



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. Larry Palm;
Michael W. Rewey; Billy C. Harrelson; Joseph R. Clausius; Laura Hewitt; Yehuda Elmakias;
Larry D. Nelson, P. E., Executive Secretary; Johanna Johnson, staff*

Wednesday, December 21, 2005

4:30 PM

210 Martin Luther King Jr. Blvd.
Room 103A (City-County Building)

CALL TO ORDER

Chair Bremer called the meeting to order at 4:32 p.m., following verification by the secretary that the meeting was properly noticed and a quorum was present.

ROLL CALL

Present: Van Rooy, Palm, William F. Bremer, Rewey, Hewitt, Harrelson, Clausius and Elmakias

1. Consider approving the Minutes of the Board of Public Works Meeting of December 7, 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.

No items of concern brought to the board not listed 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.

No items required water resources impact.

CONSIDER THE FOLLOWING PUBLIC HEARING RESOLUTIONS:

Vice Chair Clausius opened the public hearing meeting at 6:30 p.m., following clarification from the secretary that the meeting had been properly noticed and that a quorum was present.

Member present: Vice Chair Clausius, Chair Bremer, Alder Van Rooy, Alder Palm, Ms. Hewitt, Mr. Harrelson

Members excused: Mr. Rewey and Mr. Elmakias.

Steve Gohde, Project Engineer with the City Engineering Division, reported that the City of Madison is proposing to continue in 2006 with the reconstruction of State Street. Phase three of the project includes the 300 and 400 blocks of State Street (Gilman Street to Johnson Street) including the Gorham Street intersection, but not the Johnson Street or Gilman Street intersections. Gorham Street will remain open to traffic during construction.

Proposed improvements include removing and replacing existing curb and gutter and concrete or asphalt pavement. The State Street sidewalk and terrace are proposed to be removed and replaced with a new exposed aggregate concrete mix and granite pavers at the intersections. New area lighting and pedestrian scale lighting will be installed. The existing brick benches and planters will be removed. The new style of benches, trash receptacles, planters and bike racks will be installed. State Street is proposed to be 24 feet, to match the 100 and 200 blocks. As with the first two phases of State Street reconstruction, access to businesses will be maintained at all times.

One parking stall will be removed from Henry Street adjacent to the Triangle Market to create a larger area for bike parking.

Mr. Gohde said the cost of street and terrace improvements are typically shared by the City and the property owners adjoining the reconstruction on a 50/50 basis

State Street, however has a history of using an area assessment policy for construction and maintenance and the City is again proposing to use the State Street Special Assessment Benefit District to distribute assessments. Mr. Gohde displayed a drawing that categorized assessments to properties based on their proximity to State Street.

Mr. Gohde said the City has received federal grants to help fund the project, which have been equitably applied to the 100-600 blocks of the State Street. To date, the City has received approximately \$4.25 million in grants and anticipates receiving an additional \$1 million by the project's end. Grant monies are calculated to cover 33% of the project's cost and 67% will be paid for by local funds. The cost of phase three construction is estimated to be \$4.7 million, of which \$562,205 will be raised through assessments. Property owners may pay the assessment in one lump sum or over a period of 15 years, with a 6% interest charged on the unpaid balance. A list of assessments is available from the City Engineering Division.

Mr. Gohde concluded his presentation by stating no written correspondence regarding the proposed assessments had been received.

Vice Chair Clausius thanked Mr. Gohde for his presentation and asked members

of the Board of Public Works if they had questions regarding the proposed project. Board members did not have questions for Mr. Gohde.

Vice Chair Clausius called the public hearing to order at 6:40 p.m.

Four citizens registered to speak with one in favor and three opposed to the proposed project.

Rosemary Lee, of 111 W. Wilson Street, #108, registered in favor of the proposed project. She said she is a long-time resident of downtown Madison and believes that continuing the reconstruction project will make the area more attractive and safer.

Reg Bruskewitz, of 9113 Aspen Grove, registered in opposition of the project. As part owner of BNBC Properties which owns rental property at 211 W. Gilman Street, he said he is in favor of "sprucing up" State Street but disagrees with the assessment for 211 W. Gilman Street. Mr. Bruskewitz stated the property is located next to the Buckeye Parking Lot and BNBC Properties had received a condemnation notice for the property followed closely by the notice of assessment. He said the notices have caused difficulty in renting the property and he questioned if the City would use the assessment against the property's value with regards to condemnation proceedings.

