

**Minutes of the Board of Public Works Meeting  
August 13, 2019 - 12:00 Noon  
Hauser Room**

**MEMBERS PRESENT:** Mayor Kaufert, City Attorney Godlewski, Director of Public Works Kaiser, Director of Finance Easker, Director of Community Development & Assessment Haese and Alderperson Bates. Ald. Spellman was excused.

**ALSO PRESENT:** City Clerk Sturn, Water Utility Director Mach and Forrest Bates.

Mayor Kaufert called the meeting to order at 12:05 p.m.

**MINUTES:** **MSC Godlewski/Easker to approve the minutes from the July 30, 2019 meeting, all voting aye.**

**APPEARANCES:** None.

**UNFINISHED BUSINESS:** None.

**NEW BUSINESS:**

**Public Works:**

**Change Order No. 1 for Contract 2-18:** Dir. Kaiser requested approval of Change Order No. 1 for Contract 2-18 Miscellaneous Sewer & Water Main Construction and Street Construction on Cecil Street and Adams Street to David Tenor Corporation, Green Bay, WI, in the amount of (\$12,577.32). This is as built quantity totals to close out the contract plus (\$30,000) liquidated damages for completing the project 30 days beyond completion date. He indicated this is a new process where the cover sheet reflects the change order amount and the attached summary itemizes the quantity and cost adjustment by line item. The net increase is \$17,422.68. **MSC Kaiser/Godlewski to approve Change Order No. 1 for Contract 2-18 Miscellaneous Sewer & Water Main Construction and Street Construction on Cecil Street and Adams Street to David Tenor Corporation, Green Bay, WI, in the amount of (\$12,577.32), all voting aye.**

**Final Payment for Contract 2-18:** Dir. Kaiser requested approval of the Final Payment for Contract 2-18 Miscellaneous Sewer & Water Main Construction and Street Construction on Cecil Street and Adams Street to David Tenor Corporation, Green Bay, WI, in the amount of \$79,801.68. This includes the (\$30,000) liquidated damages. Mayor Kaufert questioned the possibility of refunding a portion of the liquidated damages to the 35-40 effected property owners for the inconvenience by reducing their assessment. Dir. Kaiser indicated other residents than these property owners expressed concern over the inconvenience it created. City Atty. Godlewski cautioned using public funds for private use. With no policy in place, the Board determined the liquidated damages could be spread across the various portions of the contract. Dir. Kaiser indicated he feels this situation may have come up 2-3 times in the last 5 years. With the TARF in place, there is no assessment to reduce moving forward. **MSC Kaiser/Easker to recommend Council approve the Final Payment for Contract 2-18 Miscellaneous Sewer & Water Main Construction and Street Construction on Cecil Street and Adams Street to David Tenor Corporation, Green Bay, WI, in the amount of \$79,801.68, all voting aye.**

Info Only

Report

Report

Final Payment No. 2 for Contract 1-18: Dir. Kaiser reviewed the memo he prepared at the request of the Board at the last meeting explaining the request for a second final payment. The following is a list of events that led to this request: prior to processing the final payment estimate, staff received the asphalt tickets from the prime contractor; in the course of preparing the final payment estimate, some of those tickets were inadvertently left out of the estimate calculation; the final estimate was sent to the prime contractor for review and approval, which was received on January 25, 2019; on February 6, 2019, the Council approved the final payment for Contract 1-18 to in the amount of \$31,620.32; the City issued payment to the prime contractor in that amount; the paving subcontractor contacted the prime contractor to report an underpayment; and City staff investigated and confirmed an underpayment in the asphalt quantity of 393.57 tons. In his view, there is no doubt that the prime contractor is owed the money for this work. This is the first time that he is aware of something like this happening. Staff has discussed administrative ways to avoid this from happening in the future. He requested approval of the Final Payment No. 2 for Contract 1-18 Miscellaneous Sewer and Water Main Construction and Street Construction on Andrew Avenue, Richard Avenue, Geiger Street, and Whiting Court to David Tenor Corporation, Green Bay, WI, in the amount of \$21,461.37. **MSC Kaiser/Bates to recommend Council approve the Final Payment No. 2 for Contract 1-18 Miscellaneous Sewer and Water Main Construction and Street Construction on Andrew Avenue, Richard Avenue, Geiger Street, and Whiting Court to David Tenor Corporation, Green Bay, WI, in the amount of \$21,461.37, all voting aye.**

**Parks & Recreation:**

Info Only

Pay Request No. 7 for Washington Park Phase 3: In the absence of Dir. Kading, Dir. Kaiser indicated his memo, included in the agenda packet, outlines Pay Request No. 7 for Washington Park Phase 3 to R & R Wash, Ripon, WI, in the amount of \$77,649.84. Most of this work placement of the prebuilt restroom / concession building. The balance is for assembly and installation of site furnishings, clear stone and site restoration. The Grand Re-opening Celebration is scheduled for Saturday, September 14<sup>th</sup> from 10 am to 1 pm. Mayor Kaufert asked for confirmation that we will not be responsible to pay for any of the issues with the pre-built concession building. **MSC Bates/Haese to approve Pay Request No. 7 for Washington Park Phase 3 to R & R Wash, Ripon, WI, in the amount of \$77,649.84, all voting aye.**

Ald. Bates indicated she will place further discussion on potentially changing the policy to include a proportionate reduction in assessments for effected property owners when liquidated damages are recouped for projects that go beyond the completion date on a future PSSC agenda.

**ADJOURNMENT:**

**MSC Easker/Haese to adjourn at 12:38 p.m., all voting aye.**

Respectfully Submitted,

  
Patricia A. Sturn, WCPC, MMC  
City Clerk