



# City of Madison

## Meeting Minutes - Final

### BOARD OF PUBLIC WORKS

City of Madison  
Madison, WI 53703  
www.cityofmadison.com

*William F. Bremer, Chair; Ald. Paul J. Van Rooy; Ald. Santiago Rosas;  
Michael W. Rewey; Billy C. Harrelson; Joseph R. Clausius; John Czerepinski; Laura  
Hewitt; Yehuda Elmakias; Larry D. Nelson, P. E., Executive Secretary*

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Wednesday, February 2, 2005

4:30 PM

103A, CCB

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#### CALL TO ORDER

**Chair Bremer called the Board of Public Works meeting to order at 4:32 p.m. following clarification by the Secretary that the meeting was properly noticed and a quorum was present.**

#### ROLL CALL

**Present:** Van Rooy, Rosas, William F. Bremer, Rewey, Hewitt and Elmakias

**Excused:** Harrelson, Clausius and Czerepinski

#### PUBLIC HEARING OF RESOLUTIONS AND SCHEDULE OF ASSESSMENTS

**NOTE: The Board of Public Works is scheduled to hold a public hearing in the Council Chambers of the City-County Building at 6:30 p.m., Wednesday, February 2, 2005.**

1. Consider approving the Minutes of the Board of Public Works Meeting and the Public Hearing of January 19, 2005.

**A motion was made by Ald. Van Rooy, seconded by Ms. Hewitt, to Approve the Minutes. The motion passed by acclamation.**

2. Items of concern brought to the Board but not listed below.

**It was noted for the record that there were no items brought to the Board but not noticed on the Agenda.**

3. Consider a Report of the City Engineer regarding the results of a review of water resources impacts and the necessity of permits for public works construction projects on this agenda and addendum to the agenda.

**It was noted for the record that there were no items on the Agenda requiring impacts on Water Resources.**

**CONSIDER THE FOLLOWING PUBLIC HEARING RESOLUTIONS:**

*Chair Bremer called the Public Hearing meeting to order at 6:34 p.m. following clarification that the meeting was properly noticed and a quorum was present.*

*Members Present: Chair Bremer, Alder Van Rooy, Ms. Hewitt, Mr. Rewey*

*Members Excused: Mr. Harrelson, Vice Chair Clausius, Mr. Czerepinski,  
Alder Rosas, Mr. Elmakias*

4.       **00377**        Approving Plans And Specifications For Resurfacing - 2005 And Approving The Schedule Of Assessments For Curb And Gutter In Conjunction With Resurfacing - 2005 Assessment District

A motion was made by Ald. Van Rooy, seconded by Ald. Rosas, to RECOMMEND TO COUNCIL TO ADOPT - PUBLIC HEARING Mr. Nelson addressed the Board and members of the general public present and stated that City staff will make a presentation and give a slide presentation on information relative to curb and gutter work. Following that presentation, the Board Chair will call for technical questions from the Board, technical questions from the public present, and then call for registrants to speak.

John Fahrney, Principle Engineer gave a brief slide presentation illustrating various curb, gutter and sidewalk damage, some of which would call for repair and some which would require replacement. He reported that ponding, pitting, chipping, tree root damage, and sinking issues all can require replacement or repair of a sidewalk depending upon how severe the damage is.

Following his slide presentation Mr. Fahrney reported that the City of Madison plans to resurface about 10 miles of pavement in 2005; and the condition of the pavement, curb, gutter and sidewalk will be considered for repair or replacement as needed.

Streets are rated on a scale of 1 to 10 with 10 being new. Those streets that are rated 5 or 6 are considered ideal for resurfacing because the criteria is such that repair or resurfacing will retain the streets in good condition for 20 to 25 years of service.

He explained that the resurfacing program includes three phases: Replacement of curb & gutter, drive apron and sidewalk; milling or pulverizing existing pavement; and, placement of new surface. The work is coordinated to minimize the time between each phase and minimize inconvenience to property owners.

The resurfacing will begin in late April and run through November. He explained to the residents present that at this time there is no set schedule for work on particular streets, and the streets will remain open to traffic during construction. Driveway access will be maintained as much as possible; but will need to be removed for construction of the curb and gutter, drive apron and sidewalk if required at their property. The contractor is required to contact residents 48 hours prior to the time when their driveway access will be eliminated.