Peter Korotev, of 714 Dunning Street, registered in opposition of the project. As part owner of BNBC Properties, he said he was opposed to the assessment for 211 W. Gilman Street. Mr. Korotev said he spent 10 years trying to work with various City agencies to have the terrace restored following a public works project on the street. He said he was unable to secure City assistance and paid \$ 1,000 for restoration work on the terrace.

Attorney John Kassner, of 2 E. Mifflin Street, #800, spoke in opposition to the project on behalf of his client, BNBC Properties. Mr. Kassner stated the difficulty BNBC was experiencing trying to rent the property at 211 W. Gilman Street due to the condemnation notice. He said property owners on Gilman Street do not benefit from the amenities and improvements being made on State Street. He cited this area as being largely populated by student renters who aren't willing to pay more rent because of the appearance of State Street. Mr. Kassner also raised the concern of the proposed assessment detracting from the property value of 211 W. Gilman Street with regards to the condemnation notice.

Vice Chair Clausius thanked the speakers, concluded the public hearing and called the board back into session at 6:51 p.m.

Alder Palm asked Executive Secretary, Larry Nelson about the property owners' concern regarding the proposed assessment and condemnation notice. Mr. Nelson said he recognized the concern but did not believe it would be a factor. He said if the third phase of State Street Reconstruction is approved, the assessment bills would be sent about September of 2006. If the City owned the land at 211 W. Gilman Street at that time, the City Parking Utility would receive the assessment.

No further discussion from the board.

Alder Van Rooy moved approval of State Street Reconstruction Assessment

District - 2006. Ms. Hewitt seconded the motion. Mr. Bremer abstained. Motion to approve State Street Reconstruction Assessment District - 2006 passed.

Meeting adjourned at 6:55 p.m.

4. **02590** Approving Plans, Specifications, And Schedule Of Assessments For State Street and Adjacent Streets Reconstruction Assessment District - Phase 3. (4th & 8th ADs)
A motion was made by Ald. Van Rooy, seconded by Ms. Hewitt, to RECOMMEND TO COUNCIL TO ADOPT - PUBLIC HEARING Mr. Bremer abstained The motion passed by acclamation.
5. **01295** Final Report Clean Lakes & Beaches: A Water Quality Plan - 2005. This is the report required per Substitute Resolution No. 61952, ID Number 36509 adopted by the Common Council on October 5, 2004.

A motion was made by Ald. Van Rooy, seconded by Mr. Clausius, to RECOMMEND TO COUNCIL WITH THE FOLLOWING RECOMMENDATIONS - REPORT OF OFFICER Motion passed with Mr. Rewey voting No. Request was made to change the date included in the title to....A Water Quality Plan 2006.

Mr. Rewey expressed his concerns that the report with changes as recommended by Mr. Nelson be sent back to the Commission on the Environment.

Mr. Nelson distributed information to the Board on the background of the document requested by Resolution No. 61952, dated September 20, 2004 which directed the City of Madison to develop a plan to improve the water quality in Lakes Mendota, Monona, and Wingra. The original plan {Version 1} was introduced to the Council on April 7, 2005; and was referred to City Engineering, Board of Estimates, Commission on the Environment and the Board of Public Works who is the current lead agency on this report.

City Engineering made edits to the document to direct the concentration of water quality improvements towards meeting State of Wisconsin NR151 standards. The City is required to meet state guidelines for Total Suspended Solids removal 20% by 2008 and 40% removal by 2013. Engineering submitted a revised report which was Version 2 to the Commission on Environment on September 19, 2005. The COE reviewed the proposed changes in Version 2 and accepted all but two items: [delete last sentence on Page 3 of Executive Summary "A discussion of those requirements and how they may be met as follows." ["those requirements" refers to NR151 requirement]]; and City Engineering had proposed to delete the section titled "Purchasing Riparian Land."

The COE voted to keep the section in the report. The COE then added: In Appendix A: Budget and Timeline, the text "with low emissions" to the item titled "Street Sweeping: Purchase high-efficiency sweeper."

The Board of Estimates reviewed Version 2 and stated "BOE does not endorse stormwater treatment facility or riparian rights [purchasing riparian land]"

On October 19, 2005 the Board of Public Works reviewed Version 2 as well as the suggestions submitted by the COE and BOE. The City Engineer then requested that the item be referred to allow for a Version 3 with revisions to be submitted to the Board for review. [Version 3 removed the Stormwater Treatment Facility and incorporated all changes made in Version 2].

