorize the Mayor to sign Change Order No. 6. (*John C. Modzelewski, P.E., CFM, City Engineer and Public Works Director*)

Executive Summary

Motion to approve Change Order No. 6 to the contract with Carstensen Contracting, Inc. and authorizing the Mayor to sign Change Order No. 6 which increases the Contract price from \$2,978,640.23 to \$3,030,346.23.

A motion was made by Councilman Smith and seconded by Garvin to approve Change Order No. 6 to the contract with Carstensen Contracting, Inc. and authorizing the Mayor to sign Change Order No. 6 which increases the Contract price from \$2,978,640.23 to \$3,030,346.23.

Before the vote, Director Modzelewski addressed the Council explaining that this change order included unclassified excavation, precast reinforced concrete box, removal of asphalt pavement, removal of sidewalk, water valves, sleeves, fittings and tees. He added that this would also change the completion date to March 19, 2016.

There was discussion concerning what brought the change order about, if all of the work had been completed, and who the consulting engineer was.

There was no further discussion, and the vote was taken as follows:

AYE: Councilman Smith, Garvin, Read, Karr, Barnett & Mayor Harrison

NAY: None

Mayor Harrison declared the motion carried.

**Adjournment**

There being no further business to come before the Council, Councilman Smith moved for the meeting to be adjourned. The motion was seconded by Councilman Garvin and the vote was taken as follows:

AYE: Councilman Smith, Garvin, Read, Karr, Barnett & Mayor Harrison

NAY: None

Mayor Harrison declared the motion carried and the meeting was adjourned at 6:26 P.M.

ATTEST:

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Steve Harrison, Mayor

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Cora Middleton, City Clerk