Mr. Fahrney then explained the cost of improvements to the pavement and replacement of curb, gutter and sidewalk at intersections is fully paid for by the City. The property owners are assessed 50% of the cost to remove and replace curb and gutter, drive apron and sidewalk adjacent to their property.

The assessments and notice sent to each property owner indicate estimates of costs they will incur. Once the contract has been let and bids received, if the cost is less than the estimated cost, the assessments will be re-calculated to reflect the lower cost. The estimates each owner received is high so as to give a ball-park figure to plan for.

He explained the residents have 8 years over which to pay the assessments, at 6% interest; or - the owner may opt to pay the entire amount when the final bills are sent.

Mr. Bremer thanked Mr. Fahrney for his presentations and called for technical questions from the Board members, and seeing none; called for technical

questions from those residents present.

**Question:** Request for simple interest explanation. Resident felt that the City was charging too high an interest percentage - he felt that 3% would be more in line for residents to pay because the City gets probably a very good interest percent on its borrowing.

**Ans.** Mr. Nelson explained that once the project is completed and final costs are recalculated, it is divided into eight equal installments, with 6% interest applied to the unpaid balance each year. The final bill for this project most likely will not be sent until early Spring of 2006. Residents then have option to pay the entire bill or to opt for the 8 equal installments plus the interest.

**Question/Concern:** One resident reported that Midvale never used to be a busy street; but due to rearranging of traffic it now is a very busy street. An owner has no authority to decide who can park at their curb, or to stop heavy trucks from damaging the curb and gutter; but is still responsible for maintaining them.

**Question:** How are the residents notified that they won't have access to their driveways. Where do they park in the mean time.

**Ans:** The contractor must notify the residents via door hanger information, or personal contact that their driveways will closed off during construction of curb and gutter or when their apron is removed and replaced and the material is curing. This may take up to 10 days before they will be able to drive on their aprons.

During the time when the drives are not accessible, residents could park on a side street. The closure of driveways would be from 7 A.M. to 7 p.m. during construction Monday thru Saturday. Then residents can have access each day after 7 p.m. to 7 A.M. - unless their drive aprons have been removed and concrete poured - then the resident will need to find alternate parking for up to ten days while the concrete is curing.

**Question:** Will tenants also be notified of no access to driveways?

**Ans.** The contractor will place door hangers on each apartment door to notify the tenants in a building.

**Question:** If the pavement or curb, gutter or sidewalk "sinks" because of a storm or sanitary inlet problem, who pays for that work.

**Ans.** If the area just before an inlet fails or sinks because of a sewer failure, that cost is not assessed to the owner.

**Question:** If a resident has a problem when the construction is ongoing, who can they talk with.

**Ans.** There will be three inspectors on the job site that residents can contact if they have problems. The residents will be notified who they are.

Chair Bremer thanked the residents for the input and opened the hearing to those registered to speak.

**REGISTRANTS**

Mark Henricks, 309 S. Midvale Blvd. - Opposed to project - submitted a letter for the record which expressed his concern about individualized assessments rather than a city-wide budgeted item. Felt that all contribute towards the pavement and curb and gutter and sidewalk problems, the project should be a budgeted item so that the costs are spread out city-wide. The assessment is very high, he receives no benefit from the project. Felt that the curb and gutter was part of the sewer system and should not be assessed. This is a major street used by the all City residents and others, there should not be individual assessments just because he lives on that street.

Mr. Nelson responded stating that a major portion of the total project costs are paid for by taxes. There is no state or federal contributions. Intersection work is not assessed to the property owners, and there is a setback allowance for corner lots.

Cheryl Kline, 4822 Onyx Lane - Opposed - objected to the cost which she felt was very high; has a corner lot next to a school that probably caused a lot of the damage to the curb, gutter and sidewalk. She felt that taxes should be used for this work, and it should not be assessed to individual owners.

Mr. Nelson responded that recently the technology and maintenance of curb and gutter work changed. The City felt the assessment policy was fair to all.