Following a discussion of these revisions, Mr. Nelson requested the Board consider changes to the plan for Version 3 as follows:
Page 42 of plan PURCHASE RIPARIAN LAND - Buffer strips are often used along waterways to catch sediment and nutrients from adjacent cropland. He suggested removal of: The City of Madison, and inclusion of: "Those governmental entities whose jurisdictions include riparian lands" could purchase "or receive dedication of" 100 feet of land on either side of a stretch of waterway and plant it with native vegetation.

Suggested that the words The City of Madison could be replaced with "A governmental entity"

Page 44 of the plan STORMWATER TREATMENT FACILITY section: add words to the beginning of second paragraph: "it has been proposed that " the City of

Madison [remove the word "could"] budget for planning efforts to more accurately estimate costs of installing and maintaining a stormwater treatment facility across the Yahara River. The planning effort alone would take at least 2 years with a total cost of [remove the word "approximately"] \$200,000 [remove "or more"]. Add the wording at end of that paragraph: "Furthermore, the purpose of such a treatment facility would be to mitigate pollution from properties upstream of the City of Madison. Requiring Madison residents to pay for such a facility would be contrary to the "polluters pay" environmental doctrine.

Following Mr. Nelson's presentation the Board discussed his suggested revisions, and Mr. Rewey made a motion to refer the report back to the COE for additional review. His motion failed for lack of a second.

Alder Van Rooy then moved to accept the report; motion was seconded by Mr. Clausius; motion passed with Mr. Rewey voting no. [Mr. Rewey requested that the final version of the Report be sent to the Commission members with the exception of himself.]

The motion passed by acclamation.

6. [02329](#) Amending the Master List of Street Names and Designations and amending the City Engineer's Street Numbering Map, referred to in Sections 10.34(1) and 10.35, Madison General Ordinances (Hard Disk Drive to Yard Drive). (9th AD)

RECOMMEND TO COUNCIL TO ADOPT - REPORT OF OFFICER

7. [02572](#) Approving plans and specifications for public improvements necessary for the project known as 202 North Charter Street PUD and authorizing construction to be undertaken by the Developer, Private Contract No. 2069. (8th AD)

A motion was made by Ald. Van Rooy, seconded by Ald. Palm, to RECOMMEND TO COUNCIL TO ADOPT - REPORT OF OFFICER Christy Bachman, City Engineering Division, displayed plans and reported this project includes work on public property around 202 North Charter Street, which is a six story mixed-use building. The project is scheduled to begin in June.

Mr. Rewey said he was concerned about the location of bike racks. The motion passed by acclamation.

8. [02575](#) Authorizing the Mayor and City Clerk to execute Addendum No. 1 to the Contract For Subdivision Improvements for Buckeye Meadows, Contract No. 1872. (16th AD)

A motion was made by Mr. Rewey, seconded by Mr. Harrelson, to RECOMMEND TO COUNCIL TO ADOPT - REPORT OF OFFICER. The motion passed by acclamation.

9. [02603](#) Authorizing the Mayor and City Clerk to execute Addendum No. 1 to the Contract For Subdivision Improvements for Owls Creek Subdivision - Phase I, Contract No. 2054. (16th AD)

A motion was made by Mr. Rewey, seconded by Mr. Harrelson, to RECOMMEND TO COUNCIL TO ADOPT - REPORT OF OFFICER. The motion passed by acclamation.

10. [02604](#) Authorizing the Mayor and City Clerk to execute Addendum No. 1 to the Contract For Subdivision Improvements for First Addition to Nelsons Addition to Rustic Acres, Contract No. 2042. (3rd AD)

A motion was made by Mr. Rewey, seconded by Mr. Harrelson, to RECOMMEND TO COUNCIL TO ADOPT - REPORT OF OFFICER. The motion passed by acclamation.

11. [02570](#) Improvements Accepted for Tornado Tree Replacements, Contract #5838. (Various AD's)

A motion was made by Mr. Rewey, seconded by Ald. Palm, to RECOMMEND TO COUNCIL TO ADOPT - REPORT OF OFFICER. The motion passed by acclamation

12. [02571](#) Declaring the City of Madison's intention to exercise its police powers establishing the Harley Drive Street Assessment District-2005 (20th AD)

A motion was made by Ald. Palm, seconded by Mr. Harrelson, to RECOMMEND TO COUNCIL TO ADOPT - REPORT OF OFFICER. The motion passed by acclamation.

