



**Village of El Portal
Special Meeting
Date: 9/4/18
Meeting Start: 7:46 PM
Meeting End: 9:55 PM
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Omarr: Okay, so we're ready to start the special council meeting. The special council meeting for Tuesday, September, the 4th, 2018 will be call to order at 7:46 PM.

[gavel sound]

Omarr: We've already had the Silent Meditation. We've already had our Pledge of Allegiance. Madam Clerk, may I please have a roll call?

Yenise: Roll call. Mayor Cubillos will not be in today. Vice Mayor Nickerson?

Omarr: Here.

Yenise: Councilperson Mathis.

Harold: Present.

Yenise: Councilperson Dreher.

Werner: Here.

Yenise: Councilperson Roman.

Vimari: Here.

Yenise: Also present for the record Christia Alou, Village Manager. Yenise Jacobi, Village Clerk. Interim Village Attorney, Norman Powell. Interim Chief, Hufnagel.

Omarr: All right, thank you very much Madam Clerk. What I was discussing with councilperson Dreher was that-- The agenda that we have in front of us is not the full agenda that he submitted. I was trying to also-- If we look at the agenda-- This is part of the probably agenda. If we look at the agenda, we see under E, where it says acknowledgment of visitors and/or special presentations, it has the contract septic to sewer addendum design number one for engineering firm. This is the same exact thing under G1.

I was asking him if we should scratch the F1, because-- Are they going to present from G1? He was informing me not only of the agenda items that we don't have on here, that originally existed, but also that these are two separate things. One--

Yenise: It's the same thing.

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Werner: It's the same thing. It was repeated.

Omarr: Was it repeated?

Yenise: It's repeated because what happens is that E1 is supposed to be the presentation from Pennoni or the discussion.

Omarr: G1 is-?

Yenise: Yes.

Omarr: Okay.

Werner: If I may-

Omarr: What I'm going to do now-- First thing we're going to do is to approve the agenda, but let me-- Councilperson Dreher, let us add on our agenda the way it's supposed to be, because officially if we're going to approve the agenda, we should approve the agenda with what we're going to be talking about this evening. What the special-

Yenise: What was discussed and what was agreed. I'm sorry to interrupt. It's just because it gets to me first, what was discussed and what was agreed. When I receive the items, I send it to the mayor. She approves because she is the one who-- What was discussed before was that it was only going to be one agenda item. He did send me that, and I did advise him of that, that the only thing that was being approved was that one agenda item because that's what we had this special council meeting for.

Now, the other items, if you guys want to discuss, I'm not too sure at this point because that's not what I advertise. What I advertise for was for that one thing. If you guys want to discuss it at that point, you got to speak to the attorney to see if that can be-

Omarr: The special council meeting for septic to sewer-- The reason why, ladies and gentlemen, that I'm having this discussion with Councilperson Dreher is because Councilperson Dreher has been the chairperson of public works, and this septic to sewer has all taken place through public works. Therefore, he is the individual as the Chairperson of Public Works that knows the most about it.

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This special council meeting being called for septic to sewer is essentially being called for an item that he has worked personally on for a very long time through his convenor, so that is the reason why. Because it's a special council meeting and not a special public works meeting, as Vice Mayor, I have to run the meeting, but he is the one that knows most about it. That's what you're seeing right now take place-- That does look crazy on camera, right?

[laughter]

Omarr: Councilperson Dreher, I think that's the case where the clerk was saying that we only had one item of the two.

Werner: We will go with one item.

Omarr: Can we go with this one item for tonight?

Werner: Yes.

Omarr: Okay. With F1 being struck from the agenda because that would be repeated [unintelligible 00:04:42]. The F1-

Speaker 4: No, it is E.

Omarr: It's E, but it says F. With E, F1 being struck from the agenda, do I have the motion to approve the agenda?

Werner: Motion.

Omarr: Do I have a second.

Vimari: I will second.

Omarr: Thank you very much. All in favor say aye.

Werner: Aye.

Speaker 4: Aye. If I could read the purposed resolution-

Omarr: Yes.

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Speaker 4: The resolution will be a resolution of the Village of El Portal, Florida, council approving an addendum to supplemental agreement to master agreement sanitary sewer system, improvements phase one design providing for incorporation of recitals, providing for an effective date.

Omarr: Thank you very much. We will get to that in a second. Do I have anybody for Good and Welfare, who would like to come up and speak on this agenda item, septic to sewer, before we begin?

[silence]

Omarr: You will have another chance later on. Thank you very much. We move. He has already read the resolution into the record, for the agenda item G1. Councilperson Dreher, I'm turning the floor over to you, my brother.

Werner: Thank you. Just to give some background to this. Throughout the last year and a half, we've been working with the septic to sewer project for the west side. The west side entails anything west out of the school. It impacts about 99 proximity homes to change from septic to sewer. Within this efforts, we've been hosting a couple of workshops with the community, keeping them informed.

The project overall basically has three stages. First, the design, then we have the application which we already submitted in application phase, then we have the design phase, and then we actually have the construction phase. We're about to present actually through the engineering firm in August. Christia, please correct me because you're in as well. We have Robert here as a project manager. He's been very closely overlooking the project.

In August, we're scheduled to present to qualify for that grant money. What has happened, there has been a change in timeline in scope. We initially had a conversation with Christia, with Robert, with Pennoni. I think that attorney has been involved with some emails, but the pure diligence to how this in transparency was actually to bring this to the council meeting. That's why I wanted to bring this and explain to everybody what has been the change in time, and what has been the change in monies.

For this effort, I understand Robert has been working with CAP, the engineering firm, to review the proposal that was submitted by the Pennoni team due to this change in effort and time. Just to give you an idea why the change in effort and time, because there was couple of

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design changes going on with the whole pumping station, the pumping stations that were going to be placed.

As a consequence from what-- We're understanding there has been an incurred an additional cost and funds. This consequence really also has impacted some of the timeline. Here we have today the two engineers. Steve from the Pennoni team to guide us why this change in time, time frame as well, why the costing changes. Robert has done his due diligence with the CAP engineering team to oversee where he might bring some recommendations to the village.

This is just an open discussion. At the same time, Christia has been working with the school that we have here in our Horace Mann, right? We have received some feedback from the school administration that there is a request from the village to sponsor after-school activities with a yearly cost implications with that.

We have that third discussion there, that I also would like to bring it alike to the rest of the council members that this is going on, kind of help as well. Christia chime in as well what's the total amount that's been, as I know about this, but those are my three points. We'll have this conversation with the Pennoni team, with Robert, and then Christia guide us as well, gives us an update on this request that is coming from the school board.

We can make an informative decision and decide how we want to move forward. That's what I was looking at this. Then I had a quick question because there is a resolution that was presented by attorney. I'm being informed by the clerk. I was not aware of this resolution, so I just want to understand a little bit more where this resolution came from the attorney as well, the one you just read.

Speaker 4: It's basically a resolution that if the council decides to accept the addendum that that's what that does.

Werner: Okay.

Speaker 4: It's very general. It basically outlines what the addendum seeks to do, which is to addend the supplemental agreement to provide for the additional scope of services. If it's approved, then that would be the resolution that would be approved.

Werner: Okay, thank you. In your hands, I think, Christia did present here the CAP report, so this will be, I guess, to what Robert is going to be discussing. Then perhaps, Steve, he might have some material that he'll present as well. I did request Christia if she could include that

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email communication with the school board. I'm not sure if you have that still, but it wasn't agreed to be put in the agenda. Three simple items, right? We have the Pennoni team explain their side, the effort that Robert has done with the CAP, and then chime in with the school. Those three, just to break it down into that.

Omarr: We can go ahead and get started. I'll leave it up to your preferences [unintelligible 00:11:05] CAP to go first.

Werner: Okay.

Speaker 4: If I may-

Werner: Yes.

Speaker 4: If I may, council members, we have to have some more. The contractor has requested an addendum to its contract. The first step properly should be staff to the manager giving a presentation as to whether or not that is going to be a recommendation of staff. Once that's done, the council can consider that request input from either the consultant or the vendor and then they can form a determination.

I think it's an order for the village, through its manager, to get some recommendation as to what's before the council for its consideration. At least we have to get on the record what the manager's recommendation is.

Omarr: Mr. Attorney, the addendum is for the design. Is that not part of what would be explained in the presentation?

Speaker 4: Right, but it should be. Like I mentioned, the first step would be to hear from the villager's staff concerning the proposed addendum. Then afterwards, you can [inaudible 00:12:35] for input from anyone you choose. We got to hear from our staff first as to what staff considers whether or not the addendum is something that the manager is willing to recommend or not recommend.

Omarr: Okay. I have no problem with that. That's the way we're going to do it. The only reason why I was asking "any other way" was just so that-- because once I hear what our village manager has to say and/or the way what she recommends or the way she feels about the item, then I hear from them. I guess then I'll come back if I have to. I was just trying to get that

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narrowed down, too. If I heard from them first, then I would have all the questions she could present, and we could do that at the same time.

Speaker 4: Well, I think that's backwards.

Omarr: It's okay.

Speaker 4: Yes, that's somewhat backwards because the staff recommendation would be the road map as to what the villagers concerns are that should be addressed by the vendor and the consultant.

Omarr: No problem. I can't agree more. Thank you very much, my brother. That's why you're the village attorney. All right. We're going to go ahead. Madam Manager, we're going to go ahead and start with you with that contract on septic to sewer addendum.

Christia: Okay. Thank you.

Omarr: Thank you.

Christia: Robert [unintelligible 00:13:59] and I, who is part of [unintelligible 00:14:01] just going to manage. I'll ask him to step up to the podium to elaborate once I give you the general. I have provided all of you a briefing document throughout the month of August to prepare you for today and to prepare you for what is happening. As you all know, the septic to sewer project took a long time to ramp it up and get it going, and then it went really quickly, and now we're slowing back down because we're not exactly where we need to be to request the funds that we wanted to do on August 18th. We're unable to do that.

We did meet with our engineering consultant, Steven Elias, with Pennoni on August 3rd. He gave two things that are hanging in the balance. One is that we were not ready to present to the state, to request this additional funding for construction in the next phases, because we still had a matter of location for the pump station, lift station. It's just some design issues with that. Not issues, problems, but just issues that it hasn't been identified and we don't have easement, so that brought in the school matter that we've been struggling with as well.

