

**MINUTES OF SPECIAL SESSION  
GALESBURG CITY COUNCIL  
OCTOBER 13, 2008; 7:00 P.M.  
COUNCIL CHAMBERS,  
GALESBURG CITY HALL  
200 E. MICHIGAN AVE.  
GALESBURG, MI**

**GALESBURG**

200 E. Michigan Avenue  
Galesburg, Michigan 49053  
Phone: (269) 665-7000  
Fax: (269) 665-4541

**I. CALL TO ORDER**

The meeting was called to order by Mayor Allen at 7:00 P.M.

PRESENT: Councilmembers Doxey, Jackson, Kissinger, Nicolow, VanNess, Yingling, Allen

ABSENT: None

**II. PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was led by Mayor Allen.

**III. COMMUNITY COMMENT**

Owen Smith of 134 E. Michigan Ave. said that for 40 years he has been in the construction business. He does drywall installation. Last week he went down to the job site for the curb and gutter reconstruction that is taking place on Burgess Dr. associated with the Townline Drain project to look at the concrete work being done. He feels that the material is not up to grade and he does not like all of the cracks in the curbs and gutters that are part of this job. These cracks appeared within 2-3 days of the concrete being poured, this is not good. The job will probably only hold up for 2-6 years. There are several broken spaces where the concrete has large rocks showing in it. This type of job would normally be expected to last for 40 years, but this job won't last anywhere near that long. He believes that the only way to fix the situation is for the entire job to be taken out and redone. The curbs have moved back 1/4 to 3/4 inches and the backer board is not in good shape. The City will wind up paying to have this job done over again, if they don't do something about it now. He understands this job was let to the lowest bidder by the Drain Commissioner, but that should not matter, low bid or not, the job has to be constructed to bid specifications and should be as good a job as the guy who made the highest bid would do.

Councilmember Nicolow clarified that we are talking about the curb and gutter, not the road work. The curbs do not have any traffic on them, and are basically just retaining walls for the sidewalk, are they not?

Mr. Smith responded, saying, he is talking about the concrete cracking, and this is not the road, it is the sidewalk and curb. He urged Councilmember Nicolow to

go down and take a look at this job, the concrete is cracking and he questions the rating of the concrete mix.

Larry Stehouwer, P.E. of Prein and Newhoff said this concrete is a 6 bag mix and should be a good quality product.

Councilmember Jackson said that the job is engineered to break in strategic spots, there is some cracking down there, but it is superficial and can be fixed as the contractor proposes with an epoxy finish. He does not think there is anything structurally wrong with this job. They took a hammer to it and could not break it up with a hammer.

Mr. Smith said that He was able to break the concrete apart with his hands, it can surely be broken with a hammer.

Councilmember Jackson said that he cannot even comprehend tearing this work out, there is no reason to do so.

Councilmember Nicolow said that all the contractor has to do is meet the specifications set forth in the bid letting for concrete mix.

Mike Mallos of Hoffman Brothers Inc., contractor on this job, said that the only problem he has seen on this job is that the crew rolled the compactor against the concrete. On one of the additions, the wall is moving in off track and lets the concrete slip out at the same time the front edition of the curb is pulled out of alignment slightly. This is not totally unusual. There are things that can be done to fix the structural problems that do exist and they are taking steps to complete this repair.

Mayor Allen read the following letter into the record:

*"Mr. Pat Krause  
Drain Commissioner  
Kalamazoo County  
201 W. Kalamazoo Avenue  
Kalamazoo, MI 49007*

*Re: Concrete Curb on Burgess Street, Townline Drain Project, Galesburg*

*Pat,*

We are extremely disappointed with the damage to the curb on Burgess Street. Our crew caused the damage and we accept that responsibility. We regret that this has occurred and have taken steps within our company to prevent this from happening again. The damage is cosmetic and the curb will perform in the manner for which it was intended.

We plan to fill the surface voids on the curb with MG Krete, which is consistent with industry practice. Due to the superficial nature of the damage, and in order to continue toward a timely completion of the project, we propose to accept a 50% penalty on the cost of the curb while leaving it in place. This penalty would provide a savings of \$7,650.00.

Please consider this, and let us know if we can proceed toward the completion of the project.

Sincerely,

Mike Mallos  
Hoffman Borthers, Inc.  
(269) 965-1207

Cc: City of Galesburg, Gary Allen, fx: 665-4551"

Mayor Allen added that he has received information from the City Clerk that there are only about 11 parcels included in this particular portion of the special assessment. The savings from this rebate would mean that those residents would realize a very large savings on their assessment.

Mr. Stehouwer said that the City has the right to reject this work. They can request that it be redone and there is ample time to complete the job before winter. The contractor is giving the city the option of accepting the job as is at ½ price.

Lisa Smith of 134 E. Michigan said that they want a warranty offered by the construction company so that the city would not have to pay for this job to be redone.

Mayor Allen asked Mr. Mallos if the City would receive a warranty on the concrete job if the approve the patching.

Mr. Mallos said that if the City accepts the 50% rebate the contractor will not be able to afford to warranty the job as well.

Councilmember Nicolow asked if the concrete is poured with rebar throughout. Mr. Mallos responded in the negative.

Rob Wilson, Supervisor of the Department of Public Works asked Mr. Mallos who makes the determination as to what has to be replaced and what does not.

Councilmember Jackson interjected, saying it does not make sense to tear this job out for cosmetic damage. The curb looks fine.

Lisa Smith said that the guys they talked to care about how this town looks.

Owen Smith said that they are here tonight to let the Council know their opinion.

Councilmember Yingling asked Mr. Stehouwer if he is comfortable that the sidewalk and curb will last.

Larry Stehouwer said that it might not seal as tight as it would otherwise have done. You might get some pot holes that require maintenance where the pavement meets the curb. It is very unusual to see the edge chip like this from the roller.

Councilmember Nicolow said that subcontractors run into damage like this routinely. He thinks the contractor is being fair in their offer and he would support going along with the offer.

Motion by Councilmember Nicolow, supported by Councilmember Jackson to accept the offer from Hoffman Brothers.

Motion approved by the following vote:

YEAS: Councilmembers Jackson, Nicolow, VanNess, Yingling, Allen

NAYS: Councilmembers Doxey, Kissinger

Tom Dunithen said this road is going to fall apart, especially when Rob starts plowing the roads again this winter. It is already chipping and it will only get worse from heavy snow plow trucks rolling over it.

#### IV. COUNCIL COMMENT

Councilmember VanNess asked how much above the level of the concrete the asphalt will be when it is laid. Mr. Mallos answered, about ¼ inch.

#### XII. ADJOURNMENT

Motion by Councilmember Jackson, supported by Councilmember Nicolow, to adjourn.

Motion approved unanimously.

Meeting adjourned at 7:50 P.M.

Respectfully submitted

Debbie Miner, CMC  
City Clerk