

BOARD OF PUBLIC WORKS

Date of Meeting: December 16, 2014, at 2:30 p.m. in the Birch Room.

Members Present: Wesolowski, Jacobson, Groat.

Also Present: Mayor Tipple, Lenz, Mohelnitzky, Hanson, Dave Johnson.

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 December 9, 2014 meeting

Groat moved to approve the minutes of the previous meeting. Jacobson seconded and the motion carried unanimously 3-0.

Discussion and possible action regarding Dave Johnson's request to close sidewalks along Highway U and Westwood Drive

Wesolowski explained that this was acted upon on December 5, 2014. However, Mr. Johnson requested it be revisited as he had additional information on other sidewalks in the City that were closed. Johnson stated he is confused about the decision when looking at the facts. He provided pictures of other residential areas where the sidewalk had been closed. These areas are near Marathon County Health Department, Thom Field, and in the Highland Park Boulevard area. He feels there is something political going on with the decision not to close the sidewalks abutting his property when there are residential areas with closed sidewalk. Wesolowski explained that the sidewalk near Marathon County Health Department is on private property and not located within the public right-of-way. The City cannot do anything regarding the closed sidewalk as it is on private property. Mohelnitzky stated the sidewalk near Thom Field was closed by the Park Department. He believes that sidewalk does not continue to the west, there is not a boulevard, and there is sidewalk on the other side of the street. Wesolowski indicated the sidewalk was closed due to construction of the pool and it should be open next year. Staff will need to look into why the sidewalk in the Highland Park Boulevard area is closed.

Johnson stated there is no logic to the decision to keeping the sidewalk open as it does not lead anywhere. He is willing to take on the liability. He wants to deal with the factual issues and get to a solution that is economical. He did not ask for the sidewalk and feels keeping it clear is not financially feasible, especially when it is not enforced in other areas.

Jacobson does not disagree that all sidewalks should be treated the same. The City's insurer has indicated the danger of putting in sidewalks in advance of development. The City can delegate the responsibility of clearing the walk but it cannot delegate liability as long as the sidewalk is located within the public right-of-way. The City is the one that will get sued if there is a slip and fall. Johnson again indicated he would take on the liability and sign a hold harmless agreement for any slip and falls. He feels carrying insurance would be cheaper than trying to plow. He feels it would be a win-win. He added that he does appreciate the effort of installing the snow fence. Jacobson stated that CVMIC does not recommend closing the sidewalk, but she can make an inquiry regarding Johnson taking on the liability. An agreement would have to be drafted that would shift the cost of any judgment and it would be a risk that Johnson would assume. Johnson stated he owns other properties in town with the same risk and would be willing to take on this risk. He only wants to be treated the same. Jacobson does not feel that the action of closing the sidewalk was political as it was based upon the recommendation of the insurer.

Mohelnitzky stated he will address the Highland Park Boulevard area with the Park Department. Additionally, DPW will clear the walks and not charge Johnson until an answer is reached. Johnson wanted to know what would happen if he is forced to keep the sidewalk clear, and the plow trucks fill the walk with snow. Mohelnitzky will talk with the Highway Commissioner as he believes it was done by the County trucks last year.

Jacobson will talk with CVMIC before bringing this item back to the Board for action.

**Make recommendation for the purchase of a loader backhoe for the Department of Public Works.
(Quotations were opened December 9, 2014.)**

Mohelnitzky recommends the purchase of the CAT 430 F S without the hydro hammer. DPW's current hydro hammer is in good shape and it does not make sense to have a backup. If an additional hydro hammer is needed in the case of an emergency, DPW can use the Water Utility's. Overall, Nortrax (John Deere unit) was the lowest price and Case was the highest. The CAT unit has a lifetime filter that would only have to be changed if the unit was rebuilt. The CAT unit does not meet the spec of having two batteries, but it has a bigger battery that meets the cold cranking spec. The quick coupler of the CAT is compatible with all the current attachments. Parts for the CAT are available when needed. Parts for the John Deere are made in Ireland. Two months ago, DPW ordered parts for another John Deere unit and they still have not arrived. Both the John Deere and Case units did not meet the specs. Additionally, the John Deere unit is a used machine with 125 hours. This very well may be a rental unit, which could have not been used in the proper manner. Hanson added that the original base price for the used John Deere was \$8,000 higher. The base price of the Case and CAT were within \$500 of each other. He noted that if there is only a \$500 difference, CAT would be his recommendation because of the quality and resale value.

Wesolowski moved to approve the purchase of a CAT loader backhoe without the hammer from Fabco in the amount of \$85,800. Groat seconded and the motion carried unanimously 3-0.

