

Committee of Thirteen Report

June 09, 2009

The Committee of Thirteen of the Benton County Quorum Court met Tuesday, June 9, 2009 at 6:30 p.m. in the Quorum Court Room, County Administration Building, Third Floor, 215 East Central, Bentonville, Arkansas.

Present: Wozniak, Wolf, Sandlin, Brown, Lewis, Hubbard, Moore, Allen, Douglas, Blaty, Winscott, Harrison, Stephenson

Others Present: County Judge David Bisbee, Comptroller Richard McComas, Director of Public Services Chris Glass, Health Department Director Loy Bailey

Media: Tabatha Hunter – Daily Record; Anna Fry – Morning News

JP Bob Stephenson called the meeting to order at 6:30 p.m.

PUBLIC COMMENTS:

None

JP Stephenson noted that preparing an agenda for this meeting proved rather difficult, and commended the County Clerk's office staff for getting it done.

1. Presentation: Siloam Springs Satellite Health Department Clinic—Chris Glass

Chris Glass stated that he has provided material illustrating the minimum scope of work required for the Siloam Springs Health Clinic building, as requested by the group who toured the building on June 4, 2009. He noted that he has also included the more complete scope of work, which was requested by the Quorum Court during discussion at the May 28, 2009 meeting.

He said that there has been some discussion regarding the length of time the project has taken, so he has included copies of meeting reports detailing the twists and turns the instructions from the court have taken regarding the consulting of architects, etc.

Chris Glass also pointed out a letter from Gary Jackson of Hight-Jackson Architects, which he wrote in response to a newspaper article that was published following the June 4 tour of the building, because he wants to ensure that his professional qualifications are not questioned. He said the letter explains that Hight-Jackson was instructed by the Quorum Court to follow certain guidelines regarding code requirements, to make the building fit in terms of a long-range type of facility that could provide 10 to 15 years of use in an attempt to eliminate rent.

Chris Glass stated that the bid process has begun for the scope of work requested in a motion that was voted on and passed at the May 28, 2009 Quorum Court meeting, but they can certainly be called back in if the court decides to go with the lesser scope of work which he has developed at the request of the JPs who toured the building on June 4 and which is detailed in Item #4 of the material he distributed. He added that at this point

in the bid process for the original scope of work, notification has been published, there will be a walk-through inspection on June 12, 2009, and the bids will be opened on June 22.

He said that if the court chooses, they can go with the lesser, revised scope of work detailed in Item 4, but he wanted to caution them that this will be a county facility offering health service to a large number of the public rather than a private-practice physician, and there are air flow, HVAC, and structural issues, but it is up to the court to determine how they want to proceed.

JP Allen stated that he did not attend the building tour on June 4, so he is unfamiliar with the scope of work detailed in Item 4, and asked why a request was made that was something entirely different than what was requested by the court as a whole.

JP Stephenson stated that Item 4 was not mandated by anyone, but those that attended the walk-through were in concurrence that they needed to get the building to the point of being sound, and get the health clinic opened. He said it was not stated by anyone in attendance that anything was to be done other than for Mr. Glass to come back to the entire court and present some observations or proposals which would get the clinic open. He said he realizes that this is a situation that the current administration inherited, but they have been talking about it since January 1, and although he is aware that the Quorum Court requested a proposal from Hight-Jackson, no one mentioned on June 4 while they were touring the building that the bid process had already begun. He expressed frustration with the length of time that the project has taken, and repeated that Mr. Glass had simply been requested to gather the information on a lesser scope of work in order to just get the building open.

JP Allen stated that he shares the frustration, and would like to take any shortcuts available, but cautioned the court not to go down the path that led them into this mess in the first place. He said they need to stay on the route that the professionals recommend, and added that he will only support a project that is done properly and according to building codes.

Chris Glass stated that the bid package that was sent out reflects approximately \$30,000 in cuts from the original proposal that were identified by the County Judge as being unnecessary (such as an additional handicapped bathroom), but still includes specifications required to protect the county's investment in the event the county decides to sell the building in 10 or 15 years. He noted that the engineering report on the air conditioning shows that the HVAC units do not fit the criteria for a public office and a higher occupancy than a private practice. He said he is not suggesting that the lesser scope of work cannot be utilized to get the building open, but that is up to the court to decide.

Chris Glass stated that the estimate for the larger scope of work, which was provided by Hight-Jackson, is approximately \$84,000, and Gary Jackson has told him that due to the current economic climate, contractors are submitting bids that are lower than the estimates.

JP Moore stated that he agrees that it should be done as quickly as possible with as little "fluff" as possible, but he also does not want to get in a situation in 2 or 3 years where they have to address structural issues that should have been taken care of at this time, including electrical, foundations, floors, HVAC, etc. He added that he would be willing to wait until June 22 to see what the bids come in at.

Chris Glass noted that the current bid package does not include termite treatment, because the court instructed them to proceed without it. JP Hubbard stated that the instructions were to get bids on termite treatment separately. Chris Glass stated that was correct, but it will be a separate bid.

