

BOARD OF PUBLIC WORKS

Date of Meeting: October 26, 2022, at 10:30 a.m. in the Council Chambers

Members Present: Eric Lindman, Anne Jacobson, Maryanne Groat

Also Present: Allen Wesolowski, TJ Niksich, Liz Brodek, Rick Pergolski, Lori Wunsch,
Joe Kafczynski – Becher Hoppe

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 October 11, 2022 meeting

Jacobson moved to approve the minutes of the previous meeting. Lindman seconded and the motion passed 3-0.

Open proposals for street lighting controls

The following sealed proposals were received and opened:

Mlazgar Associates	\$272,480.00
Signify	\$291,200.00
Supreme Lighting Design LLC	\$291,803.20

Jacobson moved to approve the lowest proposal, which was from Mlazgar Associates in the amount of \$272,480. Lindman seconded and the motion passed 3-0.

Drinking Water Treatment Facility: Miron Construction, Pay Estimate #26

Lindman noted the payments for the Drinking Water Treatment Facility are a couple of months behind. This pay request is for the month of August. Lindman moved to approve Pay Estimate #26 in the amount of \$97,504.78. Groat seconded and the motion passed 3-0.

2022 Street Construction Project A: A-1 Excavating, Inc., Change Order #2, #3, #4, #5, #6, #7, and #8

Niksich said these are smaller change orders and a written description was provided for each. All change orders were reviewed by Niksich and the project inspector. The total sum for all change orders is \$11,933.80.

Jacobson moved to approve Change Order #2, #3, #4, #5, #6, #7, and #8 as recommended by staff. Groat seconded and the motion passed 3-0.

2022 Street Construction Project A: A-1 Excavating, Inc., Pay Estimate #4

This pay estimate was reviewed by Niksich and the project inspector. Approval is recommended. Groat moved to approve Pay Estimate #4 in the amount of \$235,463.20. Lindman seconded and the motion passed 3-0.

2022 Street Construction Project C: A-1 Excavating, Inc., Pay Estimate #2

This pay estimate is for work done on Torney Avenue. It has been reviewed by Niksich and the project inspector. Lindman moved to approve Pay Estimate #2 in the amount of \$169,628.72. Groat seconded and the motion passed 3-0.

2022 Asphalt Patching Project: Zilisch Asphalt LLC, Pay Estimate #3

This pay estimate was reviewed by the project inspector. Lindman moved to approve Pay Estimate #3 in the amount of \$44,455.04. Jacobson seconded and the motion passed 3-0.

Discussion and possible action on a draw request regarding the Developer Agreement with Nidus Holding Company, LLC and Jayjeet M. Govardhan for Plaza Redevelopment/Best Western at 201 North 17th Avenue

Brodek stated this pay request is from Jayjeet for work on the Best Western. The original payment was slated for 2023 but there was an option of early payment as long as the prescribed actions in the development agreement were completed in 2021. He did substantially comply. The draw request is for \$50,000.

Lindman moved to approve. Seconded by Groat and the motion passed 2-1 with Jacobson the dissenting vote.

Jacobson is not opposed to the payment being made. She feels she lacks the authority and knowledge to vote in favor. She does not know if this belongs at the Board of Public Works and does not know the authority the Board has to approve developer payments pursuant to development agreements. These are not street or sidewalk related. She does not know what the request is for or what fund it is coming from. Groat said these are all agreements that Jacobson was involved in crafting with Quarles. Jacobson assumes it is in Groat's job description as the Finance Director to approve the draw requests when they come in if she feels they have met the requirements of the development agreement. Jacobson does not feel comfortable and does not know what authority she has to approve Groat's actions. She does not object to paying the developers.

Groat suggested developing internal routing. She provided the example where we were making similar payments to one of Chuck Ghidorzi's corporations. Unbeknownst to Groat, former Alder Dennis Smith had conversations with Jacobson and bond counsel was hired to evaluate whether Groat was making the correct payments. Developer agreement payments have been brought to the Board of Public Works for years as it was felt the makeup of the Board included the appropriate group of people that could intelligently speak about it. Groat and Jacobson are involved in crafting agreements. Some agreements are related to construction, such as Wausau Chemical and Great Lakes Cheese. Groat feels it is good to bring these to the Board as it produces minutes and a Council member or interested party can see that we are making the payments. Payments have been budgeted for. She is trying to create transparency and create some sort of cover to make people aware of the payments.

Jacobson does not disagree with any of that. She just does not know what authority the Board of Public Works has to approve developer payments. She feels Groat can just approve the payments. If she wants transparency or cover, these should be sent through Finance and Council. Jacobson will vote no because she does not have the expertise or the authority to approve Groat's actions.

Discussion and possible action on a draw request regarding the Developer Agreement with 1401 Elm Street, LLC and Roland Lokre for Mountain Lanes/RJ Elm at 1401 Elm Street

Groat stated this would have qualified for a payment last year but there were issues with the developer agreement as the mortgage filing was inappropriate. Brodek indicated the mortgage recording issue was the only issue with this development agreement. The short form memorandum mortgage recording order was waived as a requirement of the development agreement, so the requirements have been satisfied. The calculated payment is \$296,901.42.

Lindman moved to approve. Seconded by Groat and the motion passed 2-1 with Jacobson the dissenting vote. Jacobson noted she does not feel other staff should be approving these. If there is a question or an issue, the governing body should be made aware and approve the requests.

Discussion and possible action on a draw request regarding the Developer Agreement with Great Lakes Cheese of Wausau Wisconsin, Inc., for Great Lakes Cheese at 9912 Innovation Way

Brodek indicated previous payments have been made on this agreement. Groat added they do have FTE requirements but those will be in effect for the next payment. Brodek agreed and stated they will be required for the 2023 payment based on the 2022 calendar year. The calculation is for \$635,932.24.

Lindman moved to approve. Seconded by Groat and the motion passed 2-1 with Jacobson the dissenting vote.

Discussion and possible action on a draw request regarding the Developer Agreement with Macdon Ventures, LLC for Macdon at 2401/2403 North 3rd Street

Brodek said payments have been made in the past. This agreement does have FTE requirements that have been satisfied. Groat added this is the fourth payment and is for \$10,921.17.

Lindman moved to approve. Seconded by Groat and the motion passed 2-1 with Jacobson the dissenting vote.

Discussion and possible action on Task Order B to the agreement with Stantec regarding the Riverlife Redevelopment Area

Lindman explained this would get closure on the remaining riverfront sites, which makes it easier for redevelopment. This is the final work to publish materials, get remaining documentation, and get the remaining properties closed.

Lindman moved to approve. Seconded by Groat and the motion passed 3-0.

Lindman moved to adjourn the meeting. Seconded by Groat and the motion passed. Meeting adjourned at approximately 10:50 am.