



# City of Madison

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

## Meeting Minutes - Approved BOARD OF PUBLIC WORKS

---

Wednesday, November 19, 2008

4:30 PM

210 Martin Luther King Jr. Blvd.  
Room 108 (City-County Building)

---

### CALL TO ORDER/ROLL CALL

The Meeting was called to order by Chair Bremer following verification by the Secretary that the Meeting was properly noticed and a quorum was present.

**Present:** 7 -

Laura E. Hewitt; Lucas Dailey; Joseph R. Clausius; Larry Palm; William Bremer; Michael W. Rewey and Russell D. Pietz

**Excused:** 2 -

Douglas J. Duren and Scott A. Vaughn

### PUBLIC HEARING

Motion by Dailey, seconded by Palm to recess for the Public Hearing. Motion passed by voice vote.

Motion by Pietz, seconded by Hewitt to open the Public Hearing at 5:30 PM. Motion passed by voice vote.

The Public Hearing was called to order by Chair Bremer following verification by the Secretary that the Meeting was properly noticed and a quorum was present.

1. Consider approving the Minutes of the Board of Public Works Meeting of October 15, 2008; and the Public Hearing of the same date AND the Minutes of the Special Board of Public Works Meeting of Thursday, November 6, 2008.

A motion was made by Rewey, seconded by Clausius, to Approve the Minutes of the October 15 and November 6, 2008 Meeting with the correction to have the Roll Call show on the November 6 minutes. The motion passed by voice vote/other.

2. Public Comment - Limited to three minutes each.

There was no one from the Public registered to speak.

3. [12412](#) 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.

**Attachments:** [11-19 review.pdf](#)

The report was read into the Minutes.

4. [12609](#) Kentucky Data Link (KDL) will be extending its fiber optic network on North Walbridge Avenue to serve American Family. The fiber optic network will continue across STH 30 to Commercial Avenue. This work is being done in order to provide data delivery services in the Madison Area.

**Attachments:** [KDL Public Notice.pdf](#)  
[KDL Notes](#)

Dennis Ruess, 8531 Cty Rd FF, Wisconsin Rapids - representing KDL, Inc. was present to present the project.

5. [10515](#) SUBSTITUTE - Amending Secs 33.07(7)(m) and 39.02(9)(e)1.a., and creating Sec. 39.02(9)(e)3. of the Madison General Ordinances to clarify procedures relating to Public Bidding and Affirmative Action Plans.

**Attachments:** [Version 1t.pdf](#)

Norman Davis, Department of Civil Rights, presented the Ordinance.

A motion was made by Rewey, seconded by Palm, to Return to Lead with the Recommendation for Approval to the AFFIRMATIVE ACTION COMMISSION. The motion passed by voice vote/other.

6. [11695](#) Accepting the Staff Report on Alternatives to Improve Stump Grubbing, Street Tree Pruning Cycles and Preparation for the Emerald Ash Borer (EAB).

**Attachments:** [Leg 11695 MAP 1 for Plan.pdf](#)  
[080814 Report Tree Maintenance \(2\).pdf](#)  
[EAB Management Plan 081408 ME\(2\).pdf](#)

A motion was made by Hewitt, seconded by Palm, to Return to Lead with the Recommendation for Approval to the BOARD OF ESTIMATES. The motion passed by voice vote/other.

7. [11800](#) Approving plans for the restoration of East Campus Mall (FNA North Murray Street) in accordance with the Permit to Excavate in the Right of Way and Agreement to provide maintenance of North Murray Street/East Campus Mall from University Avenue to State Street.

**Attachments:** [East Campus Mall Chazen Illustrative Plan.pdf](#)  
[East Campus Mall Chazen Illustrative Plan base bid.pdf](#)  
[ECM Design Text 102208.pdf](#)

Gary Brown, 610 Walnut St., representing the University of Wisconsin

presented the plans.

**A motion was made by Hewitt, seconded by Palm, to RECOMMEND TO COUNCIL TO ADOPT - REPORT OF OFFICER. The motion passed by voice vote/other.**

8. [11944](#) Authorizing the Common Council to accept ownership from Worthington Park Neighborhood Association of a neighborhood entrance sign to be located within a public right-of-way at 3051 East Washington Avenue.

