



## OFFICIAL MINUTES OF A WATER AND SEWER BOARD MEETING:

Regular : Water and Sewer Board  
Date and Time: Tuesday, January 12, 2021 at 7:00pm  
Location: City Hall, 2000 N. Calhoun Road, Council Chambers  
Members Present: Alderman Chris Blackburn-Chairman, Alderman Bill Carnell, Alderman Mike Jurken (via telephone), Alderman Brad Blumer, and Alderwoman Jena Meza  
Members Excused: N/A  
Others Present: Director of Public Works Tom Grisa

### 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, February 9<sup>th</sup>, 2021 at 7:00pm.

### 3. Minutes of the October 13, 2020 meeting

***Motion by Alderwoman Jenna Meza, second by Alderman Brad Blumer to approve the minutes of the October 13, 2020 Water and Sewer Board meeting. Motion carried 5-0.***

### 4. Unfinished Business

a) None

### 5. New Business

a) Final payment for biogas conditioning and cogeneration project

Mr. Grisa stated this is an unusual project because of the lack of progress the contractor made over several years and the equipment had a myriad of issues due to the design. There were wires melted due to being too close to the exhaust, engine generator problems along with parts and pumps which failed. Since the contractor had not finalized the completion of the project, they were contractually responsible for the repair work. A portion of the engine was rebuilt due to overheating. The project took more than 4 years to complete. For the past year, the engine generator has performed properly, but the City did not close out the project because of previous problems mentioned. The contractor is asking the City to close out the project and to consider the last year fulfillment of the one-year warranty as required by the contract. This seemed reasonable, but Mr. Grisa said he would need to take it to the Board for a decision.

The contract provides for liquidated damages against the contractor if he fails to complete the project in a timely manner. If the city were to charge for liquidated damages it would be significantly more than the money the City intends to withhold. However, the City was able to use the equipment for periods of time during the project, so that would complicate a liquidated damages claim.

The final payment is zero dollars, as the City is withholding the remaining monies due the contractor as direct costs for having to purchase electricity when the engine generator was not operating properly.

Alderman Blumer asked if the contractor was ok with not being paid for such a long time. Mr. Grisa responded that they have been requesting payment but the City reminded the contractor that the City has had out of pocket costs for purchasing electricity and natural gas when the engine generator was not operating.

**Motion by Alderman Brad Blumer, second by Alderwoman Jenna Meza to approve the final payment for biogas conditioning and cogeneration project. Motion carried 5-0.**

## 6. Adjournment

***Motion by Alderman Bill Carnell second by Alderwoman Jenna Meza to adjourn the meeting at 7:14pm. Motion carried 5-0.***

Respectfully Submitted:  
Tom Grisa  
Director of Public Works