Then the other point that he made to us is that he's been working out of scope. Pennoni has been working out of scope for some time now, because of the changes in the locations, and because of that, he says that, they have incurred expenses and making different design plans for different locations. He gave us an addendum for \$85,000. I understand these are skilled

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technical workers, engineers, and their work is valuable, their time is valuable, but we're also a small municipality and when we do something, we have to make sure it's done properly.

Steven Elias and I talked at length and everyone of the council person, [unintelligible 00:16:12], Councilperson Dreher as well, to try to figure out what we can do about this. Elias did suggest that we roll this additional \$85,000 into the loan we would be taking for this so it doesn't come directly out of our pocket, but we eventually pay that back as part of the loan we'll be paying back starting at 2020. \$85,000 is a lot of money, and we're still at the beginning phases of this project.

Robert Milano and I talked off at length and we really wanted to review and see how we have incurred so much expense when we are just going about the normal course of business. We did enlist the assistance of our CAP government, because they are also consultant of the village and they provided the report that is in front of you.

On that note, I'm going to let Robert get a little more detailed as to what we found. We have David Mendez here from CAP to talk about that. It's very brief as you see, but it describes why we're here. We have obviously Steven Elias who will come up and talk about that too. Robert, if you could talk about just the process about lift stations and why incurred \$85,000.

Robert: Yes. Good evening, Vice Mayor and Council. Robert Milano, Miami, Florida. We've been talking about this project. I've been coming up here probably since December or January. The good news is we're always trying to hurry you-- The bad news is we're trying to hurry you all the time. The good news is I'm not trying to hurry you today. I'm trying to just step back.

If you recall when this project first started, one of the issues was the pump station. Where the pump station will be located? There were three different sites located. I believe two were at off site of the school and then one was at the school. Originally, back in January, Pennoni actually came before you and said the preferred site was the southwest corner site, which is adjacent to the Nature Trail Park, just north of Nature Trail Park.

We went on that route for a little bit. We agreed that that was the best site, because we had this joint-use agreement that has been written since November of last year with the school district. We thought that was the best site. From January to about-- I think mid January-- Mid February, sorry, I'm looking back at the emails, one of their engineers was no longer on project, Jason Rice.

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Jason Rice was having communications with WASD about the location. Somewhere along that line, WASD made a recommendation to put it on the northern side over by the basketball court, look at Horace Mann just going straight up the hill by the basketball court. That was not our preferred site. As a matter of fact, a couple of times we've asked, "Who told you this? Because it's not a site that we preferred."

Anyway, long story short, we kept going with that because we were told that WASD said that this was the only site. This was the site that they preferred and we had to do it there. He went working with that even though, and I think I probably said on the record, we'll probably look at it, somebody asked me at one point, "You think we can get it? You think we get the seizement by April? You think we can get it by May? When do you think?" [unintelligible 00:19:55] Councilman Dreher. I said, "I don't know. I'll tell you I was going to try, but I don't know because working with the school district takes a long time, as some of you know."

This would have to go-- At that point, we were thinking we'd have to go as a deed. The school would have to deed it to us, then we would then turn around and deed it to for us so they would have a permanent site there, 45 by 65 feet, where they would do this pump station. We went to the school back in March. First we told them the southwest corner site. Then we went back to them and told them it was the northern site.

We worked towards that site, found out subsequently dealing with the school district that that site was now preferred because they're planning a school drop off on that site in long-term. That's something you can talk about later on. Anyway, so fast forward here, we had-- I think on June 4th we had our final walk-through with the school, and this one we had two walk-throughs before. The principal was not there, principal Lawrence. He came to the third walk-through. At the third walk-through on June 4th, he said, looking at the sites, we were talking-- We were looking at a site just south of the parking lot there by Dr. Dunn Academy behind it.

He said, "This doesn't make sense to me. Why would you put something in the middle here? I prefer it way down there", which he meant was the southwest corner, which is the site we originally wanted. The engineer that was there at that time was Jeff McKinney. He said "It looks like it'll work. Yes, we'll see". Well, we went to WASD-- We asked them about that site. They said that site would work. This is in June. We finally-- Actually, we went back. We figured out everything.

I think July 3rd we sent a letter to the school district saying, "This is the site that we want based on their questions. This is the site that we want, here's the location, everything. Can you put it

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on a council meeting?" Since then, dealing with the principal-- The principal did not want to make a decision on the site when it came down to-- We had meetings with them. Christia and I had meetings with him. We said, "Look, this is the site. Look, we designed it exactly like you said. Do you want to--?" He didn't want to do it.

I know I'm confusing a little one part of it, because it lays into it. On August 3rd, we had a conversation with Steven Elias from Pennoni, with Christia. I think Councilman Dreher came on after I had to leave. They said to us-- They gave us this-- They said to us first, "This is an addendum, \$85,000. We have spent and will perform--" I'm not sure exactly and this is something you can ask Steve, which was, "was performed" and which "will perform," but he said all these issues. Well, we had the conversation then and I asked him then.

He mentioned he had time sheets. We've asked for time sheets. The time sheets, we've reviewed the time sheets. I mentioned to Christia that I thought it would be best to have also CAP Engineering review them since they are your actual engineer record, I guess, for the village. They know-- Well, if they're saying, "We did a schematic." Well, how much time does that take? We did 20%, 30% design. How much time would that take?

They've reviewed it, and they had come back with a recommendation. I related to Steve, which basically-- I'll bring up David Mendez from CAP, which basically says, "They don't think Pennoni is owed anything," and I concur with them. I concur because, based on their agreements, they're saying that this is out of scope. We don't believe it is out of scope. Looking at different sites, alternate sites was part of their original scope in the master agreement.

Also, per their agreements, it says very clearly that no out of scope work will be done. I'll read you the language, "No work shall be performed without an approved amendment," what they call a CSA. That was never done. We were blind-sided by the fact that here's \$85,000, all of a sudden they're saying this is all out of scope and you guys need to come up with this. We did go to the state and asked them to increase the amount just in case. There's a November meeting just in case to increase it.

That being said, it was always very clear that we would go to the council and the council will determine. I will tell you the part of the reason-- We talked about an August date. Part of the reason, they want the FDEP, Florida Department of Environmental Protection, wants all the documentation in 45 days before. There was no way we were going to do it for the August 9th meeting.

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We postponed it until the November meeting. Another thing that we discussed, probably we need to postpone it again probably to the February meeting because we have this alternate thing going on with the school, with the principal, where they are having some issues. That being said, let me call up a David Mendez who is the engineer with CAP Engineering.

Yenise: If I may, just to touch on what Robert just said about FDEP. We did speak with Tim Banks. He said that there will be no penalty for us applying at the March go round. We aren't going to be ready for November, because we still don't have the easement. We don't have these things all in place.

Once we do, then we'll have a total package, but we want to present a good package to them so that we can even be considered for the funding. The only thing that we would be concerned with is, if they find some other project to fund, then the funds may not be there, but it's better than presenting something that's going to be rejected and not completely prepared.

Robert: It really doesn't expire. We've talked to them. Even if we don't go in February, we go May, we go August of next year, we have the plans in hand. We can do it and [unintelligible 00:26:32]. Let me call David Mendez from CAP Engineering.

David: Good evening. I am Dave Mendez. I work for CAP Government. My address is 3330 Southwest 80th Avenue, Miami, Florida. I've been working with Robert on this project, reviewing time sheets and documentation for the past few weeks.

Basically, what it comes down to is there's insufficient documentation provided to be able to accurately ascertain what additional work, if any, has been performed on this project. That's basically-- If you look at the second sheet of my report, basically it summarized the things that I feel should be done.

I've been working in government now for 28 years. I worked my first 17 years for the department of transportation, next three years with the City of Miami. In the last eight years, working in the private sector primarily for government entities. I've a lot of experience working on design projects and overseeing and managing contracts from many different points of view. Worked as a consultant, as a government representative, and as a government employee.

In summary, there's just insufficient documentation provided that would show where this additional \$85,000 would come from. The time sheets reveal that up to the date of August 10, in round numbers, about \$485,000 is documented as being charged with their time sheets with

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an original contract of \$435,000. You've already exceeded that amount with our own internal time sheets.

Robert: Can you say that in layman terms, please?

Omarr: Yes, I see that on the sheet right there, the second sheet at the top, where it says as of August 10th, 2018, the time sheets provided report that approximately \$489,000 has been charged in the sewer project. If you look, the approved amount was up to 435,000, and so what Mr. Mendez is saying is that the approved amount was 435,000 and as of August, they've already surpassed the approved amount.

Robert: No I got that. I just wanted him to explain it.

David: [unintelligible 00:29:13] when you're running a contract and you're approaching the limit of your budget-

Omarr: You'll let them know. You'll come back [crosstalk].

David: Sooner than later you, you should be raising the red flag and letting your client know that you're approaching the limit of the contract.

Omarr: Definitely. That's in every aspect of life. Somebody is doing your home, if somebody is doing [unintelligible 00:29:40], of course they are getting to the limit. They come back to me and ask [inaudible 00:29:49].

David: It may very well be that their request is justified. It's just that there is enough documentation to give you a recommendation to approve it or not. There is just no information there that they can justify what you're asking for [inaudible 00:30:09].

Omarr: Thank you, [inaudible 00:30:12]. One second, before Councilperson Dreher, I was going to bring up Steve from Pennoni next.

Werner: Let's bring him up.

Steven: Let's bring him up?

Omarr: Yes. I'll let you come up first. Before I do that, Mr. Mendez, is there anyone up here that has any comments or questions for Mr. Mendez? Madam Clerk, you included. Madam

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Manager, Mr. Attorney, you're included. Before I move on to Robert and then move on to Steve, is there anybody who has any questions or comments for Mr. Mendez?

Robert: Not at this point.

Omarr: [crosstalk].

Werner: Robert had briefed me in into this whole CAP analysis, so at this point I don't have questions.

Omarr: This was very, very-- Mr. Mendez, I appreciate this. It was very clear and straight to point. Thank you very much for this. Robert?

