

Town of Keystone
Board of Trustees
March 1, 2023

The Board of Trustees met at 4:00 pm, Wednesday, March 1, 2023, for a Special board meeting in the Keystone Community Center meeting room. Present were President Rick Greene, Trustees Bill Babcock, Matthew Fullilove, Casey McNulty, and Sandra McLain. Also present were Finance Officer Cassandra Ott, Attorney Johnson, Town Engineer Zach Grapentine (on phone). Jack Corr of Corr Construction.

4:00 Meeting Called to order. Purpose of the meeting was to discuss the current contract with Corr Construction to build both Bridge 317 and 318 on Roy Street. FEMA has informed the Town that the no-rise that was done for bridge 317 was invalid. The current no rise was done to compare the previous bridge to the new bridge. The old bridge 317 was removed in 2019 due to safety concerns and the Town cannot build the new bridge 317 because FEMA wants the no rise to compare to current conditions. In other word the no-rise needs to compare a “no bridge” to a “new bridge” which causes 0.3 ft of rise. FEMA will not allow 0.01 ft of rise. The time span between removal and replacement of the bridge was extended partly due to COVID and SD DOT and getting through the BIG grant process. This is a highly unusual situation that we would need to dramatically change a contract like this. The Town went out to bid for two bridges (317 and 318) and signed one contract for both bridges. One option on the table is to cancel the contract and pay Corr for expenses that have already incurred. The town would then have to re-bid the project for just the 318 bridge. Another option would be to do a change order, which would remove most of the costs associated with the 317 Bridge. There was discussion concerning the fairness of re-bidding after the bid results for the bridges have already been published.

Mitch made it clear that there is not good case law on this situation, but he felt that it was important that the Town act in good faith and be transparent about the process. This was an unforeseeable situation, and the Town needs to act in good faith. Corr was asked what they wanted to do. Jack responded that he would need to think about it and crunch some numbers. Mitch Johnson, Jack Corr, and Zach Grapentine will communicate about possible solutions before bringing it back to the Board in a couple of weeks.

Motion by Trustee Fullilove to go into executive session for SDCL 1-25-2.1 Personnel and SDCL 1-25-2.3 legal. Second by Trustee McLain. Vote – all aye. Entered Executive Session at 4:50 pm. With only Board members present. Motion by Trustee Fullilove to come out of Executive Session. Second by Trustee McLain. Vote – all aye. Exited executive session at 5:09 pm. No action taken.

Meeting adjourned at 5:10 pm.

Town of Keystone, Board of Trustees
By _____
Richard Greene, President

ATTEST:

Cassandra Ott, Finance Officer
(SEAL)