**Attachments:** [8960 Sign Location Map.pdf](#)  
[Final Design - WorthingtonSign v4.pdf](#)

**A motion was made by Hewitt, seconded by Palm, to RECOMMEND TO COUNCIL TO ADOPT - REPORT OF OFFICER. The motion passed by voice vote/other.**

9. [11982](#) Authorizing the execution of a Permanent Limited Easement to the Board of Regents of the University of Wisconsin System for access and maintenance purposes of the UW-Arboretum Pond No. 4 across City-owned land, located at 2160 Fish Hatchery Road.

**Attachments:** [Exhibit#1\\_Madison.pdf](#)

**A motion was made by Hewitt, seconded by Palm, to RECOMMEND TO COUNCIL TO ADOPT - REPORT OF OFFICER. The motion passed by voice vote/other.**

10. [12071](#) Amending Section 9.20 of the Madison General Ordinances to add a licensing requirement to more types of work in the public right-of-way, to require a permit for more types of work in the public right-of-way, and to increase license and permit fees.

A motion was made by Hewitt, seconded by Clausius, to RECOMMEND TO COUNCIL TO ADOPT - REPORT OF OFFICER with the license period to change to February 1 thru January 31 and to be for two years. The motion passed by voice vote/other.

**A motion was made by Hewitt, seconded by Clausius, to RECOMMEND TO COUNCIL TO ADOPT - REPORT OF OFFICER with the license period to change to February 1 thru January 31 and to be for two years. The motion passed by voice vote/other.**

11. [12367](#) Authorizing the execution of an Overhead Electric Line Easement to Madison Gas and Electric Company across a portion of public greenway in the Park Addition to Meadowood located at 6105 Hammersley Road.

**Attachments:** [9051 Easement Aerial.pdf](#)  
[9051 Easement Location Map.pdf](#)

**A motion was made by Dailey, seconded by Hewitt, to RECOMMEND TO COUNCIL TO ADOPT - REPORT OF OFFICER. The motion passed by voice vote/other.**

- 12. [12368](#) Authorizing the grant to Madison Gas and Electric Company of an Underground Gas Main Easement across the public greenway located at 1701-1703 Fish Hatchery Road.

Attachments: [9055 Exhibit A.pdf](#)

**A motion was made by Clausius, seconded by Pietz, to RECOMMEND TO COUNCIL TO ADOPT - REPORT OF OFFICER. The motion passed by voice vote/other.**

- 13. [12579](#) Amending Sections 35.02(7) and 35.025(4) of the Madison General Ordinances to establish 2009 Sewer Utility Rates (including Landfill Remediation Fees) effective January 1, 2009 and Amending Section 37.05(4) of the Madison General Ordinances to establish 2009 rates for the Public Stormwater System.

**A motion was made by Hewitt, seconded by Palm, to Return to Lead with the Recommendation for Approval to the BOARD OF ESTIMATES. The motion passed by voice vote/other.**

- 14. [12375](#) Improvements accepted for Water Main by Private Contract to serve: Glacier Valley - Phase 1 (7th AD).

**A motion was made by Hewitt, seconded by Palm, to RECOMMEND TO COUNCIL TO ADOPT - REPORT OF OFFICER. The motion passed by voice vote/other.**

- 15. [12429](#) Approving a maintenance agreement for privately maintained improvements within the public right of way (S. Brooks Street, Erin Street, Delaplaine Street and Park Street, adjacent to the St. Mary's Hospital Campus). (13th AD)

Attachments: [notes](#)

**Janet Dailey, City Engineering, presented the agreement.**

**A motion was made by Clausius, seconded by Hewitt, to RECOMMEND TO COUNCIL TO ADOPT - REPORT OF OFFICER. The motion passed by the following vote:**

**Excused:** 2 -

Douglas J. Duren and Scott A. Vaughn

**Ayes:** 6 -

Laura E. Hewitt; Lucas Dailey; Joseph R. Clausius; Larry Palm; Michael W. Rewey and William Bremer

**Abstentions:** 1 -

Russell D. Pietz

- 16. [12432](#) Approving a maintenance agreement for privately maintained improvements

within the public right of way (within Portia Court as part of the Grandview Commons Subdivision improvements for Phase 10). (3rd AD)

**Attachments:** [map](#)

Janet Dailey, City Engineering, presented the agreement.