JP Hubbard stated that he feels like the court is being pushed into micromanaging the project, which in his view is solely under the County Judge's jurisdiction, and he does not know how the building fits into the county's long-range plans. He asked if it is the County Judge's intention to just get the Health Department into a building, or if the building fits into a long-term vision. He said he thinks the system broke down when the court started giving directions about hiring architects, and he would like to hear from the County Judge regarding what his desire for the building is.

County Judge David Bisbee stated that he understands that buildings are his responsibility, and paying for them is the court's responsibility. He said that the previous court appropriated \$4,500 for remodeling the building into a public health clinic, the cost was at \$10,000, and he shut it down when he took office, because there was no appropriation for it. He said he intends to house the Health Department in the building, based on what they tell him their needs are, and what the architect says is the bare minimum. He said he would get the building up to code, provide a building that is safe for the public, and do it as cheaply as possible. He said that he was instructed by the court to get a professional involved, get estimates, and get bids, and that is what his staff has done. He added that if he had been involved from the beginning, he would not have purchased the building, simply because he does not like old buildings. He said that as far as his building program goes, this building is a satellite office, and his program very clearly concentrates on downtown Bentonville and the central operations of county government.

JP Hubbard asked if any other options for the building have been considered.

Judge Bisbee stated that he has followed the instructions of the court, which were to get bids to remodel the building. He said he has looked at other buildings in Bentonville, and will continue to do so, but clearly they are either going to remodel this building to some point, or sell it as is. He said that is a policy decision to be made by the Quorum Court.

JP Hubbard stated that as a Quorum Court member, he does not want his instructions to be "Hire an architect", because he does not want to be that involved in the County Judge's business. He said he looks to the County Judge's office to manage whether or not an architect is needed, and to come to the Quorum Court and simply state their goals, and tell them what is needed to meet them, at which point the Quorum Court can vote whether or not to appropriate the money. He said that they are at the point where they are meeting to look at buildings, and discussing finishes, and the whole building is getting out of hand.

Judge Bisbee stated that no one is being asked to determine finishes, or to deal with the architect, but he simply inherited a building that he assumed the Quorum Court expected to use, and due to the problems they encountered with Judge Schrantz's courtroom, he was instructed very early on to get a professional involved, so he hired an architect.

JP Hubbard stated that they discussed hiring an architect in March, and since they had not heard very much about it since then, he felt like not much was being accomplished. Judge Bisbee stated that at the January Quorum Court meeting, they were still dealing with the courtroom situation, and were instructed in either February or March to get an

architect. He noted that they only meet once a month, and he has been meeting the timelines as best as they can be met, and not one meeting has gone by that he has not reported to them what they wanted to know.

JP Winscott stated that he saw the building for the first time last week, and feels like they made a bad decision. He said he thinks they were misled into purchasing the building in the condition it was in, and were also misled regarding the amount of money it would take to make it usable. He said that the building is a black hole, and anytime you get into an old building, you will have ongoing expenses. He said the decision everyone needs to make is whether they want to get in it for the minimum, or step back and spend \$80,000 to \$100,000 to get it in a more decent and reliable condition.

JP Allen stated when they receive the bids in two weeks, and add the cost of the remodeling to the purchase price of \$170,000, and the \$10,000 already spent, they are still in a 2,200 square foot building for a little less than \$300,000. He said that is not too bad an investment, even though it will have to be maintained. He said the other option is to let it sit and try to sell it, but they would not want to put any money into it if they intend to sell it, and they will not get anywhere close to what they paid for it. He said he favored staying on course, and finding out what it is going to cost to fix it.

Judge Bisbee stated that he agreed, they already own the building, and \$80,000 to \$100,000 is going to get them a pretty good building. He said the walls and roof are sound, and they have to ride the horse they're on.

JP Wolf stated that they own the building, they obviously cannot throw it away, and it has to be adequately fixed to house anything at all, whether it is the Health Department or something else. She said there seems to be some question regarding who decides if the building is safe, but they did instruct the County Judge to get an architect and to get bids, and although it does not need to be the Taj Mahal, it does need to be safe and saleable.

Judge Bisbee stated that he anticipates the bids will come in between \$70,000 and \$100,000, and he would like some direction from the court as to what action he should take at that point, because he does not want to sign a contract without an appropriation.

JP Brown stated that they would have to see what the bids are before they appropriate money. Judge Bisbee asked if they want to set a special Quorum Court meeting for June 22, 2009. JP Moore stated that the next Quorum Court meeting is on June 25, 2009, so a special meeting would not be necessary. Judge Bisbee stated that he wanted it made clear that he would be bringing this appropriation straight to Quorum Court, without going through the Finance Committee or the Committee of Thirteen. JP Stephenson stated that he felt an exception could be made, subject to the approval of this committee.

JP Moore made motion that the bids be reviewed at the June 25, 2009 Quorum Court meeting, and that they make a decision on whether to authorize the signing of the contract at that time, seconded by JP Harrison.

