

OFFICIAL NOTICE AND AGENDA

Notice is hereby given that a public meeting will be held on the date, time and location shown below. Upon attaining a quorum of members, all items listed on the agenda shown below may be considered (discussed and/or acted upon).

Regular: **Water & Sewer Board**

Date and Time: **January 12, 2021 @ 7:00 pm**

Location: **City Hall, 2000 N. Calhoun Road, Council Chambers**

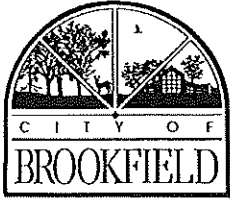
Members: Chris Blackburn – Chairman, Brad Blumer, Bill Carnell, Michael Jurken, Jenna Meza

(NUMBER OF MEMBERS NEEDED TO MEET QUORUM REQUIREMENTS: 3 OF 5)

1. ROLL CALL
2. ANNOUNCEMENTS
 - a. The Next Regularly Scheduled meeting is Tuesday, February 9, 2021 @ 7:00 pm
3. MINUTES
 - a. Minutes of the October 13, 2020 meeting.
4. UNFINISHED BUSINESS
 - a. None
5. NEW BUSINESS
 - a. Final payment for biogas conditioning and cogeneration project
6. ADJOURNMENT

THOMAS M. GRISA
DIRECTOR OF PUBLIC WORKS
POSTED: JANUARY 8, 2021 @ 2:00 PM

ANY PERSON WHO HAS A QUALIFYING DISABILITY AS DEFINED BY THE AMERICANS WITH DISABILITY ACT THAT REQUIRES THE MEETING OR MATERIALS TO BE IN AN ACCESSIBLE LOCATION OR FORMAT, MAY CONTACT THE CITY CLERK AT (262)782-9650 OR 2000 NORTH CALHOUN ROAD, FOR ACCOMMODATIONS. REQUESTS FOR ACCOMMODATIONS FOR MEETINGS SHOULD BE MADE AT LEAST THREE (3) BUSINESS DAYS IN ADVANCE OF THE MEETING. EVERY EFFORT WILL BE MADE TO ARRANGE ACCOMMODATIONS FOR ALL MEETINGS.



OFFICIAL MINUTES OF A WATER AND SEWER BOARD MEETING:

Regular / Special Meeting: Water and Sewer Board

Date and Time: Tuesday, October 13 2020 at 7:00pm

Location: City Hall, 2000 N. Calhoun Road, Council Chambers

Members Present: Alderman Chris Blackburn-Chairman, Alderman Mike Jurken, Alderman Brad Blumer, and Alderwoman Jenna Meza

Members Excused: Alderman Carnell

Others Present: Alderman Scott Berg, Alderman Mike Hallquist, Alderman Rick Owen, Director of Public Works Tom Grisa, City Engineer Jeff Chase

1. Roll Call

Alderman Chris Blackburn noted a quorum present and called the Water and Sewer Board to order at 7:00pm.

2. Announcements

The next regularly scheduled meeting will be held on Tuesday, October 11th, 2020 at 7:00pm.

3. Minutes of the September 8, 2020 meeting

Motion by Alderman Jenna Meza, second by Alderman Mike Jurken to approve the minutes of the September 8, 2020 Water and Sewer Board meeting. Motion carried 4-0.

4. Unfinished Business

a) None

5. New Business

a) Perpetual Water Main Easement, Deer Creek Office Buildings (The Corridor)

Motion by Alderman Mike Jurken, second by Alderman Brad Blumer to approve the perpetual water main easement for Deer Creek Office Buildings. Motion carried 4-0.

b) Dedication of Water Distribution System-Bright Future of America, Inc. (Kiddie Academy)

Motion by Alderman Mike Jurken, second by Alderwoman Jenna Meza for approval of the dedication of water distribution system for Bright Future of America. Motion carried 4-0.

c) Dedication of Water Distribution & Sanitary Sewer Systems – WB Hotel, LLC.

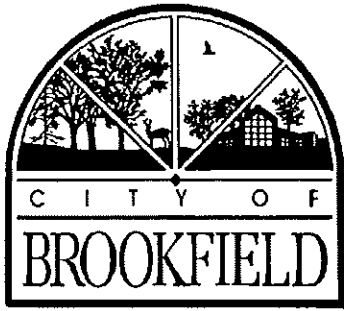
Motion by Alderwoman Jenna Meza, second by Alderman Mike Jurken to approve the dedication of Water Distribution & Sanitary Sewer Systems-WB Hotel, LLC. Motion carried 4-0.

6. Adjournment

Motion by Alderman Mike Jurken second by Alderman Brad Blumer to adjourn the meeting at 7:04pm. Motion carried 5-0.

Respectfully Submitted:
Tom Grisa
Director of Public Works





DIRECTOR OF PUBLIC WORKS

Thomas M. Grisa, P.E.