**A motion was made by Rewey, seconded by Dailey, to RECOMMEND TO COUNCIL TO ADOPT - REPORT OF OFFICER. The motion passed by voice vote/other.**

17. [12468](#) Improvements accepted for Water Mains by Private Contract to serve: Metrotech. (3rd AD).

**A motion was made by Hewitt, seconded by Palm, to RECOMMEND TO COUNCIL TO ADOPT - REPORT OF OFFICER. The motion passed by voice vote/other.**

18. [12475](#) Improvements accepted for Water Main by Private Contract to serve: 54-58 Farwell Street C.S.M. Contract No. 2145. (6th AD).

**A motion was made by Hewitt, seconded by Palm, to RECOMMEND TO COUNCIL TO ADOPT - REPORT OF OFFICER. The motion passed by voice vote/other.**

19. [12477](#) Accepting sanitary sewer constructed by Private Contract In Metrotech, Private Contract No. 1889. (3rd AD)

**Attachments:** [ss - 1889.pdf](#)

**A motion was made by Hewitt, seconded by Palm, to RECOMMEND TO COUNCIL TO ADOPT - REPORT OF OFFICER. The motion passed by voice vote/other.**

20. [12478](#) Accepting storm sewer constructed by Private Contract In Metrotech, Private Contract No. 1889. (3rd AD)

**Attachments:** [stm - 1889.pdf](#)

**A motion was made by Hewitt, seconded by Palm, to RECOMMEND TO COUNCIL TO ADOPT - REPORT OF OFFICER. The motion passed by voice vote/other.**

21. [12480](#) Accepting street improvements (including bituminous surface) constructed by private contract in Metrotech, Private Contract No. 1889. (3rd AD)

**Attachments:** [st - 1889.pdf](#)

**A motion was made by Hewitt, seconded by Palm, to RECOMMEND TO COUNCIL TO ADOPT - REPORT OF OFFICER. The motion passed by voice vote/other.**

- 22. [12483](#) Accepting curb and gutter, sidewalk, and other public infrastructure improvements constructed by private contract for 54-58 Farwell Street CSM, Private Contract No. 2145. (6th AD)

**Attachments:** [CSM - 2145.pdf](#)

**A motion was made by Hewitt, seconded by Palm, to RECOMMEND TO COUNCIL TO ADOPT - REPORT OF OFFICER. The motion passed by voice vote/other.**

- 23. [12484](#) Accepting curb and gutter, sidewalk, and other public infrastructure improvements constructed by private contract for 301 South Ingersoll Street PUD, Private Contract No. 2134. (6th AD)

**Attachments:** [PUD - 2134.pdf](#)

**A motion was made by Hewitt, seconded by Palm, to RECOMMEND TO COUNCIL TO ADOPT - REPORT OF OFFICER. The motion passed by voice vote/other.**

- 24. [12485](#) Approving plans and specifications for public improvements required to serve Phase I of the Subdivision known as McAllen 120 Business Park and authorizing construction to be undertaken by the Developer, and rescinding RES-08-00862, ID No. 11699, Private Contract No. 2209. (16th AD)

**Janet Dailey, City Engineering, presented the plans and specifications.**

**A motion was made by Rewey, seconded by Clausius, to RECOMMEND TO COUNCIL TO ADOPT - REPORT OF OFFICER. The motion passed by voice vote/other.**

- 25. [12497](#) Approving plans for public improvements on Proudfit Street as necessary for the project known as Findorff Yards Office Lofts. (4th AD)

**A motion was made by Hewitt, seconded by Palm, to RECOMMEND TO COUNCIL TO ADOPT - REPORT OF OFFICER. The motion passed by voice vote/other.**

- 26. [12517](#) Accepting sanitary sewer constructed by Private Contract In Capitol West / Block 51 PUD, Private Contract No. 2076. (4th AD)