Robert: Thank you. I just wanted to add two points that I had expressed to Steve, so it's no surprise to him. First, there's the issue of the pump station location of where we wanted it, where we started, and then it moved. I did our due diligence not only with CAP but I spoke to the assistant director at WASD, who we've been working with. He reiterated to me today-- He sent me an email, reiterated to me today that they make recommendations, they work with folks, but they did not pick the alternate site.

Basically, leading me to believe that if we had or engineering firm had pushed back on them-- Because every communication at that point, the way it works, the engineers deal with the technical matters with WASD.

If we had pushed back, we would have stayed with the southwest corner lot. Then we would have had no reason to even consider another site that we could've stayed with that. My other point with that, and I mentioned to Steve and he disagrees, but there was an engineer that you met, Jason Rice. Steve said-- I think it was in May, but he had medical issues or whatever, and he dropped off the project. They had to bring somebody else.

It's my feeling that there is some time, maybe some other times, that they're saying this in their time sheets, "It's catching up with this new engineer." Because I know personally-- I don't know if Christia remembers, but I remember sitting at meetings here where we're asking questions in a group and it's like, "We don't know. Well, Jason knows that, but he is on medical leave and we can't even reach him." It was a type of medical leave that like right now they can't even communicate with him. There was time lost there.

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The third thing, I think, is just growing business. They seem to be a great firm. He's a good guy. They're working hard. We want to take this to fruition, but it didn't seem to me that working with WASD was something that they were very comfortable doing everyday. If you do it daily and you've been doing for years, there's things, there's processes. I think that that build into it too, where you're going back, you're changing things, you have questions, or whatever.

The fact that maybe they are owed something because we had to look at other sites, perhaps there is, but at this point with what they provided-- First of all, the addendum that you have says, "This is the work that we'll perform, but if you ask Steve, it's 'Some of it is work that was performed and some of it will be performed.'" There's not a lot of quantifiable data in there.

It doesn't say how many [unintelligible 00:33:47] . It doesn't say how much time in this, how much time in that. You all will have to judge for yourself, but our recommendation is go back to the drawing board. Then if they think that something is owed, then they properly have to justify it and verify that it is. Thank you.

Omarr: Thank you very much, Robert. Before I bring Steve from Pennoni, if that's okay with you [unintelligible 00:34:13] . Before I bring Steve from Pennoni, is there anybody here on the dais that has any questions or comments for Robert Milano?. With that being said, Steve, you're up now.

Steven: Good evening. For the record, Steven Elias, from Pennoni. Can you here me?

Omarr: They can here you, so just keep on talk into the mic.

Steven: There is a lot of questions to try to address. I think I have most of them written down.

Omarr: Take your time, go through them.

Steven: To help, I didn't know what level of questioning tonight, so would it be okay to give you some handouts?

Omarr: We're always accepting the handouts.

[pause 00:35:13]

Omarr: Thank you.

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Steven: What I tried to do here-- What I've given you is a map, just to try to put some perspective on what we've been dealing with geographically. Then I've also put together-- You can see there-- I was thinking about six sites, but we've actually looked at seven different sites at various levels. Planning, some of it's preliminary design, some of it's redesign, but I wanted to go through one by one with a time frame just to explain the time involved in some of the specific tasks.

The other handout that I gave you is a breakdown by station location, so you can match up tasks that we performed. This isn't perfect. I did the best I could. I'm sure I can probably add some more to this, but these are the high-level things at each of the sites. With that said, first of all, let me back up a little bit with the timeline or the intent of this project. As we talked about last summer, there's no guarantee in this program.

The funds, when they're available, to go and grab them, because there is no guarantee of the future, especially as the economy is recovering. Right now, there is not a lot of applicants, but as the economy recovers, there will be more competition for that. It's good to get in while it gets good so to speak.

With that said, we went into this project. We were very open with this. We had our contract actually approved last fall, after the fall of the EP hearing, but we actually didn't get the contract executed due to some legal tweaks with the former village attorney. The village approved our contract back in the fall of '17. We did have a kick off meeting shortly thereafter, Christia and [unintelligible 00:37:58] was there and Robert.

We did have a kick off meeting and we went over-- We have a contract, of course. The thing that was identified early on this project is the most important thing. That kick off meeting was getting the village responsibility of securing-- Even if you don't secure, as long as we have it by the time it's constructed or we go out for bid or actually part of the bid. As long as we know where the site is, we can design around that and get shovel ready by the early summer of 2018, this past summer.

That was talked about at that November 20th meeting, stressed. That was the most important thing on the village's side was to nail that down, because our scope of work assumed that we were going to design for that location. We did have in the timeline. We gave the village our milestone schedule and a timeline. The thing that we stressed was we need to know by first part of February that we need to know where it is.

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You don't actually have to secure it, but we need to know where it is because we need to know how to tilt the sewers. Then we could begin the pumping station design after that's determined. I know that's a tight timeline, but that's just the way it was. We drafted a scope of work. Our effort was based on that. It was lump-sum. We priced the project out with that all in mind.

As long as that all played out, we're going to live up to our end of the bargain and design the project for you. Our contract also says that our design is going to be base on the 30% concept plans that we gave to village. We gave those concept plans to the village in February, and they were reviewed and returned to us. Now, understanding the world isn't perfect and the school board-- We all discussed [unintelligible 00:40:13]. That was going to be the toughest thing. I remember the mayor asking, "Well, if we don't get that, that could end the project." I said, "Yes. That's right. It's very important jump on this right from the get going.

With that said, that's kind of the background. I won't go into the-- We will next with-- I don't want to keep you here all night, but I think it's important of what I said. Let's go through the drawing. If you want to, Councilman Mathis, [unintelligible 00:40:40]. We have a map and we have a timeline. The numbers should match to the services that we performed. That give you the timeline, where we started and where we ended up. We actually ended up having some funds with the original proposed back in November.

What we started-- You can see number one. We proposed that site because it made sense to us. It was convenient. It was out of the way. There were numerous reasons why we picked that. I know the building has a trail there. We are trying to [coughs]. It seemed to be an easy-- From what everybody was saying with the school board, that seemed like the path of least resistance, so let's go out with that one.

With that said, we prepared-- One of the first things you do, and I'll say this, the Water Sewer Department at the county, it literally like 8 to 10-step process between the [unintelligible 00:41:38]. When you start the process, there's point-of-connection memos, approvals, there's modeling review, there's master planning review, there's plan review, the pump station review, and all is ever reviewed, and then it goes the [unintelligible 00:41:50]. When you start that process, you don't want to have to repeat that, because it's very costly-- In our world, we price out to do that once based on that February guidance where that pump station is going to be.

You can see we started out in November and we submitted our application to the Water Sewer Department of the county. Their master planning folks, they have this goal of trying to minimize the number of pump stations that they have to maintain. When you're done with this

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project, the pump station and the sewer gets turned over to the county. Their maintenance folks are very particular. They don't want more pumping stations than is necessary in their minds. They want to make them deep and they wanted to serve as big of an area as possible.

When we submitted, we showed them the area. We showed them the limits of the village. They came back and said, "We want you to serve all the way up into the Miami Shores. We want to go west of the village." Because of that, the ideal location in their mind-- It wasn't-- Robert and I talked about this, this afternoon, after the fact "They can say recommendation," but they put in writing.

They issued what's considered a-- They call a point-of-connection memo, but they issued to the village. I think it had come to the village manager. It doesn't say it's a recommendation. It says, "The pump station will be located at location number two," which is up by the basketball court. When we saw that-- I'm giving you the timeline, but we did detailed tasks that we did in each one of these locations. We did the high level first. We can dive into more details if you wish, but we immediately saw that like, "Look, that doesn't meet the town's goals. We think it's better to be down at number one."

Again, their primary concern was to be able to serve up into Miami Shores and to the west of the village. We immediately within-- I don't remember the time period. It was about two days, no more than two days. It might have been that day. We immediately fire off a memo back to their modeling and their master planning contract. We've been dealing with what they call them new customer service department as another partner. We said, "We strongly disagree with this." We listed out eight reasons why we strongly disagree with this.

We didn't spend a lot of time on that, but for example there was only two days worth of work on this one. This is probably the quickest out of all of them. We didn't spend that much time, but we basically laid out the technical reasons why that won't work for us. From there, they came back and said, "All right. We still want to serve as big of an area into the Miami Shores and to the West as possible. What other area on the school site could work for us?" We basically gave them-- Again, station number one was-- We felt that--

We were just concerned about the village. We don't really care about serving north, but that's part of the equation with working with them. They came back and basically said, "Location number three," which is to the north side of that driveway, adjacent to the southwest corner of the school. That's where we put a lot of our effort. By the way, each time you change these

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locations, they require, in their master planning department, a sewer design basically with all the inboards showing the limits of the area that you can serve, based on pump station location.

Each time when we change that three times. I almost said that it's all seven sites. That's another of those things that we had to-- When this changes, we have to revise that, but station number three was sort of the-- location number three was where we spent a lot of our energy. We prepared on legal description. We prepared the saw boring. We pay the contractor to come out and do saw boring at that site and remove the-- We revised the sewer design to drain that location. We got sewer plans and we got pump station plans.

While that was going on and Robert was working with the school board, the school board was coming back and saying, "Well, we hear--" **[inaudible 00:46:21]** not the exact conversation, but there was questions whether sites four and five could work, because they have an existing pumping station that's there. We basically-- You can see the time periods. They are between April and the end of May. We spent-- You could read through these now or read them as a supplement, but we spent energy laying out.

We prepared profile drawings. We got our contractors to get cost estimates. The depth for water and the constructability of that being next to the school, we had to evaluate that because, again, the school was saying, "Please make this work." We're saying this doesn't work, but we went around for about a month through Robert. We met in a field with them to see if there was any way to make that work. In reality, even though we were saying these words all along, it's a substandard station. It's a private station. It's not to WASD standards.

We had kicked around the idea of building a second wet well. That was one of the other alternatives, because we didn't know what else was going with the school board, what was it going to take **[inaudible 00:47:32]** in. We looked at a second wet well. We looked at the existing one. We looked at building one, a bigger one. The bottom line is that it wouldn't serve the area that WASD wanted to serve ideally, but-- Anyway, we spent some energy there.