Review and make recommendation regarding Task Order No. 12.6 for Stantec for professional services regarding the Riverfront Redevelopment area. (This item was tabled from the December 9, 2014 meeting.)

Lenz stated this task order is regarding the \$200,000 planning grant received from the EPA. He has been working with Stantec on a variety of planning activities. This task order would complete the Riverfront plan, including certain items that the EPA requires to be in the plan. This would finalize the plan as far as the EPA grant and he recommends approval. Wesolowski noted that the due dates would need to be revised. Lenz agreed and stated a new timeline was discussed yesterday, which pushed the dates back to January/February to complete the plan. Jacobson questioned if Stantec was on target. Lenz explained that the task order was originally submitted on November 24 and Stantec assumed it would be approved immediately. He again stated the completion dates will be pushed back.

Based upon Lenz's recommendation and the items talked about in yesterday's Riverfront meeting, Wesolowski moved to approve Task Order No. 12.6. Groat seconded and the motion carried unanimously 3-0.

Pay Request from Stantec: Professional Services from October 20 through November 28, 2014; US EPA Brownfields Cleanup Grant Project, Former Cloverbelt Coop Services Site at 1202 1st Street

Lenz explained that this pay request is for oversight of items that came up in the field, such as the moving of soil, rerouting of storm sewer, removal of the coffer dam, and modifications to the outfall. Mayor Tipple questioned if the EPA goes through a process after approval of pay requests. Lenz works with Stantec to provide the EPA with quarterly reports and the EPA reviews the progress. We have started to draw down money from the EPA grant and there have been no issues.

Wesolowski moved to approve the pay request in the amount of \$14,348.40. Jacobson seconded and the motion carried unanimously 3-0.

Pay Request from Stantec: Professional Services from October 24 through November 28, 2014; WDNR Site Investigation Reports and Ready for Reuse Grant Application for the Riverfront Redevelopment area

Lenz stated this pay request is from Task Order 7.1 that was recently approved regarding trail/shoreline area investigations. Contamination was discovered along the shoreline and Stantec prepared a remediation alternative. Lenz did receive drafts of the analysis. Lenz further explained that a preliminary analysis had to be completed before applying for the grant to ensure there is a plan on how to utilize the grant money. Stantec has complied the data and came up with a plan to satisfy the DNR request for more information. Groat questioned if the City should receive a copy of the invoice from the DNR for documentation of what was paid. Wesolowski believes this billing is for Stantec's staff time. Lenz will get clarification.

Wesolowski moved to table the pay request. Jacobson seconded and the motion carried unanimously 3-0.

2014 Landscape Maintenance Contract: Re-vi Design LLC, Pay Request #5 for the Highway 52 Median. (This item was tabled from the December 9, 2014 meeting.)

Wesolowski stated this was tabled from the last meeting to obtain a credit for the startup and shut down of the irrigation system. Wesolowski contacted Re-vi which provided a \$200 credit as noted on the revised invoice. Mayor Tipple questioned if the amount would be owed if and when the system is installed. Wesolowski explained that the contract ends after this payment. The work will either be completed by staff next year or rebid.

Groat moved to approve the pay request in the amount of \$844. Jacobson seconded and the motion carried unanimously 3-0.

Excavation and Cover System Construction: Dakota Intertek, Change Order #1

Wesolowski indicated this change order is for the removal and disposal of additional concrete and concrete footers found on site; moving of soil; removal of storm sewers and manholes; and removal and disposal of an underground storage tank.

Wesolowski, Stantec and Petit worked with the contractor to reduce the amount of the change order from \$80,487 to \$78,687. Groat moved to approve the change order in the amount of \$78,687. Jacobson seconded and the motion carried unanimously 3-0.

Excavation and Cover System Construction: Dakota Intertek, Pay Estimate #4

Groat moved to approve Pay Estimate #4 in the amount of \$78,206.30. Wesolowski seconded and the motion carried unanimously 3-0.

Discussion and possible action on the Mailbox Replacement Policy

Jacobson explained that if a mailbox is located within the right-of-way, the City can create its own replacement policy. After speaking with CVMIC, she would recommend removing language from the current policy regarding filing a claim and adding language that reimbursement will be provided for mailboxes located within the right-of-way and with copies of receipts. Groat stated that the City cannot prevent anyone from filing a claim. Jacobson agreed but recommends removing the language from the policy. Mohelnitzky asked for the wording in the note section to be changed from "Any mailbox damaged by the weight of the plow windrow (snow exiting the end of the plow) will no longer be covered under this policy" to "Any mailbox damaged by the weight of the plow windrow (snow exiting the end of the plow) will not be covered under this policy."

Jacobson moved to approve the changes to the Mailbox Replacement Policy as noted. Groat seconded and the motion carried unanimously 3-0.