

DESOTO COUNTY BOARD OF SUPERVISORS
BOARD MEETING MINUTES
DISTRICT FOUR SUPERVISOR LEE CALDWELL, PRESIDING
June 27, 2019

A. CALL TO ORDER

The June 27, 2019 special called meeting of the DeSoto County Board of Supervisors was called to order by Supervisor Lee Caldwell, Board President.

Supervisor Michael Lee opened the DeSoto County Board of Supervisors meeting in a regular session to hear all business before the Board of Supervisors. The following officials were present:

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| Supervisor Jessie Medlin | District 1 |
| Supervisor Mark Gardner | District 2 |
| Supervisor Bill Russell | District 3 |
| Supervisor Lee Caldwell | District 4 |
| Supervisor Michael Lee | District 5 |
| Sheriff Bill Rasco | Sheriff's Department -ABSENT |
| Misty Heffner | Chancery Clerk - ABSENT |
| Vanessa Lynchard | County Administrator |
| Tony Nowak | Board Attorney |

B. INVOCATION

Supervisor Lee Caldwell offered the invocation.

C. PLEDGE OF ALLEGIANCE

D. SPECIAL CALLED MEETING

1. Approval of Notice of Special Called Meeting – June 27, 2019

Supervisor Mark Gardner made the motion and Supervisor Michael Lee seconded the motion to approve the Notice of Special Called Meeting for June 27, 2019, as previously posted as required by law.

The motion passed by a vote as follows:

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| Supervisor Jessie Medlin, First District | <u>YES</u> |
| Supervisor Mark Gardner, Second District | <u>YES</u> |
| Supervisor Bill Russell, Third District | <u>YES</u> |
| Supervisor Lee Caldwell, Fourth District | <u>YES</u> |
| Supervisor Michael Lee, Fifth District | <u>YES</u> |

See Exhibit D.1.

2. Contract and/or Change Order for Road Work on or Near Craft Road

Road Manager introduced Mr. John Heard, HDR Engineering, and said his firm did the CE&I part of the Craft/Bethel project. Mr. Swims stated he put together some facts after speaking to Byron Houston, the manager of the project from Patton Construction. Mr. Swims stated they are having some issues with trying to get the subgrade soil dried out. He said Exhibit D.2. gives some different options on how to dry out the area in order to get a good subgrade. Mr. Swims stated the contractor recommends going

with the #2 option of using soil cement. Mr. Swims stated he has made it clear to Mr. Houston that if the County goes with his recommendation they will expect good results within the original contract time frame. He also noted that Patton recommended a change in the asphalt structure. He said there would be a change in the rip rap at a later date due to a miscalculation, and it would be less. Mr. Swims stated this change order is for soil treatment and asphalt change and would increase the amount by \$69,394.80 at this time.

Supervisor Gardner asked if this would avoid a waving situation similar to what happened on Swinna Road with sections of road sinking. Mr. Swims stated that was around the box culvert, and Craft Rd is to get compaction along the whole road. Mr. Swims stated after doing some dirt work; it is believed there might be a spring on the north end. Supervisor Gardner asked if these things were unknown when the job was bid. Mr. Swims affirmed.

Supervisor Medlin asked if when they cut down and found moisture on the sides of the existing road, didn't they think the road was wet under the asphalt. Mr. Swims stated they feel like what is under the road is stabilized, and if moisture was under the existing road, it was able to drain out and keep the road stable. Mr. Swims stated that moisture has to have a way to get out; and they feel that the 11 inches of limestone called for will do that.

The entire Board expressed their concerns that Patton Construction has not worked any weekends; and they have not worked on some sunny days when they could have. They asked if their concerns had been stressed to Patton Construction and the fact that the Board is not happy with their progress so far. Mr. Swims stated they are driving every day from Pontotoc and not starting until later; but he said they are working until dark. He said he asked them several times about working on weekends. Mr. Swims said he stressed to them that the County wanted this road open before school started. He said Mr. Houston feels certain they will be able to achieve that. He also stated Mr. Houston knows there will be a \$500 per day liquidated damage to pay if he does not make the deadline. Mr. Swims noted that, with an answer on how to proceed, the work should go quickly.