Then back to number three, we thought that was the site. Again, we put a lot of the-- At that point, we thought we put the badge with the school board that that station could be reused, and we went and met with Commissioner Edmondson. I think Councilman Dreher was there, Robert was there, everybody was there. Everybody except the rest of council.

We met with Commissioner Edmondson to request the funding for the villages part of the project, \$1 million or so, which still isn't totally dead. We had this meeting. We talked about that. When everybody left, the school board was also there. Lo and behold, for the first time,

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school has built-- sorry, future plans were unveiled to us. We were given a copy of the actual ASGL plans for that compensation.

They said when they looked at that, they had a school drop off planned at that location, so that site was not going to work. You can imagine at that point, with the effort that they put into this, to hear that that was not going to be doable, but they would not give up that easement at that location. That was a dagger for us. After that-- Admittedly, I was trying to make this work for the village, so call me a bad guy or-- We've reduced our rates on this project. We normally charge about 20% higher on all rates. I made an executive decision to do that on this project.

I didn't want to come back and ask for an extra, so I took the hit with 20% on this project approximately. When we heard that that was not going to work, now I'm looking at my billings and seeing infernally that we're going past our contracted amount and in the sense that even station location in the corner is not a slam dunk. I'm asking myself, "Why am I going to go spend more- it's easier to run up a tab to redesign it and actually go into the detailed design because we never really designed the pump station in that corner. That's when I raised the white flag, I came back to look. We have to negotiate- we hadn't spend all this yet, but I could see it coming.

We anticipated about another 30-35,000 dollars to finish from where we were, we brought that request in early August. Could I have come to the village sooner? Yes. Should I, in hind sight? Probably yes, but I make the point that we've done honest work on this project, we've been doing nothing but trying to make this work for the village. There's been some crazy time lines, with getting things on the agenda and I know it's just the process, but we're trying to, again, going back to the shovel ready goals of this project.

We're trying to make this work because the thing is, we're this close and the money's there, the real prize is right there and we still think it's there. We still think we can get to the November- that was the only reason we brought it back in August. We scouted it out and said, "Look, we came with good faith and straight face to declare that we're shovel ready." Maybe we just didn't- we don't have to have the easement at hand, but we don't have the permits which will close out the design project, the design phase of the project.

We raised a white flag to VEP and we went back, they were out of writers so hardly looked at this. They said, "Look, all right, we can add the \$5,000 that you're asking for into the overall project cost. It will be about \$4,200 a year when the repayment starts in 2020. We've already true checked your ability from another writing stand point, but the village has the CITD funds.

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Another thing, I guess, the storm water funds have become available. That was a positive development during this time period.

Anyway, I kind of gave the high level view, again, I'm not claiming that we've designed pump stations at every one of these locations, but just dealing with that time frame. Again, with our goal of wanting and needing to know back in February, we just kept working and trying to make this work. Just when we thought we got it figured out, something changed. By the way, there were three different points of connection memos that the county issued saying the pump station will be relocated. It started at two, then three and then now back down to seven.

Which is ironically the location that everyone wanted. We all wanted that location, but again, we're dealing with a bureaucracy of 10 different tracks or different departments and they all have their world. That's the feedback, that's the direction we were given. It was put in writing to the village that that's where the pump stations were going to go. We just reacted and said, "All right, well, I think the village is going to have to get an easement at these locations." I understand, easier said than done, but-- Okay, I'll stop there with just scope.

I took a lot of notes on some of the thoughts, I'll be happy to address some of these too, if you want or-

Omarr: Yes, go ahead.

Steven: Okay. Robert, the south-west pouring. Yes, we agreed that was where we wanted originally. The northern easement, that was the site number two, but again, you can see there really wasn't a tonne of effort on that. It was really only a couple of days. There was a longer period there that we didn't get confirmation to move it, but we didn't design anything there. It was just more high level.

Maybe it wasn't as early, I'll take the blame for this, but I come back to-- We're trying to do the right thing, we're trying to move this forward for the village. I like to think we gave a pretty good price in our proposal when we did this project, but it was based on all these things happening within the schedule basically. I think it was you, who was asking for the schedule, the schedule, the schedule- [crosstalk]

-we wrote down and that was the big one that we knew, the easement, the easement, the easement. And I will say, it hurts to comment about the timing. We're potentially shipping this into the spring. Council makes the call on this, but I would recommend that you continue pushing forward and the reason is you don't have to have the easement in your hand. As long

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as you have it before you put out the bid, the most important thing, in my opinion, is securing the- I mean we're talking about \$4,3 million. While it's there, we can see it, we know it's there, I would recommend moving forward with that, but that's your call.

Switching to Mr. David, we can go through this additional documentation. I'll be happy to go through in more detail, but this is a lot more detailed than I listed in the addendum where I may have just listed, one, two, three, four, five, six. This actually gives the dates and the specific services that we did at each of those locations. I understand this is complicated, there's a lot of moving parts and we're working sort of in a vacuum.

We don't communicate every detail, so hopefully this shed some more light. Again, things like geotechnical, we had in our proposal to do six pourings, we did seven. We have to pay somebody to do that, so that's our pocket. Then the survey, the legal description, we did that in multiple locations, but that cost money to do that. Has this been a straight line?

No. Perfect world, would it be a straight line? Yes, but all I can say is we've done fair work, we've done honest work, and I think we're doing a good job for you all. I think, like I said, you're this close to be in a great position, you're the envy of the state to have the opportunity to pour this money. I just hope that you can approve this addendum and allow us to move forward with this. Like I said, the VEP increased their product line, so to speak, but also may have enforced itself with the council decide whether to move forward with that.

With that I'll stand for questions.

Omarr: Thank you very much, Steve. We appreciate. I appreciate you being here. Let me say a couple of things very quickly. First of all, before I open up to the full dais, I'd like to ask Steve any questions or make any comments and then I'll open up to the floor, see if anybody in the audience has anything that they want to say. Because everybody up here has already gone, Steve, David, Robert did great.

The reason why- and where I'm coming from and I think that there are going to be others up here that come from the same place, which is the details of everything that you went through, is not necessarily the issue. It's more of, first of all, if according to the agreement, you guys had a limit. If according to the agreement, you guys were going to come back for a CSA for anything additional that you want to do.

Even if it's not according to the agreement, which it is, but even if it wasn't according to the agreement, in my opinion, that would be good work practices, to come back and say "Hey, you

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know we're getting to your limit?" I don't know what you want to do, but we're getting to that limit, but it is according to the contract though. Even if it wasn't according to the contract- you know I love you, Steve. Even if it wasn't according to the contract, I would think that was good work practices to do, but it is according to the contract, so you can have that on top of that.

This is like you're not even following the contract itself, as far as what to do. I don't know who dropped the ball, I don't know if that's Mr. Rice, I believe his name is, who is no longer, I guess, on medical leave. I don't know if that's you personally, but this is not something that I can make our community pay for and our tax payers pay for if you guys didn't even, over there, follow the contract, but you guys even follow the contract, and the reason why-- This is why I said when you were going through the details of everything that was-- I don't even think that's the main point of going to come to me these questions.

I don't think that's the main point, but I let you go through all the details. The reason why is because I believe everybody should have their chances, right? After the cut you off 15 minutes ago, then but look Steve, this not really with. I would never do that to anybody. Would I agree with them or disagree with them. I wouldn't do it. I hear Robert has his time to say you he wants to say I'm going to give you all your time to say everything you wanted to say. I will give you all your time to say everything you want to say. I feel just hostage and I'll open it up. Next we'll go to Councilperson Mathis, Is there anything you want-- Questions to ask.

Mathis: I think it's a series of all the players dropping the ball. I think that we all should come to the table and accept our mishaps and go from there. I think that I would never want someone not to be paid for services rendered. I think there's a lot of players involved in here. I think there's a lot of-- I'm going to say on all sides, there's a lot of finger-pointing. I think everybody needs to take ownership of what they have and have not done. We are on that responsibility too because we were supposed to do some things and we fell short as well. I'm going to leave mine right there. I'm sorry.

Roman: May I respond to that?

Mathis: Yes.

Roman: I don't think [unintelligible 01:02:00] We haven't fallen short. We've done what we were supposed to, but you have to understand we can't make the school board [unintelligible 01:02:06] [crosstalk]

Mathis: I understand that, but there was information that--

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Roman: To expect that we were supposed to get it easily within a few days from a-- We still don't have. We've been asking for it since.

Mathis: I know and I've dealt with the principal and people at the school board. I know how it is.

Roman: I think we've all been in touch, in fact Robert Milano was a project manager because I needed someone to be a little more detailed than I could possibly be. I think he's done a tremendous job in steering that ship or for me. Then also, allow me to step in, keeping me brief so that I can do what I needed to do as well. I think on our side, we've done a lot. Not to say that they haven't done great work. At this price, besides village in this project, this is a huge project for us. I don't think adding work and being cavalier about is the way to go. This is big stuff to us. This is a lot of money to ask our citizens to pay.

Nickerson: I went to Councilperson Mathis because he wasn't on the committees before and definitely he always wanted to speak last, so I want to give him this opportunity to speak first. Councilperson Dreher, would you mind if I allow Councilperson Roman to go first since you're pretty much an expert on this. [unintelligible 01:03:30] Councilperson Roman.

Roman: Thank you, Vice Mayor. First, I'd like to thank the village manager Robert Milano for pulling in Cap to do this study and to review everything. I really appreciate that. I think that from our side, it looks to me as if we've done everything that we can. I did have a conversation with Robert Guano and the village manager earlier this week or last week to discuss this. It was great to hear to see the Cap recommendation and then hear from Pennoni. I have to say that I agree with some of what the vice mayor said in terms of-- It looks like, to me, someone dropped the ball somewhere.

The fact that we're now going back to the current location, and from all the work that's been done. I'd like to say that Pennoni I don't think that you guys-- I think you'd have done a great job. I do respect the fact that you've spent time on each of these locations. I question that the first location-- That we're ending up at the same location, I question that. The fact that we've received reduced rates, I think that was-- We appreciate that, but that's your operational, that's your way of doing business. We should not have to be penalized or expected to pay an additional \$85,000 when in fact, you did not budget this correctly.

