

Cooperstown City Council  
Special Meeting  
December 6, 2018 – City Hall – 10:00 AM

Mayor Paintner called the meeting to order at 10:00 am. Members present included Paul Paintner, Nic Zimprich, Deb Eslinger, Lee Watne, Rick Cushman, Tim Erickson & Larry Olson. Others in attendance: Andrew Aakre, Lance Henning, Paul Landis, Tim Landis, Randy Myers, Chad Johnson, Blaine Larson & Nancy Lunde.

**Odegard Alley Water & Sewer Project:** The city council met to discuss an adjustment to the amount for liquidated damages on the Odegard Alley Water & Sewer Project. They had previously voted on \$55,000.00, or \$1,000.00 per day. Andrew Aakre with Moore Engineering attended the meeting to clarify the difference between liquidated damages, which does not get paid and retainage, which does eventually get paid. He also stated that the amount was \$46,000.00 due to a change order of 9 days that had been approved at a previous meeting. He also stated that Moore Engineering would be approximately \$10,000.00 over what was allowed in the contract. The city also takes into consideration the inconvenience to the 5 homeowners and the issue of starting the project after the date with which it should have been the completed. The result was that the city incurred more expense with Moore Engineering due to the delays in the project. There is an outstanding change order yet to be presented of \$2251.71 which also includes 2 additional days from some additional concrete work that was done. Paul Landis, Tim Landis and Lance Henning spoke on behalf of L2 Contracting, asking the City Council to reconsider the amount being withheld for liquidated damages. They proposed the liquidated damages be reduced to \$15,000.00 from the current amount of \$46,000.00. After further discussion Zimprich moved, Eslinger seconded, to approve a change in the amount of liquidated damages for the Odegard Alley Water & Sewer Project to \$23,000.00. Aye: Eslinger, Olson, Watne and Zimprich. Nay: Erickson, Cushman. Motion carried.

**Payloader Service Contract:** Tim Erickson brought information to the council regarding the payloader service contract. Chad Johnson also brought information to the council regarding this. There was discussion, but this matter was tabled until the information could be clarified, and more questions asked. The Mayor will call a special meeting later to discuss this.

Erickson moved, Cushman seconded, to adjourn the meeting. Motion carried unanimously. Meeting adjourned at 11:00 am.

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Nancy Lunde, City Auditor

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Paul Paintner, Mayor

