

VILLAGE OF GRAFTON
BOARD OF PUBLIC WORKS MEETING MINUTES
NOVEMBER 18, 2013

The Board of Public Works meeting was called to order at 5:30 p.m. by Chair Sue Meinecke.

Board members present: Sue Meinecke, Les Blum, Lisa Harbeck, Dave Antoine, and Pat Murray

Village staff present: Director of Public Works/Village Engineer Dave Murphy, Utility Director Tom Krueger (5:45 p.m.), and Larry Roy

Bridge Street dam repair project: Change Order 1:

Director of Public Works/Village Engineer Dave Murphy explained that as work progresses on the Bridge Street dam project, the contractor occasionally encounters a situation where additional work was necessary. Mr. Murphy explained each item in this change order as follows:

West abutment downstream bedrock: Bedrock was encountered at a higher elevation than predicted. To save some money the Village has agreed to allow the contractor to use the Village-owned excavator to break out the bedrock. Additional cost is \$5,395.

Construction of an additional wall on the west abutment: The old spillway was encountered during construction of the west flood wall. This would allow water to flow behind the new wall; therefore an eight foot long wall was constructed to block the old spillway for a cost of \$5,341.

West abutment upstream from the new weir: There was no bedrock in the first eight feet of the newly constructed weir. To keep the upstream bank material from eroding into this area, the hole will need to be filled with sand and then covered an erosion fabric and large rip rap. The cost for this additional work is \$5,326.

Electric controller box: Original design was to have the controller box partially buried, however after looking at the actual layout of the design it was determined that maintenance of the equipment would pose a safety hazard, therefore the controller box was changed to a fully above ground unit. Additional cost is \$2,974.

Additional conduit for the lighting project: Conduit will be needed on the west side of the dam for the dam lighting project. The conduit will run from the existing Riverwalk light to the underside of the new overlook. Conduit was also added from the controller box on the east side to the outside of the concrete slab for future power needs. Total cost for this added conduit is \$1,172.

Railing credit: It has been determined that the amount of railing necessary can be reduced slightly and some of the existing railing can be reused resulting in a savings of \$5,189.

Mr. Murphy stated that change order 1 will increase the project cost by \$15,019 for an overall total project cost of \$1,123,453.

Trustee Meinecke questioned if the contract with Staab Construction included a contingency for these types of situations. Mr. Murphy responded that there is no contingency built into the contract. In 2013, the Village budgeted \$1,200,000 for the project. Included in the \$1,200,000 is a contract with Ayres for \$41,818 for field survey work and general administration of the construction contract as well as the contract with Staab Construction for \$1,108,434. With this change order, the project is under the budgeted amount by \$34,729.

Mr. Murphy reported that there will be another change order coming forward in the future for situations encountered on the east side of the dam. Mr. Murphy expects that change order 2 will also be around \$15,000.

Trustee Meinecke questioned why the additional conduit was added. Mr. Murphy responded that the Public Arts Board requested the conduit be added for the lighting project. Trustee Meinecke then questioned if the Public Arts Board would be funding the additional cost for the conduit. Trustee Antoine agreed that these costs should be funded by the Public Arts Board. Mr. Blum indicated that the Public Arts Board does have enough funds available to cover this cost.

Trustee Meinecke questioned why the cost for the west abutment bedrock was still \$5,395 when the contractor will be using Village equipment. Mr. Murphy stated that the cost for the west abutment bedrock would be approximately \$750 higher if Staab needed to mobilize their excavator to the site.

Motion by Pat Murray, seconded by Trustee Harbeck, to recommend the Village Board approve Bridge Street dam repair project change order 1 in the amount of \$15,019 to Staab Construction Company. Motion passed 4-1 (Meinecke - Nay).

Update on agreements for contract maintenance of water towers 1 and 2

Utility Director Tom Krueger briefly explained the history of the contract maintenance agreement with Utility Service Company for towers 1 and 2 rehabilitation. The contract fees are structured to recover the entire cost of tower rehabilitation/repainting in the first 5 years plus additional costs for annual inspections, incidental maintenance/repair requirements and an incremental cash advance toward the next repainting project generally scheduled every 14 years.

Mr. Krueger explained that currently both water towers 1 and 2 are under contract maintenance agreements with Utility Service Company, Inc. These agreements included rehabilitation/repainting of Tower 1 in 2011 and rehabilitation/repainting of Tower 2 in 2012. Both agreements when executed were competitively priced and did not include payment of prevailing wages.

Mr. Krueger further explained that the Utility received notice from the Department of Workforce Development (DWD) in May 2012 to inform that it was being investigated for failure to comply with prevailing wage requirements. After lengthy discussions and

exchanges of information, the DWD issued a special department order requiring Village/Utility compliance with payment of prevailing wages for the water tower maintenance projects.

In follow-up and upon Village request, Utility Service Company prepared an addendum for each contract agreement that identifies pricing changes/increases to incorporate payment of prevailing wages for work already performed and for work to be performed over the 14 year contract periods. The revised cost for contract maintenance including prevailing wages is significantly higher. With execution of the addendum for Tower 1 contract maintenance, \$59,169.58 would be due to Utility Service Company to cover increased labor costs for work already performed plus a DWD penalty established by State statutes for non compliance. Utility Service Company proactively paid prevailing wages for Tower 2 work already performed and offered to absorb the increased cost for this labor as a good gesture to the Village. Attorney Mike Herbrand is investigating whether the Village is obligated to reimburse Utility Service Company for Tower 1 increased costs in light of original agreement language which is silent on the matter of prevailing wages. Utility Director Krueger will bring this matter back for possible action at the next Board of Public works meeting.

Mr. Blum questioned who receives the penalty fees. Mr. Krueger responded that the penalty fine is paid to the State.

Mr. Krueger commented that the advantages of the contract maintenance should be re-evaluated if the tower painting is removed from the services. Traditional tower maintenance budgeting may be more beneficial in the long term.

ADJOURN

Motion by Trustee Antoine, seconded by Pat Murray, to adjourn the meeting at 5:59 p.m. Motion carried.