That's not certainly something that the village should be at fault for. If the time frame that you go in the parties that were spent on location number three which you mentioned before the main locations where all the efforts went into, that ended in May. Yet, we didn't get the white

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flag until August. That's a concern to me. The fact that the agenda doesn't have details and we cannot properly justify the \$85,000, Cap could not properly justify it, that's a concern to me. I sit here with a step recommendation, I think that we do not pay the current addendum. I do believe that we need to wait until March and dispel this because, again, we will rust once again. I don't think that we are prepared to do that.

Yes, I do believe that people should get compensated for work that they do, but if you are now properly detailing and properly giving us everything that we need in order to-- Or having the conversations and you're breaching the contract because you're not-- This is included, supposedly, in the scope of work, but yet if you went out of the scope of work, you were supposed to give us-- We were supposed to review it and do CFA, and we weren't able to do that. Those are all questions that I have. I personally do not feel that I would move forward to paying the \$85,000 at this time.

Nickerson: Thank you, councilperson Roman. Councilperson Dreher.

Dreher: Yes, I've heard pretty much with what the rest of the council, the two vendors and as well, I take into strict consideration as well what we charge to our residents, especially with the tree servicing. My concerns that I brought up to me. This is very serious. I want to ask a couple questions that I heard from the vendors. I just want to bring it up to the-- If I may, to our law team here. First, one point was brought up on the master local agreement.

That no word and I know he has been reviewing the agreement. I just want to get a little bit for his feel as well where that steam in its stated as far as nowhere in the master agreement there's the stipulation that there's no approval or in this change of work. Not sure if you have any comments as to that respect? Paul, if you can give us some insight.

Paul: I think that's accurate. I don't believe that there's always quality with that statement either.

Dreher: No, I'm bringing it up from the statement that was brought up earlier. Just I wanted to just cross those facts.

Paul: It's in the Cap.

Dreher: It's in the Cap.

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Paul: It's in the Cap documented on page two. I don't think Mr. Elias planning about that conclusion.

Dreher: No, correct. No. I heard it as well from his point that there's admitting to to the blame or to his words. I also heard as well from the Cap team based on the current information that it was provided from the Pennoni team that there's not conclusive evidence to justify for moving forward with the recommendation or is that correct based on the current evidence? My question is to the vendors.

What type of evidence are you looking for in order to have a better feel? The reasons why I bring up this, a lot is in consideration to, number one, our resident. I know we put a lot of effort, not just the vendors. We've had many discussions here in the council, agreements, disagreements. Just kind of try to scope a little bit more what information would the Cap folks would like to see from the Pennoni team. That would be my wondering pieces based on this conversation. Go ahead if you're going to say?

Paul: Is that question?

Dreher: No, that's in general thoughts.

Paul: Well, because they have it on page two. I think this is a policy decision that you're a maker and if I can just summarize this to what I'm hearing. I think Mr. Elias did a good job in outlining the work generally that happened at each location, but if I'm going to merge Mr. Elias's presentation with Cap's presentation, Cap is saying in order for the village to be able to make an educated decision as to the additional \$85,000.

What's outlined in one through seven needs to be accompanied by detailed billings, detailed time sheets that is consistent with the original agreement so that there can be a reconciliation and then a final determination as to whether that additional \$85,000 is within the original scope of work or whether not it's required for additional work. That's what I understood.

Nickerson: Mr. Attorney if I may very quickly.

Dreher: Sure.

Nickerson: As Councilperson Roman, she mentioned very quickly on which is on page two, they have the Cap's recommendations are there on page two of their report, and it's pretty

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detailed those four things. Requiring all invoices and proposal CSA, CSAs addendums et cetera to reflect the hourly rates that's set forth and exhibit B of the master agreement.

Require clear documentation of the work performed that previously included in the scope of work of the supplemental agreement to the master and to include hours of work per employee per additional tasks. I think that's very important.

Require invoices from self-consultants for work not previously included in the scope of work of the supplemental agreements in the master and reconcile the work performed on the subject project from October 18th, 2017 to February 8th, 2018. I think those were the recommendations.

Paul: Definitely, and based on this recommendations, is that something that Pennoni feels comfortable and is it worth it based on these recommendations, whether the village management as well as with the rest of the council would feel, just give it one more try, see if that would, you know, make it work just to make sure that they can provide this information just to make sure that if indeed is this married or not. That's all, I just want to pose that.

Nickerson: No, I understand what you're saying Councilperson Dreher. It's a wonderful question. I think that that's one element of it. What I mean by that, Councilperson Dreher, is that-- Let's say that if Pennoni provides all of this data, provides the invoices, they provide the documentation that shows the scope of work that was done. The extra scope of work that was done.

That would be helpful, but that still wouldn't bring me to the point where I would say that taxpayers to pay \$85,000 because they didn't come to us when they were supposed to. You know what I mean? I'm not speaking for everybody, but I'm not saying that they're necessarily lying about the work they did, but I believe, Steve he might come back and say, "We have documentation showing invoices and hours working, things like that, and they're lying about the work they did, but that still doesn't make me feel like, "Well, now we should have taxpayers paying \$85,000 because they didn't follow their own contract. They didn't come to us when they get towards \$435,000.

Paul: No. Understood. That makes sense. Yes. I'm just looking at the recommendations and that's what I just want to bring up. Let me ask you here. Go ahead. Sorry.

Steve: I would just like quickly comment on the recommendations and I'm okay with all of them. Number one, requiring invoices of all the reflected hourly rates and set forth the master

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agreement. As I stated, all of our rates, basically, across the board, even though we have a lump sum agreement for this project, I got nothing to hide. I did turn over our time records for this project. You'll note in there and I understand that the hourly rates don't match all these because I did to prepare at the time we were going to work. We do have time records for each person each day.

I have could actually build within a week time range. I think it was per day. Well, I know we've got per day, but those rates are already in there. They don't match the master agreement because I reduced them. That's why they don't match. That's the explanation for number one. We generally reduced our rates, that's why they don't match. Number two, on the additional documentation, we did have a detailed description of the tasks that some of them we did. Some of them are still to be done by the time we wrote this. I generally when I do an addendum, anything forward from the last contract, I say we will do the work.

We don't have an agreement yet. In addition to that tonight, I brought this so you have the two or three-page detail, that was my attempt for tonight to try to provide that additional- that's very detailed. There is some very detailed stuff in there. It's all legitimate work. Number three, they require invoices from self-consultants likely the scope of work, there generally are no self-consultants. I think there was some question because the rates did matter or be scheduled and I'm going to question whether that was a self-consulting. There were no self-consultants other than Geotech, that's the only self-consultant we built for him.

That's totally identified, so please pretty much on it too. Then number four, was reconcile the time between October 18th to the February 8th. The explanation for that is the council approved the agreement. It's just that it was pending Mr. [unintelligible 01:16:58] and that's four months. Yes, but we moved forward and started with the designs. That explains why we were working during that period, but again, it was a lump sum contract. I'm not sure that that applies, so that's how I respond to those four and hope that's clear.

Omarr: Thank you.

Steve: Anything else I can answer?

Omarr: No, I appreciate that. Before I open it up to the audience, to the floor, is there any other questions or comments for Steve from anyone up here? Attorney, my manager, Councilperson Roman, Councilperson Memphis, Councilperson Dregor

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Gregor: Just playing out here like it seems that we have already set our minds, "Yes, 85,000, we're not going to introduce to the taxpayer." The project also, there are some faults, at least, I think they were being transparent. Looking at the bigger picture. This project is going to bring some benefits to the community, fine. They acknowledged they messed up, there's a recommendation out there.

There will be more information out there, so being the case that I hear from the council, they already made their minds know that your worth stamp we're like we don't want to bring any additional costs. We don't want it to the taxpayer. I just want to ask from a project perspective, how does this look into the project? Does this kill the project?

Nickerson: Like where do we go from here?

Gregor: Yes, where do we go from here because we're not-- I just want to hear from the Pennoni teams, how do we stand?

Nickerson: Can we do this, because I was going to do the where do we go from here, but let me do this because I was going to do that after you open it up to the audience so that they can comment on anything that's been brought up this part. Then after that, I was going come back up here and then we can do the where do we go from here right before we vote.

Gregor: You asked if we had any questions, so that's my question too to the vendor. How does it stand from their side? Does it kill them financially. Yes, they're admitting, fine, we didn't come up to you. We all know this project has a benefit overall. Maybe right now we're just focusing, yes, on this little-- This is not a little thing, I agree. It's big to the taxpayer, but we got to think about it in a bigger perspective, more strategic.

Nickerson: Yes, we're going to come right back to that.

Gregor: Okay.

Nickerson: You are not finished. As soon as we write that up and then after that, I'll close it and then I'll come right and then I'll give the poll right back to you.

Gregor: Sure.

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Nickerson: Right now, does anybody have anything from from what we've been discussing up here for-- All right. Hearing none, I'm going to close on the council meeting, this Wisconsin meeting, open up for public comment. Go ahead, Steve.

Steven: I just have one more question. In retrospect, I don't see this as a somebody did something wrong. I think we were trying to do something in a very short period of time with well-defined scope of work and parameters and schedule. Unfortunately, we've done a lot of these projects. Things had to come together on this project that were out of our control, really. We jumped in with good faith and unfortunately, it's nobody's really fault in here. It's not anybody's all. The school board just has run us around in circles.

Yes, the pump station has changed locations, but we have walked that site and looked at multiple, the school work has not been an easy animals to get an answer out of. We're all trying to move that forward.

Everybody's done a great job. We've all been working as a team trying to do this. We're just caught in the crossfire here. I've got to answer to my company for the costs that we're putting into this project to get hold on that. We are dealing with \$5 million project here with an 80% grant. I would just hope that the council would take that into consideration.

Nickerson: Thank you, Steve. I'm closing the Wisconsin Council meeting momentary to open up for public comment. Anybody from the audience, the floor wants to come up and say anything, give their name, address and make their comment, Thank you.

