Chair Rick Stacey called the meeting to order at 3:30 p.m.

Roll call was conducted, and the following members were present: Chair Rick Stacey, Vice Chair Ken Monroe, and Supervisors Jerry Grant, William Norem and Nancy Russell. A quorum was declared.

Others in Attendance
County staff: Director-Public Works Richard Hough; County Administrator David Bretl; County Engineer Joe Kroll; Senior Project Managers John Miller and Joe Latocha; Public Works Finance Manager Penny Bishop; Assistant Director-Fleet/Parks/Facilities and General Manager of Parks Dennis Clark; Assistant Director-Highway Operations Barry Pierce; Director of Health and Human Services Elizabeth Aldred; Finance Director Jessica Conley; Financial Systems Administrator Andy Lamping; Purchasing Manager Jen White

Supervisor Norem made a motion, seconded by Supervisor Grant, to approve the agenda as presented. Motion carried by voice vote.

On motion by Supervisor Norem, seconded by Vice Chair Monroe, the June 17, 2019 Public Works Committee meeting minutes were approved by voice vote.

Public comment – There was none.

Consent Items
Chair Stacey requested that items 7.a) 2, 5, and 6 be considered separately. Supervisor Grant made a motion, seconded by Supervisor Norem, to approve the remainder of the consent items. Motion carried 5-0.

a) Bid Awards/Contracts/Specifications
1) Summary Specifications for the Department of Public Works Emergency Generator Replacement, Project #W1937
2) Summary Specifications to purchase Hot Patch Buggy Replacement, Project #W1933
   Supervisor Russell asked if there was a closer vendor to reduce the price of the pick-up and delivery of the equipment. Director-Public Works Richard Hough said bids were solicited from multiple vendors in various locations to find the product that worked best for operations. Monroe Equipment met the department’s specific needs and was the lowest bid. Supervisor Russell made a motion, seconded by Supervisor Norem, to approve the recommendation to purchase a K-M International Hot Patch Buggy through Monroe Equipment. Motion carried 5-0.
3) Summary Specifications to purchase two (2) One-Ton Patrol Truck Replacements, Project #W1929
4) Summary Specifications to purchase Compact Track Loader, Project #W1931
5) Bid Award Recommendation for the new Health and Human Services Facility Audio Visual Equipment, Project #18-014-3. Supervisor Russell made a motion, seconded by Vice Chair Monroe, to award the bid for the audio visual equipment for the new Health and Human Services Facility to Tierney Brothers, Inc. Motion carried 5-0.
6) Bid Award Recommendation for the Whitewater Lake Dam, Project #19-013
   Supervisor Russell asked about the bidding process. Hough said when the project was initially bid, the lowest bid was not accurate and had to be rejected. The project was re-bid and staff
recommended award to Valia Excavating LLC in the amount of $44,400, which is higher than the current budget of $40,000. Existing funds will be transferred from Public Works accounts to fund the remainder of the project. **Vice Chair Monroe made a motion, seconded by Supervisor Grant, to award the bid for the concrete spillway repair at Whitewater Lake Dam to Valia Excavating LLC. Motion carried 5-0.**

**b) Reports**

1) **Construction and Project Management Report – July 2019**
Hough noted some highlights in the report. The brine project is in progress; preliminary work has been done, however, there are concerns about the project timeline and concrete work. The bid for the concrete came in over budget and staff are looking at alternatives to lower costs. Hough is forming a work group to review and adjust the master plan for county facilities. Public Works management is developing long-term needs for vehicle and equipment storage to have recommendations ready for the consultants in 2020. As Health and Human Services (HHS) is getting new furniture, fixtures, etc., Public Works has developed a list of items that will be available to other departments when HHS staff moves to the new facility. To date, county departments have submitted requests at a value of $250,000 from the list Public Works compiled. The displays in Highway Operations are installed, and Assistant Director-Highway Operations Barry Pierce is working with the Superintendents on how to use the displays for optimum effect during winter operations. **Vice Chair Monroe made a motion, seconded by Supervisor Grant, to approve the July 2019 Construction and Project Management Report and place it on file. Motion carried 5-0.**