Mr. Heard stated that Patton did not request additional time with this request. He stated there is no evidence of cracking or potholes and they believe it is good. He stated they recommend leaving the existing pavement as it is because all indicators say it is in good shape. Supervisor Medlin asked if they had done borings before the work began. Mr. Swims stated they did. Mr. Heard said he was not sure that were borings done 2 years ago, the data would have been current with all the rain this area has had in the last 8 months.

The Board told Mr. Swims they wanted to be sure that Patton Construction knew the Board of Supervisors was not happy with his work ethic or the way their constituents have been treated. Mr. Swims presented a letter he wrote to Patton expressing the Board's concerns. The Board also stated they wanted to know when there was any kind of incident with a citizen as soon as possible. They said they really want the contractors working on pretty days and they want to know when work is not being done. Mr. Swims stated the Road Department and Mr. Heard have inspectors on the job and they get daily reports. Mr. Heard stated they can send those reports by email to the Board. Mr. Swims stated the Road Department is also keeping a daily log. Mr. Swims stated it does concern him that Patton Construction is not working on some sunny days; but they have other jobs going and they will pull off a job to go to another one. Supervisor Lee said if they are too small to have two crews working on different jobs; he felt they were too small for this job. Mr. Heard stated the contractor does not have a contractual obligation to be on the job site every day; he just has a deadline. Supervisor Lee said when they miss a pretty day; they miss a day they could be out there getting ahead. Mr. Swims stated he has had conversations with Mr. Houston about how important the deadline is.

Mr. Heard stated the dirt on the job is to grade and all Patton has to do is get that dirt dry and compacted. He said with the presented change order; Patton can put in soil cement and get that compaction done. Mr. Heard stated when the dirt is dry and compacted; they will lay the blanket of limestone down and lay asphalt. Mr. Swims stated that where the contractor is now; they can have a finished product in a short time. He stated the work site looks bad to anyone who does not know the process, but it is really not bad. Mr. Heard stated if the soil had been good, the rock would have already been down. Mr. Swims asked if the Board wanted to speak to Mr. Houston. They said they did not want to pull him off the job at this time, but they did want Mr. Swims to relay their concerns.

Supervisor Lee Caldwell made the motion and Supervisor Mark Gardner seconded the motion to have the letter Mr. Swims wrote to Patton Construction to be a part of the minutes and for a record to be kept of that letter and all the minutes of the Board's concerns with Patton Construction for future reference.

The motion passed by a vote as follows:

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| Supervisor Jessie Medlin, First District | <u>YES</u> |
| Supervisor Mark Gardner, Second District | <u>YES</u> |
| Supervisor Bill Russell, Third District | <u>YES</u> |
| Supervisor Lee Caldwell, Fourth District | <u>YES</u> |
| Supervisor Michael Lee, Fifth District | <u>YES</u> |

Supervisor Michael Lee made the motion and Supervisor Jessie Medlin seconded the motion to approve the recommendation to approve the change order recommending to use soil cement to dry the soil and change in the asphalt structure as presented, finding the conditions necessitating the work were not foreseen at the beginning of the project, the work is necessary for completion of the project, and the costs are reasonable; and to authorize a budget amendment for the cost of the change order.

The motion passed by a vote as follows:

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|--|------------|
| Supervisor Jessie Medlin, First District | <u>YES</u> |
| Supervisor Mark Gardner, Second District | <u>YES</u> |
| Supervisor Bill Russell, Third District | <u>YES</u> |
| Supervisor Lee Caldwell, Fourth District | <u>YES</u> |
| Supervisor Michael Lee, Fifth District | <u>YES</u> |

See Exhibit D.2.

