

WSPE eNews

A monthly publication from the Wisconsin Society of Professional Engineers

September 2012 Edition

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1. President's Message

By Frederick W. Groth, P.E., S.E.

It seems like the summer has just gone by so fast. It has also been one of the hottest and driest summers I can remember for some time. I was happy not to mow my lawn for almost 8 weeks, but very sad to see the farmers and growers fields in the Midwest drying up. The loss this year for these farmers will be devastating for them and will result in higher food prices for the next year for all of us.

I am happy to be taking over as your new WSPE President for 2012 - 2013. I want to first thank Keith Nikolay for his service as WSPE President for his two terms, 2010 - 2011 and 2011 - 2012. He has done a great job in providing leadership and guidance as your president over these two terms.



**Frederick W. Groth,
P.E., S.E.
WSPE President
for 2012 - 2013**

WSPE accomplishments during this period under Keith's direction include ACT 47 Steering Committee working on continuing education requirements, AB288 passage (which plugged loop hole for allowing PE registration without taking an exam) and finally getting a new part-time executive director aboard (Ed Rodden).

As your incoming president I have outlined my goals and objectives at the WSPE Discovery Conference in April 2012. These goals and objectives are:

1. Revise our WSPE By-Laws to better meet our Constitution objectives
Many of our programs are out of date - Complete by Jan. 2013
2. Chairman of Legislative Committee : Need a volunteer
3. Visit our local chapters at least once during the year
4. President's Message in Month Newsletter - Emailed to membership
5. WSPE Discovery Conference - Committee in place
6. WSPE's continued involvement in Math Counts
7. Increase membership especially younger members : 10 % increase

These are my goals as president, but these goals cannot be achieved without your help and support. We need your help in volunteering on various committees, attendance at WSPE Discovery Conference/Committee, legislative committee, membership committee, etc. **Please help by becoming involved so WSPE can become your valued organization again.**

In your next monthly newsletter I will summarize several brainstorming sessions we have had about ways to increase our membership, increase attendance at our WSPE Discovery Conference and WSPE's involvement in continuing education (explaining and answering questions regarding continuing education for PE's in Wisconsin).

Until then, please help by becoming involved in WSPE. If you have questions about how you can be become involved, please email me at fred.groth@graef-usa.com or give me a call at (608) 335-2978. You can also email our WSPE executive director Ed Rodden at ExecDir@wspe.org.

Frederick W. Groth, P.E., S.E.
WSPE President for 2012 – 2013

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2. Highlights of NSPE Leadership Conference

By Frederick W. Groth, P.E., S.E.

"Peoplemap"

Speaker: [E. Michael Lillibridge, Ph.D](#)

Each participant was asked to take a PeopleMap Questionnaire determining your primary personality types. My personality type was Leader-Free Spirit. By knowing your personality type you are able to know your strengths, motivators, areas of weakness and areas of growth. I hope to use what I learned to be become more effective in my role as President this year.

"The Race for Relevance"

Speaker: [Harrison Coerver](#)

Five radical changes were recommended, mainly:

1. 5 –member competency-based board
2. Empowered CEO & Staff
3. Rigorously define the member market
4. Rationalize programs and services
5. Build a robust technology framework

NSPE is adopting and vetting "Race for Relevance" changes by Board of Directors, House of Delegates, Interest Groups, State Volunteer Leadership and State Executives. These proposed changes are being recommended along with surveys to make sure NSPE can provide a "Path Forward" in the near future.



Fred Groth having fun at the NSPE Leadership Conference.



John Parisi (green shirt), Fred's wife, and Fred at a NSPE Leadership Conference reception.

"NSPE Path Forward"

Speaker : Dan Wittliff, P.E., F.NSPE
President of NSPE 2012 – 2013

Surveys were launched last year, mainly:

- Seven Questions about Membership
- Four Questions about NSPE Market
- Six Questions about "Optimum Member" Market
- Criteria for Evaluating Efficacy of NSPE Programs, Services, and Benefits
- Criteria for NSPE Board Members

A lot of work went into these surveys. Here is a link to the "[NSPE Path Forward](#)" document, as presented by Dan Wittliff, NSPE President. In summary I walked away with the feeling that NSPE is really looking at itself and seeking solutions. One common theme from the survey, is that NSPE must bring **value** to bring back membership and participation. NSPE also sees the need to reconnect with the states. I believe WSPE has the same challenges ahead for us. We must bring back **value to our members**.