**New Business**

- **Change Order #18-014-CO6 for the new Health and Human Services Facility, Project #18-014**
  *Supervisor Grant made a motion, seconded by Supervisor Norem, to approve Change Order #18-014-CO6 in the amount of $14,000.61. Motion carried 5-0.*

- **Resolution **-09/19 Authorizing Closure of Highway Project CTH G-East Troy Bridge (Honey Creek) and transferring remaining funds**
  *Supervisor Grant made a motion, seconded by Supervisor Russell, to recommend approval of the resolution authorizing the closure of Highway Project CTH G-East Troy Bridge. Motion carried 5-0.*

- **Change in Scope of the Natureland Parking Lot, Project #W1947, to include design work for all four (4) parking lots in three (3) County Parks**
  *Hough reported the Park Committee recommended the change in scope of the parking lot project to include the design work for four parking lots in the parks. Because the initial bid came in lower than anticipated, it will be more economical to do all of the design work this year. **Supervisor Russell made a motion, seconded by Supervisor Grant, to approve the change in scope of Project #W1947. Motion carried 5-0.***

- **Memo from Finance Director regarding proposed changes to Chapter 17 of the Walworth County Code of Ordinances related to Purchasing**
  *County Administrator David Bretl said that the process of updating and changing the Purchasing ordinance was a lengthy and technical undertaking. Finance Director Jessica Conley, Financial Systems Administrator Andy Lamping and Purchasing Manager Jen White are available for questions from the Committee. Bretl said when County purchasing became centralized, the concept was unpopular at first because departments had been making their own purchases. During the transition process, tight restrictions and Board oversight was established. Many smaller purchasing decisions were sent to committees, and because of the committee/Board schedules, project commencement and completions were delayed. The approval limits in*
the existing ordinance were set in the early 2000s, and prices for products and projects have increased and it seemed prudent to review current practices and make needed adjustments. The ordinance amendment will raise departmental approval levels, and create more of a reporting mechanism to appropriate committees. Conley said she included a memo in the packet incorporating proposed changes that will impact Public Works. New definitions have been added and updated to clarify policy and Public Works Committee awarding levels have been changed: the road machinery approval level increases from $50,000 to $100,000; the public work project plans and specification level is set to $100,000 or more (no previous dollar level was specified); the project change order award level is set to an increase of $150,000 or more, or 5% of the original contract amount, whichever is less, unless the original contract is under $500,000, then approvals are set at increases over $25,000. The Public Works or Finance Committees will approve any single cooperative purchase exceeding $99,999. Committee reporting requirements were updated also: the department head will provide a monthly project update to the Public Works Committee for all public works projects exceeding $1 million. A new section will be added to the ordinance which will establish standardized equipment, hardware, materials or vehicles in situations when it is in the best interest of County departments to purchase such items. Hough is working with Purchasing to compile the list, and it will be reviewed frequently and may change as needs dictate. His department has some additional concerns about the procedures, and he will work with Purchasing personnel to resolve the issues. Supervisor Norem made a motion, seconded by Supervisor Russell, to recommend approval of the changes to Chapter 17 of the Walworth County Code of Ordinances. Motion carried 5-0.

Reports/Announcements by Chair – There were none.

Confirmation of next Public Works Committee meeting date and time: Monday, September 9, 2019 at 3:30 p.m. – Capital Improvement Plan (CIP) Appeals and Regular Meeting

Adjournment
On motion by Vice Chair Monroe, seconded by Supervisor Grant, Chair Stacey adjourned the meeting at 3:59 p.m.

Submitted by Becky Bechtel, Administrative Assistant. Meeting minutes are not considered final until approved by the Committee at their next regular business meeting.
Walworth County
Bid Recommendation

Project Name:  Lakeland Health Care Center Parking Lot Modifications Phase I

Recommendation By:  Richard Hough  
Department Head

Date:  August 22, 2019

Award To:  Wolf Paving Co., Inc.