?Dreher: Good evening, everyone. [unintelligible 01:21:46] I do appreciate all the work that you guys have done working [unintelligible 01:21:52] That's recommendable. We do appreciate that. We do understand that a lot of times when you're dealing with things that come up after working construction. I can say [unintelligible 01:22:06] nobody just in the contract, out of contract, in the date, out of date, close the deal. This things happen. [crosstalk] wouldn't like somewhere in the middle of Wisconsin.

Roman: You need to speak to the Mic.

Paul: It doesn't work buddy.

Roman: They can't hear you.

?Dreher: I'm sorry.

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Roman: No, that's okay.

Omarr: He wants to face the people that he is talking to. You could turn. Yes. He wants [crosstalk] That's respectful. He wants to face the people that he is talking to [coughs]

?Dreher: What I want to say is there's a couple of things that jumped out as-- Some members of the council said this. I'm not to go ahead and quote them directly, but just certain things just jumped out. When you were deciding on the different compensations, there should have been some work that you did that was scored data that was redundant after the facts that you said we had a genuine conversation. You just don't do that.

You shouldn't be charging because that work should have all ready been done. That's the first thing that jumped out. There should have been redundant information that you guys had from the time when you guys were in the original estimates per site allocation. Before you choose three, you should already have that on four and five. As the [unintelligible 01:23:22] institution, we charge \$85,000 or whatever it is, it doesn't matter if we [unintelligible 01:23:30] that's not the point.

I tell people all the time if a contractor tells you it's going to be two months, it's going to be four. If it's going 1,000, it's going to be 2,000. If we haven't broken ground yet, and we are already in addendums, and we are not using the master in the context that it should be used, in the way that it should be used, where are we going to go once we break ground? Because who's going to be in the-- Is going to be contingencies? No. There's going to be any contingencies. Is that why you guys shaking your head.

Steven: There's a 10%.

?Dreher: Okay, but it seems like we are going to go above and beyond that. It would [unintelligible 01:24:13] for things that should have been redundant. All right. You said you were going to take the blame, but are you go absorb at what cost? You said you're giving a 20% discount, but based on what? Based on what numbers? If they're after the fact, if the transparency is after the fact, we call this a fairness, fair play, which you contend over and over and over, then the work has been and I quote "fair and honest work."

Do not want to step on that. I want to believe in that, but if you say something, if you contract something and then you don't go about it properly, you don't go into an addendum, you don't make the phone call. Then the ball, who's holding the ball. Where's the [unintelligible 01:25:20] who's passing it to the manager? Who's passing it to that team? Who's passing it to

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this person that. You said council Dreher was the only member of council that was at that meeting.

He's the point man on this. He reports back to the council. I'm sure that's the protocol. If he was the only one at the meeting, how does the rest of the council get that meeting, the information from that meeting. You send something to the manager and she sends this out or does he report back? Where's the disconnect? Because I'm hearing a huge disconnect. I don't come here a lot, but when I do, I hear.

It's just some of the stuff is outlandish. \$85,000 is not, once again, we just call the students out and they come. When a scholar student says [coughs] I could go on and on. I know that of your friend wants to speak and I know she's going to be a little bit more pointy than I am but, but I just want you guys to know that I understand we're talking somewhere in or around the middle where it's fair for both sides. Hopefully, it's not a place where you just want to negotiate.

Omarr: Thank you. Can you put it back?

Roman: [unintelligible 01:26:46] at North West 87th Street. My questions and concerns after listening to everything comes mainly from the-- How do I phrase it? You're making unilateral decisions to go beyond contract approved numbers without informing the city ahead of time. I understand, but I know people go over budgets all the time. Usually, you have to mention that at some point before you go over the budget because how does that then not happen again? You get to the point now let's say it gets approved, the \$85,000 gets paid. What's stops you for them having to do it over again the next time or the next time or the next time?

Because once you cross the boundary, it's really hard to keep that boundary in place. That's where my concern comes in most of all because you draw a line in the sand. This was the cap that was crossed. Now we're finding out that that was crossed however many months later. That's where the ball was dropped on [unintelligible 01:28:00] I believe for not coming to the council, not coming to the residents, not coming to the city ahead of time and saying, "Hey, look red line here. We're going to cross it, and if we cross it--"

My best example is I work on a day rate. When I'm getting to my 10 hour day rate, I have to go to the production manager on my show and say, "Hey, my 10 hours are coming up. Are you gonna pay me overtime or are you sending me home." You guys didn't step up and do that. Now we're in a situation where the project might be damaged because we have to figure out what's going to happen with this \$85,000 which is a large chunk of change. There are still residents that I spoke to in the last couple weeks. They're not even aware of the project. They

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don't even know the projects is coming in. I had a resident ask me, "Was this voted on and when was it voted on?"

Same resident that actually didn't know our mayor was Claudia and our previous mayor had passed away, to be honest. They've been here about 13 years, but they know these things. There are still residents don't even have a clue that this is coming. Then you're going to tell them ahead of- on top of that, "By the way, on top of the fact that this is coming, we're also spending more money to get this off, and we haven't even broken ground, let me say." Those are where my concerns come. We had a cap, the cap was crossed. No information was given to the point that that cap was going to be crossed for us to be prepared at all. To be prepared for that.

Nickerson: Thank you very much. Appreciate it. I'm not seeing anyone else for the public comment. I'm going to close with the comment. I'm going to bring it back to the council. Before we go back to council, council Dreher was making an excellent point. You just say for point of clarification that because it's been said a couple of times that there was a meeting and they were like-- Council person Dreher was only one there. The rest of the council didn't show up or whatever. I just want everybody to know. Understand that we got this thing called the Sunshine Law. And even in the past, you might have heard some time to like our mayor, it shows the like I was at a meeting with the manager and the attorney and that's because when one person for those to have a meeting with an individual from the council goes to the meetings, the rest of the council can't go to those meetings. We can't attend those meetings.

It usually is only one person from the council at those meetings and then we usually will get briefed through committee or through council or through emails from the clerk or the attorney afterwards so that's the reason why for everybody watching why you're here a lot of the times that only one person in the council attended a meeting and the rest of the council didn't go, it's not because the rest of the council didn't want to go or were being lazy but that's because the Sunshine Law we have to do it that way. That being said, moving back to Councilperson Dreher who is making a great point about overall, where do we go from here overall.

Dreher: Just to address a couple of the comments particular from one of the residents just put into perspective we're committee of three folks everybody takes the lead on whatever projects they would like and for the last two months I have it documented in email requesting as soon as we heard from this request of the change of scope and funding, I did reach out via email, Christia is aware of this, bringing aboard the entire committee meeting to address this I did not receive a response, Christia is aware this I tried out twice and until I was here in the last council meeting I did bring it up.

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During the meeting that we had for the what was it, the budget and I did request the mayor was so kind to actually say okay, let me add that to the agenda so we could have a council meeting today where we at, that's the line of communication, there was a meeting actually today where via phone actually that I understand there were some participants from the council in that meeting. So that was a separate meeting I did not attend.

So I just want to stress this, that the communication, the effort has been made, at least from my perspective, right? Each council member takes that initiative to talk to Christia, to talk to Robert and also include Pennoni as well to address any questions, but out of the rest of the council members I want to understand as well who has reached out to the Pennoni team and not have that curiosity to bring aboard this project so there is what I want to make sure the residences it's not just one councilperson but we have all as a public duty here as well as a resident as all here sit, we can reach out to the village manager, to the attorney, to Steve he's been pretty open about it.

So just want to re-emphasize that but in this point now I just want to understand where do we move forward because we invested a lot of time, effort already, this is a big hiccup, I understand that, but I just want to hear from the rest of the council because we required a three vote to move things forward so I just want to make sure we are all aligned we're all informed as to what next steps we do want to see.

Nickerson: Before we get to vote gets emotion and vote immediately, we end up with two motions that we are ready to vote, but Stephen, if you would come back up and if you would quickly in the quickest way explain, if this does not pass tonight how does this affect the overall project and where we go from there? Like if this is that past tonight is Pennoni just done like are you guys just finished with highlights I know, I understand that's why I'm leaving it.

Steven: I can't wholly answer that, I have bosses to report to, they have informed business to get paid for **[unintelligible 01:34:14]** we will figure out somewhere to move us forward, we have too much invested in this and I'm not a quitter so we do that proposal before you, I brought this to the council's attention when we were in the late 40's, a budget of \$50,000, I understand that's too late but it's not like the ways of the end that we were already at 5000 before we brought it to the council here in August.

Paul: Excuse I'm sorry when you brought to the council in August?

Robert: No sorry I said the council, you are correct on August--

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[crosstalk]

That's the addendum that we were asking for, but at that point, we were only \$50,000 over budget, 50,000 and now that we're moving down the corner, that's what it's going to take to design down in that corner to finish that pumper station, so I didn't wait till the very end. I should have come, I am forced to write my hand contractually I did not want to stop the project so I kept moving I guess I will take a point for that but it was legitimate work that was performed.

Omarr: I have a quick question too, since we're focusing as well as one vendor I know from the CAP effort for this study, it's a \$1,500 expense, there's no expense?

Robert: It went down.

Omarr: It went down? Okay. I also want to see how we're managing as well, the project managers expense that were being built, because it's just not, we want to see as well, there's been a lot of effort too from the PM side as well, he's been investing his time as well in the entire change of switching of the other side. So I just want to get that perspective as well before we make that decision, where do we move forward with this project, because we want to put old pictures as well and what we've paid as well to the entire design phase.

So I would like to make that motion if I could have them or if I could have the manager as well just present that as well, the breakdown from what we've paid so far, from the vendors, from Pennoni, from the PM side, for this effort as well, just to make that informed decision how much time as well, we all kind of know the time involved. And that's well from the money's already we invested in this project is that something I can request from you?

Christia: Yes, I can give you a more detailed explanation tomorrow when I look at my numbers, but I can give Joe answers right now, we paid Pennoni I think almost 4,000 but that's on the draw-downs, so it's not out of our coffers, so Pennoni is paid that and our project manager is charging us I would say a very modest fee monthly of \$2,000 a month.

Omarr: For?

