

BOARD OF PUBLIC WORKS

Date of Meeting: January 18, 2022, at 1:30 p.m. in the Council Chambers

Members Present: Eric Lindman, Anne Jacobson

Also Present: Allen Wesolowski, TJ Niksich, Lori Wunsch

In compliance with Chapter 19, Wisconsin Statutes, notice of this meeting was posted and received by the *Wausau Daily Herald* in the proper manner.

Approve minutes of the January 5 and January 10, 2022 meetings

Jacobson moved to approve the minutes of the previous meetings. Lindman seconded and the motion passed.

Discussion and possible action regarding liquidated damages for 2021 Street Construction Project A – 3rd Avenue from Randolph Street to Bos Creek Drive

Niksich stated this project was completed by Jake's Excavating and Landscaping after the contract completion date. The contract had a total of 80 working days. The contractor started work on April 19th. 80 working days would result in a completion date of August 10th, which included two additional days for the holidays of July 4th and Memorial Day. The actual completion date was October 11th. Per the contract, the City shall deduct \$1,000 for each and every day the contractor is late. Between the dates of August 10th and October 11th is 62 total days, which results in liquidated damages of \$62,000. Therefore, staff is recommending withholding \$62,000 from the contract for liquidated damages.

Jacobson questioned if Niksich would also ask for additional amounts held for two bills. Niksich confirmed and explained in addition to the liquidated damages, there were 2 instances where City crews had to complete work on this project. The first was July 7th after a storm event. DPW had to bring in material and grade the road to make it passable. Their total costs were \$258.34, which includes time and material costs. The second instance was on July 14th. The sanitary crew had to bring their vac truck and suck out a manhole where the lid was moved, and debris fell in and clogged the manhole. Their costs were \$577.28.

Lindman asked if Jake's has contacted staff or been responsive. Niksich has had several communications back and forth stating what would be recommended to the Board of Public Works. He also emailed Jake's last week with the dates the Board would be meeting. Niksich has not received a response regarding any of these items.

Lindman moved to approve liquidated damages in the amount of \$62,000 along with the additional costs of \$258.34 and \$577.28 to be deducted from Jake's next pay request.

Jacobson confirmed that the two bills may be collected according to Paragraph 11 on Page 19 of the contract. Jacobson seconded the motion and the motion passed.

Portland Cement Concrete License: Fahrner Asphalt Sealers, LLC

Jacobson has reviewed the subject license and moved to approve. Lindman seconded and the motion passed.

Bituminous Concrete Paving License: Fahrner Asphalt Sealers, LLC

Jacobson has reviewed the subject license and moved to approve. Lindman seconded and the motion passed.

CLOSED SESSION pursuant to Section 19.85(1)(g), Wis. Stats., for the purpose of deliberating on claims

Motion by Lindman, second by Jacobson to convene in closed session. Motion passed.

RECONVENE MEETING INTO OPEN SESSION for the purpose of acting upon closed session items, if necessary

Motion by Jacobson, second by Lindman to reconvene in open session. Motion passed.

Jacobson moved to approve the claim of Pam Obst in the amount of \$456.00. Lindman seconded and the motion passed.

Jacobson moved to deny the claim of Mark Blaubach in the amount of \$332.30. Lindman seconded and the motion passed.

Jacobson moved to approve the claim of Laverne Mosher in the amount of \$2,698.90. Lindman seconded and the motion passed.

Jacobson moved to partially approve the claim of Kathleen Selby, original claim of \$2,282.00, by approving half the original claim for the amount of \$1,141.00. Seconded by Lindman and the motion passed.

Jacobson moved to adjourn the meeting. Seconded by Lindman. Meeting adjourned at approximately 1:50 p.m.