2000 North Calhoun Road

Brookfield, Wisconsin 53005-5095

(262) 782-9650 FAX (262) 782-1323

MEMORANDUM / STAFF REPORT:

To: WATER AND SEWER BOARD
From: THOMAS M. GRISA, DIRECTOR OF PUBLIC WORKS
Date: JANUARY 1, 2020
Topic: Final Payment for Biogas conditioning and Cogeneration project

This project was to have been completed in 2015 and reached substantial completion at that time. Unfortunately over the next five years, a myriad of problems arose which needed correcting before the City would accept the project as final. The contractor, Butters-Fetting, Inc., worked with its subcontractors and vendors to correct each problem as they arose, only to have the generator run for several months prior to another problem arising.

The City has reached a point now where we believe we can finally close out this project. The work was essentially completed last year and the City wanted to wait through a longer period of one year before closing out the project to ensure that nagging problems did not arise again. Essentially this one year period is complete and ultimately can be considered as the one year warranty from completion of the work.

During the period of time when the engine generator was not operating continuously, the City did need to supplement heat with purchased natural gas for heating the digesters and purchase electricity instead of using the engine generator. We have deducted \$71,012.80 from the amounts due the contractor as a remedy for this expense. This leaves the final payment at zero dollars, but closes out this project.

The contractor has approved the final payment form and approved these terms for project closeout.

As this is a bit unusual, staff is requesting concurrence from the Board for final payment and closing out this project.

OWNER: City Of Brookfield
 PROJECT: Biogas conditioning & Cogeneration Project
 CONTRACTOR: Butters - Fetting, Inc.
 ADDRESS: 1669 S. 1st Street, Milwaukee, WI 53204

PO #: N/A
 PROJ. I.D.: WW-14-01
 DATE: 12/16/2020
 PAY EST: FINAL

SUMMARY

ORIGINAL CONTRACT AMOUNT: \$ 1,970,000.00
 CHANGE ORDER ADDITIONS: \$ 8,262.80
 CHANGE ORDER DEDUCTION: \$ 0.00
 NET CHANGE BY ADDED ITEMS: \$ 8,262.80
 NET REVISED CONTRACT AMOUNT: \$ 1,978,262.80

REQUEST THIS ESTIMATE

COMPLETED TO DATE: \$ 1,978,262.80
 LESS AMOUNT RETAINED : \$ -
 LESS LIQUIDATED DAMAGES \$ 71,012.80
 TOTAL EARNED LESS RETAINAGE \$ 1,907,250.00
 LESS PREVIOUS ESTIMATES: \$ 1,907,250.00
 AMOUNT DUE THIS ESTIMATE: \$ -

ACCT. BREAKDOWN:

ACCOUNT:	ORG	OBJECT	PROJECT	P.O. LINE	AMOUNT
				1	-
				TOTAL	-
					CHECK

THE CONTRACTOR PERFORMED THE WORK COVERED BY THIS PAYMENT ESTIMATE AND WE RECOMMEND PAYMENT

APPROVED BY: _____

APPROVED BY: _____

SANDRA MOLEND
 BUTTERS-FETTING, CO., INC.

THOMAS M GRISA, PE
 DIRECTOR OF PUBLIC WORKS

DATE: _____

DATE: _____

**Consent of Surety
to Final Payment**

OWNER
ARCHITECT
CONTRACTOR
SURETY
OTHER

AIA DOCUMENT G707

Bond #S428661

TO OWNER:

(Name and address)

City of Brookfield
2000 N Calhoun Road
Brookfield, WI 53005-5002

ARCHITECT'S PROJECT NO.: WW-14-01

CONTRACT FOR:

FRWPCC Biogas Conditioning & Cogeneration Project
#WW-14-01

PROJECT:

(Name and address)

FRWPCC Biogas Conditioning & Cogeneration Project
#WW-14-01

CONTRACT DATED: May 7, 2014

In accordance with the provisions of the Contract between the Owner and the Contractor as included above, the
Employers Mutual Casualty Company, 1815 South Meyers Road, Oakbrook Terrace, IL 60181

(Insert name and address of Surety)

SURETY, on bond of Butters-Fetting Co., Inc., 1669 S 1st Street, Milwaukee, WI 53204

(Insert name and address of Contractor)

_____, CONTRACTOR,
hereby approves of the final payment to the Contractor, and agrees that final payment to the Contractor shall not relieve the
Surety of any of its obligations to City of Brookfield, 2000 N Calhoun Road, Brookfield, WI 53005-5002

(Insert name and address of Owner)

_____, OWNER,
as set forth in the said Surety's bond.

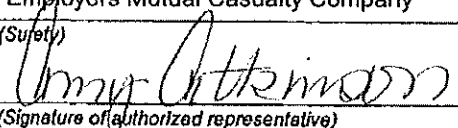
IN WITNESS WHEREOF, the Surety has hereunto set its hand on this date: June 6, 2019

(Insert in writing the month followed by the numeric date and year.)