**Attachments:** [ss - 2076.pdf](#)

**A motion was made by Hewitt, seconded by Palm, to RECOMMEND TO COUNCIL TO ADOPT - REPORT OF OFFICER. The motion passed by voice vote/other.**

27. [12518](#) Accepting storm sewer constructed by Private Contract In Capitol West / Block 51 PUD, Private Contract No. 2076. (4th AD)

**Attachments:** [stm - 2076.pdf](#)

**A motion was made by Hewitt, seconded by Palm, to RECOMMEND TO COUNCIL TO ADOPT - REPORT OF OFFICER. The motion passed by voice vote/other.**

28. [12519](#) Accepting curb and gutter, sidewalk, and other public infrastructure improvements constructed by private contract for Capitol West / Block 51 PUD, Private Contract No. 2076. (4th AD)

**Attachments:** [pud 2076.pdf](#)

**A motion was made by Hewitt, seconded by Palm, to RECOMMEND TO COUNCIL TO ADOPT - REPORT OF OFFICER. The motion passed by voice vote/other.**

29. [12520](#) Accepting bituminous pavement constructed by private contract in Maywick Estates, Private Contract No. 1943. (3rd AD)

**Attachments:** [bit 1943.pdf](#)

**A motion was made by Hewitt, seconded by Palm, to RECOMMEND TO COUNCIL TO ADOPT - REPORT OF OFFICER. The motion passed by voice vote/other.**

30. [12530](#) Improvements accepted for Water Service Laterals by Private Contract to serve: Cardinal Glenn - Phase 2A (9th AD).

**A motion was made by Hewitt, seconded by Palm, to RECOMMEND TO COUNCIL TO ADOPT - REPORT OF OFFICER. The motion passed by voice vote/other.**

31. [12532](#) Improvements accepted for Water Service Laterals by Private Contract to serve: Cardinal Glenn - Phase 3 (9th AD).

**A motion was made by Hewitt, seconded by Palm, to RECOMMEND TO COUNCIL TO ADOPT - REPORT OF OFFICER. The motion passed by voice vote/other.**

32. [12714](#) Accepting detention basin improvements constructed by private contract in Twin Oaks, Private Contract No. 1930. (16th AD)

**Attachments:** [det - 1930.pdf](#)

**A motion was made by Hewitt, seconded by Palm, to RECOMMEND TO COUNCIL TO ADOPT - REPORT OF OFFICER. The motion passed by voice vote/other.**

33. [12717](#) Accepting storm sewer constructed by private contract in Second Addition to Hawks Creek, Contract No. 2138. (1st AD)

**Attachments:** [stm - 2138.pdf](#)

**A motion was made by Hewitt, seconded by Palm, to RECOMMEND TO COUNCIL TO ADOPT - REPORT OF OFFICER. The motion passed by voice vote/other.**

34. [12719](#) Accepting sanitary sewer constructed by Private Contract In Second Addition to Hawks Creek, Private Contract No. 2138. (1st AD)

**Attachments:** [san - 2138.pdf](#)

**A motion was made by Hewitt, seconded by Palm, to RECOMMEND TO COUNCIL TO ADOPT - REPORT OF OFFICER. The motion passed by voice vote/other.**

35. [12720](#) Accepting street improvements, excluding the bituminous pavement, constructed by private contract in Second Addition to Hawks Creek, Private Contract No. 2138. (1st AD)

**Attachments:** [bit - 2138.pdf](#)

**A motion was made by Hewitt, seconded by Palm, to RECOMMEND TO COUNCIL TO ADOPT - REPORT OF OFFICER. The motion passed by voice vote/other.**

36. [12422](#) Improvements accepted for Remodel Fire Station #5, 4418 Cottage Grove Rd., Contract No. 6063. (3rd AD)

**A motion was made by Clausius, seconded by Palm, to RECOMMEND TO COUNCIL TO ADOPT - REPORT OF OFFICER. The motion passed by voice vote/other.**

37. [12465](#) Improvements accepted for Fire Stations 3 & 9 Lighting Retrofit - 2008, Contract No. 6149.