Proposed Contract:  $264,196.00

Funding Source:  2019 Tax Levy

Current Budget Amt:  $896,019.00

Contract Term:  Through project completion date of November 18, 2019

Scope of Project:  The work under this contract shall consist of asphaltic surface milling; asphaltic mill and relay; installing aggregate base, curb and gutter, sidewalk, asphalt pavement, asphalt stamping and surface coloring, pavement marking, and all incidental items necessary to complete the work as shown on the plans and included in the proposal and contract.

Bids Solicited:  16

Bids Received:  4

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<th>Bidders</th>
<th>Cost</th>
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<tr>
<td>Wolf Paving Co., Inc.</td>
<td>$264,196.00</td>
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<tr>
<td>Poblocki Paving Corporation</td>
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<td>Payne and Dolan Inc.</td>
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Bids Rejected:  1

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<th>Bidders</th>
<th>Reason for Rejection</th>
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<tr>
<td>Asphalt Contractors, Inc.</td>
<td>Vendor deemed not responsible</td>
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Recommendation to Award Bid to Other Than Lowest Cost Bidder:  See enclosed memo

County Solicitation-Reviewed By:  
Consultant Solicitation-Reviewed By:  
Awarded by:  
Vendor:  
Date:  

Approved
Enacted

Form 6-102-A
MEMORANDUM

Date: August 20, 2019

To: Richard Hough, Director of Public Works
To: Walworth County Public Works Committee

Cc: David Bretl, Walworth County Administrator

From: Joe Latocha, Senior Project Manager

Subject: Not Responsible Bidder, Asphalt Contractors, Inc., LHCC Parking Lot Project # 18-022

Purpose: This memo is to inform Walworth County Administration of Asphalt Contractors, Inc. non-responsive actions towards the Outdoor Range Remodeling Project while making the recommendation that Asphalt Contractors, Inc. be considered a “Not Responsible Bidder” for the Lakeland Health Care Center Parking Lot Project #18-022.

Background: On April 23, 2018 Asphalt Contractors, Inc. was awarded the Outdoor Range Remodeling Project. This project had a commencement date of May 25, 2018, with a substantial completion date of November 1, 2018. The project included the following work, per the associated bid documents and executed American Institute of Architects (AIA) contract document A105:

1. “Restoration and enhancement of the north backstop for greater bullet/ricochet control”
2. “Expansion and raising of the east side berm for greater ricochet/sound control”
3. “Modification of the site grades to improve storm water runoff control”
4. “Addition of a perimeter security fencing for improved access control and warning signage to keep out unauthorized users.”

As a result of bad weather and scheduling of range activities, Asphalt Contractors didn’t finish work until late December. A project punch-list walk-through was performed on December 7, 2018. During this walk-through John Miller, Walworth County Senior Project Manager, and Tom DiSalvo, Venture Architects, noticed the south retaining wall was leaning inward towards the shooting range. This was a major concern because while observing the construction of the wall, it was aligned appropriately. This meant that the wall had moved or was still moving. It was also discovered that the required drainage swale between the leaning retaining wall and east berm was not added, as required per the bid documents. Without this swale, the retaining wall would be subject to additional pressures that bin block walls are not designed to withstand.
Email communications followed the walk-through discussing the final payment withholding and the corrections required to consider the project complete.

On April 16, 2019, a meeting with Asphalt Contractors, Venture Architects and Walworth County’s Project Managers was held at the shooting range. A thorough examination of the range project after the snow melted exposed additional issues that would need to be addressed prior to project completion and final payment. Below is a list of action items or corrections that all parties, including Asphalt Contractors, agreed would need to be performed.

1. Asphalt Contractors would submit a design signed by an engineer that would correct the east retaining wall. This request was the most important. As per the bid document L5.0 Landscape Details, Schedules & Notes; “Wall detail is a diagrammatic. Final wall design shall be confirmed or modified by a WI-licensed structural engineer (Block Supplier), typ.”

