



Public Works Committee Meeting
Cravath Lakefront Room, 2nd Floor
312 W. Whitewater St.
Whitewater, WI 53190
*In Person and Virtual
Tuesday, April 08, 2025 - 5:00 PM

AGENDA

CALL TO ORDER

The Public Works Committee meeting was called to order by Board Member Smith at 5:00 p.m.

ROLL CALL

PRESENT: Board Member Majkrzak, Board Member Smith, Board Member Hicks (arrived at 5:02 p.m.)

ABSENT: None

OTHERS: Marquardt

APPROVAL OF AGENDA

Motion was made by Majkrzak to move to Item #3. and then come back to Item #2. after Board Member Hicks arrived, seconded by Board Member Smith.

Voting Yea: all via voice (2)

Voting Nay: none

Board Member Hicks arrived at 5:02 p.m.; therefore, the agenda continued, in order, to Item #2.

APPROVAL OF MINUTES

1. Approval of minutes from March 11, 2025

Motion made by Board Member Majkrzak, Seconded by Board Member Smith to approve the minutes from March 11, 2025.

Voting Yea: all via voice (2)

Voting Nay: none

Absent: Hicks

HEARING OF CITIZEN COMMENTS

None

NEW BUSINESS

2. **Discussion and Possible Action regarding Whitewater Solar's Joint Development Agreement – City and Townships.**

Marquardt stated Whitewater Solar is in the process of seeking a Certificate of Public Convenience and Necessity from the Public Service Commission. While this is being reviewed, Whitewater Solar has asked the City to review a voluntary Joint Development Agreement which addressed several additional considerations around the project's design, operation, maintenance, and road use that are not contemplated in the permitting process with the Public Service Commission.

Additionally, Whitewater Solar will be providing a Road Use Agreement for consideration in the near future.

Drew Vielbig, from Ranger Power, represented Whitewater Solar and attended this meeting to discuss the Joint Development Agreement and answer questions. In addition, Nick Haus, from the Project Development Team, joined online as well.

Board Member Majkrzak asked if the agreement has land proposed or is it just the beginning of it? Vielbig stated this agreement does not have any land considerations, it is more to dictate the way they will go about construction, creating obligations for landscaping, and things like that. Vielbig stated there is no real estate tied to this agreement.

Board Member Smith asked if the City of Whitewater is the first entity to hear this proposal? Vielbig said they sent this agreement, within the past couple of weeks, to all government units involved in the project. Vielbig stated from talking with the townships, he thinks all three of them now have agreements with their Counsel. He stated they have not received any feedback yet from any of the entities.

Marquardt stated to Vielbig he thought this agreement was voluntary. There is only one parcel, in the City of Whitewater, that it would cover. Vielbig said the road uses would be the largest item for consideration. How would they go about assessing pre and post conditions to configure damage?

If there were no outstanding issues from the Committee, staff recommended a motion to approve the Joint Development Agreement and forward to Council.

Motion made by Board Member Majkrzak to approve the Whitewater Solar's Joint Development Agreement, seconded by Board Member Smith.

Voting Yea: Board Member Smith, Board Member Majkrzak

Voting Nay: None

Abstain: Board Member Hicks

Marquardt stated this agreement will be sent to the City's attorney for review. It will be on the April 15, 2025, Common Council agenda; however, contingent upon the attorney's review.

3. Discussion and Possible Action regarding Strand Task Order No. 25-06, Main Street/Franklin Street Intersection Modifications.

Marquardt stated in 2024, the Public Works Committee discussed improvements to the southeast quadrant of the Main Street/Franklin Street intersection to improve semi-truck turning movements. This Task Order is for the survey, design, and bidding of those improvements. The Task Order also includes the production of exhibits and legal descriptions for the acquisition of property. Construction of the improvements would be scheduled for 2026.

At the November 12, 2024, Public Works Committee meeting, the Committee recommended to move forward with the redesign of the intersection to better allow for eastbound turning semi-trucks from Franklin Street.

The compensation, based on an hourly rate basis plus expenses, is estimated at \$46,000. This project was not included in the 2025 CIP budget. Money for the design will be charged to Fund 280, Street Repair. Monies will be budgeted in the 2026 CIP budget, which will include design costs to repay back Fund 280.

Staff recommended a motion to approve Task Order 25-06 and forward to Council for approval.

Motion made by Board Member Majkrzak to approve the Strand Task Order No. 25-06, Main Street/Franklin Street Intersection Modifications, seconded by Board Member Smith.

Voting Yea: Board Member Hicks, Board Member Majkrzak, Board Member Smith

Voting Nay: None

4. Discussion and Possible Action regarding Strand Task Order No. 25-05, 2025 Street Maintenance.

Marquardt stated Task Order 25-05 is for the preparation of plan sheets and specifications, along with bidding documents for the crack filling and chip sealing of City streets, which include:

- Burr Oak Trail (Fremont - CTH U)
- Maple Lane (Bluff - Jakes Way)
- Locust Lane (Bluff - Jakes Way)
- Ash Lane (Bluff - Jakes Way)
- Tanner Way (Parkside - Termini)
- Kylee Way (Parkside - Termini)
- Lakeview Dr (South of Amber - Waters Edge)
- Waters Edge (Parkside - Termini)
- Darcy Lane (Waters Edge - Parkside)
- Parkside Drive (Wisconsin - Waters Edge)

The compensation based on an hourly rate basis plus expenses is estimated at \$11,000. Money for the design and construction will be charged to Fund 280 Street Repair.

