

City of Mercer Special Meeting Minutes

December 3, 2018

Mayor Ron Schatz calls meeting to order with council members Derek Fiedler, Julie Wagner, Randy Zinke, and Dennis Howard present. AJ Tuck, Ulteig, also in attendance with Auditor Ashley Fiedler.

Engineer AJ Tuck presents change order # 4, which is a time extension that Scherbenske is asking for. Scherbenske is asking for a 29 day extension. Tuck looked over their time extension request and agrees with a 7 day extension. Biggest reason is we added work on Reagan Street and on North Street, and also the trouble they ran into on Hwy 41 delay.

With this change order there is a few things Ulteig recommends for Scherbenske. This project be put into suspension as of Wednesday December 12th, depending clean up list. Suspension will remain in effect until NDDOT road restrictions are lifted for this area, which then Scherbenske would have 5 weeks, 25 working days to complete project. The absolute final completion date would be June 14, 2019, this is assuming road restrictions will be lifted on or before May 9, 2019. If road restriction are not lifted by May 9th the final date could be pushed back. Suspending the project for the winter months does not entitle Scherbenske to a change in unit price. The City of Mercer will perform all snow removal operations, if there are any other occurrences that require maintenance other than snow removal Scherbenske would be responsible.

While the project is in suspension the City of Mercer can't charge Scherbenske for liquidated damages. The city can start assessing liquidated damages starting May 9th if there are any, when they start working.

Schatz would like Scherbenske to come clean up dirt by the fire hall fuel tanks, also a pile behind Ed's Service. Tuck would like to be notified if there are any other areas that need to be cleaned up, yet this fall.

Another concern is there are a few shut off valves and curb stops that are sticking up, and when they start having to move snow and can't see them, they could be wrecked. Tuck will let Scherbenske know and get them marked.

Howard makes motion to approve change order #4, Wagner seconded it. Motion carried.

Payment Estimate #6 of \$94,183.08 was presented to the board from Tuck. This pay estimate is for the work they've finished as of now. They have finished 86.24% of work. There is around \$200,000 of work left.

Wagner makes motion to approve pay estimate #6, Fiedler seconded it. Motion carried.

Wagner makes motion to approve Certificate of Substantial Completion, Zinke seconded it. Motion carried.

Howard makes motion to adjourn, Fiedler seconded it. Motion carried.