

MINUTES

DATE: Thursday, July 12, 2018

MEETING: Winter Park Town Council

PLACE: Town Hall Council Chambers

PRESENT: Mayor Jimmy Lahrman, Mayor Pro Tem Nick Kutumbos, Councilors Chuck Banks, Art Ferrari, Chris Seemann and Mike Periolat, Finance Director Bill Wengert, Town Attorney Kendra Carberry via telephone

OTHERS

PRESENT: Community Development Director James Shockey, Capital Projects and Parks Director Gerry Vernon, Public Works Director Russ Chamero, Planner One Mara Owen, and Building and Planning Technician Joan Evans

Mayor Jimmy Lahrman called the meeting to order at 9:00 a.m.

Mayor Lahrman led those present in reciting the Pledge of Allegiance.

2. Action Items

2.a. Lion's Gate Drive Improvements Project Contract

Capital Projects and Parks Director Gerry Vernon stated that Lion's Gate Drive is a complicated project and it requires a decision to be made by Town Council. Mr. Vernon stated Staff recommends having the project go on as scheduled, but thinks it is best to hear from all parties. Mr. Vernon stated the decision needing to be made today is whether Town continues as scheduled, postpones until May 2019, or terminates contract and rebids next year. Mayor Lahrman stated a review of what happened at the last Town Council meeting. Mayor Lahrman stated Arrow Developer Brian Novak came and asked Council to consider postponing the contract with Anson Excavating. Council agreed to this without knowing the cost of postponing, so Council are back today to decide. Mountain Parks Electric Todd Clausen stated their project is designed to be completed all at once. Mr. Clausen stated the feed to the Arrow development needs to happen to finish their project, there is no good temporary solution. Mayor Lahrman asked if Mountain Parks does a temporary fix, is anything hazardous from the project left out during the winter. Mountain Park Electric's Manager Scott Simmons stated a transformer would be left out and would need to be fenced off. Mr. Simmons stated if the project was postponed they would hopefully start it as soon as the snow melted in 2019. Mayor Lahrman asked if Town doesn't do anything does that impact Arrow. Arrow Development's Jason Ahlers stated no, a contingency plan does need to be in place, Mountain Parks would move forward with their project, and a temporary asphalt patch would be used. Mr. Shockey stated he does not recommend moving forward with Mountain Parks if Lion's Gate Drive can't be finished. Mr. Shockey stated the transformer location will shift the physical road by three feet making the road tight. Councilor Chris Seemann asked how long the sidewalk would take to be finished if they moved forward. Mr. Ahlers stated they don't want Lions Gate Drive sidewalk to be finished until all four residential buildings are constructed. Mr. Ahlers stated Arrow would like the Town to terminate the contract with Anson Excavating and rebid when Arrow project is complete. Mr. Lahrman stated that the Town's agreement states that Arrow would cost share this project, so if contract is terminated it would cost them each \$52,000 dollars. Councilor Chuck Banks stated Town has a firm bid now with Anson, who knows what the cost will be in two years. Mr. Lahrman asked what if the project was broken into three phases to work for everyone

involved to get as much done as possible. Mayor Lahrman asked contractor for a solution. Anson Excavating's Terry Barber stated he can't answer that right now, he needs more information. Mr. Ahlers stated he is a road guy, and Lions Gate Drive is not a big project. It doesn't make sense to break this up, it will cause too many issues. Mr. Ahlers stated he does not agree with \$104,000-dollar cost. Town Attorney Kendra Carberry stated Town has a contractual obligation with Anson. Mrs. Carberry stated she can't speak to cost, she doesn't agree to costs, Town would end up litigating a contract with Anson which would cost the Town a lot of money. Mrs. Carberry stated she doesn't agree with Arrow's attorney. Mrs. Carberry stated if this went to court, terminating a contract would cost money. Arrow's Attorney Raul stated this issue came up quickly and he has not had the chance to speak with Mrs. Carberry yet. Raul stated Arrow would entertain cost sharing with Town for costs that can be proved by receipt. Mrs. Carberry stated not all authorized costs will have receipt and this is where they will disagree. Mrs. Carberry stated if the Anson contract is terminated there will be a battle with Arrow over costs. Raul agreed that some authorized costs will not have proof of receipt but that doesn't mean it adds up to \$104,000-dollars. Mr. Banks stated his concerns about future bids if Town terminates a contract. Councilor Art Ferrari asked if we could postpone until next September instead of next May. Mr. Shockey stated it will take about six weeks to get Lion's Gate Drive done. Mr. Shockey stated Mountain Parks needs to coordinate with Anson to get the project done. Mr. Shockey stated the Town didn't plan on the developer using the Town's right-of-way to build their project. Mayor Lahrman asked Mr. Ahlers if the Town moves forward as planned what is the cost and time it would affect Arrow. Mr. Ahlers stated they already submitted right-of-way permits, they would then ask to block off the sidewalk. Mr. Lahrman asked what if Anson did everything except the sidewalk. Mr. Ahlers responded that the curb would more than likely break without sidewalk behind it. Council asked how many road cuts for gas lines. Mr. Ahlers stated two road cuts for gas. Excel Energy can't bore because of Mountain Parks Electric's lines they would need to road cut. Mr. Shockey stated Town Code doesn't permit any asphalt five years or newer to be cut. Mr. Seemann stated he wants to support this development and wants to keep them moving along with Mountain Parks Electric. Mayor Lahrman stated Town should just keep moving forward with contract and fix the Lion's Gate Drive issues after Arrow project is completed. Capital Projects and Parks Director Gerry Vernon stated there will be more road cuts and more building in the future, therefore Staff wants to proceed. Mr. Vernon stated he realizes it's not an optimal condition, but it works well for the public. Mr. Vernon stated he will have weekly meetings with the contractor and invited Mountain Parks and Arrow to join in to help with the progression of the project. Arrow Developer Brian Novak asked if Council decides to move forward who will pay for the costs of damages. Mr. Novak stated concern over the Ordinance Mr. Shockey referenced about road cuts. Mrs. Carberry stated that exceptions can be made within the Ordinance. Finance Director Bill Wengert stated it seems that the decision has been made. Mayor Lahrman stated Council negates what was said last week. Mrs. Carberry stated negotiations about costs over damages can be decided later. Mr. Barber stated that there could be weather delays, which could add costs. Mr. Barber asked for his understanding that delays and other issues that arise will be figured out during weekly meetings with Mr. Vernon. Mr. Vernon stated yes, they would be, people need to work in coordination. Mayor Lahrman stated direction to Staff to continue with the Lion's Gate Drive project, and to coordinate with Anson, Arrow, and Mountain Parks Electric.

There being no further business to discuss, upon a motion regularly adopted, the meeting was adjourned at 10:33 a.m.

The next scheduled meeting of the Town Council will be Tuesday, July 17, 2018 at 8:00 a.m.

Danielle Jardee, Town Clerk