**A motion was made by Clausius, seconded by Palm, to RECOMMEND TO COUNCIL TO ADOPT - REPORT OF OFFICER. The motion passed by voice**



vote/other.

- 38. [12466](#) Improvements accepted for Cottage Grove Road Bike Lanes - 2006, Contract No. 5613.

**A motion was made by Clausius, seconded by Palm, to RECOMMEND TO COUNCIL TO ADOPT - REPORT OF OFFICER. The motion passed by voice vote/other.**

- 39. [12467](#) Improvements accepted for Mineral Point Rd. & Gammon Rd. Pavement Repairs - 2007, Contract No. 6013.

**A motion was made by Clausius, seconded by Palm, to RECOMMEND TO COUNCIL TO ADOPT - REPORT OF OFFICER. The motion passed by voice vote/other.**

- 40. [12612](#) Improvements accepted for Woodrow Street & Edgewood Drive Cul De Sac, Contract No. 5967. (10th AD)

**A motion was made by Clausius, seconded by Palm, to RECOMMEND TO COUNCIL TO ADOPT - REPORT OF OFFICER. The motion passed by voice vote/other.**

- 41. [12616](#) Declaring the City of Madison's intention to exercise its police powers establishing the Curb and Gutter in Conjunction With Resurfacing - 2009 Assessment District (see attached list).

**Attachments:** [street list with limits for police power resolution.XLS](#)

**John Fahrney, City Engineering, presented the request.**

**A motion was made by Rewey, seconded by Pietz, to RECOMMEND TO COUNCIL TO ADOPT - REPORT OF OFFICER. The motion passed by voice vote/other.**

- 42. [12621](#) Declaring the City of Madison's intention to exercise its police powers establishing the Division Street and Helena Street Reconstruction Assessment District - 2009. (6th AD)

**A motion was made by Clausius, seconded by Palm, to RECOMMEND TO COUNCIL TO ADOPT - REPORT OF OFFICER. The motion passed by voice vote/other.**

- 43. [12622](#) Declaring the City of Madison's intention to exercise its police powers establishing the Fox Avenue, Keyes Avenue, South Prospect Avenue, and Spooner Street Reconstruction Assessment District - 2009. (10th AD)

A motion was made by Clausius, seconded by Palm, to RECOMMEND TO COUNCIL TO ADOPT - REPORT OF OFFICER. The motion passed by voice vote/other.

- 44. [12469](#) Approving plans and specifications and authorizing the Board of Public Works to advertise and receive bids for James Madison Park Basketball Court/Parking Lot Renovation - 2009, Contract No. 6267. (2nd AD)

Attachments: [plans](#)

Tom Maglio, City Parks, presented the plans and specifications. It was noted that a Chapter 30 permit and a Notice of Intent permit from WIDNR will be required.

A motion was made by Hewitt, seconded by Clausius, to RECOMMEND TO COUNCIL TO ADOPT - REPORT OF OFFICER. The motion passed by the following vote:

- Excused: 2 -  
Douglas J. Duren and Scott A. Vaughn
- Ayes: 6 -  
Lucas Dailey; Joseph R. Clausius; Larry Palm; Russell D. Pietz; Laura E. Hewitt and William Bremer
- Noes: 1 -  
Michael W. Rewey

- 45. [12629](#) Approving plans and specifications and authorizing the Board of Public Works to advertise and receive bids for Sidewalk and Curb & Gutter, Citywide Installation and Repair-2009 and Annual Sawcutting of Concrete Sidewalk and Incidental Work. (Various ADs)

John Fahrney and Brenda Stanley, City Engineering, presented plans and specifications.

A motion was made by Rewey, seconded by Dailey, to RECOMMEND TO COUNCIL TO ADOPT - REPORT OF OFFICER. The motion passed by voice vote/other.

- 46. [12630](#) Approving plans and specifications and authorizing the Board of Public Works to advertise and receive bids for North Police HVAC Energy Efficiency Upgrade. (12th AD)

Attachments: [NORTH POLICE HVAC ENERGY EFFICIENCY UPGRADE.pdf](#)

Jim Whitney, City Engineering, presented plans and specifications.

