

September 19, 2018

SPECIAL VILLAGE BOARD MEETING

Call to Order/Roll Call – Village Trustee Dennis Richgels called this Special Village Board meeting to order at 7:00 p.m. Roll call was taken with the following members present: Nicole Welsh, Tom Cody, Tony Kaster, and Dennis Richgels. Susan Washa, John Kreul and Chad Coyier were excused. Others present were Mark Doyle (Delta 3 Engineering), John Riley, Jeremy Iverson (J.I. Construction LLC), Ryan Walter (J.I. Construction LLC) Tom Hebgen and Becky Fredericks

Certification/Compliance – Clerk certified that notice of meeting was posted on September 17, 2018. Kaster motioned as to compliance with open meeting law. Cody seconded. Motion carried.

Public Input – John Riley asked to address the board and he said at the July meeting he was informed that the village would file against J.I.'s bond and wanted to know if that had been done and also wanted to know if any pay requests were approved after the July board meeting. Richgels stated that the board would be discussing further action to complete the project at this meeting. John asked if it would be J.I. Construction finishing the project. Richgels stated he is the village contractor on the project. John then states he would like to address matters that he would consider items that are a breach of their contract. Some discussion was had on the following items that he considered as breach of contract:

- No proper access road to properties per contract
- Vandalizing properties by placing equipment, materials etc...on resident's yards – was not to be left on the property
- Not cleaning up after themselves
- Allowed to operate on property past easements
- Landfill quality top soil

John stated that he feels due to the breach of contract items he stated the board should file against J.I. Construction's bond and bring in a landscaper to do the project correctly. The board thanks John for attending.

Discuss Isabell Ct Project and Storm Sewer Project – take action, if necessary:

Tony Kaster

- ❖ Informed the board that Sheila Rose called him to tell him that when Bart Nies, Delta 3 engineer, talked to Charlie, Bart told Charlie that his yard would be dug up and new dirt and seed would be installed. When it was done J.I. Construction did not do what Bart said they would do and just put on more seed and watered it and didn't even add any new dirt
- ❖ Talked to Marty Gundlach who said he wasn't going to complain and would just re-do the landscaping himself in the Spring – which Kaster stated this should not have to happen
- ❖ All yards are full of weeds and rocks

Landscaping specs – Topsoil: Fertile, agricultural soil, typical for locality, capable of sustaining vigorous plant growth, taken from a drained site; free of subsoil, clay or impurities, weeds and roots. Material salvaged from site can be used if approved by the Engineer and Owner. Placing Topsoil – Remove vegetable matter and foreign non-organic material from topsoil. Rocks would be considered foreign non-organic material.

Jeremy Iverson

- ❖ Stated he did not use any dirt that contained rocks

Dennis Richgels

- ❖ Asked Mark Doyle to address the board on the quality of landscaping

Mark Doyle

- ❖ Discussion on quality of the landscaping was had and stated it was decided by Delta 3 Engineering that all of the yards would be redone, except for the 3 residents that said no to having J.I. Construction redo their yards

Jeremy

- ❖ Stated he talked to someone and they said that overseeding would remedy the situation and he refuses to redo the landscaping.
- ❖ Stated that he is to have until June 1st to have grass established and that he did lots of reseeded and feels this will remedy the problem and grass will grow by June 1st

Nicole Welsh

- ❖ Asked if there is truly 6" of top soil

Jeremy

- ❖ Stated he has at least 1' of top soil behind curb

Mark

- ❖ Stated the only way to tell for sure if there is 6" of top soil is to do test holes on multiple different areas

Jeremy

- ❖ Stated he is sure there are no rocks seen and if so, they would pick up

Tom Hebgen

- ❖ Stated there are plenty of rocks and that he and Mark both have told JI plenty of times to get the rocks picked up

Jeremy

- ❖ States again that they will pick them all up
- ❖ Stated that he would give up to \$7.50/sq. yd. for all properties that are not happy with the landscaping

Kaster

- ❖ Stated we should cut ties with J.I. Construction on the landscaping, deduct that amount from the contract and hire a landscaper that will do it right

Jeremy

- ❖ Again stated that he has until June 1st to remedy

Kaster

- ❖ Stated we can cut ties per contract to do work right

Tom Cody

- ❖ Asked why Prospect St end product is more favorable

Jeremy

- ❖ Stated J.I. did Prospect St in one day because he had more help so they were able to seed it and then it rained lightly for two days – Isabell Ct took longer and it only rained one day and then had the hot weather that dried and killed off the grass that had started

Cody

- ❖ Asked why they did reseeding if a portion of the front yard but no working up of the dirt

Jeremy

- ❖ Stated drilling in seed is the best way to remedy

Nicole

- ❖ Stated to Jeremy that his crew disservice him and brought his name down – matters were addressed during the project but not remedied

Jeremy

- ❖ Stated he was on site for all of the utility work and Ryan Walter was on site if he wasn't along with Mike Rule, one of his head crewman – they maintained access 100% of the time but then took that back and said might have been down 10 minutes at different times due to work being done – his goal is to remedy and this would be allowing him to establish grass by June 1st and to pick up all rocks

Cody

- ❖ Asked if the top soil was approved per contract

Mark

- ❖ Landscaping was not approved because he was not on site when it was done

Cody

- ❖ Asked Mark for his professional opinion on the quality of the landscaping project

Mark

- ❖ Stated the decision of Bart Nies and Delta 3 Engineering was for the whole project besides the 3 yards to be redone – which Jeremy is refusing because he said he can remedy it by overseeding

After some more lengthy discussion, Kaster motioned that the Village of Highland is to contact Delta 3 Engineering Inc. and have Delta 3 issue the 7 day letter to instruct J.I. Construction LLC to start over entirely on the landscaping on all of Isabell Ct and the storm sewer project from Isabell St to Jt's Gas-n-Go and if J.I. Construction LLC refuses then the Village of Highland can void that part of the landscaping contract with J.I. Construction LLC on Isabell Ct and the storm sewer project per the contract. Welsh seconded. Roll call vote "Aye": Welsh, Cody, Kaster and Richgels. Motion carried.

Any other business to discuss – Cody asked if the underground infrastructure seemed to be done correct and asked about the water pressure issue at Marty Gundlach's – asked Tom Hebgen for his input on this. Hebgen stated the house was built with 1" copper and after the construction project when they have 2 faucets running the water pressure reduces significantly. Still not really sure on the issue of what is causing this. Cody asked if there were any other issues from the project. Hebgen stated that the pressure tests were performed and were good, the sewer was televised and there are no obstructions, the storm sewer drainage on Prospect St is 100% better with the new design. Tom Pierick storm sewer is much better but causing issues farther down due to the berm that was at the end before the redesign. This matter is not a J.I. issue and Hebgen stated he will fix because it is considered village maintenance. Doyle stated that the water sample tested safe. Hebgen stated he is happy with the underground. Tom Pierick basement flooding issues still not resolved. J.I. Construction insurance company denied the first claim. A new claim is being done as a cleaning claim. Pierick's need to submit to Delta 3 Engineering the time it took to clean up the flooded basement. Hebgen stated that an issue he had with the project that he will not allow for any future projects is the over-abundance of stockpile of backfill – which could have been an issue with the excessive rainfall.

Adjournment – Kaster motioned to adjourn at 9:48 p.m. Cody seconded. Motion carried.

Respectfully Submitted,
Becky Fredericks, Clerk-Treasurer