3. Emergency Purchase – Approval to Purchase Dirt and Hauling for New Cell Construction at the Rubbish Pit

Mrs. Lynchard stated they came to the conclusion that the County's prior dirt bid award had expired. She stated this purchase was considered an emergency as the expansion at the rubbish pit has to be completed as soon as possible, and the whole project has been deemed an emergency purchase. She stated they have to have a tremendous amount of dirt. Mrs. Lynchard stated this purchase was under \$25,000 and Mr. Laughter had two quotes.

Environmental Services Director Ray Laughter said he was turning in a purchase order for the dirt when they realized the bid was no longer valid. He said he called the dirt contractor, McGee Trucking, and they honored the prior bid dirt price. He said they were able to make all that work so that work at the rubbish pit would not shut down. Mrs. McLeod stated there is a section in the Purchase Law Summary that says the 'hauling of things' is not a purchase; it is a service. Mr. Laughter stated they will pay \$2.25 a yard for loose dirt and \$90 per load for hauling. He stated there will be 226 loads being hauled from Bridgforth Road.

Mr. Laughter showed pictures of the progress at the landfill in one week to show the need for the new cell construction and this emergency purchase.

Supervisor Mark Gardner made the motion and Supervisor Jessie Medlin seconded the motion to approve the emergency purchase of dirt and hauling for the Rubbish Pit finding it was necessary for the immediate preservation of County operations and public health and a delay in this purchase would have an adverse effect on the County.

The motion passed by a vote as follows:

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| Supervisor Jessie Medlin, First District | <u>YES</u> |
| Supervisor Mark Gardner, Second District | <u>YES</u> |
| Supervisor Bill Russell, Third District | <u>YES</u> |
| Supervisor Lee Caldwell, Fourth District | <u>YES</u> |
| Supervisor Michael Lee, Fifth District | <u>YES</u> |

See Exhibit D.3.

4. Approval to Acquire Dirt and Hauling for New Cell Construction at the Rubbish Pit Through Quotes and/or Bids

Mrs. Lynchard stated the emergency need for dirt continues after the purchase on Friday. Mr. Laughter stated they will need another 24,420 yards in place next week at a cost of \$54,945. He noted if this is not enough they have some money in the budget that could be used for additional dirt.

Mr. Nowak stated there would be justification for another emergency purchase in this case.

Supervisor Mark Gardner made the motion and Supervisor Jessie Medlin seconded the motion to approve the emergency purchase of dirt and hauling for the Rubbish Pit project by quotes, or otherwise, and without the necessity of formal bidding finding it is necessary for the immediate preservation of County operations and public health and a delay in this purchase would have an adverse effect on the County and approve any necessary budget amendments. It was noted that the Rubbish Pit project had previously been determined an emergency purchase.

The motion passed by a vote as follows:

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|--|------------|
| Supervisor Jessie Medlin, First District | <u>YES</u> |
| Supervisor Mark Gardner, Second District | <u>YES</u> |
| Supervisor Bill Russell, Third District | <u>YES</u> |
| Supervisor Lee Caldwell, Fourth District | <u>YES</u> |
| Supervisor Michael Lee, Fifth District | <u>YES</u> |

See Exhibit D.4.

E. OLD BUSINESS - None

F. NEW BUSINESS - None

G. EXECUTIVE SESSION - None

Supervisor Jessie Medlin made the motion and Supervisor Mark Gardner seconded the motion to recess the Board meeting until Monday, July 1, 2019 at 9:00 a.m.

The motion passed by a vote as follows:

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| Supervisor Jessie Medlin, First District | <u>YES</u> |
| Supervisor Mark Gardner, Second District | <u>YES</u> |
| Supervisor Bill Russell, Third District | <u>YES</u> |
| Supervisor Lee Caldwell, Fourth District | <u>YES</u> |
| Supervisor Michael Lee, Fifth District | <u>YES</u> |

THIS the 1st day of July, 2019, these minutes have been read and approved by the DeSoto County Board of Supervisors.

Lee Caldwell, President
DeSoto County Board of Supervisors