

**APRIL 23, 2009**

A special meeting of the Common Council of the City of Angola, Indiana was called to order at 5:00 p.m. at City Hall, 210 North Public Square with Mayor Richard M. Hickman presiding to consider a change order for the Street Department Office and Equipment Storage Building. Councilmembers Gary L. Crum, David A. Olson, Kathleen G. Armstrong, David B. Martin, and Edward J. Nagle were present. No Councilmember was absent. Clerk-Treasurer Debra A. Twitchell recorded the minutes.

Present were City Attorney Kim Shoup, Street Commissioner Doug Anderson, and City Engineer Bill Boyer.

In addition, present were Jim Measel of WLKI, Dan Gagen of Project Design and Management, Inc., and Ken Wilson and Chad Owen of Jim Ingledue Construction, Inc. (JICI).

Representing the City, Dan Gagen described the events leading up to the reason for the project change order. Unforeseen soil conditions have prompted a change in design. The original foundation design type was a structural slab supported by helical piles. JICI started the foundation excavation and as the perimeter was excavated, the exterior perimeter southeast and southwest corner edges crumbled into the excavated area. Gagen contacted JICI to inquire if JICI would consider formed walls in those corners instead of as originally designed.

During the time of consideration, the rains increased and 90% of the excavation caved in making the area unusable. JICI was again contacted and asked to consider formed walls for the entire perimeter and in order to mitigate some costs to the City the Street Department would excavate the four-foot wide trench needed for the formed walls. JICI was also asked to present a change order on a time and material basis to construct the redesigned foundation at a not to exceed cost.

Councilmember Martin inquired who picked the construction start date. Gagen explained that JICI could not begin the project before April 1; however, JICI was free to proceed with construction anytime after April 1. Councilmember Martin then stated that despite the wet weather, the contractor is entitled to relief for the change in structure but not at 100%. Ken Wilson presented pictures of the site and stated that a four-inch pump cannot keep up with the inflow of water. When a cistern was dug up the water flowing to the trench was not rainwater. The other issue is soil conditions as the type of soil at the site is not optimum. Street Commissioner Anderson explained that the ground is saturated and the digging up the cistern filled with water did not help the situation.

Wilson agreed with Gagen that considering the present conditions the best redesign is to pour a mud slab, form the walls, pump the water from the walls, and then pour the concrete. Discussion followed. Gagen explained that the preliminary design soil boring

reports indicated a suitable water table for the foundation design; however, the borings do not predict unforeseen objects like the cistern.

City Engineer Boyer maintained that the monitoring wells in the area indicate that the water table prevails all the time. Boyer agreed Wilson has a valid argument that the soil conditions require pilings and hitting the cistern during excavation has aggravated the site conditions. In conclusion, Boyer stated that all the borings show are what the ground will support. Gagen said the soil borings indicated loose compacted fills, which was the main reason pilings were designed to bear the capacity of the structural slab. Discussion followed. Gagen stated that the piling load design was two times the design load so settling would not be an issue. Wilson concurred by stating that the additional work in the change order is not structural so the structure will not be compromised. Councilmember Nagle concurred by stating that the only solution is a spread footer.

Street Commissioner Anderson stated that the change order prices are not out of line. Anderson then asked that JICI have a project manager on site every day and that reports be prepared and acknowledged by JICI and Anderson. Wilson agreed.

Stating that the situation is unexpected, Mayor Hickman then inquired if City Engineer Boyer, Street Commissioner Anderson, Dan Gagen, and Ken Wilson were comfortable with mitigation plan and the change order. All concurred. Mayor Hickman appreciated the work in the last 24 hours of all parties involved to resolve the situation.

Councilmember Martin inquired of Wilson if JICI would be willing to split the cost of the change order in half. Wilson declined. Discussion followed.

Councilmember Crum then moved to approve change order no. 1 in the amount not to exceed \$18,125. Councilmember Olson seconded the motion. Discussion followed. The motion carried 5-0.

The meeting was considered adjourned at 5:29 p.m.

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Richard M. Hickman, Mayor  
Presiding Officer

Attest:

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Debra A. Twitchell, IAMC/MMC/CPFA  
Clerk-Treasurer