

Minutes  
Rapid City Trenching Board  
October 2, 2007

**CALL TO ORDER**

Chairman Jim Morris called the meeting to order at 7:05 a.m. with the following members present: Dirk Jablonski, Jim Mann, Kale McNaboe, Bob Warax, and Tim Madsen; the following members were absent: None. Others present: Karen Jones, and Chip Petrik. Guests: Steve VanHouten and Mike Ryan, Rapid Construction; Kelly Bucholz Growth Management Inspector; Joel Landeen, Assistant City Attorney

Jablonski advised that a special meeting had been called because it came to the attention of the Trenching Board that used water pipe was installed by Rapid Construction at Auburn Hills Subdivision in June. Jablonski mentioned that the Trenching Board was considering disciplinary action against Rapid Construction. Jablonski told Mr. VanHouten that if action were taken he did not agree with, he would have the right to appeal to the City Council.

Mr. VanHouten presented the board with a letter explaining how the used water pipe ended up at the job site. He said that used and new materials were stored together and an employee retrieved the wrong material. He further explained a new policy they are putting in place to ensure that a mistake like this does not occur again. Mr. VanHouten admitted that a mistake was made and said that he should have contacted the City immediately.

Jablonski stressed the importance of protecting the City's water supply. Jablonski said that licensing is in place to ensure that these incidents do not happen. In response to Jablonski, VanHouten said there was a licensed journeyman on the site.

In response to Kale McNaboe, VanHouten said used pipe is sometimes used for casings, conduit and temporary culverts on private jobs. They have talked about policing themselves by separating old materials from new in the storage yard. Jablonski asked why this had not been done before. Mike Ryan said this has never happened before. Bob Warax added that anybody on the job site should have known this pipe should not go in the ground, especially the pipe layer himself. VanHouten agreed. Sewer and Water Journeyman experience requirements were discussed. In response to Jablonski, Van Houten said that the pipe would not have been buried because the job foreman would have stopped the work.

Jablonski thanked Mr. VanHouten and Mr. Ryan for their input and told them that the Board would be discussing the incident with the City Attorney and with the inspector. He told Mr. VanHouten that as soon as the Trenching Board decided what action would be taken he would be advised.

Kelly Bucholz joined the meeting at 7:30. Jablonski asked for a brief report of what happened.

Bucholz said that he inspected the jobsite on Monday, June 11, 2007 in the afternoon and there was no pipe visible. He said that he visited the jobsite the next morning at 9:00 a.m. and they had installed about half the pipe. Bucholz said that he feels if he had visited the jobsite later in the day as he usually did, the pipe would have been buried. He said that he attempted to contact Lyle Bromwich, job foreman, several times and when he did reach him, Lyle said they would replace the pipe immediately. When Lyle arrived, he said to Kelly that he just works there and he has a boss. Bucholz said that made him think that Lyle's direction came from above. Jablonski asked if there have been issues with Rapid Construction before. Bucholz said there are always issues with contractors, but nothing to this extent. Bucholz described a few incidents involving Rapid Construction. In response to Madsen, Bucholz said there are more problems with Rapid Construction than others.

Bucholz said he did not issue a stop work order because he was verifying whether or not an exception to the Standard Specifications had been granted. McNaboe asked if he had ever seen used water main installed. Bucholz replied only an occasional tie-in piece, and possibly in an emergency situation.

Bucholz said that in his opinion, the new pipe was delivered too fast and looked too new to have been stockpiled anywhere.

In response to Morris, Jablonski said that the City Attorney's Office had initially considered litigation and then decided to refer the matter to the Trenching Board instead of filing charges.

Assistant City Attorney Karie Kennedy joined the meeting, and Jablonski briefed her.

Assistant City Attorney Joel Landeen joined the meeting at 8:20 and requested additional time to research and find a way to revoke the license and not allow Rapid Construction to pull any Right-to-Work permits during the revocation period.

Jablonski moved, second by Madsen to revoke the Sewer and Water Contractor license issued to Rapid Construction immediately for a period of 12 months, and no permits shall be issued for the period of revocation. Motion carried with Morris abstaining.

There being no further business, the Trenching Board meeting adjourned at 8:45 a.m.