Christia: He attends meetings, he gives very detailed invoices, and again, participates in all meetings, he reviews all the documents and works with the school board as well, Pennoni and [unintelligible 01:37:58] and whomever else is associated with this project. I can give you more accurate numbers but I know it's too personal, yes she can.

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Robert: Councilman Dreher. We did a contract I think last year for my services and that was for different projects, I'll breakdown and be happy and Christia has all, I break them down, she's right its about 2,000 a month but it's based on time served so sometimes it's less than 2,000 sometimes can be slightly more so I break it down to every 15 minutes and I'll say in a detailed like 15 minutes sewer project, call with Steve about location, email to Steve, follow up with Christia blah blah, 15 minutes. The next one might be 30 minutes and they'll say and so in some of those will be a nature trail, some of the other things over there. Well, we can break it down.

Can I say so that, I do want this to be said because you mentioned about having a council meeting and I think it's great that you want to have a council meeting to address this, but I work for you. Okay. My job is to try to shepherd this and protect you. So I actually when, Steve suggested having a council meeting the week after he submitted a request for \$85,000. I said Whoa, wait a minute. We don't have time sheets, we haven't discussed this. We haven't looked at everything. As matter of fact, this that you see today, I have not received this, first time seeing it now.

We need to make sure though, too, if I'm going to protect you, I need to be able to protect you. And then we get all the information. We review it. We do our due diligence and then when we come to you, we're giving you something that is our professional opinion of what we think. So that then you should pay or not pay. Going forward I like working with Steve, I think this is a great project, we're almost at the finish line, where the finish line is in November or is February or August of next year.

It doesn't matter, it doesn't matter to the state. We can push this off. The question of, "Do we go forward in November without easement in hand?" We asked that question to the state. The answer was, "Well, if you don't have the easement, you're going to go down to the bottom of the pile. You may or may not get to funded."

Because of all this thing that's going on with the school and whatever, our recommendation is, "Let's us do due diligence. Let's go back to the Pennoni and sit with CAP, review this carefully, review any other information he may give us, and then come back to you and hopefully we will finalize a great project, this is a very important project."

Dreher: On that note, when do you think you can have that recommendation just so we have our prospective?

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Paul: It would depend on getting information from Pennoni, sitting down with Steve, going through this. I can tell you some of these time frames, I'm sure you didn't need that kind of rush to get out but they are off by the e-mails that I have also.

Dreher: Can I ask a question to Pennoni?

Nickerson: One second. I got you right now Councilperson Dreher. Let me ask this, if let's say Mr. Attorney and madam manager, let's say for the sake of argument, if you were to table this how all the details go back with CAP. For CAP do this extra work, they are going to charge us this extra work. What we have to decide you guys is-- there is two separate things.

We have to decide is, if the problem that you're having is there wasn't enough details shown as far as what was done. If that's your problem then it wouldn't make sense and maybe worth it for, them to take this new information, give it to CAP, have CAP calculate everything, and come back and whatever we have to pay CAP for that is worth it then.

If your problem is that Pennoni dropped the ball as far as following the contract and letting us know we're coming up to the CAP, letting us know not doing the CSA. If that's the problem, then it doesn't matter and it doesn't make any sense to pay CAP to put in these new numbers and new details because if your problem is the actual date you come to us and let us know when they're supposed to per contract, then it will never be worth it to you for making the taxpayers pay the extra 85,000. That's what as the council, the four of us up here, have to decide what side we are are on.

That will decide if you want to pay the extra money to CAP to calculate within the details, or just to stick to the principle of, "They didn't do what they're supposed to do," and that's where my stance is. That's the decision we have to make up here as a council. Go ahead Councilperson Dreher.

Dreher: Well, I'm not so lean into paying that extra money to Pennoni. I want to understand more first as well from them before we pay out anything to the CAP Team or anything in that decision. From their perspective, how does this put us as an overall project? Whether they kills the project or not, he says he needs to go back to his team.

Before we pay more money to CAP or anybody in that sense, I want to understand him, the vendor check in with their management on how they stand with this project, whether right now based on this decision I think we're very--I understand I'm as for it. I don't want to add extra money to our taxpayers, to myself either. So, I just want to make sure from their side how does

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that put us, whether it's going to kill the project or not, and have them bring it to the next time frame they would need.

Nickerson: Councilperson Mathis.

Mathis: CAP has already completed what we had asked them to do. Correct?

Roman: Yes.

Mathis: Robert has an understanding of how the inner-workings are with the way CAP is looking at everything, correct? Steve is willing to sit with Robert to come up with some system that is conducive to what we want. So why can't Steve and Robert just get together with the manager and the attorney that needs to be involved, they come up with a guideline or a course outline, come back to us and we go with that? Then we can set up report dates where they have to come back in and say, "Okay, this is where we are at as far as numbers goes."

Nickerson: I agree with you 100% Councilperson Mathis. But my only question that I might be you need this, but my question is the reason why we had CAP set up this two page report is because they're also experts at doing this. What Robert was saying was that we are going to take all this detailed information that they have, plus whatever they were recommending here, and go back and make another report. We will need to capture that.

Mathis: No we wouldn't, Robert says he has an understanding of what--

Nickerson: But he is not an expert.

Robert: Wait, can I say something? I'm sorry. It keeps coming up, but I'm sorry. So part of the reason why CAP was contracted is that when they received the time records from Pennoni, the time records aren't on a daily basis that you would think. They are say March 12th through March 15th, four hours engineering. January 3rd to the 6th, five hours design. It doesn't say design of what, it doesn't say. I think that it was very tough to discern. So, more than anything, CAP as an expert in dealing with this thing, I think it's good and I would say councilman, yes, I think that if they give us the level of detail that we need, it's going to be a lot easier and I can do the bulk of it.

But I would think that at some point once we get that and talk to Christia, it would benefit you to maybe spend two hours of cast time to go through our stuff. They are your engineer, they are you building official, this is what they do, so to get that other two cents worth it might cost

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you, I don't know, \$400. It's worth it when you have a price tag of \$85,000 when you're to roll with them.

Nickerson: Councilperson Roman.

Roman: I agree with what Robert just said. I think for now, we should table this. I don't think we should make a decision. We should definitely have Robert, Pennoni work things out, go back to CAP who are the professionals, \$400. Again, 85,000 is not much. Clearly, Pennoni understands we are not paying \$85,000. So, it's go back, let's discuss, if you do want to close this and complete the project, then let's do what we need to do. Let's do the due diligence and then come back to us and then we can make a final decision.

Nickerson: Thank you Councilperson Roman, Councilperson Dreher.

Dreher: No, I just wanted just understand as well how long the time frame we will need to table this back. I want to understand from both the vendors. If we do decide to agree-- I agree with councilwoman Roman's points. We definitely need to table this off, but I just want to get a perspective, an idea, a time frame so we keep that momentum that Christia did mention at the beginning. That's my only inquiry.

Omarr: If I can just interject. I think at the outset, you got to ask the vendor if these recommendations that CAP has put forward has to be able to make a determination as to the addendum, are they are willing to provide that information for the village to evaluate.

Nickerson: [inaudible 01:49:29]

Omarr: Well, he went out down some of them and he questioned them. I think Pennoni you said at least be ready and prepared to give that and give us a time frame as to how long it would take to do that so that we can at least get answer to your question, Councilperson Dreher as to what the timeline would be for us to be able to come back here. Get a report back from CAP and Mr. Otto as to what their file recommendations concerning the addendum.

Nickerson: Can we bring him up to the podium?

Omarr: Yes, you [unintelligible 01:50:08]

Robert: It just depends on how much detail, but I will internally I agreed to try to do my best work, everything out and try to communicate by next Friday maybe. I hope we're relatively

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close with some of this maybe we can tighten this up a little bit, but I think the general scope items we put down on paper.

Omarr: CAP is recommending that all invoices, proposals to reflect the hourly rates as set forth in exhibit B of the Master Agreement. Can you do that?

Robert: Yes. Will affect the numbers. We're not looking for words. Numbers might have to correspond to your dissertation. It's not more paragraphs of what has been done but the actual hours and rates otherwise its not verifiable.

Omarr: That's what I'm trying to clarify to get Councilman Dreher's timeline. You are able to do that, Pennoni is able to do that by Friday.

Robert: That's my goal, I'll give it a shot.

Omarr: What about the second one, require clear documentation of the work performed, not previously included in the scope of work of the supplemental agreement to the master to include hours worked per employee per additional task. Can that be done by Friday also?

Robert: Yes.

Omarr: Required invoices from sub-consultants for work not previously included in the scope of work of the settlement agreement to the master.

Robert: Yes.

Omarr: Then a reconciliation from October 18, 2017 to February 8th, 2018.

Robert: I think that will have to do with Mr. Gallagher, I think the question was why did work start prior to February, that's the question.

Dreher: Its not the question. It's the amount of effort that was put forth. You have a \$435,000 contract and you spent in that time--

Nickerson: Can you come up to the microphone please?

Dreher: Oh, I beg your pardon. The question is not an issue with the contract, it's the amount of money that had been spent from October 18th, October 2017 to February 8th, 2018, out of \$435,000 contract or budget. Well over \$114,000 was spent in that time. The effort going

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forward is \$435,000 minus \$114,000. That's the baseline that we're going to be looking at for work that was performed in comparison to the additional work that he's asking for. Does that makes sense.

Robert: Can you draft an email stating that idea?

Dreher: Yes I appreciate that you're coming to do your thing and we're going to. We're going to send emails.

Robert: I guess its more detail is the answer.

Speaker 3: just to get to Councilman Dreher's question and answer that if that information is provided even outside that Friday to the following week, we should be able to address this at the next council meeting, there can be a motion to table the item until the next council meeting with the proviso that the information that we've just discussed be worked out.

Nickerson: Thank you very much for being the voice of clarification, we appreciate. Let me, very, very quickly, in the spirit. Let me one more time, close the council meeting and open it up for public comment. [unintelligible 01:53:59] your name and address for the record please.

Garcia: Hi Miss. Garcia, 500 Northwest 87th Street. I am just trying to clarify something on the addendum. My understanding is the addendum is for \$85,000. What I understood was we are over budget on the project by 50,000, and then the other 35,000 is to develop the new design for the location of the pump station. My question is then, if, and maybe you are understanding differently, maybe you can enlighten me.

