

Minutes
Special Council Meeting
October 5, 2021
(Teleconference)

9:00 a.m. Special Council Meeting

Mayor Poch called the Special Council Meeting of the Coulee Dam Town Council to order at 9:10 a.m. via teleconference.

Roll Call

Council members present: Mervin Schmidt, Dale Rey, Larry Hall and Keith St. Jeor. Kevin Black was absent.

Staff Present: Public Works Superintendent Mike Steffens and Clerk/Treasurer Stefani Bowden.

Action Items:

a. **Wastewater Treatment Plant Project**

Contractor MSI's attorney, responded to the letter that the town council directed Attorney Mick Howe to send in regards to items needing corrected and a timeline on final completion of the project. MSI's attorney feels that the items have been completed and done according to specifications. In the letter from MSI's attorney, it was stated that "MSI has performed hundreds of projects like this one" and their experience for performing is "unparalleled". Councilman Dale Rey stated that he is not interested in how they performed on other projects and that he is only concerned with their lack of performance on Coulee Dam's project.

Discussion took place on how to respond to MSI's response. The council was provided a draft letter written by Attorney Mick Howe for review and approval. Howe stated that since there was a timeline put on the original request and one on the response from MSI, the next letter probably needs to state a date as well. Councilman Rey felt that a maximum of 5 business days was adequate. Councilman Schmidt felt the letter from MSI was a put down to the Town of Coulee Dam and the draft response letter from Howe was put together well. Councilman St. Jeor requested that some wording regarding the valve box be revised. Engineer Kurt Holland will change the wording regarding "extension" and "adjustment" to the valve box reference.

Mayor Poch asked for a motion to accept the draft letter proposed. (m/s Rey/St. Jeor) to accept the letter with modifications as discussed regarding the valve body and the addition of setting a deadline of 5 business days for a response time. Motion carried.

Mayor Poch requested to adjourn the meeting at 9:22 a.m. Attorney Mick Howe had a couple of further questions, which lead to further discussion. Councilman Rey asked to keep the meeting open.

The needed repairs and corrections were discussed further which led to the request to have the engineer send a letter of 7 day notification as outlined in section 13.09 of the contract. The council's recommendation was a 5 day timeline for the attorney's letter. The attorney felt that maybe the timeline for both letters be the same.

After further discussion, the consensus was to have two letters mailed; one from the attorney, and another from the engineer.

Mayor Poch asked for clarification on what the actual procedure is for closing out the contract. Engineer Kurt Holland explained the processes of notifying the state and USDA. Attorney Mick Howe clarified that what is trying to be accomplished right now and the final closeout are separate issues. As of now, we are trying to get the contractor to finish the items on the list. After that is resolved, then the contract completion and closeout can be started.

(m/s St. Jeor/Rey) to rescind prior motion of acceptance of the draft letter. Motion carried.

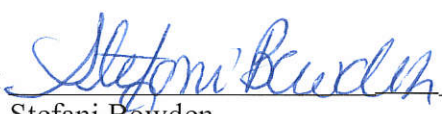
(m/s St. Jeor/Schmidt) following the guidelines from the attorney, to direct the engineer to send a seven day notice letter to the contractor pursuant to Section 13.09 of the contract, and include changes as previously agreed to in the attorney's letter. Motion carried.

No public comment was taken and no further business was discussed.

Adjournment

(m/s St. Jeor/Rey) to adjourn the meeting at 9:43a.m. Motion carried.

Mayor 
Bob Poch

Clerk 
Stefani Bowden