A motion was made by Rewey, seconded by Hewitt, to RECOMMEND TO COUNCIL TO ADOPT - REPORT OF OFFICER. The motion passed by voice vote/other.

47. [12661](#) Approving plans and specifications and authorizing the Board of Public Works to advertise and receive bids for Contract No. 6261, Senior Center HVAC & Lighting Upgrade, Remodeling Project. (4th AD)

**Kay Schindel, City Engineering, presented plans and specifications.**

**A motion was made by Rewey, seconded by Clausius, to RECOMMEND TO COUNCIL TO ADOPT - REPORT OF OFFICER. The motion passed by voice vote/other.**

48. [12662](#) Approving plans and specifications and authorizing the Board of Public Works to advertise and receive bids for Contract No. 6263, City Attorney Ceiling Replacement. (4th AD)

**Attachments:** [plans](#)

**Jim Whitney, City Engineering, presented plans and specifications.**

**A motion was made by Hewitt, seconded by Pietz, to RECOMMEND TO COUNCIL TO ADOPT - REPORT OF OFFICER. The motion passed by voice vote/other.**

49. [12438](#) Change Order No. 1 to Contract No. 6150, Sanitary Sewer Replacement With Resurfacing East - 2008, to Hammersley Stone, Co., Inc., in the amount of \$8,420.00 with a completion time increase of 4-days.

**Attachments:** [co 1 - 6150.pdf](#)

**John Fahrney, City Engineering, presented the Change Order.**

**A motion was made by Hewitt, seconded by Palm, to Approve. The motion passed by voice vote/other.**

50. [12470](#) Change Order No. 13 to Contract No. 6080, CCB/MMB Tenant Improvement Remodels - Phase 2, to Miron Construction Co., Inc., in the amount of \$2,143.00.

**Attachments:** [co 13 - 6080.pdf](#)

**James Whitney, City Engineering, presented the Change Order.**

**A motion was made by Hewitt, seconded by Duren, to Approve. The motion passed by voice vote/other.**

51. [12605](#) Change Order No. 2 to Contract No. 6100, Annual Construction and Reconstruction of Concrete Sidewalk and Incidental Curb and Gutter Work Ordered (District 3 & 16), to Parisi Construction Co., Inc. in the amount of \$6,000.00

**Attachments:** [co 2 - 6100.pdf](#)

**Brenda Stanley, City Engineering, presented the Change Order.**

**A motion was made by Palm, seconded by Dailey, to Approve. The motion passed by voice vote/other.**

52. [12607](#) Change Order No. 1 to Contract No. 6151, Sanitary Sewer Replacement with Resurfacing Central Assessment District - 2008, to Capitol Underground, Inc. in the amount of \$40,744.60.

**Attachments:** [co 1 - 6151.pdf](#)

**John Fahrney, City Engineering, presented the Change Order.**

**A motion was made by Hewitt, seconded by Pietz, to Approve. The motion passed by voice vote/other.**

53. [12608](#) Change Order Nos. 8, 9, and 10 to Contract No. 6019, East Mifflin & North Blount Street Street Reconstruction.

**Attachments:** [co 8-10 - 6019.pdf](#)

**John Fahrney, City Engineering, presented the Change Order.**

**A motion was made by Hewitt, seconded by Palm, to Approve. The motion passed by voice vote/other.**

54. [12628](#) Change Order No. 2 to Contract No. 6077, Annual Sawcutting of Concrete Sidewalk and Incidental Work, to Safe Step LLC, in the amount of \$35,479.50 with an additional 31-days.

**Attachments:** [co 2 - 6077.pdf](#)

**Brenda Stanley, City Engineering, presented the Change Order.**

**A motion was made by Clausius, seconded by Pietz, to Approve. The motion passed by voice vote/other.**

55. [12721](#) Change Order No. 2 to Contract No. 6112, Siggelkow Road, to RG Huston Co., Inc. in the amount of \$13,330.00 with a time extension of 14 days.

