

5.2 Adopt Special Meeting of Council Minutes 2 February 2022

The Purpose of this Report is for Council to adopt the Minutes of the Special Meeting of Council held on Wednesday, 2 February 2022

COUNCIL RESOLUTION

Moved By Cr. K. A. Bourne

Seconded By Cr. A. N. Smith

That this Report be received and that:

1.The Unconfirmed Minutes of the Special Meeting of Council held on 2 February 2022, copies of which have been circulated to Members, be taken as read and confirmed.

CARRIED



Special Meeting of Council Minutes

Date: Wednesday, 2 February, 2022
Time: 9:30 am
Location: WDRC - Corporate Office - Boardroom
30 Marble Street, Dalby Qld 4405

Voting Members:

- Cr. P.M. McVeigh (Chairperson)
- Cr. A.N. Smith
- Cr. K.A. Bourne
- Cr. P.T. Saxelby
- Cr. K.A. Maguire
- Cr. I.J. Rasmussen
- Cr. M.J. James
- Cr. O.G. Moore
- Cr. C.T. Tillman

Officers:

- J.K. Taylor, General Manager (Community and Liveability)
- G.K. Cook, General Manager (Infrastructure Services)
- P. Greet, Acting General Manager (Corporate Services)
- A. Yardley, Acting General Manager (Community and Liveability)
- A.G. Lyell, Executive Services Administration officer
- H. Wex, Executive Officer to the Mayor
- E. Kendall, Communications and Marketing Manager

1. MEETING OPEN

The Chairperson declared the Meeting open at 9:30am

Cr. I. J. Rasmussen and Cr. C. T. Tillman were not in attendance at the commencement of the meeting.

COUNCIL RESOLUTION

MOVED by: Cr. M.J. James

Seconded by: Cr. K.A. Bourne

That Council approves the attendance of Cr. I. J. Rasmussen and Cr. C. T. Tillman by teleconference.

Cr. I. J. Rasmussen and Cr. C. T. Tillman joined the meeting at

2. APOLOGIES

Nil.

3. DECLARATION OF CONFLICT OF INTEREST

Corporate Services Report MyALL107 Cultural Precinct Structural Findings

Cr. C. T. Tillman

In accordance with Chapter 6, Part 2, Division 5B of the Local Government Act 2009, Cr. C. T. Tillman informed the meeting of a declarable conflict of interest in respect to this matter due to:

1. she is the president of Gallery107@Dalby.

Having given due consideration to her position she determined that she would leave the Meeting while the matter is considered and voted on.

4. CORPORATE SERVICES

4.1 Corporate Services Report MyALL107 Cultural Precinct Structural Findings

The purpose of this Report is to provide an update on the construction findings of the MyALL107 building following the assessment of the significant structural non-conformances identified upon construction commencement and seek Council's direction for the future of the project.

In accordance with Chapter 6, Part 2, Division 5B of the Local Government Act 2009, Cr. C. T. Tillman informed the meeting of a declarable conflict of interest in respect to this matter due to:

a. she is the president of Gallery107@Dalby.

Having given due consideration to her position she determined that she would leave the Meeting while the matter is considered and voted on.)

Cr. C. T. Tillman left the meeting at 9:34am

COUNCIL RESOLUTION

MOVED by: Cr. M.J. James

Seconded by: Cr. A.N. Smith

That this Report be received and that Council:

1. terminate the contract for Tender MM17-20-21 Design and Construction of the MyALL107 Cultural Precinct Redevelopment with FK Gardner & Sons Pty Ltd under the provisions of the contract;
2. resolves it is satisfied that there is only 1 supplier who is reasonably available to conduct the works and that a genuine emergency exists;
3. accept the estimated price of \$2.8M submitted by FK Gardner & Sons as costs for work performed to date, delay costs, demolition, make good of site, and documentation of as built services and in grounds under s.235(a)(c) of the *Local Government Regulation 2012*; and
4. authorise the Chief Executive Officer to undertake all steps necessary to effect the contract termination, demolition and make good of the MyALL107 site.
5. investigate options for the development of a cultural precinct in Dalby suitable for the future economic, community, tourism and cultural needs of the town and the broader Western Downs region.

POINT OF ORDER

Cr. O. G. Moore suggested that the motion introduced new information without due notice with budget implications, which were not provided for in the current budget.

The Chair accepted the Motion.

FORESHADOWED MOTION

Cr. K. A. Maguire foreshadowed that if the motion on the floor failed she would move:

1. terminate the contract for Tender MM17-20-21 Design and Construction of the MyALL107 Cultural Precinct Redevelopment with FK Gardner & Sons Pty Ltd under the provisions of the contract;
2. resolves it is satisfied that there is only 1 supplier who is reasonably available to conduct the works and that a genuine emergency exists;
3. accept the estimated price of \$2.8M submitted by FK Gardner & Sons as costs for work performed to date, delay costs, demolition, make good of site, and documentation of as built services and in grounds under s.235(a)(c) of the *Local Government Regulation 2012*; and
4. authorise the Chief Executive Officer to undertake all steps necessary to effect the contract termination, demolition and make good of the MyALL107 site.
5. investigate options for the development of the cultural precinct in Dalby suitable for the future.

AMENDMENT NO.1

MOVED by: Cr. O. G. Moore

Seconded by: Cr. P. T. Saxelby

That this Report be received and that Council:

1. terminate the contract for Tender MM17-20-21 Design and Construction of the MyALL107 Cultural Precinct Redevelopment with FK Gardner & Sons Pty Ltd under the provisions of the contract;
2. resolves it is satisfied that there is only 1 supplier who is reasonably available to conduct the works and that a genuine emergency exists;
3. accept the estimated price of \$2.8M submitted by FK Gardner & Sons as costs for work performed to date, delay costs, demolition, make good of site, and documentation of as built services and in grounds under s.235(a)(c) of the *Local Government Regulation 2012*; and
4. authorise the Chief Executive Officer to undertake all steps necessary to effect the contract termination, demolition and make good of the MyALL107 site.
5. investigate options for the development of a cultural precinct in Dalby suitable for the future economic, community, tourism and cultural needs of the town and the broader Western Downs region to be considered in the 2022/23 budget deliberations.

POINT OF ORDER

Cr. M. J. James suggested that the amendment was not an amendment.

The Chair requested that the Amendment be upheld and put to the vote.

The **AMENDMENT NO. 1** was **PUT** and **LOST (6 to 2)**

Absent Did not Vote: Cr. C. T. Tillman

Cr. I. J. Rasmussen left the meeting at 10:11am

The **ORIGINAL MOTION** was **PUT** and **CARRIED**

5. MEETING CLOSURE

The Meeting concluded at 10:15am