If we are about to go provisional occasion and that plan was already created. Why are then we creating another plan for the location that was already picked in the first place and the plan was already done. So that brings me to question why then the extra 35,000, why are we not doing the addendum for only the 50,000 that's over budget, and I do agree with paying work that's already been done. I don't think they're doing dishonest work, I think they're probably trying their best to do it, but that extra 35,000 for something that should've already been done by the explanation of Pennoni. That's where I'm getting confused and maybe your understanding is different and you can explain it a little bit better, but yes, that's where I'm sitting and thinking.

Nickerson: Thank you very much. Anybody else for a public comment? So we're going to close public comment. Come back to the council meeting, Steve [unintelligible 01:55:26] So

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what would be your answer to her questions was wonderful and our other constituents in the audience, Nadiman brought up the same thing, so when we're looking at work that was already done. If we did the work for number one then when you guys did number seven, is that an additional charge?

Robert: No. Not to get to detailed. I read through what was done. We did some concepts like plan work on a drawing. It was only between November 17th and January 4th. So it wasn't a ton of effort, but we prepared a sewer phase and layout for the sewer, for the basin. We did some initial communication with the power company, they wanted power over that site. We completed the gravity sewer plans and then we did about 10% of the pump station design.

That's all we did there. And then we were shifted north, coming back to it now, the county has a whole structural design requirement and a structural design report that has to be submitted, a hydraulic pumping report, and then the plans themselves, the structural, the electrical and the plumbing. We still have to do that work, because at that point we knew in November, December, January, we knew we were holding off on the detailed pump station design because we talked about the kickoff meeting wait until February so the site was down before we would jump in the pump station design.

We're doing more of the sewer and the streets basically was a large part of our effort early. We purposely avoided the pump station because we knew it wasn't nailed down yet. I don't know if that answered that. I probably didn't answer the question. We're not repeating work.

Nickerson: Not too much, but yes. So, hopefully that all justified this is all--

Dreher: Does it answer her question though. I just want to make sure.

Nickerson: No, I don't think it answers your question.

Dreher: I just want to make sure-- okay.

Robert: We are not repeating work, that was the question.

Nickerson: At this moment, we're going to close the public comments [unintelligible 01:58:07] I think I did that already. At this particular time do I have a motion of any story, a motion to approve, a motion to deny, a motion to table?

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Roman: I'll motion to table until the staff meets with Pennoni and with [unintelligible 01:58:25]

Dreher: I think the first motion will be motion to table on both status, but presumably approved, and there'll be an ancillary motion to them bring it back here in October to get the full recommendation.

Nickerson: All right, so from the very beginning may I have a motion to approve the motion, a motion to deny or motion to table.

Roman: I'll motion to table.

Nickerson: Do I have a second?

Dreher: I second, but I want to be specific with dates we keep our timelines.

Nickerson: After this we'll come back and do that. So I have a motion to table. I have a second. Madame clerk, may I have roll call please.

Clerk: Roll call, Councilperson Dreher?

Dreher: Yes. Yes, yes.

Clerk: Councilperson Roman?

Roman: Yes.

Clerk: Councilperson Mathis?

Mathis: Yes.

Clerk: Vice Mayor Nickerson.

Nickerson: Yes.

Clerk: Mayor is not here, four to none, motion passes.

Nickerson: Thank you very much. Now that is done. Do I have another motion?

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Dreher: The proper motion would be a motion to bring back the resolution concerning the addendum, supplemental agreement for the October Council meeting and requiring the staff including the consultant, and if necessarily CAP to meet with Pennoni to work through the four recommendation items in the CAP report dated September 3rd 2018.

Nickerson: Do we have to repeat everything, or is that good enough?

Roman: Pennoni is bidding in September.

Robert: That's what I was going to bring up. I think you mentioned October.

Roman: We can try for September.

Dreher: I think it needs to be more realistic. But that's up to you all.

Speaker 3: We can always have a special meeting.

Nickerson: Christia how do you feel September?

Christia: For the 25th? I don't know because I really need to talk to our producer and see what they can put together. I want to aim for that. I we could do--

Nickerson: Worst case scenario.

Christia: Okay, everybody's shaking heads yes, so we'll aim for that. That will be our best efforts and we'll present what we would have at that point.

Nickerson: Good. Do I have that motion?

Roman: I'll have that motion the September 25th. That's the meeting.

Mathis: I second.

Nickerson: I have it Councilperson Roman made the motion. This thing that Councilperson Mathis seconded it. Madam Clerk, do I have roll call.

Clerk: Councilperson Dreher.

Dreher: Yes.

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Clerk: Councilperson Roman.

Roman: Yes.

Clerk: Councilperson Mathis.

Mathis: Yes.

Clerk: Vice Mayor Nickerson.

Nickerson: Yes.

Clerk: Mayor is not here, four to none, motion passes.

Nickerson: Thank you very much for that part everybody. Councilperson Dreher, I see you're getting your stuff together and ready to go. You originally said that you wanted to briefly go over the thing about the school. Do you still want to do that or you just want to save that for the September meeting?

Dreher: Just wanted to understand where we're at with the next steps or we keep everybody informed as well. We have a couple of residents as well they're showing interest in the project so can we just Christia and mine just give it--

Nickerson: This is what we're going to do, just take your time [inaudible 02:01:26] I don't know. This is what we're going to do. Madam Manager, if you would quickly give us some overview and kind of like tell us what that is like.

Christia: Okay, I will do that very quickly. I have provided here my manager's report as well as briefing documents to prove our community as you- give you this brief synopsis. The school board, specifically the regional superintendent through the principal, Principal Lawrence has requested that the Village provide \$10,000 annually in perpetuity for the use of land for the lift station-pump station.

That is a lot of money if this is an improvement for the entire community, not just for El Portal and this is something that I'm not comfortable with moving forward and committing to the other administrations let alone this one. We're going to be talking to these school board members and trying to find some other way of working with them and hopefully we will prevail with a better deal for the village and for the school board.

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Nickerson: [inaudible 02:02:44] suppose these can be good neighbors. Go ahead Councilperson Mathis.

Mathis: I've actually spoken to Principal Lawrence but one thing that I wanted to ask, do we know if this is common practice for the principal and or superintendent to say, "For us to do this, you need to give us this?"

Christia: Is it common practice?

Mathis: That's common practice.

Robert: No.[laughter] Well, let's put it this way, they want some consideration for these easement. The first time was the end of August where they said they finally came back. Well, we spoke to this principal and we spoke to the regional superintendent and they're not happy with the relationship. The principal's not happy with the relationship between the Village and the school, and so that they wanted something.

Then they called and they said, "We will put it on the September meeting, which is tomorrow, we will put it on the September meeting with the words subject to an inter-local agreement between the village and the school," and he outlined four points, one of them being promoted, work with them, do all sorts of things. Talked to the mayor, talked to the village manager, very briefly since I knew we couldn't anywhere so like okay, let's put it on their agenda and then we'll work that out.

The next day I told them, "Yes, we'll do it." Two days later they came back and said, "Well, after further consultation with the regional superintendent, we will do it for \$10,000 a year for educational programs for our school." Granted a 45 by 65 foot live isn't worth \$10,000, let alone \$10,000 a year forever. It is normal that they would want some consideration, something, but the way this happened is not going to work.

Nickerson: I just want to be clear about something. We do in our budget, we do give the school a couple hundred dollars, right?

Robert: First of all, thank you Madam Manager for that report. Thank you Councilperson Dreher for bringing to our attention, to begin with. Go ahead if you want to make--

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Dreher: I just want to thank you, especially you Vice Mayor for hosting this meeting, great. Everybody for their input, it was good and as well the residents and Robert and Steve for all the continued efforts so I just want to say thanks.

Nickerson: Thank you, everybody, for coming out. Does anybody up in the dais have anything that they want to say before we close? Yes. Councilperson Roman.

Roman: I think it's a little surprising that a principal would say that the relationship with the village because that's not the message that was given to us when he came and was invited to come to our meeting, and so I do believe and I will commit to have a conversation with the principal because we should have a good relationship and why that relationship is not there, I would like to know because he should have said that when he was here in front of all of us. I would advise the rest of the council if you do have the opportunity and the time to call and contact the principal to do so as well because we need to put our egos aside and do what's best for the community.

Nickerson: Thank you very much Councilperson Roman, Councilperson Mathis you want to say anything in closing?

Mathis: No I'm good--

Nickerson: Councilperson Dreher, anything to include?

Dreher: I agree with your comment on Councilwoman Roman. I'm definitely going to take the word as well, talk to the principal, so I'll ask Christia for the contact info and when you have that meeting I would like to be invited as well just to listen. Thank you very much.

Nickerson: Madam Clerk, anything?

Clerk: No.

Nickerson: Madam Manager anything in closing?

Christia: I want to also thank CAP Government for your swift response in helping us out with this and of course Robert Romano for always having my back and our back as a Village, so thank you.

Nickerson: Thank you very much.

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Dreher: Can I clear the record?

Nickerson: Yes.

Dreher: I stated earlier that we dropped the ball, I was not directing towards you Robert, I wasn't directing it towards you Christia or the staff but there were some things that happened before your team came on and got this stuff moving, so I just want to make that clear that I wasn't talking about--

Nickerson: Thank you Councilperson Dreher. Any additional matter? Miss. Clerk, district attorney, anything? Thank you very much, Chief [unintelligible 02:07:54] it's been a pleasure to have you back there throughout this entire night that's ending around almost 10 o'clock and I feel very protected and it's wonderful having you here, it's wonderful having you as our [inaudible 02:08:06] I appreciate that. Thank you, everybody, for coming out. The special council meeting for September 4th, 2018 is-- Oh, do I have a motion to adjourn?

Roman: Motion to adjourn.

Dreher: Second.

Nickerson: Motion to adjourn made by Councilperson Roman, seconded by Councilperson Dreher.

Mathis: I am going to third it.

Nickerson: Thirded by the distinguished Councilperson Mathis. The special council meeting for Tuesday, September the 4th, 2018 is adjourned at 9:55 PM. Thank you, everybody.

[02:08:48] [END OF AUDIO]

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