   Additionally General Note 1.03 “Contractor shall provide shop drawings and material submittals of all hardscape & landscape construction elements shown in plan set for Landscape Architect review prior to Construction.” Asphalt Contractors has yet to provide any of these submittals.

2. The swale between the retaining wall and berm would need to be added, as indicated on the bid documents.

3. The large area north of the asphalt drive and west of the gravel driveway that leads to the lower range has “construction disturbance” and must be restored with topsoil and grass.

4. The trees that had been planted in the fall on the east berm had died over the winter and would need to be replaced, per bid document L5.0 Landscape Notes 2.14 “Contractor shall be responsible for providing base bid comprehensive landscape establishment, maintenance and warranty care for one year after installation. Contractor shall submit a 12-mo. Calendar for review/approval including all anticipated maintenance activities.”

5. There was a lot of brush that was removed to install the fence; however, the contractor dropped it behind the indoor shooting range without permission. This pile must be removed from the property.

On May 7, 2019, Lynnea from Asphalt Contractors sent an email requesting to meet at the range again. This request was followed up by the statement “the leaning is more of a cosmetic issue.”

Also on May 7, 2019, Tom, Venture Architects, responded stating “under no scenario is a leaning retaining wall a ‘cosmetic issue’. Gravity will win eventually, whether it’s this winter or next spring or five years from now.”

Both county Project Managers agree that the leaning wall is a concern, not a cosmetic issue. Additionally, we feel contractual obligations have not been fulfilled as per the contract.
Email communications continued back and forth over the next week. Asphalt Contractors made an additional request to meet on site to discuss the corrective actions. Both Venture Architects and the Walworth County Project Managers agreed that once an engineer drawing was submitted to correct the leaning wall, as per the signed contract, we would schedule a meeting.

On June 9, 2019, John Miller sent an email requesting a project status update from Lynnea, Asphalt Contractors, with no response. Tom, Venture Architects, also reached out with no response.

On July 26, 2019, Walworth County sent a letter of non-compliance to Asphalt Contractors with the intent that work and/or communications would resume. The notice allowed Asphalt Contractors seven (7) business days to resume work. Additionally, the notice was sent via certified mail with a return receipt request, which was signed and returned to the County on July 29, 2019. As of August 22, 2019, none of the work has been corrected and there has not been any communication received from Asphalt Contractors regarding this project or necessary corrections.

On August 19, 2019, Walworth County Purchasing Department opened sealed bids for the Lakeland Health Care Center Parking Lot Modifications Phase I (#19-062). Of the four (4) bids received, Asphalt Contractors submitted the lowest cost bid for this project. Their bid was $55,596.00 lower than the second lowest bid. The other three (3) bids received came within $27,991.00 of each other.

Conclusion: Due to the past performance issues associated with the shooting range project, the Department of Public Works believes that Asphalt Contractors, Inc. should be considered not responsible to perform the work bid under the Lakeland Health Care Center Parking Lot Modifications Phase I project, ultimately rejecting their bid and awarding to the next lowest cost, responsive and responsible bidder.
Walworth County
Bid Recommendation

Project Name: Judicial Center Parking Lot Modifications

Recommendation By: Richard Hough
Department Head

Date: August 22, 2019

Award To: Poblocki Paving Corporation

Proposed Contract: $199,764.00

Funding Source: 2019 Tax Levy

Current Budget Amt: $415,820.75

Contract Term: Through project completion date of November 18, 2019

Scope of Project: The work under this contract shall consist of removing pavement, curb and gutter, sidewalk, paving bricks, and other items; common excavation; installing aggregate base, curb and gutter, sidewalk, colored stamped concrete, asphaltic surface patches, asphalt pavement, bollards, lawn restoration, and all incidental items necessary to complete the work as shown on the plans.

