

SPECIAL COMMISSION MEETING
September 28, 2009 – 10:30 A.M.

The Board met pursuant to adjournment with Murphy, Knauf, Malm, Schmisek, and Pic present. Others present were Peter Welte, Ed Nierode and Deana Mayotte.

Mr. Welte has reviewed the contract and stated that the contractor wants to add the following clause:

Because vehicles and people not under the supervision of the Contractor will be using the facility during the work; and because the actions of vehicles and persons not under the supervision of the Contractor cannot be controlled by the Contractor; and because all construction, regardless of the skill and care taken during the construction, carries some level of risk to areas surrounding the work; and because it is not reasonable to provide shelters, barriers, or other forms of protection to prevent all risk beyond the work area limits, Grand Forks County hereby waives liability against the Contractor for damage to persons and physical objects beyond the work area limits caused by the incidental risk that accompanies all construction activities. Incidental risk is hereby defined as damage or injury alleged or proven to be caused by construction artifacts that migrate beyond the work area, which include but are not limited to dust, noise, small particles, paint splatter, weld slag, and any alleged or proven damage or injury to any persons or physical objects that encroach into the work area limits by actions beyond the control of the Contractor. This limit of liability shall not apply to negligent or careless acts of the Contractor.

Mr. Nierode addressed the board and stated that he understood that when the drain project was first bid out the ramp would remain open, now they are requesting this change and stating that the bid was based upon the ramp being empty. Mr. Schimesek stated he was under the same understanding and does not like that the project has not even started and the contractor is already making changes.

Jay Kleven addressed the board. When the contract was written for the painting project there was a 21 day shut down for that project and because these projects were to be done concurrent he also included a 21 day shut down for the drainage project, therefore that is what the contractors bid was based on.

Commissioner Murphy asked Mr. Kleven when the project would begin. Mr. Kleven stated in roughly about two weeks. When he gets the exact date from the contractor he will forward this to Mr. Nierode.

There was discussion of shutting down the parking ramp and having people who have paid parking and also the fleet cars move to the Corporate Center 3rd floor parking ramp. There are some employees that are leaving work in the dark and this presents a safety issue. Ed stated he believes there are about 100 spots available.

Commissioner Malm stated that this is becoming too big of an issue. The employees can rent a spot at the Corporate Center themselves or use other available parking.

Moved by Malm, seconded by Schmisek, to close the parking ramp for 30 days and suspend the payment for the parking ramp for the 30 days. Motion carried with Commissioner Murphy, Schmisek, Malm and Pic voting aye, Knauf voted nay.

Meeting adjourned at 11:10 am.

William Murphy, Chair
Grand Forks County Commission

Deana Mayotte, Treasury/Election Assistant