Ronald Sayles, 1317 Cherry Ave. - didn't indicate preference - Reported that about 4-5 years ago the sidewalk was redone, and the tree roots which caused the sidewalks to heave were trimmed. The roots are again causing problems; and felt that the trees should be trimmed correctly now or removed.

Also felt that the curb and gutter damage has been done by heavy trucks, plows and other equipment - he did not cause the curb and gutter to become damaged, and felt that he should have to pay for that work.

Suggested that the City re-evaluate the policy for these types of assessments.

He also stated that MG & E came in and ripped up the terrace area to place flags in the area, and damaged the curb and gutter. Why should he pay for that.

Mr. Nelson responded that tree roots are studied and trimmed, and if it is felt that the tree would be stable, it could be removed. He would have forestry meet on site with this property owner to look at the tree issue.

He stated that if the resident can provide the date, time and circumstances, the City would follow through with MG & E.

Question was received from one resident as to when Midvale Boulevard and Meadowlark were resurfaced. Meadowlark was resurfaced in 1979, Meadowlark was resurfaced in 1986.

Chair Bremer thanked the residents for their input and closed the public hearing and called the Board into regular session to take action on this project.

Mr. Rewey moved approval of the Plans and specifications for resurfacing - 2005

and approving the schedule of assessments for curb and gutter in conjunction with resurfacing - 2005 assessment district; motion seconded by Alder Van Rooy; Motion unanimously passed.

The motion passed by acclamation.

5. 00378

Approving Plans, Specifications, And Schedule Of Assessments For Howard Place Reconstruction Assessment District - 2004

A motion was made by Ald. Van Rooy, seconded by Ms. Hewitt, to RECOMMEND TO COUNCIL TO ADOPT - PUBLIC HEARING Ms. Peggy Lau of City Engineering displayed the plans for this work stating the project limits are Langdon Street to the cul de sac on Howard Place. The existing concrete pavement has been overlaid with asphalt and is failing. Pavement is rated 3 out of 10 with 10 being new, and was last resurfaced in 1975. The current sanitary sewer dates back to 1909. The proposed design is to resurface the pavement with asphalt the entire length; with spot replacement of curb and gutter. The City will save as much of the curb and gutter as possible; concrete drive aprons and sidewalk will be replace where needed; and the street will remain at its current width.

This project was originally before the Board of Public Works in 2004 but had been held over to be put onto a tighter time line because traffic will be closed during construction. She stated the total cost is \$246,000 of which \$24,000 is assessed to property owners and the City paying \$222,000.

Mark Moder of City Engineering addressed the Board and reported on the sanitary sewer work to be done in conjunction with this project.

He reported that the sanitary sewer is old with sags causing backups, and will be replaced, with new sanitary sewer laterals for all property owners wishing to have theirs replaced.

He explained the assessment policy and that the City will pay for 75% of the sanitary sewer lateral replacements while the property owner shares in the remaining 25%. That portion of the laterals from the property line to the residence is the sole responsibility of the owner. He stated it was not mandatory for property owners to replace that portion unless they wished to.

The project is scheduled to begin on May 19, 2005 [following commencement] and be completed by June 13, 2005 [just before the summer schedule begins].

It was noted for the record that there were no communications.

Chair Bremer thanked staff for their presentations and noted no registrations and closed the public hearing, and called the Board into regular session for action on this item.

Alder Van Rooy moved approval of the plans, specifications and schedule of assessments for Howard Place reconstruction assessment district - 2004; motion seconded by Ms. Hewitt; Motion Unanimously Passed. The motion passed by acclamation.