NSPE Leadership Goals for 2012 and beyond

- o Reconnect with States

- o Restructure Processes
- o Reshape Offerings
- o Redirect Recruiting, Retention and Reclamation Efforts
- o Replace NSPE Executive Director
- o Membership goals for NSPE : 2 % Growth in next 5 years

Summary:

Overall the NSPE Annual Meeting and Leadership Conference was very helpful in understanding the tools and support that NSPE can provide WSPE and our local chapters. The leadership conference sessions were very helpful in preparing and helping me gain leadership skills that will be helpful in my one year term as your WSPE President.

The NSPE House of Delegates elected the next NSPE Vice President, Harve Hniatuk, PE, FNSPE from Pennsylvania.

One general comment: I would like to see our Executive Director and other WSPE members attend our next NSPE Annual Meeting in Minneapolis next year. I believe this NSPE Annual Meeting would be very helpful to our Executive Director in gaining the tools and better understanding on how NSPE can help and assist our State Organization (WSPE) and local chapters.

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3. WI Valley Chapter News

By Angela Hanz, P.E.

WSPE WI Valley Chapter joins ASCE NW Branch for We Energies and Domtar Biomass Energy Project Tour

The WSPE WI Valley Chapter was invited by the ASCE NW Branch to tour the Domtar and We Energies Biomass Energy Project. Domtar and We Energies are partnering to build a 50-MW biomass-fueled cogeneration facility on the Domtar property in Rothschild, Wis. Domtar is an international paper manufacturer with facilities across the U.S. and Canada. In November 2010, the Domtar mill in Rothschild celebrated its 100th anniversary of making paper at this location. We Energies is a Milwaukee-based electricity, natural gas and steam service provider to residents in southeast Wisconsin, the Fox Valley and Michigan's Upper Peninsula.

Domtar currently burns 130,000 tons of clean woody biomass each year to generate steam for their paper-making process. Domtar produces 50,000 tons of biomass through their paper-making process and purchases an additional 80,000 tons annually. The new project will use an additional 370,000 tons of biomass annually. Project costs are estimated at \$255 million and the project is expected to be complete late summer of 2013.

The project is expected to create 400+ construction jobs over the 2.5-year building process and approximately 150 permanent jobs in fields supporting the operation of the biomass facility (forest management, logging, transportation). The project will enable Domtar to be better positioned in the competitive global market.



Members of the ASCE/WSPE WI Valley Chapter Tour Group at the Domtar and We Energies Biomass Energy Project.

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4. Welcome New WSPE Members

We warmly welcome the following new members to WSPE!

Metro Chapter

David Mohr, PE Krause Power Engineering

Wisconsin Valley Chapter

Andrew Millspaugh, EIT Natural Resource Technology

Interested in becoming a member? Check out the benefits at the following links:

- 1) <http://www.wspe.org/joinwspe.shtml>
- 2) <http://www.nspe.org/Membership/index.html>

Questions should be forwarded to either Fred Groth at fred.groth@graef-usa.com or Ed Rodden II at ExecDir@wspe.org.

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5. Calculating Damages in Construction Defect Cases

By Attorney Randall J. Andersen

Case law decided by judges and appellate courts over the past 120 years provides the rules for calculating damages awarded to property owners in construction defect lawsuits.

A property owner who brings a lawsuit for construction defects seeks an award of money in compensation for the failure of the contractor to comply with its contractual obligations. In the usual case, the measure of damages is the cost of repairs. The court awards a sum of money which will be required to repair or replace the construction defects.

However, there are exceptions to the "cost of repair" rule. The courts have recognized that in some cases repairing or replacing construction defects would constitute "economic waste." If repairing the construction defect would result in "unreasonable destruction of the work" or if the cost of the repairs is "materially disproportionate to the value of corrections" then the court has the option of awarding damages based on the "diminished value" rather than the cost of repair. The diminished value is the difference between the value that the building would have had if it had been properly constructed, and the value of the building with the construction defect.

Calculating damages under the economic waste doctrine using the diminished value rule will frequently result in a lower damages award to the owner. The economic waste doctrine has been recognized by the courts in Wisconsin for more than 100 years. It was originally known as the "diminished value rule." Now it is known as the economic waste doctrine.