JP Wozniak stated the roof, walls, and floors in the building are sound, and while they can go ahead with the bid process and either accept it or reject it, the consensus of the group that toured the building last week was that they could get into the building for \$20,000 to \$30,000, and that was okay with Health Department Director Loy Bailey and his head nurse. He said they were told that even if they replaced the heat and air unit, they could get in the building for that amount. He asked what happened to the idea of getting a separate contractor to do a lower bid, just to get the building open.

JP Stephenson stated that what took place at the building tour did not supersede the desire of the entire Quorum Court, and was just a statement of opinions and observations. He said that they need to deal with the motion on the floor.

JP Douglas stated that he would like to see both bids, and see what it would cost both ways. He said the floors are not in great shape, but no one is going to fall through. He said they can put \$100,000 in a 100-year-old building, and they will still have an old piece of junk, and in his opinion, they should put in as little as they can until they can do something better.

JP Moore asked if that would not require another set of bid specs, and another bid letting. Judge Bisbee stated that they could hand out both sets of specs, and request two separate bids. He said the problem is that second set of specs will be developed by someone who is not a building professional. He said he is the closest thing to a building professional as anyone involved, and he does not want his name on it. He said that he is sure that the building needs a 5-ton heat and air unit, which will cost between \$15,000 and \$20,000, and these estimates are being pulled out of the sky. He said if the Quorum Court wants to write up their own set of specs, which he believes Mr. Glass has attempted to provide, they will ask the contractors to bid it both ways. He added that JP Hubbard had asked for his guidance, and he does not want his name on anything that the county is doing that is less than they would require of a private citizen. He said as a county, they do not have to obtain a building permit, and no inspection is required, but his integrity says that the county will do as much as anyone else would be required to do.

JP Winscott called for the question. JP Moore requested the motion to be read again. Deputy Clerk Janet Reaves read the motion. JP Wozniak asked if they would be reviewing the bids on just one set of specs or two. JP Moore stated that the motion only addresses specs submitted by Hight-Jackson.

Motion passed – 11 yeas, 2 nays (Wozniak, Douglas).

County Judge David Bisbee stated that since they have requested to see the bids at the June 25, 2009 Quorum Court meeting, would they like to have the appropriation ordinance prepared for that meeting as well, and is it the court's desire to take the funds from Capital Improvements.

JP Stephenson stated that would prevent another time delay of taking the appropriation ordinance through Finance and Committee of Thirteen. Judge Bisbee stated that if they do not approve the bids, it will be simple to discard the appropriation ordinance.

It was the consensus of the committee that the funds should come out of Capital Improvements.

JP Stephenson asked that all those in favor of authorizing the County Judge to bring an appropriation ordinance from Fund 440-Capital Improvements directly to the June 25, 2009 Quorum Court meeting, to signify by saying "aye".

There was no opposition.

JP Brown stated that everyone is forgetting that the building was purchased after a search of nearly a year and a half turned up no other options, other than leasing, which he and several other JPs at the time were opposed to. He said buying land and building was too expensive, so this was the only option that they had.

Loy Bailey said that the original reason for needing a satellite clinic in Siloam Springs still exists, that being the tremendous need of people for whom travelling to Bentonville is a hardship, especially in the current economic conditions. He said that they greatly appreciate all of the work done by both the previous and current administrations. He said that on a positive note, the state has re-allocated funds for two additional positions for the staff, which will be a big help to them. He added the City of Siloam Springs is providing utilities, except for gas, and that is already in the 2009 budget but has not been spent. He said that his staff has looked at the building, and it is a big improvement from the previous location, even in its present condition.

2. Ordinance Request: Amend Code of Ordinances Regarding County Judge's Road Report

JP Stephenson stated that there was discussion at a recent meeting regarding the County Judge's suggestion that the due date for the Road Report be moved from January to April, and the County Attorney has provided a draft ordinance.

JP Moore made motion to forward the proposed ordinance be forwarded to the June 25, 2009 Quorum Court agenda, seconded by JP Douglas.

Motion passed by unanimous voice vote.

3. Appropriation Ordinance Request: Illinois River Watershed CREP

JP Stephenson stated that this item is being forwarded from the June 9, 2009 Finance Committee meeting, and is an appropriation ordinance to help the Illinois River Watershed – Conservation Reserve Enhancement Program obtain matching funds for a grant. He said the appropriation will be \$2,500 in cash, and \$2,500 in like kind services.

JP Moore made motion to forward the proposed appropriation ordinance to the June 25, 2009 Quorum Court agenda, seconded by JP Sandlin.

Motion passed – 12 yeas, 1 nay (Hubbard).

OTHER BUSINESS:

None

PUBLIC COMMENTS:

None

ANNOUNCEMENTS:

JP Winscott announced that the Long Range Planning/Real Estate and Buildings Committee will meet Thursday, June 11, 2009 at 5:30 p.m.

Upon motion and second the meeting adjourned at 7:40 p.m.