## REGULAR AGENDA ITEMS

6. [00243](#) Determining a Public Purpose and necessity and adopting a Relocation Order for the City of Madison to purchase the properties at 3052 and 3054 East Washington Avenue required for the planned public bike path improvements and Starkweather Creek improvements and authorizing the Mayor and City Clerk to sign all necessary documents necessary to accomplish the acquisition of said properties.  
**A motion was made by Ms. Hewitt, seconded by Ald. Van Rooy, to RECOMMEND TO COUNCIL TO ADOPT - PUBLIC HEARING. The motion passed by acclamation.**
7. [00383](#) Accepting bituminous pavement constructed by private contract in Apple Ridge, Private Contract No. 1884  
**A motion was made by Ald. Rosas, seconded by Ald. Van Rooy, to RECOMMEND TO COUNCIL TO ADOPT - REPORT OF OFFICER. The motion passed by acclamation.**
8. [00384](#) Accepting curb and gutter, sidewalk, and other public infrastructure improvements constructed by private contract for The Aberdeen Apartments PUD, Private Contract No.1948.  
**A motion was made by Ald. Rosas, seconded by Ald. Van Rooy, to RECOMMEND TO COUNCIL TO ADOPT - REPORT OF OFFICER  
The motion passed by acclamation.**
9. [00385](#) Accepting street improvements, excluding the bituminous pavement, constructed by private contract in Churchill Heights - Phase III, Private Contract No. 1977  
**A motion was made by Ald. Rosas, seconded by Ald. Van Rooy, to RECOMMEND TO COUNCIL TO ADOPT - REPORT OF OFFICER. The motion passed by acclamation.**
10. [00386](#) Accepting street improvements, excluding the bituminous pavement, constructed by private contract in Sauk Heights - Phase I, Private Contract No. 1944  
**A motion was made by Ald. Rosas, seconded by Ald. Van Rooy, to RECOMMEND TO COUNCIL TO ADOPT - REPORT OF OFFICER  
The motion passed by acclamation.**
11. [00387](#) Accepting street improvements, excluding the bituminous pavement, constructed by private contract in Churchill Heights - Phase II, Private Contract No. 1937  
**A motion was made by Ald. Rosas, seconded by Ald. Van Rooy, to RECOMMEND TO COUNCIL TO ADOPT - REPORT OF OFFICER  
The motion passed by acclamation.**



12. [00388](#) Accepting street improvements, excluding the bituminous pavement, constructed by private contract in Reston Heights - Phase VI, Private Contract No. 1840  
**A motion was made by Ald. Rosas, seconded by Ald. Van Rooy, to RECOMMEND TO COUNCIL TO ADOPT - REPORT OF OFFICER**  
The motion passed by acclamation.
13. [00389](#) Accepting street improvements, excluding the bituminous pavement, constructed by private contract in Reston Heights - Phase VIII, Private Contract No. 1906  
**A motion was made by Ald. Rosas, seconded by Ald. Van Rooy, to RECOMMEND TO COUNCIL TO ADOPT - REPORT OF OFFICER**  
The motion passed by acclamation.
14. [00390](#) Approving plans and specifications for public improvements required to serve Phase XII of the Subdivision known as Grandview Commons and authorizing construction to be undertaken by the Developer, Private Contract No. 2018  
**A motion was made by Ald. Rosas, seconded by Ald. Van Rooy, to RECOMMEND TO COUNCIL TO ADOPT - REPORT OF OFFICER**  
The motion passed by acclamation.
15. [00391](#) Accepting sanitary sewer constructed by Private Contract In Churchill Heights - Phase II, Private Contract No. 1937  
**A motion was made by Ald. Rosas, seconded by Ald. Van Rooy, to RECOMMEND TO COUNCIL TO ADOPT - REPORT OF OFFICER**  
The motion passed by acclamation.
16. [00392](#) Accepting sanitary sewer constructed by Private Contract In Churchill Heights - Phase III, Private Contract No. 1977  
**A motion was made by Ald. Rosas, seconded by Ald. Van Rooy, to RECOMMEND TO COUNCIL TO ADOPT - REPORT OF OFFICER. The motion passed by acclamation.**
17. [00394](#) Accepting sanitary sewer constructed by Private Contract In Reston Heights - Phase VI, Private Contract No. 1840  
**A motion was made by Ald. Rosas, seconded by Ald. Van Rooy, to RECOMMEND TO COUNCIL TO ADOPT - REPORT OF OFFICER. The motion passed by acclamation.**
18. [00395](#) Accepting sanitary sewer constructed by Private Contract In Reston Heights - Phase VIII, Private Contract No. 1906  
**A motion was made by Ald. Rosas, seconded by Ald. Van Rooy, to RECOMMEND TO COUNCIL TO ADOPT - REPORT OF OFFICER**  
The motion passed by acclamation.

