

OTTAWA TOWN BOARD

Meeting Minutes – January 13, 2014

Chairman Arrowood called the meeting of the Ottawa Town Board to order. Roll call attendance was taken, and Town Supervisors Goodchild, Casper and Rupp were present. Supervisor Jones was absent.

Chief Steve Totzke was present to update the Board on what the Dousman Fire District members has been doing over the past month. He reported that they responded to a total of 1,097 calls in 2013.

He said that on January 1, 2014, they began responding to Sullivan calls. He explained that he received a lot of assistance to get to that point and thanked both the Waukesha County and Jefferson County dispatch centers for their collaboration.

In October 2013, the Town Board took action to retain 50% of the micro surfacing portion of the 2013 road program contract, due to the specification concerns with the surface of the roads that were involved in the project. Buck Sweeney, legal counsel for Struck and Irwin Paving requested that the issue be placed on the Town Board agenda, as they would like the Town to reduce the amount of money they had retained.

Attorney Sweeney, Joe Wessley and one of his road supervisors were present at the meeting. Attorney Sweeney said that Struck and Irwin Paving will stand behind their product, and will fix whatever has to be fixed. He also said that Struck and Irwin Paving is a small operation, and the Town's retainer was a very large burden for them. They would still like to arbitrate the matter. Struck and Irwin would like Fred Schaejbe, the City Engineer for West Bend, to take a look at the roads when weather permits. The Ottawa Town Board would like Jack Nissen to represent the Town as arbitrator. If those two can reach an agreement they would bring it back to the Town Board, and perhaps a decision could be made as how to proceed. If they cannot, a third person would have to be brought in.

Chairman Arrowood said that we have paid 72% of the total contract to date. If the Board were to release the remainder, we have no guarantee.

Attorney Sweeney said that in his opinion, the amount of the Town's retainage is too high.

Chairman Arrowood mentioned that he had been receiving calls from Scott Construction. They were the subcontractors on the road project. They did the chip seal work. They said that they have been paid nothing for the work they performed for Struck and Irwin Paving. Supervisor Goodchild said that the Board intended for Scott Construction to get paid for the work they

performed, and the retainage would affect Struck and Irwin Paving, as they were responsible for the micro-surfacing. Attorney Sweeney said that they were working on it.

Supervisor Casper who advised the Board to retain 50% of the micro-surfacing portion of the contract? Chairman Arrowood said that the Board set the number high, in case a second coat of material would have to be applied. The problems are not in one isolated area. This was a large project.

There was no performance bond posted with the project.

Supervisor Goodchild suggested that the Board would show good faith by reducing the retainer. Supervisor Casper suggested that the Board not be overly punitive. Chairman Arrowood added that if the Board were to carry this further, it would cost the Town a lot of money.

Supervisor Goodchild suggested dropping the retainer from \$79,281.78 to \$40,000.00, and get two experts to take a look at the job that was done. It would be a show of good faith. Chairman Arrowood added that the Board would pay Jack Nissen as arbitrator, and Struck and Irwin Paving would be responsible to pay their arbitrator. If a third arbitrator comes into play, we would split the cost.

Joe Wessley suggested that in the future, the Board should consider doing one lift per year to alleviate these issues.

Supervisor Goodchild made a motion to reduce the retainer to \$40,000.00. The motion was seconded by Supervisor Rupp and carried.

After review, Supervisor Casper made a motion to accept the Treasurer's monthly activity report. The motion was seconded by Supervisor Rupp and carried.

The Board reviewed the Building Inspector's invoice for December. Chairman Arrowood accepted it as presented. When the Clerk receives the monthly report from the Building Inspector, she will email it to the Board members.

The Board reviewed the Town Engineer's report. Included with his report was an updated list of Town roads as rated and recently updated in the Paser system. Board members found discrepancies with some of the dates that roads were improved. Chairman Arrowood said that he would talk to Gerry Powell, the Town Engineer, about it.

Chairman Arrowood explained that Bill Riemenschneider is back in the area. Bill had asked Mike Tompkins to fill in for him as the Town's representative on the Dousman Fire Board during his extended leave of absence. Currently, Bill would like to resign from the position, and allow Mike Tompkins to retain his seat on the Fire Board. If the time comes when the Town of Ottawa would get to seat another person on the Fire Board, Bill would like the appointment. Supervisor Goodchild made a motion to appoint Mike Tompkins as the Town of Ottawa's representative to the Dousman Fire District's Board for a three-year term. The Town will pay Mike \$1,000 per year in compensation.

Chairman Arrowood said that John Macy, the Town's Attorney, suggested that if the Board were to approve the Assessor's contract, the approval should be contingent on his approval. Supervisor Goodchild made a motion to approve the contract for Schultz Appraisal Agency, LLC, contingent on the Town Attorney's approval. The motion was seconded by Supervisor Rupp and carried.

Chairman Arrowood was advised by the Town Attorney that the motion made by Supervisor Jones at the December 2013 meeting regarding the appointment of Jack Nissen to act as the arbitrator for the Town regarding the 2013 road program was technically not on the agenda for discussion and action. He suggested that it was a procedural error, and the matter should be placed on a future agenda for action.

Supervisor Goodchild made a motion to approve the minutes from the meeting held on December 9, 2013, acknowledging the motion made by Supervisor Jones regarding the appointment of Jack Nissen as the Town's arbitrator in the 2013 road program. This matter will be placed on a future agenda. Supervisor Rupp seconded the motion and it carried.

Supervisor Rupp made a motion to approve the bills as listed for payment, in addition to payments to Cardmember Services when the statement arrives, Lori Geyman's payroll and associated tax withholding checks, and a payment to Struck and Irwin Paving for \$39,281.78. The motion was seconded by Supervisor Goodchild and carried.

Supervisor Goodchild made a motion to adjourn. The motion was seconded by Supervisor Rupp and carried.

Respectfully submitted, Melissa M. Klein, WCMC, Clerk/Treasurer, Town of Ottawa