Attest:
(Seal):

Employers Mutual Casualty Company

(Surety)


(Signature of authorized representative)

Amy Atkinson, Attorney-in-Fact

(Printed name and title)



POWER OF ATTORNEY APPOINTING INDIVIDUAL ATTORNEY-IN-FACT

KNOW ALL MEN BY THESE PRESENTS, that:

- 1. Employers Mutual Casualty Company, an Iowa Corporation
- 2. EMCASCO Insurance Company, an Iowa Corporation
- 3. Union Insurance Company of Providence, an Iowa Corporation
- 4. Illinois EMCASCO Insurance Company, an Iowa Corporation
- 5. Dakota Fire Insurance Company, a North Dakota Corporation
- 6. EMC Property & Casualty Company, an Iowa Corporation

hereinafter referred to severally as "Company" and collectively as "Companies", each does, by these presents, make, constitute and appoint:

AMY ATKINSON

its true and lawful attorney-in-fact, with full power and authority conferred to sign, seal, and execute the following Surety Bond(s):

Surety Bond	Principal:	Obligee:
Number	BUTTERS-FETTING CO., INC.	CITY OF BROOKFIELD
S428661		

In an amount not exceeding Ten Million Dollars\$10,000,000.00

and to bind each Company thereby as fully and to the same extent as if such instruments were signed by the duly authorized officers of each such Company, and all of the acts of said attorney pursuant to the authority hereby given are hereby ratified and confirmed.

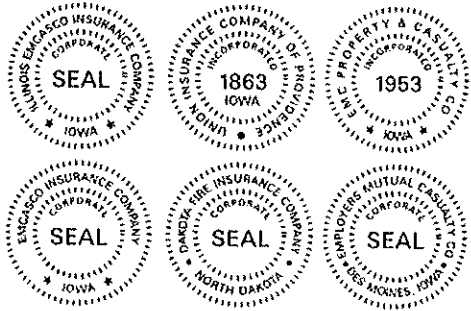
AUTHORITY FOR POWER OF ATTORNEY

This Power-of-Attorney is made and executed pursuant to and by the authority of the following resolution of the Boards of Directors of each of the Companies at the first regularly scheduled meeting of each company duly called and held in 1999:

RESOLVED: The President and Chief Executive Officer, any Vice President, the Treasurer and the Secretary of Employers Mutual Casualty Company shall have power and authority to (1) appoint attorneys-in-fact and authorize them to execute on behalf of each Company and attach the seal of the Company thereto, bonds and undertakings, recognizances, contracts of indemnity and other writings obligatory in the nature thereof; and (2) to remove any such attorney-in-fact at any time and revoke the power and authority given to him or her. Attorneys-in-fact shall have power and authority, subject to the terms and limitations of the power-of-attorney issued to them, to execute and deliver on behalf of the Company, and to attach the seal of the Company thereto, bonds and undertakings, recognizances, contracts of indemnity and other writings obligatory in the nature thereof, and any such instrument executed by any such attorney-in-fact shall be fully and in all respects binding upon the Company. Certification as to the validity of any power-of-attorney authorized herein made by an officer of Employers Mutual Casualty Company shall be fully and in all respects binding upon this Company. The facsimile or mechanically reproduced signature of such officer, whether made heretofore or hereafter, wherever appearing upon a certified copy of any power-of-attorney of the Company, shall be valid and binding upon the Company with the same force and effect as though manually affixed.

IN WITNESS THEREOF, the Companies have caused these presents to be signed for each by their officers as shown, and the Corporate seals to be hereto affixed this 1st day of July, 2018.

Seals



Bruce G. Kelley

Bruce G. Kelley, CEO, Chairman of Companies 2, 3, 4, 5 & 6; President of Companies 1, 2 & 6; Treasurer of Companies 1, 2, 3, 4 & 6

Todd Strother

Todd Strother
Senior Vice President

On this 1st day of July, 2018 before me a Notary Public in and for the State of Iowa, personally appeared Bruce G. Kelley and Todd Strother, who, being by me duly sworn, did say that they are, and are known to me to be the CEO, Chairman, President and Treasurer, and/or Senior Vice President, respectively, of each of the Companies above; that the seals affixed to this instrument are the seals of said corporations; that said instrument was signed and sealed on behalf of each of the Companies by authority of their respective Boards of Directors; and that the said Bruce G. Kelley and Todd Strother, as such officers, acknowledged the execution of said instrument to be their voluntary act and deed, and the voluntary act and deed of each of the Companies.

My Commission Expires October 10, 2019.

Kathy Loveridge

Notary Public in and for the State of Iowa

CERTIFICATE

I, James D. Clough, Vice President of the Companies, do hereby certify that the foregoing resolution of the Boards of Directors by each of the Companies, and this Power of Attorney issued pursuant thereto on 1st day of July, 2018, are true and correct and are still in full force and effect.

In Testimony Whereof I have subscribed my name and affixed the facsimile seal of each Company this 6th day of JUNE, 2019.

J. D. Clough

Vice President