Bids Solicited: 15

Bids Received: 2

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<td>Zenith Tech</td>
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Bids Rejected: 0

County Solicitation-Reviewed By: 
Consultant Solicitation-Reviewed By: 
Awarded by: 
Vendor: 
Date:

Approved
Enacted

Form 6-102-A
Resolution No. 47-09/19
Authorizing the Transfer of $600,000 from the General Fund Building Committed Fund Balance Account and $60,000 from the Unrestricted General Fund Balance to the Appropriate Accounts for the Purpose of the Old Health and Human Services Building Demolition and Site Improvement or Property Sale and Final Operating Expenses to Close Out Use of the Building

Moved/Sponsored by: Finance Committee & Public Works Committee

WHEREAS, the Public Works Department is requesting funds in 2019 for the demolition and site improvement costs for the old Health and Human Services (HHS) building; and,

WHEREAS, the HHS old facility demolition project was originally on the Capital Improvement Plan using General Fund building fund balance commitment in the year 2020; and,

WHEREAS, the County is in negotiations for the possible sale of the old HHS property; and,

WHEREAS, the Public Works Department is currently constructing a new HHS building making the old building obsolete for County purposes; and,

WHEREAS, the Public Works Department has determined the old HHS building should be either demolished or the property sold; and,

WHEREAS, the building has annual maintenance costs over $300,000 per year, the sale transaction is unknown, and early scoping of building demolition in 2019 will offset maintenance costs; and,

WHEREAS, the Department of Public Works is therefore estimating the old HHS building will have $60,000 of operating expenses remaining between the time it is vacated and demolished or sold; and,

WHEREAS, the Department of Public Works is therefore estimating it will cost $600,000 for demolition and site improvement costs.

NOW, THEREFORE, BE IT RESOLVED that the Walworth County Board of Supervisors authorizes the appropriate County officials to transfer the sum of $600,000 from the General Fund building committed fund balance account to the appropriate accounts to demolish the old building and complete necessary site improvements or for the costs for the sale of the property.

BE IT FURTHER RESOLVED that the Walworth County Board of Supervisors authorizes the appropriate County officials to transfer the sum of $60,000 from the unrestricted general fund balance account to the appropriate accounts for final operating expenses to close out use of the old HHS building.
County Board Meeting Date: September 3, 2019

Action Required: Majority Vote _____ Two-thirds Vote X Other _____

Policy and Fiscal Note is attached.
Reviewed and approved pursuant to Section 2-91 of the Walworth County Code of Ordinances:

David A. Bretl Date
County Administrator/Corporation Counsel

Jessica Conley Date
Finance Director

If unsigned, exceptions shall be so noted by the County Administrator.
Policy and Fiscal Note
Resolution No. 47-09/19

I. **Title:** Authorizing the Transfer of $600,000 from the General Fund Building Committed Fund Balance Account and $60,000 from the Unrestricted General Fund Balance to the Appropriate Accounts for the Purpose of the Old Health and Human Services Building Demolition and Site Improvement or Property Sale and Final Operating Expenses to Close Out Use of the Building

II. **Purpose and Policy Impact Statement:** The purpose of this resolution is to authorize the transfer of funds to close out use of the old HHS building. $600,000 of General Fund building committed fund balance will be used for demolition, site improvement or property sale costs. $60,000 of unrestricted general fund balance will be used for final operating expenses to close out use of the old HHS building.

III. **Budget and Fiscal Impact:** General Fund building committed fund balance in the amount of $600,000 was planned to fund the project in 2020, but will now be used in 2019. The $60,000 of unrestricted general fund balance use for final operating expenses will eliminate the need to levy for any 2020 old HHS building operating expenses. With either the property sale or demolition, annual building maintenance costs will cease at the site with annual savings over $300,000. A new HHS structure is scheduled to be completed in November of 2019.

IV. **Referred to the following standing committees for consideration and date of referral:**

   **Committee:** Finance  
   **Meeting Date:** September 3, 2019

   **Vote:**

   **Committee:** Public Works  
   **Meeting Date:** September 3, 2019

   **Vote:**

   **County Board Meeting Date:** September 3, 2019

Policy and fiscal note has been reviewed and approved as an accurate statement of the probable policy and fiscal impacts associated with passage of the attached resolution.

David A. Bretl  
County Administrator/Corporation Counsel

Jessica Conley  
Finance Director

8/26/19