

## BOARD OF PUBLIC WORKS

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Date of Meeting: January 25, 2022, at 1:30 p.m. in the Council Chambers

Members Present: Allen Wesolowski, Anne Jacobson, Maryanne Groat

Also Present: TJ Niksich, Scott Boers, Lori Wunsch, Steve Opatik – Becher Hoppe, Matt Frey – Miron Construction  
By Webex: Allen Howe - Donohue

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 18, 2022 meeting**

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

### **Wastewater Treatment Facility Improvement Project: Miron Construction, Change Order #15**

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Per Wesolowski, Lindman felt comfortable with this change order, and it has been reviewed by Donohue. Wesolowski moved to approve Change Order #15 in the amount of \$98,600.13. Groat seconded and the motion passed.

### **Drinking Water Treatment Facility: Miron Construction, Pay Estimate #16 & #17**

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Steve Opatik, Becher Hoppe, stated he submitted a letter to Lindman on January 21 making him aware they were working with Miron on defective work issues associated with coating failures on ductile iron and flanged fittings. This has been an ongoing process and they are continuing to work through it with Miron. The issue reaches down to their suppliers, specifically the manufacturer of the ductile iron fittings as well as their coating supplier. They have been working on this for a couple of months and it will likely take additional time to remedy. There is a financial risk to the City. Even though the ductile iron fittings were paid for previously in the project, the City has the ability to complete set offs. He has estimated the costs of the fittings that could be impacted. He did not have a specific number of fittings, but he is trying to get in the ballpark of the magnitude of potential risk. Becher Hoppe has approved all work under these two pay applications; it is for work that has been completed. Opatik supports and feels a set off is warranted for the materials that have already been paid for.

Wesolowski asked if this was included in the pay estimate. Opatik stated the City has a right to hold money back from the contractor. You would be approving the pay applications, but not giving them the money. There is a procedure set out in Article 15 that the City is required to notify the contractor. In this case, since Becher Hoppe has already approved these two pay applications, that letter would have to come from the City.

Groat stated we haven't paid 16 and 17 yet as we would just be approving those. The potential risk is \$2,200,000. If we wanted to, we could deduct \$2.2 million from Pay Estimates 16 and 17. Opatik confirmed.

Matt Frey, Project Executive with Miron, stated we are working through a significant issue from a primer failure that involves multiple parties and multiple layers. They are diligently working with those parties to come to a solution. They acknowledge there is defective work. They acknowledge the value of short pay. He believes it is specific to their subcontractor Ahern and down to their sub-suppliers. They would like to focus specifically to their line items. His only argument is the agreement of dollars. They believe the corrective action is probably more around \$1 million.

Jacobson stated the estimate of \$1 million is more in line with the subcontractor's position and how they propose to resolve the issue. This is where the disagreement lies. Depending upon the method used, it could result in something higher than \$1 million; we just don't know at this point. Frey agreed and said they are looking at

doing something from a schedule and economic background. They would like to bring it back to spec and bring in line with warranty.

Jacobson moved to approve Pay Estimate #16 and #17 but withhold as set off pursuant to the contract for defective work already paid for and installed in the amount of \$2.2 million. Groat seconded.

Groat added that we are always open to getting more definitive information. She feels unprepared as she does not know what a ductile is or how important it is. Jacobson agrees and as circumstances change or we move forward, she would also be open to reducing that amount if appropriate in the future.

There being a motion and a second, motion passed.

**Make recommendation for the Washington Street Sanitary Sewer Siphon Project (Request for Qualifications were opened January 10, 2022)**

Wesolowski stated proposals were received from Clark Dietz, Becher Hoppe, and Strand. Wesolowski, Niksich and Lindman reviewed the proposals. Based on the weighted scoring, Becher Hoppe is preferred engineer.

Wesolowski moved to accept the proposal from Becher Hoppe. Groat seconded and the motion passed.

**2021 Street Construction Project A: Jake's Excavating & Landscaping LLC, Pay Estimate #4**

This pay estimate was reviewed and recommended for approval by the project inspector. This is for all work completed. There is one punch list item remaining for a sanitary sewer repair, which is the reason for the large retainage. Other items withheld were discussed at the last Board of Public Works meeting and include work done by DPW, work done by the Sewer Utility, and liquidated damages.

Jacobson moved to approve Pay Estimate #4 in the amount of \$144,050.37. Groat seconded and the motion passed.

**Bituminous Concrete Paving License: American Asphalt of Wisconsin**

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

**CLOSED SESSION pursuant to Section 19.85(d), Wis. Stats., for the purpose of considering and deliberating on pre-qualification statements for the 2022 Pavement Marking Project**

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

Wesolowski moved to approve the following bidders for the 2022 Pavement Marking Project:

Brickline Inc., Madison  
Century Fence Co., Pewaukee

Jacobson seconded and the motion passed.

Jacobson moved to adjourn the meeting. Seconded by Wesolowski. Meeting adjourned at approximately 1:45 p.m.