

Supervisors Room, Courthouse
Pocahontas, Iowa
January 4, 2024

The Board of Supervisors of Pocahontas County, Iowa, met for a special session at 1:00 p.m. Members present: Chairman, Kyle Smith; Supervisors, Clarence Siepker, Brent Aden; and Deputy Auditor, Laura Erickson. Others present: County Engineer, Jack Moellering; Assistant to the Engineer/Drainage Clerk, Gary Atherton; Roads Superintendent, John Runneberg; Roads' Office Manager, Robin Moore; and Reporter, Erin Sommers. Electronically: Supervisor, Jeff Ives. Absent: Supervisor Louis Stauter.

Iowa DOT Local Systems Bureau Director, Niki Stinn, met with the Board to review concerns surrounding the federal contract for the South 34 Lizard Bridge project. The DOT has a stewardship and oversight agreement with Federal Highways. They are the passthrough and have a responsibility to ensure the local agencies are complying with all the federal regulations necessary to do a project. This project fell apart after the bid letting where Christians Brothers had the low bid. Pocahontas County assumed the contract would move forward and asked Christensen Brothers to put barricades up. This was not allowed as a local agency is not to have communications with the contractor until the contract is fully executed. Fully executed means contractor, County and DOT sign contract. Contractor and Pocahontas County had signed but DOT was still verifying all procedures were done correctly. When work was started a head of time, the eligibility for those items went away. Stinn explained what the DOT requirements of Pocahontas will be going forward and what the County's options were.

Items listed in the contract prior to DOT signing will remain in the contract, just no longer eligible for federal funding. There is still a contractual obligation to pay the contractor but a change order is an option, where Pocahontas County could negotiate a different rate, do a price adjustment or refuse to pay for noncompliance with the contract. Another option, since the unfunded portion will need to come from local funds, could discuss different options with Calhoun County as it is a joint project.

Due to the situation, the DOT now will require the following: Pocahontas County to acknowledge the non-participating parts of the contract; a written plan/contract advising on who will administer the project and be the Construction Engineer with Pocahontas County being the PIRC; and a plan for future improvements to Secondary Roads through increasing staffing and education.

A list of items not covered by federal aid will not be available until after the contract is in place, but it is estimated to be roughly \$140,000.00. The Board reiterated the plan and thanked Stinn for her time.

Motion by Aden, seconded by Siepker, to authorize the Chairman, Kyle Smith, and County Engineer, Jack Moellering, to sign a letter regarding a request for a change order for project BROS-CO76(70). Ayes all, motion carried. The change order requested items performed prior to DOT signing the contract to be moved to non-participating items.

David Peck with Christensen Brothers, apologized, offered 18 months financing, and was willing to take a third of the cost for the non-participating items off his final cost, roughly \$42,000.00. No decisions were made.

Motion by Aden, seconded by Siepker, to adjourn the meeting. Ayes all, motion carried.

Kyle Smith, Chairman

Laura Erickson, Deputy Auditor