**Attachments:** [co 2 - 6112.pdf](#)

**A motion was made by Palm, seconded by Pietz, to Approve. The motion passed by voice vote/other.**

56. [12419](#) Subcontractor List for Contract No. 6148, Sequoya Branch Library, to Miron Construction Co., Inc., for a total of 70.4%.

**Attachments:** [Subcontractor - 6148 - Nov 5 2008.pdf](#)

**A motion was made by Hewitt, seconded by Dailey, to Approve. The motion passed by voice vote/other.**

57. [12421](#) Subcontractor List for Contract No. 6170, Eastmorland Park Drainageway Assessment District, to Poblocki Paving Corporation for a total of 51.35%.

**Attachments:** [sublist 6170 Nov 5 2008.pdf](#)

**A motion was made by Hewitt, seconded by Dailey, to Approve. The motion passed by voice vote/other.**

58. [12471](#) Subcontractor List for Contract No. 6194, Fire Station #12, to Stevens Construction Corporation for a total of 51.93%.

**Attachments:** [sublist 6194 - revised 11-10-08.pdf](#)

**A motion was made by Hewitt, seconded by Dailey, to Approve. The motion passed by voice vote/other.**

59. [12708](#) Appeal from Jerry Raether of Bauer & Raether Builders, Inc. for Contract No. 5988, MTCCC Rooftop Kiosk.

**Attachments:** [mtcc appeal.pdf](#)  
[timeline](#)

**Registered speakers:**

**Jerry Raether - 4801 Tradewinds Pkwy - Madison, representing Bauer & Raether.**

**Christopher A Wells - 1309 Vista - Janesville, representing Bauer & Raether.**

**Greg McManners - Monona Terrace**

**Paul Ament - 407 Sethane Ct - Monona, representing Potter Lawson & MTCCC**

**Raether explained the reason for the delay in time. He stated that after the contract was awarded in March, he signed a contract with GFRC. The first submittals from GFRC did not come in until September. The plans kept coming back wrong. He offered to fly someone from GFRC to Madison to do the measuring, but they refused. GFRC finally sent product up in September. They starting putting up the panels, but they were segmented wrong. A letter was written and the correct panels were promised the first week in March. GFRC stopped production stating they wanted payment for the wrong panels. Raether agreed to pay \$11,000. Raether stated that he talked to McManners**

and that McManners had called GFRC and they agreed to make the panels if they were paid in full for the whole thing. Raether sent GFRC a check in June. Raether stated that he took measurements and gave them to GFRC and instructed them to make the panels per his measurements. They received the panels in late August, but were sent two panels short. Those two panels came two weeks later. It was October before the panels were installed. Raether had offered to go to Nebraska to have an in person meeting with GFRC, but they declined.

McManners stated that the contract was signed on 3/7/07 and was for 120 days. He stated that he talked to Bauer & Raether about the importance of the panels matching the existing panels and he should form a relationship with the manufacturer. In June of 2007, he was told the panels would be later. Potter and Lawson had offered to verify the shop drawings, but their offer was turned down. McManners submitted a timeline of events (attached). Monona Terrace had to act as a mediator between the general contractor and subcontractor. As of this meeting, the project is not complete. Monona Terrace is withholding \$66,000.00. \$125,000 in penalties. McManners stated that Monona Terrace has lost between \$130,000 and \$200,000 of revenue for this delay.

Rewey questioned as to if a sole supplier was specified in the contract.

McManners said that Monona Terrace wanted to make sure same materials used in 1997 came from the same resources and that GFRC stated that they could match the product.

Palm asked what date the project was completed and was told it is still not. There is roofing, counters, etc. that couldn't be done until the panels were installed. Palm asked who gets revenue, the catering service or Monona Terrace? McManners replied that the cater's give Monona Terrace a percent of the revenue.

Hewitt asked how often does the City specify a sole supplier and did the City look into panels on there own?

Ament replied that the contract did not specifically give the name of a company/supplier.

McManners stated that Monona Terrace is not trying to collect lost revenue, only a penalty. Liquidated damages are approximately \$120,000, and Monona Terrace is only retaining \$66,000.