One of the best known early cases involving the economic waste doctrine was decided by Justice Benjamin Cardozo, a well known and respected appellate court justice from New York. The name of the case was Jacob & Youngs, Inc. v. Kent, which involved plumbing installed at a "country residence." The plumber used pipe which did not comply with what had been requested by the owner. The court awarded damages based on the diminution in value of the property (rather than the cost of repair), because the pipe used by the plumber was comparable in quality and appearance to what had been requested by the owner, and because requiring replacement would result in extensive demolition to the completed building, at great expense. The court emphasized that the cost of replacement was "grossly and unfairly out of proportion to the good to be attained."

Part of the rationale for the economic waste doctrine is that awarding damages based on the cost of repair will, in some circumstances, lead to an economic windfall to the property owner. The concern is that in some cases, if the property owner is awarded the full cost of repair or replacement, he may simply pocket the damages award without actually making the repair or replacement.

A contractor cannot always count on the option of having damages calculated based on the diminished value method, and there are no hard and fast rules as to when the rule will be applied. For example, the diminished value method probably will not be applied if the repairs are required because of a dangerous or hazardous condition, or if the defect or deficiency in the work resulted from the contractor's bad faith. Also, if the property owner actually makes the repair or replacement prior to or during the litigation, the windfall rationale will probably not apply, in which case the court may be more likely to award damages based on the cost of repair/replacement.



Attorney Randall J. Andersen represents professional engineers, architects, contractors, materials suppliers and owners of construction projects, and is with the law firm of Kay & Andersen, LLC. Please feel free to contact him at (608) 833-0077 or visit www.kayandandersen.com.

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6. Beltline Study Announcement

By Joan Petersen, Strand Associates

FOR IMMEDIATE RELEASE

Please Contact: Joan Petersen
608/251-4843
Joan.petersen@strand.com

August 3, 2012

Major Freeway Study in Madison, WI, Awarded to Strand Associates, Inc.

MADISON, Wisconsin – As a principal arterial freeway that is fed by and links to nearly every other major route in southwest Wisconsin, the Madison Beltline is used by a significant portion of local and regional travelers in the Madison metropolitan area (population approximately 568,000). Carrying up to 120,000 vehicles per day, the Beltline is also a primary long truck route and is part of the Wisconsin Transportation Backbone System.

The Wisconsin Department of Transportation recently selected Strand Associates, Inc. to conduct a critical planning-level study of the entire Beltline corridor. This will be a Planning Environmental Linkage (PEL) study that will provide analysis of all possible solutions to Beltline needs, including existing safety, capacity, and geometric issues. Possible solutions involving the Beltline and its connections to the adjacent road network will be analyzed, as will changes or improvements to other transportation components and modes in the metropolitan area. Extensive coordination with FHWA and other federal and state agencies, Madison area local governments, and numerous other stakeholders will be ongoing throughout the study.

It is anticipated that the study will take up to 3 years to complete.

About Strand Associates, Inc.

Strand Associates, Inc.,® provides full range of civil and environmental engineering services, including transportation engineering, water supply engineering, wastewater treatment and conveyance, and civil and municipal engineering to public and private sector clients. Headquartered in Madison, Wisconsin, Strand serves clients throughout the USA from additional offices in Milwaukee, Wisconsin; Joliet, Illinois; Columbus and Indianapolis, Indiana; Louisville and Lexington, Kentucky; Columbus and Cincinnati, Ohio; and Phoenix, Arizona. To learn more, visit <http://www.strand.com/>.

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We Need Your News!

- Is your chapter hosting an event?
- Did your chapter get some new members?
- Have you started your own business?
- Is your company taking on a really challenging project?

If you said "yes" to any one of these questions, or would like to share anything even remotely newsworthy with the rest of WSPE, please send your articles to Clayton Grow, WSPE eNews Editor, clayton@thewritingengineer.com.

We look forward to including your news in our monthly updates!

We Need Your Email Address!

If you are reading a paper copy of the WSPE eNews, you're missing out! Send your email address to Ed Rodden, WSPE Executive Director, at ExecDir@wspe.org or call him at (414) 531-1129 to receive electronic eNews.

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Did you...

...get a new job?

...get promoted?

...get a new phone number or email address?

...get your PE license?

Tell us about it! Send your new information to Ed Rodden, WSPE Executive Director, at ExecDir@wspe.org or call him at (414) 531-1129 and he'll make sure your information is updated in both the WSPE and NSPE databases. We'd also like to include an article in the next eNews summarizing your recent change or accomplishment to inform your fellow WSPE members.



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