13. [02577](#) Improvements Accepted for Olbrich Rose Garden, Contract #5543. (6th AD)

A motion was made by Mr. Rewey, seconded by Ald. Palm, to RECOMMEND TO COUNCIL TO ADOPT - REPORT OF OFFICER. The motion passed by acclamation

14. [02589](#) Approving plans and specifications and authorizing the Board of Public Works to advertise and receive bids for W. Beltline Frontage Road/Todd Drive Reconstruction, Contract No. 5900. (14th AD)

A motion was made by Ald. Van Rooy, seconded by Ms. Hewitt, to RECOMMEND TO COUNCIL TO ADOPT - REPORT OF OFFICER Mark Moder, City Engineering Division, displayed plans for the project and reported the construction involves the replacement of sanitary sewer and water main in advance of the Wisconsin Department of Transportation (DOT) project. The DOT is proposing to expand the northern and southern Beltline service roads to address traffic congestion problems. The City's portion of the project entails installing new sewer main on Todd Drive under the bridge, and on the North Frontage Road, west of Todd Drive

The Water Utility plans to install a water main in the south service road east of Landmark Place. The estimated cost of the sanitary sewer work is \$253,000 and the estimated cost of the water main work is \$87,000. The project is proposed to begin on March 6, 2006 and be completed by April 3, 2006.

The motion passed by acclamation.

15. Change Order No. 1 to Contract No. 5638, 300 Block South Hamilton Street

Alder Van Rooy moved approval; Mr. Clausius seconded motion; motion unanimously passed.

16. 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 Mudjakers as approved by the City Engineer, if any.

The board reviewed a listing of contractors requesting to be prequalified or licensed. (No appeals to the process).

17. PLEASE NOTE: Special Board of Public Works Meeting, January 25, 2006, in City Engineering, Room 115, at 12:00 p.m. (Noon) for approval of bids for Contract No. 5900, West Beltline Frontage Road / Todd Drive Reconstruction.

A special board meeting will be held January 25, at Noon in City Engineering.

The following members will be in attendance:

**Alder Van Rooy
Alder Palm
Ms. Hewitt
Mr. Harrelson
(Mr. Elmakias)**

18. **02517** Awarding Public Works Contract for Bids Opened December 2, 2005 and December 16, 2005.

A motion was made by Ald. Van Rooy, seconded by Mr. Elmakias, to RECOMMEND TO COUNCIL TO ADOPT - REPORT OF OFFICER Approved the low bid of R.G. Huston Company, Inc. in the amount of \$1,106,651.18. The motion passed by acclamation.

19. **02613** Accepting bituminous pavement constructed by private contract in Hawks Woods - Phase I, Private Contract No. 1865. (1st AD)

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.

20. **02614** Accepting sidewalk improvements constructed by private contract for 705 Ziegler Road (Harmony Living Center), Private Contract No. 1978. (17th AD)

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.

21. **02628** Declaring the City of Madison's intention to exercise its police powers establishing the Randall Avenue Reconstruction Assessment District - 2006. (13th AD)

A motion was made by Ms. Hewitt, seconded by Ald. Van Rooy, to RECOMMEND TO COUNCIL TO ADOPT - REPORT OF OFFICER. The motion passed by acclamation.

22. Change Order No. 2 to Contract No. 5816, 2005 Resurfacing - Var. Sts - Grndg. & Pulv., to Hammersley Stone, in the amount of \$45,977.63.

A motion to approve was made by Mr. Rewey and seconded by Alder Van Rooy.

23. Change Order Nos. 7, 8, and 9, to Contract No. 5817, 2005 Resurfacing Var. Sts - Asp. Pv... Patch Grdng., to Payne & Dolan, in the amounts of \$51,937.67, \$19,999.79, and \$2,379.99, respectively.

A motion to approve was made by Mr. Clausius and seconded by Alder Van Rooy.

ADJOURNMENT

Board meeting adjourned at 6:55 p.m.

Minutes prepared by Johanna Johnson; approved by Larry D. Nelson, Executive Secretary Board of Public Works.