



# City of Waukesha

City Hall,  
201 Delafield Street  
Waukesha, WI 53188

## Meeting Minutes - Draft

### Board of Public Works

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Thursday, December 9, 2021

5:30 PM

Council Chambers, City Hall

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#### 1. Call to Order

**Present** 4 - Kassens, O'Donnell, E. Payne, and Pieper

**Absent** 1 - Michalowski

#### 2. Public Comment

*No public comment.*

#### 3. Approval of Minutes

##### A. [ID#21-3209](#) Approve Minutes of November 18, 2021.

**Sponsors:** Public Works

**Attachments:** [BPW Meeting Minutes 11-18-21-Final](#)

**A motion was made by Alderman Eric Payne, seconded by Alderman Joe Pieper, that the Minutes of November 18, 2021, be approved. The motion carried by the following vote:**

**Aye:** 4 - Kassens, O'Donnell, E. Payne and Pieper

**Absent:** 1 - Michalowski

#### 4. Discussion and Recommendation to Council Regarding:

##### A. [ID#21-3073](#) Review and act on Contract Change Order No. 1 with Ray Stadler Construction Co, LLC, for the Hillcrest Pavilion project.

**Sponsors:** Public Works

**Attachments:** [21-3073\\_BPW\\_Agenda Cover Sheet - Change Order Hillcrest Pavilion](#)  
[21-3073-CCO1 Ray Stadler Construction-Hillcrest Pavilion](#)

*Jeff Hernke, Engineering Tech Supervisor, presented this item. City Attorney Brian Running and Melissa Lipska, Parks & Forestry Operations Manager were also present. Ald. Pieper asked if there was some liability along the way. Brian Running spoke to the matter as he was requested to look at if there was some other recourse. He analyzed whether there was insurance to cover this or should some other party be responsible. It seems that it is not the architect's fault. It is up to the contractor to provide a correct bid. There was some serious under estimation to adapt this roofing material to the shelter. The architect's vision was too expensive. It was noted that if the City executes*

*the change order, it will waive the right to hold someone responsible. The contractor made it clear they cannot complete the project for the price bid and would be forced into bankruptcy. The contractor has a performance bond and perhaps the City could make the claim on the bond. The problem with the bond is that it is issued by the insurance company and would be challenged. An alternative is the City executes the change order and takes on the cost to complete the project. Another alternative is to pay the contractor for what they've done so far. For this alternative, the project would sit and deteriorate over winter while the project is rebid and the new bid would include the actual cost to install the selected roofing. Liability insurance does not cover this situation. There would probably not be a rapid resolution and it may end up in litigation. Ald. Pieper questioned where the money is going to come from. Mr. Hernke noted that the Parks & Recreation's 2021 Buchner project came under budget and can cover the change order.*

**A motion was made by Alderman Joe Pieper, seconded by Member Steve Kassens, that the Contract Change Order No. 1 with Ray Stadler Construction Co., LLC, be recommended for Council Consent. The motion carried by the following vote:**

**Aye:** 4 - Kassens, O'Donnell, E. Payne and Pieper

**Absent:** 1 - Michalowski

- B.** [ID#21-3210](#) Review and act on Contract Change Order No. 1 with Century Fence Company, for the Dopp and Banting Park Ball Diamond Fencing project

**Sponsors:** Public Works

**Attachments:** [21-3210 BPW Agenda Cvr-CO1-Century Fence-Dopp and Banting Park Ball Diamond Fencing](#)  
[21-3210 CO1 for Century Fence for Dopp and Banting Park Ball Diamond Fencing](#)

**A motion was made by Member Steve Kassens, seconded by Alderman Joe Pieper, that the Contract Change Order No. 1 with Century Fence Company, for the Dopp and Banting Park Ball Diamond Fencing project be recommended for Council Consent. The motion carried by the following vote:**

**Aye:** 4 - Kassens, O'Donnell, E. Payne and Pieper

**Absent:** 1 - Michalowski

- C.** [ID#21-3231](#) Review and act on the contract for Sanitary Manhole Inspection & Condition Assessments – 2022-2025.

**Sponsors:** Public Works

**Attachments:** [21-3231 BPW Agenda Cover Sheet - Sanitary Manhole Inspection & Condition Assessment - 2022-2025](#)

*Jonathan Schapekahn, P.E., presented this item.*

**A motion was made by Member Steve Kassens, seconded by Alderman Joe Pieper, that the contract for Sanitary Manhole Inspection & Condition Assessments - 2022-2025 be recommended for Council Consent. The motion carried by the following vote:**

**Aye:** 4 - Kassens, O'Donnell, E. Payne and Pieper

**Absent:** 1 - Michalowski

- D. [ID#21-3232](#) Review and act on Change Order No. 1 with C.D. Smith Construction Inc. for the Return Flow Pump Station and Advanced Phosphorus Treatment with Facility Enhancements for the Clean Water Plant.