19. [00396](#) Accepting sanitary sewer constructed by Private Contract In Sauk Heights - Phase I, Private Contract No. 1944  
**A motion was made by Ald. Rosas, seconded by Ald. Van Rooy, to RECOMMEND TO COUNCIL TO ADOPT - REPORT OF OFFICER. The motion passed by acclamation.**
20. [00397](#) Accepting storm sewer constructed by private contract in Churchill Heights - Phase II, Private Contract No. 1937  
**A motion was made by Ald. Rosas, seconded by Ald. Van Rooy, to RECOMMEND TO COUNCIL TO ADOPT - REPORT OF OFFICER  
The motion passed by acclamation.**
21. [00398](#) Accepting storm sewer constructed by private contract in Churchill Heights - Phase III, Private Contract No. 1977  
**A motion was made by Ald. Rosas, seconded by Ald. Van Rooy, to RECOMMEND TO COUNCIL TO ADOPT - REPORT OF OFFICER. The motion passed by acclamation.**
22. [00399](#) Accepting storm sewer constructed by private contract in Reston Heights - Phase VI, Private Contract No. 1840  
**A motion was made by Ald. Rosas, seconded by Ald. Van Rooy, to RECOMMEND TO COUNCIL TO ADOPT - REPORT OF OFFICER  
The motion passed by acclamation.**
23. [00400](#) Accepting storm sewer constructed by private contract in Reston Heights - Phase VIII, Private Contract No. 1906  
**A motion was made by Ald. Rosas, seconded by Ald. Van Rooy, to RECOMMEND TO COUNCIL TO ADOPT - REPORT OF OFFICER  
The motion passed by acclamation.**
24. [00401](#) Accepting storm sewer constructed by private contract in Sauk Heights - Phase I, Private Contract No. 1944  
**A motion was made by Ald. Rosas, seconded by Ald. Van Rooy, to RECOMMEND TO COUNCIL TO ADOPT - REPORT OF OFFICER  
The motion passed by acclamation.**
25. [00404](#) Accepting street improvements constructed by private contract in Reston Heights - Phase II, Private Contract No. 1721  
**A motion was made by Ald. Rosas, seconded by Ald. Van Rooy, to RECOMMEND TO COUNCIL TO ADOPT - REPORT OF OFFICER  
The motion passed by acclamation.**

26. [00411](#) Accepting bituminous pavement constructed by private contract in Reston Heights - Phase III, Private Contract No. 1759  
**A motion was made by Ald. Rosas, seconded by Ald. Van Rooy, to RECOMMEND TO COUNCIL TO ADOPT - REPORT OF OFFICER**  
**The motion passed by acclamation.**
27. [00380](#) Declaring the City of Madison's intention to exercise its police powers establishing the Sanitary Sewer Replacement with Resurfacing - 2005 Assessment District  
*It was noted for the record that the word EAST in the Resolution should be removed.*  
**A motion was made by Ald. Van Rooy, seconded by Ald. Rosas, to RECOMMEND TO COUNCIL TO ADOPT - REPORT OF OFFICER**  
**The motion passed by acclamation.**
28. [00381](#) Declaring the City of Madison's intention to exercise its police powers establishing the Pleasant View Road Assessment District - 2005  
**A motion was made by Ald. Van Rooy, seconded by Ald. Rosas, to RECOMMEND TO COUNCIL TO ADOPT - REPORT OF OFFICER. The motion passed by acclamation.**
29. [00382](#) Declaring the City of Madison's intention to exercise its police powers establishing the Pearson Street, Pierstorff Street, and Wright Street Reconstruction Assessment District - 2005  
**A motion was made by Ald. Rosas, seconded by Ald. Van Rooy, to RECOMMEND TO COUNCIL TO ADOPT - REPORT OF OFFICER. The motion passed by acclamation.**

30. Change Order No. 6 to Contract No. W-5472, City of Madison Water Utility Administration & Vehicle Storage Buildings, to Miron Constr. Co., in the amount of \$57,052.00

*Noted for the record Alder Rosas marked as Present when the motion was made.*

*The Board was presented an e-mail from Member Czerepinski who was unable to be in attendance, which contained concerns with the change order. His concerns were with changing the pavement thickness of blacktop increasing one inch of asphalt and reducing one inch of base course. He had questioned how the one inch of asphalt was applied.*

