

City of Ada
Minutes of the Special Council Meeting – April 20, 2011

Members present: Mayor Ellefson, Members Austinson, Robertson, Erickson, Edwards, Hansen.

Members absent: Members Peterson, Pinsonneault.

Others present: Shelley Kappes, Anne Rasmusson, Tyson – Moore Engineering.

III. A. Discuss mediation with Sellin Bros. The following terms of the mediation agreement were laid out for the council:

- 1) Contract provisions are to remain intact.
- 2) The City is to pay Selling Bros. \$86,000.00 as part of the settlement.
- 3) Sellin Bros are to fix Ross Pfunds yard by July 1, 2011.
- 4) Deadline for completion is July 1, 2011.
- 5) City is to waive the liquidated damages in the amount of \$3,000.00 related to the installation of the generator.
- 6) There were three additional gate valves. The City will pay for two of them and Sellin Bros will pay for one.
- 7) Sellin Bros will be responsible for a T – joint to prevent damages to the pumps.
- 8) Sellin Bros will fix the potholes near the lift station.
- 9) Restoration is to be paid on a per unit basis.

In relation to the above discussed items, the council made the following motions:

Motion by Member Robertson, second by Member Erickson to approve change order #2 changing the completion date to July 1, 2011 and the agreed settlement amount of \$86,000.00. Members voting for: Austinson, Robertson, Erickson, Edwards, Hansen. Against: None. Motion passed.

Motion by Member Erickson, second by Member Robertson to approve partial payment #4 in the amount of \$91,912.50 to Sellin Bros. This would leave \$31,836.30 in retainage. Members voting for: Austinson, Robertson, Erickson, Edwards, Hansen. Against: None. Motion passed.

Motion by Member Edwards, second by Member Hansen to issue a Certificate of Substantial Completion dated February 18, 2011 to Sellin Bros. Members voting for: Austinson, Robertson, Erickson, Edwards, Hansen. Against: None. Motion passed.

Motion by Member Edwards, second by Member Hansen to approve to ratify the mediated agreement with Sellin Bros. Members voting for: Austinson, Robertson, Erickson, Edwards, Hansen. Against: None. Motion passed.

B. 1. Flood protection project. Appraisals. In order to figure costs for the project, there will need to be appraisals done on the properties involved.

Motion by Member Edwards, second by Member Erickson to authorize the City Attorney to hire an appraiser with the most reasonable rates as soon as possible. Members voting for: Austinson, Robertson, Erickson, Edwards, Hansen. Against: None. Motion passed.

2. Volkerding update. Anne stated that the opinion of the court will come on or before May 1 on whether or not the City will be allowed to obtain soil borings on the Volkerding property.

3. Cemetery improvements. The cemetery committee is requesting money to do improvements at the cemetery. Mayor Ellefson reported that this money would cover the costs of running electricity to the building, creating a cemetery map and directory for the building, signage, and furnishings.

Motion by Member Erickson, second by Edwards to approve spending up to \$5,000 for running electricity to the building, creating a cemetery map and directory for the building, signage, and furnishings. Members voting for: Austinson, Robertson, Erickson, Edwards, Hansen. Against: None. Motion passed.

IV. Motion by Member Edwards, second by Member Erickson to adjourn the meeting at 1:20 p.m. Members voting for: Austinson, Robertson, Erickson, Edwards, Hansen. Against: None. Motion passed.

Respectfully submitted,

Shelley Kappes
City Clerk / Treasurer

Jim Ellefson
Mayor