Rewey requested that Larry Nelson, City Engineering, meet with both parties. Nelson stated that he has been involved in the project, but would agree to meet.

Pietz stated that he is still not clear - is GFRC a acronym product or a company and was the contractor directed to use a specific contractor?

Ament stated that the directive was to follow the documents which states product, not company.

It was asked if there was any discussion at the pre-construction as to GFRC (company) being used?

Chris Wells stated that no one would look at their prints. When he tried to put the panels on and found mistakes, he tried to call GFRC. He stated that they went through three salesman over this project. Phone calls not returned. Promised dates not met. And they ended up building it backwards.

Palm asked if using a different contractor contractor was discussed?

Wells stated that he had talked to another contractor and was under the impression that Monona Terrace wanted to use the same company as in the original project.

Wells stated he hadn't read specifications.

Raether said he had a contract that they had to honor and could not go to another company.

Bremer asked if there were any notes available from the weekly meeting.

Motion by Rewey to refer this back to the Dec 17 meeting to allow both sides to meet with Nelson to come up with a solution.

Motion by Hewitt, seconded by Pietz to deny appeal. Motion rescinded by Hewitt.

A motion was made by Hewitt, seconded by Dailey, to Refer to the BOARD OF PUBLIC WORKS to allow all parties to submit any written documents that may help the Board make a more informed decision. The motion passed by voice vote/other.

60. For the information of the Board - Draft Minutes of the Long Range Transportation Planning Commission of October 16, 2008.

No action taken.

61. 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.

There were no appeals.

62. [12389](#) Awarding Public Works Contract No. 6258, Villager IT Training Room Remodel.

Attachments: [Contract No 6258.pdf](#)

Kay Schindel, City Engineering, presented the bids.

A motion was made by Pietz, seconded by Clausius, to RECOMMEND TO COUNCIL TO ADOPT - REPORT OF OFFICER. The motion passed by voice

vote/other.

- 63. [12713](#) Awarding Public Works Contract No. 6130, Local Road Traffic Calming and Arterial Pedestrian Enhancements - 2009.

Attachments: [Contract No 6130.pdf](#)

A motion was made by Dailey, seconded by Hewitt, to **RECOMMEND TO COUNCIL TO ADOPT - REPORT OF OFFICER**. The motion passed by voice vote/other.

- 64. Please note Item No. 58, Legistar File No. 12471. Subcontractor list for this item has been revised. Total is now 51.93%.

Noted.

- 65. [12782](#) Authorizing the Mayor and the City Clerk to execute Amendment No. 1 to the contract between Madison and HNTB Corporation for additional design engineering services for CTH S and Junction Road/CTH M. (9th AD)

Attachments: [notes](#)

Chris Petykowski, City Engineering, presented the amendment.

A motion was made by Palm, seconded by Hewitt, to **RECOMMEND TO COUNCIL TO ADOPT - REPORT OF OFFICER**. The motion passed by the following vote:

**Excused:** 2 -

Douglas J. Duren and Scott A. Vaughn

**Ayes:** 6 -

Lucas Dailey; Joseph R. Clausius; Larry Palm; Michael W. Rewey; Russell D. Pietz and Laura E. Hewitt

**Abstentions:** 1 -

William Bremer

- 66. [12783](#) Authorizing the Mayor and the City Clerk to execute Amendment No. 3 to the contract between Madison and Owen Ayres & Associates, Inc. for additional design engineering services for CTH M/Valley View Road Intersection and Pleasant View Road from Prairie Hill Road to CTH S. (9th AD)

A motion was made by Hewitt, seconded by Pietz, to **Refer to the BOARD OF PUBLIC WORKS**, due back on 12/3/2008. The motion passed by voice vote/other.

**Absent:** 1 -

William Bremer

**Excused:** 3 -

Michael W. Rewey; Douglas J. Duren and Scott A. Vaughn



**Ayes:** 5 -

Lucas Dailey; Joseph R. Clausius; Larry Palm; Russell D. Pietz and Laura E. Hewitt

## **ADJOURNMENT**

**A motion was made by Clausius, seconded by Pietz, to Adjourn at 7:20 PM.  
The motion passed by voice vote/other.**