

**WORTHINGTON CITY COUNCIL
SPECIAL MEETING, JULY 19, 2023**

The meeting was called to order at 4:00 p.m. in City Hall Council Chambers by Mayor Rick Von Holdt with the following members present: Larry Janssen, Chris Kielblock, Chad Cummings, Amy Ernst, Alaina Kolpin.

Staff present: Steve Robinson, City Administrator; Todd Wietzema, Public Works Director; Steve Schnieder, City Engineer; Hyunmyeong Goo, Assistant City Engineer; Matt Selof, Community Development Director; Mindy Eggers, City Clerk.

Others Present: Kari Lucin, Daily Globe; Ryan McGaughey, Radio Works.

**OLSON PARK TRAIL IMPROVEMENTS FINANCIAL SETTLEMENT AGREEMENT
APPROVED**

Todd Wietzema, Public Works Director, said the Olson Park Trail Improvement project was completed at the end of 2022. The project included reconstruction of approximately 3,815 linear feet of 6-inch depth by 10-foot wide concrete paving and 2,825 linear feet of mill and 1-inch bituminous overlay. Mr. Robinson said that while the structural integrity of the concrete portion of the trail appears acceptable, surface imperfections and poor control joints were present throughout. The concern is that the anticipated life of the concrete may be compromised requiring sooner than expected maintenance and replacement. Approximately 65-percent of this portion of the trail has been impacted by workmanship quality. Staff considered several options to rectify the issues. They included:

- Complete replacement of the concrete portion of the trail,
- Installing a bituminous overlay over the newly placed concrete, and
- Requesting a financial settlement from the Contractor as compensation for poor workmanship and future maintenance.

The general contractor has agreed to pay the City a cash settlement of \$127,300.00 in lieu of the other options noted above. The amount represents 65-percent of the concrete paving portion of the entire project which is the recommendation of staff to accept the cash settlement and authorize execution of the settlement agreement.

Council Member Ernst asked if this is the right thing to do if it's not good workmanship. Mr. Robinson said there are 350 concrete panels and only 2 of them have cracks, it meets the structural quality but not the aesthetics. Mr. Wietzema said the Public Works Department plans to seal the joints this fall and the contractor is going to be replacing the 2 cracked panels this fall.

A motion was made by Council Member Kielblock, seconded by Council Member Janssen and unanimously carried to approve the financial settlement in the amount of \$127,300.00.

HOMEWOOD HILLS PAVING ASSESSMENT NO. 118 APPROVED

Hyunmyeong Goo, Assistant City Engineer, said a public hearing to consider adoption of Paving Assessment No. 118 was held on October 12, 2022. After hearing concerns from the residents of the neighborhood, Council directed Staff to follow up with the residents of Homewood Hills and identify all available options. Staff spoke with many residents and put together a comprehensive list of items that residents felt are inadequate.

Mr. Goo explained the project was initiated in 2019 and was completed in 2020 and assessments were to start in 2024. To date the City has paid \$1,185,000 in bond principal and interest without any assessments being collected. The total project cost, including engineering, administration, and construction expenses, was \$3,079,535.03. The current assessment amount stands at \$804,008.39, which is equivalent to \$42.658 per linear foot. A 1% deduction in the amount of \$23,667.60 has already been made from the total project construction cost. The deduction is for the liquidated damages and addresses the issue of excessive roughness on part of the road surface.

After careful examination, staff has identified three potential options concerning the assessments:

1. Partial assessment deduction: Council can choose to deduct a percentage of the assessment portion of the project, leaving the streets in their current condition. Staff recommends a 5% deduction from the total assessment as a suitable option. With a 5% reduction, the assessment would be lowered to \$763,807.97, approximately \$40.525 per linear foot of the lot frontage.

Staff identified that approximately 20% of the project has surface roughness issues. The assessment calculation considered the area outside the center 24 feet, specifically 8 feet of the 32-foot-wide road, extending from curb to curb. Consequently, 20% of 8 feet of 32 feet equates to a 5% deduction.

2. City-funded repairs Council may proceed with the assessment and allocate funds for repairs. These repairs would involve the replacement of identified rough panels that were paved during the project. It is important to note that this option would need additional time for project development, acquisition of funding, scheduling, and planning. At the earliest, repairs couldn't begin until 2024.

3. Partial deductions with repairs: Council may deduct a percentage of the assessment portion of the project cost and proceed with City-funded repairs. The repairs would involve the same scope of work as mentioned in option 2.

Considering the complexities involved, staff is requesting clear direction from the Council regarding the preferred course of action for the Homewood Hills assessment.

After discussion by the Council it was determined to have staff come up with a specific list of repairs.

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A motion was made by Council Member Kolpin, seconded by Council Member Kielblock and unanimously carried to proceed with the original assessments and have a list of repairs at the public hearing.

ADJOURNMENT

The motion was made by Council Member Kielblock, seconded by Council Member Cummings and unanimously carried to adjourn the meeting at 4:57 p.m.

Mindy L. Eggers, CMC
City Clerk