

## **Roads Committee Meeting – March 14, 2018**

Posted March 9, 2018 at 4 p.m. at the Town of Russell Garage, Town Clerk's Office and Town website. Notice sent to the Ashland Daily Press.

One member of the public was present.

The meeting was called to order by Chairman Paul "Rocky" Tribovich at 2:06 p.m. at the Town of Russell Garage. Roll call was taken as follows; present Supervisor Mark Bugher via telephone speakerphone and Supervisors Larry Meierotto and Don Sullivan and citizen member Mark Wendling and Clerk/Treasurer David L. Good. Eric Brye of Northwoods Paving was in attendance at the request of Tribovich. Supervisor Jeff Benton was excused.

The Pledge of Allegiance was recited by those present.

Approval of the Agenda – A motion was made by Meierotto and seconded by Bugher to approve the agenda. The motion carried.

PUBLIC INPUT – None. Tribovich stated the Town Board will be modifying the Resolution allowing for public input at a future Board meeting.

APPROVAL OF THE MINUTES – A motion was made by Sullivan and seconded by Bugher to approve the minutes of the Special Town Board/Roads Committee meeting of May 31, 2017. The motion carried.

### OLD BUSINESS

Review billings to date for services provided by Westbrook Engineering for Little Sand Bay Road – All Committee members had received copies of the billings provided by WisDOT. Tribovich stated he reviewed the billings and the Town should only be responsible for the amounts covered by the approved addendum and not for anything that the DOT or Knight Engineering approved above the agreed to amount. Bugher felt the same but also was concerned about the potential future impacts to the overall project. Wendling also felt that WisDOT should be held responsible for any expenditures over the agreed to amount since they took control of the project from the Town. The process that was to happen with our interface with WisDOT on this project did not happen. Tribovich was questioning why Knight Engineering was still involved in the project since WisDOT changed the process for project oversight as of January 1, 2018. The amount approved for engineering by the Town in the amendment is \$105,750.92. The unauthorized project overrun is \$13,617.38 bring the current invoiced amount to \$119,368.30. All agreed that the overrun should not be included and spread over phases 1 and 2 of the Old County K Project. They also agreed that Knight Engineering should be transitioned out of these projects immediately. The Clerk was directed to send our conclusions and position to Jessica Felix at WisDOT. The following is the letter sent to Felix:

## Town of Russell

35900 State Highway 13  
Bayfield, Wisconsin 54814  
(715) 779-5338 or Fax (715)779-0249

e-mail [townofrussell@centurytel.net](mailto:townofrussell@centurytel.net)

website [www.townofrussell.org](http://www.townofrussell.org)

*Paul "Rocky" Tribovich-Chairman  
Clerk/Treasurer*

*David L. Good-*

Sent via e-mail to: Jessica.felix@dot.wi.gov

March 19, 2018

Jessica L. Felix, PE  
Northwest Region Deputy Director  
Wisconsin Department of Transportation  
1701 North 4<sup>th</sup> Street  
Superior, WI 54880

Dear Ms. Felix:

RE: Town of Russell FHWA-EFL and FLAP Projects  
Response to E-mail from WisDOT regarding Engineering Services & Westbrook  
Invoices

The Town has reviewed your e-mail of March 1, 2018 and the invoices from Westbrook for the Little Sand Bay Road Project. Thank you for explaining the contract amendment process and the process utilized for reviewing and approving invoicing with the CARS system.

The Town of Russell was involved and aware of the first amendment to the project bringing the total project engineering costs for Little Sand Bay Road to \$105,750.92.

The Board discussed the invoices at a meeting held March 14, 2018. As to the appropriateness of the invoicing from Westbrook, we do not dispute, nor do we believe we can retroactively determine if these invoices are correct. You stated in your e-mail that Ryan McKane, Knight Engineering reviewed and approved all invoices. You also stated the WisDOT CARS system apparently did not handle the cost overrun properly which should have stopped invoicing beyond the amount approved of \$105,750.92. We understand the unauthorized project overrun is \$13,617.38 bring the current invoiced amount to \$119,368.30.

The Town of Russell has reached the following conclusions regarding the matter of cost overruns for the Little Sand Bay Road Project:

1. The Town did not agree to any expenditures over \$105,750.92.
2. Knight Engineering (WisDOT design consultant) approved invoices in excess of the approved amount.
3. The WisDOT CARS system failed to stop payment of invoices over the contract amount.
4. The Town of Russell grant funds for this project should not be charged for an unauthorized cost overrun by WisDOT or their consultant.

Our conclusion is that WisDOT needs to fund the project overrun of \$13,617.38 and none of this cost overrun should be included or charged to any of the currently funded project phases for Little Sand Bay Road and Old County K.

We look forward to meeting with you and your staff to discuss the combining of phases I, II and

III and project consultant contract. We do not see a need to include Ryan McKane in future meetings based on changes in project over site proposed by WisDOT.

Sincerely:

Town of Russell Board of Supervisors

A handwritten signature in black ink, appearing to read "Paul Tribovich".

Paul "Rocky" Tribovich – Chairman

#### NEW BUSINESS

Update on Little Sand Bay Road Project and Old County K Projects – No discussion was held.

Items for next meeting – None.

Next meeting dates and times – No future meeting was scheduled at this time.

A motion to adjourn at 2:23 p.m. was made by Sullivan and seconded by Meierotto. The motion carried.

The minutes respectfully submitted by:

David L. Good – Clerk/Treasurer