Staff recommended a motion to approve Task Order 25-05 and forward to Council for approval.

Motion made by Board Member Majkrzak to approve Task Order 25-05 and forward to Council for approval, seconded by Board Member Smith.

Voting Yea: Board Member Majkrzak, Board Member Smith, Board Member Hicks

Voting Nay: None

5. Discussion and Possible Action regarding Strand Task Order No. 25-07, Lead Service Line Construction Services.

Marquardt noted for clarification – Task Order No. 25-07 is not new, but an added Amendment No. 1 to Task Order 24-04. Marquardt stated it was a mistake on his part as it is still under the Lead Service Line Construction Services. He stated it will be noted correctly on the Council agenda. Instead of doing a new Task Order for the inspection services, Strand did an amendment to the original Task Order for the project.

Marquardt stated the Lead Service Line Replacement Project, which is set to begin the middle of May and completed by the end of August. Based on this schedule, Strand has provided an Amendment to their original Task Order for the design of the Lead Service Line Replacement Project to provide contract administration, resident project representative services, grant administration, and assistance with reimbursement and closing documents for the Safe Drinking Water Loan Program.

The Public Works Committee and Council approved the original Task Order for the design of the Lead Service Line Replacement Project in March 2024. The project was awarded to Five Star Energy Services, LLC, by Council, in January 2025.

The compensation, based on an hourly rate basis plus expenses, is changed from \$48,000 to \$188,000. As a reminder, the low bid on the construction project was \$1,788,910.

Staff recommended a motion to approve Amendment No. 1 to Task Order 24-04 and forward to Council for approval.

Motion made by Board Member Smith to approve Amendment No. 1 to Task Order 24-04, seconded by Board Member Majkrzak.

Voting Yea: Board Member Smith, Board Member Hicks, Board Member Majkrzak

Voting Nay: None

6. Discussion and Possible Action regarding disposal of city-owned vehicles through auction.

Marquardt stated the Street Department is asking for approval to place two vehicles on the Wisconsin Surplus Auction. They include:

Unit #462 – 1985 Chevrolet 1-ton dump truck

Unit #736 – 1984 GMC ¾ ton truck

Money received from the auction will be placed in the Miscellaneous Revenue account of Fund 215, Equipment Replacement.

Staff recommended a motion to approve the sale of the two vehicles at auction and forward to Council.

Motion made by Board Member Majkrzak to approve the sale of the two vehicles at auction and forward to Council, seconded by Board Member Smith.

Voting Yea: Board Member Hicks, Board Member Majkrzak, Board Member Smith

Voting Nay: None

7. Discussion and Possible Action regarding liquidated damages for extra inspection costs related to the Forest Avenue Reconstruction Project.

Marquardt stated in 2024, the City had three street reconstruction projects under construction at the same time. Completion dates were as follows:

- Fremont Street: August 30, 2024
- Ann Street/Fremont Street: September 27, 2024
- Forest Avenue: August 30, 2024 (60 calendar days from start of project)

The intention for inspection services from Strand was to have one inspector on site overseeing all three projects with the intention of bringing in an extra person during specific times of the projects to help.

Fremont Street was substantially complete by the middle of September. Ann/Fremont was paved on October 7, and determined to be substantially complete. The contractor for the Forest Avenue project did not start until the week of August 26. Substantial completion did not occur until November 15, 2024.

Staff is considering liquidated damages associated with the extra inspection costs the City accrued from Strand for having an inspector onsite to solely oversee the Forest Avenue project. It should be noted the contractor did run into unanticipated rock excavation for sanitary sewer, water, and storm sewer installation; however, if the contractor would have started in time to complete the project by August 30,

the additional time for the rock excavation would have been relatively close to the October 7, paving of the Ann Street/Fremont Street project.

According to the contract, liquidated damages of \$1,200/day could be imposed on the project for each day that expires after the substantial completion date. For Forest Avenue, this would equate to 77 days or \$92,400. If October 7, was used it would equate to 39 days or \$46,800. If staff was to use only the costs associated with inspection after October 7, it would equate to \$29,001.95 (133.25 hours in October, 75.25 hours in November, all at \$130.19/hour, plus \$1,857.33 in related expenses).

Staff believes there should be liquidated damages imposed due to the contractor not starting the project until the week it was supposed to be completed. Staff is looking for direction from the Committee if they believe liquidated damages should be imposed and how much. If so, staff will work with the City Attorney to impose such damages.

A consensus by the committee members was to hold the contractor liable to the 39 days after October 7, date equally \$46,800.

In addition, the contractor also hit a fiber line, from the Municipal Building to the library, which cost approximately \$49,000 to fix. If the contractor's insurance company doesn't pay, Marquardt is hoping to take that amount off of the final payment. This process will be reviewed by the City attorney to make sure everything is done correctly.

FUTURE AGENDA ITEMS

Hicks would like to get the cost for getting fiber into GIS, working with the University and school district to get it done. Marquardt will see what the City has and will get back to the committee with the information.

ADJOURNMENT

Motion made by Board Member Majkrzak to adjourn the Public Works Meeting at 5:35 p.m., seconded by Board Member Smith.

Voting Yea: all via voice (3)

Voting Nay: None

Respectfully submitted,

Alison Stoll

Alison Stoll, Administrative Assistant
Department of Public Works

*Minutes approve on: May 13, 2025