*Mr. Larson with Water Utility explained that the information as presented on the Change order did appear to indicate the asphalt was \$142.69 per ton - a price much higher than normal. However, he explained that it was actually referring to two issues;*

*One issue was the additional one-inch of pavement for \$10,420 which was added at the Utility's request due to a soft subgrade; and the other was for 93.78 additional tons of asphalt for more pavement. He explained the additional one-inch was being charged at \$2 per square yard and the additional tonnage was charged at \$31.55 per ton. This caused confusion for all. When the additional one-inch of asphalt thickness over 5210 square yards was converted to tons, the cost was calculated to be about \$32 per ton which was about equal to the additional tonnage charge.*

*The other issue was the markup charged on subcontractors. Mr. Larson pointed out that the Board had discussed this previously and it was noted that the Board wanted the contract language changed to limit markups on future contracts.*

**A motion was made by Ald. Van Rooy, seconded by Ms. Hewitt. The motion passed by acclamation.**

31. Change Order No. 3 to Contract No. 5518, Annual Constr. & Reconstr. of Concrete Sidewalk - District 18, to JW Schultz Constr. in the amount of \$29,496.81.

**A motion was made by Ald. Rosas, seconded by Ald. Van Rooy. The motion passed by acclamation.**

32. Change Order Nos. 3 and 4 to Contract No. 5508, Portage Road Sidewalk Assessment District - Amoth Ct./Atwood Ave., to Homburg Contractors, in the amounts of \$4,041.00 and \$1,100.00.

**A motion was made by Mr. Rewey, seconded by Ald. Rosas. The motion passed by acclamation.**

33. Change Order No. 2 to Contract No. 5110, Carpenter Street Assessment District 2001, to Speedway Sand & Gravel, in the amount of \$34,858.00.

**A motion was made by Ald. Rosas, seconded by Ald. Van Rooy. The motion passed by acclamation.**

34. Change Order No. 4 to Contract No. 5614, Bartillon Drive Assessment District - 2004, to Parisi Construction, in the amount of \$3,161.50.

**A motion was made by Ald. Rosas, seconded by Ald. Van Rooy. The motion passed by acclamation.**

35. [00402](#) Authorizing the Mayor and City Clerk to execute Amendment 1 to the present agreement between the City of Madison, MSA Professional Services, Inc. and the State of Wisconsin Department of Transportation for the Edgewood Avenue Bridge over the Southwest Bike Path, Contract No. 5535, for additional engineering services.
- A motion was made by Ald. Rosas, seconded by Ald. Van Rooy, to RECOMMEND TO COUNCIL TO ADOPT - REPORT OF OFFICER. The motion passed by the following vote:**
- Aye:** Van Rooy, Rosas, Hewitt and Elmakias
- No:** Rewey
- Abstain:** Bremer
36. [00403](#) Authorizing the Mayor and City Clerk to execute a contract with CGC, Inc. for the purpose of furnishing professional services to test asphalt pavement mixtures, concrete mixes and soil compaction; investigate soils; drilling and well construction on various projects administered by the City of Madison.
- A motion was made by Mr. Rewey, seconded by Ald. Van Rooy, to RECOMMEND TO COUNCIL TO ADOPT - REPORT OF OFFICER. The motion passed by acclamation.**
37. [00410](#) Authorizing the Expenditure of \$7,200 to the U.W. Institute of Environmental Studies to conduct research on Starkweather Creek
- A motion was made by Mr. Rewey, seconded by Ms. Hewitt, to RECOMMEND TO COUNCIL TO ADOPT - REPORT OF OFFICER. The motion passed by acclamation.**
38. [00433](#) Celebrating the Sesquicentennial of Public Sidewalks in the City of Madison.
- A motion was made by Ald. Rosas, seconded by Ald. Van Rooy, to RECOMMEND TO COUNCIL TO ADOPT - REPORT OF OFFICER. The motion passed by acclamation.**
39. Minutes of the Long-Range Transportation Planning Commission (LRTPC) of Thursday, January 20, 2005.
- For Information Only - No action necessary*
40. Appeals regarding prequalifications of various contractors to bid on City of Madison Public Works Projects, and contractors applying to be licensed Concrete Layers, Asphalt Pavers, and Mudjackers as approved by the City Engineer, if any.
- For information only - no appeals were received - no action required*

