



# Minutes

City Council Work Session Meeting

Oelwein City Hall, 20 Second Avenue SW, Oelwein, Iowa

October 23, 2023 - 5:30 PM

**Present:** Weber, Lenz, Garrigus, Seeders, Payne, Stewart

**Also Present:** Mayor DeVore, City Administrator Mulfinger, City Attorney Doug Herman via phone call

**Absent:** NA

## Pledge of Allegiance

## Discussions

1. Discussion on Final Pay Request No. 4 from Matt Construction.

Seeders requested from the City Administrator how the communication for the project worked.

Mulfinger stated the contractor communicated with the architect who then communicated to the city. This process is common in all city projects.

Seeders questioned the payment to the contractor, because the contractor signed a contract stating they would take all change orders to Council over \$10,000. Seeders did not want to make the final payment request because the contract was not followed.

Mulfinger explained the contractor felt they were approved for the change order by the architect. The architect stands firm they approved the type of fill, but no amounts were approved. Mulfinger stated trying to go after both firms would end with the city losing more money. Mulfinger stated the project was a success and will be an asset for the downtown.

City Attorney Doug Herman informed City Council mitigation or litigation usually sides with the contractor if the work was needed for the completion of the project and was not egregious.

Weber stated he was not wanting to pursue any type of legal action that would end up costing the city more funding than the city would receive should the city end up winning a case.

Mulfinger explained the unfortunate part is without notice of this change order; staff and council were not able to cut back on different sections of the project. Extra funding for Depot Park will hold back other projects.

Council adjourned knowing they would vote on the item at the regular council meeting.

## Adjournment