**Sponsors:** Public Works

**Attachments:** [21-3232\\_BPW Agenda Cvr-CO1-CD Smith-Return Flow Pump Station](#)  
[21-3232 Change Order No 1 Cover Letter and signature page](#)  
[02Dec21](#)

*Jeff Harenda, CWP Manager, presented this item. Andrew Schrank of Jacobs was available for questions.*

**A motion was made by Alderman Joe Pieper, seconded by Alderman Eric Payne, that the Change Order No. 1 with C.D. Smith Construction Inc. for the Return Flow Pump Station and Advanced Phosphorus Treatment with Facility Enhancements for the Clean Water Plant be recommended for Council Consent. The motion carried by the following vote:**

**Aye:** 4 - Kassens, O'Donnell, E. Payne and Pieper

**Absent:** 1 - Michalowski

- E. [ID#21-3233](#) Review and act on Contract Change Order No. 2 with Clark Dietz, Inc., for the Pebble Valley Pump Station Evaluation and Upgrade project.

**Sponsors:** Public Works

**Attachments:** [21-3233\\_BPW Agenda Cvr-CCO2-Clark Dietz-Pebble Valley Pump Station Design](#)  
[21-3233-CCO2 Clark Dietz for Pebble Valley Pump Station Eval](#)

*Chris Langemak, P.E., presented this item.*

**A motion was made by Alderman Joe Pieper, seconded by Member Steve Kassens, that the Contract Change Order No. 2 with Clark Dietz, Inc., for the Pebble Valley Pump Station Evaluation and Upgrade project be recommended for Council Consent. The motion carried by the following vote:**

**Aye:** 4 - Kassens, O'Donnell, E. Payne and Pieper

**Absent:** 1 - Michalowski

- F. [ID#21-3234](#) Review and act on Contract Change Order No. 1 with VisuSewer Clean and Seal, Inc., for the Pebble Valley Force Main project

**Sponsors:** Public Works

**Attachments:** [21-3234\\_BPW Agenda Cvr-CCO1 VisuSewer Pebble Valley Force Main](#)  
[21-3234 CCO1 VisuSewer-Pebble Valley Force Main](#)

*Chris Langemak, P.E., presented this item.*

A motion was made by Member Steve Kassens, seconded by Alderman Eric Payne, that the Contract Change Order No. 1 with VisuSewer Clean and Seal, Inc., for the Pebble Valley Force Main project be recommended for Council Consent. The motion carried by the following vote:

**Aye:** 4 - Kassens, O'Donnell, E. Payne and Pieper

**Absent:** 1 - Michalowski

- G. [ID#21-3235](#) Review and act on Contract Change Order No. 1 with LaLonde Contractors, Inc., for the Lawndale, Fairmont, and Caldwell Reconstruction project.

**Sponsors:** Public Works

**Attachments:** [21-3235\\_BPW\\_Agenda\\_Cvr-CCO1\\_LaLonde\\_Lawndale\\_Fairmont\\_Caldwell](#)  
[CCO1-LaLonde\\_LawndaleFairmont\\_Caldwell](#)

A motion was made by Alderman Eric Payne, seconded by Member Steve Kassens, that the Contract Change Order No. 1 with LaLonde Contractors, Inc., for the Lawndale, Fairmont, and Caldwell Reconstruction project be recommended for Council Consent. The motion carried by the following vote:

**Aye:** 4 - Kassens, O'Donnell, E. Payne and Pieper

**Absent:** 1 - Michalowski

## 5. Approval of Payments

- A. [ID#21-3236](#) Approval of Payments

**Sponsors:** Public Works

**Attachments:** [Payments 12-9-21](#)

A motion was made by Alderman Joe Pieper, seconded by Alderman Eric Payne, that the Payments be approved. The motion carried by the following vote:

**Aye:** 4 - Kassens, O'Donnell, E. Payne and Pieper

**Absent:** 1 - Michalowski

## 6. Matter of Report

## 7. Communications and Referrals:

*The City's DOT project for the Madison Street Bridge came in below the State and Municipal Agreement budget. Zenith Tech was the low bidder for \$152,780.17. The City's portion is \$38,195.04.*

## 8. Adjournment

A motion was made that the meeting be adjourned. The motion carried unanimously.

"A majority of the Council members may be in attendance"

NOTICE: Any person who has a qualifying disability under the Americans with Disabilities Act that requires that the meeting be accessible or that materials at the meeting be in an accessible format, please contact the Public Works department, 48 hours prior to the meeting at 524-3600 or by the Wisconsin Telecommunications Relay System so that arrangements may be made to accommodate the request.