**APPROVAL OF BIDS OPENED BY THE CITY ENGINEER:**

*No bids presented for action*

41. There are no bids scheduled to be opened.
42. [00477](#) Accepting storm sewer constructed by private contract in Reston Heights Second Addition, Private Contract No. 1983  
**A motion was made by Ms. Hewitt, seconded by Mr. Rewey, to RECOMMEND TO COUNCIL TO ADOPT - REPORT OF OFFICER. The motion passed by acclamation.**
43. [00478](#) Accepting sanitary sewer constructed by Private Contract In Reston Heights Second Addition, Private Contract No. 1983  
**A motion was made by Ms. Hewitt, seconded by Mr. Rewey, to RECOMMEND TO COUNCIL TO ADOPT - REPORT OF OFFICER. The motion passed by acclamation.**
46. Change Order Nos. 1 and 2 to Contract No. 5477, 2003 Resurfacing, to Payne & Dolan, in the amounts of \$26,531.25 and \$241,615.00.  
**A motion was made by Mr. Rewey, seconded by Ald. Van Rooy. The motion passed by acclamation.**
47. Change Order No. 1 to Contract No. 5582, 2004 Resurfacing, to Frank Bros., Inc. in the amount of \$10,000.00.  
**A motion was made by Mr. Rewey, seconded by Ald. Van Rooy. The motion passed by acclamation.**

Consider an appeal from Parisi Construction for liquidated damages for the North Transfer Point Park & Ride, 1201 Huxley Street, Contract No. 5633.

*Noted for the Record that the item was Referred to the February 16, 2005 Board meeting with request for Legal representation; motion made by Mr. Rewey; seconded by Alder Van Rooy; unanimously passed.*

*The Board discussed the appeal as presented by Parisi Construction regarding liquidated damages to be assessed against them for not completing project on time. Mr. Fahrney with City Engineering reported that the project was awarded to Parisi Construction May 24, 2004; the start work letter was sent June 1, 2004 and the completion date for the project was set at July 30, 2004. All project work on the project was completed with the exception of light poles, light fixtures and activation. He proposed that liquidated damages be assessed to Parisi from the delayed grand opening date of August 24, 2004 to September 2, 2004 when the lights were finally activated, [18 days at \$295 per day = \$5,310].*

*Bob Endres with Parisi distributed information and their timeline on the project to the Board and reviewed that information, stating that Parisi Construction provided information on June 8, 2004 to KL Engineering [the City's inspector for the project] that the poles would not be delivered until after the completion date of July 30; the poles were ordered June 25, 2004 and the information from the manufacturer was that the poles would take 6-8 weeks lead time. Estimated ship dates was expected between August 6 and 20, 2004. Madison Metro had established a date for the grand opening of the Park and Ride lot Ribbon Cutting ceremony of August 17, 2004, but due to a conflict scheduling with the Mayor, the grand opening was pushed back to August 24, 2004. As the ribbon cutting ceremony date came near, Madison Metro became concerned about whether the lighting situation would be resolved by the date of the ceremony; and Parisi was geared up to provide temporary lighting if all was not completed in time. Because Parisi did not hear any more about the lighting situation, and the ribbon cutting ceremony was held, they assumed the situation had been resolved.*

*Parisi contends that they had no control over the receipt of the poles, light fixtures or activation and kept everyone informed per the City's Standard Specs Section 109.8 that "an extension of time be granted for delays beyond the contractor's control." They did not feel they did anything wrong, and should not be penalized.*

*Noted for the record that Jeffrey Parisi, representing Parisi Construction was present and registered to answer questions.*

*The Board's discussion included motions to assess no liquidated damages - which failed; compromise and assess half the liquidated damages; and finally a discussion on obtaining information from the City Attorney as to appropriate legal action the Board could take.*

## **ADJOURNMENT**

*Board meeting recessed at 6:26 p.m. to convene for the public hearings at 6:30 p.m. and reconvened into regular session at 7:35 p.m. to complete the agenda items and adjourned at 7:45 p.m.*

*Minutes prepared by M. Bakken; approved by Larry D. Nelson, P.E., Board of Public Works Executive Secretary*