



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*

Wednesday, June 22, 2005

4:30 PM

WATER UTILITY BUILDING
119 EAST OLIN AVENUE (Conference Rm)

CALL TO ORDER

Vice Chair Clausius called the meeting to order at 4:31 p.m. following clarification by the secretary that the meeting was properly noticed and a quorum was present.

ROLL CALL

Present: Van Rooy, Palm, Hewitt, Clausius and Elmakias

Excused: William F. Bremer, Rewey and Harrelson

1. Consider approving the Minutes of the Board of Public Works Meeting and the Public Hearing of June 8, 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 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.

PUBLIC HEARING AT 6:30 P.M.

Members Present: Vice Chair Clausius, Ms. Hewitt, Alder Van Rooy, Alder Palm, Mr. Elmakias

Members Excused: Chair Bremer, Mr. Harrelson, Mr. Rewey, 1 Vacancy

Vice Chair Clausius called the Board Public Hearing to order at 6:31 p.m. following clarification by the Secretary that the meeting was properly noticed and a quorum was present.

4. **01476** Approving Plans, Specifications, And Schedule Of Assessments For Atticus Way (formerly known as Summit Drive) Construction Assessment District - 2005. (10th AD)

Ms. Christy Bachmann with City Engineering displayed a map of the area involved, stating that the parcel of land at 4629 Verona Road, formerly SuperSaver is being planned for development. The redevelopment project will create a new street to be called Atticus Way; which will begin at the intersection of the existing drive entrance to that former SuperSaver and extend to the south about 590 feet.

The City's policy is to assess the abutting property owners for costs for constructing the new street including utilities; however in this case, the parcels at 4611 and 4633 are already served by storm sewer, sanitary sewer and water, so they will not be assessed for those items.

She stated that the street will be 36' wide with curb and gutter on both sides, storm and sanitary sewer and water, with street trees and lighting installed.

The total assessments are estimated at \$473,000 which is 100% assessed.

Ms. Bachmann also reported that the developer (Gorman and Company) is currently negotiating with the other properties and may consider a development agreement to construct the street on their own; if they decide to do so, it must be done before the Common Council holds a public hearing on this item. If the developer does indeed decide to construct the street, a new Resolution would be created to place this current proposal on file.

There were no communications received for this project; and no one was present or registered to speak.

Vice Chair Clausius thanked Ms. Bachmann for her presentation and noted for the record no registrations were received. He closed the public hearing and called the Board into regular session to take action on this project.

Alder Van Rooy moved approval of the project, item will not be reported to the Council until outcome of the developer issue is known; motion seconded by Mr. Elmakias; motion unanimously passed.

5. [01363](#)

Adoption of the Wingra Creek Market Study and Redevelopment Plan as a supplement of the South Madison Neighborhood Plan.

A motion was made by Ald. Van Rooy, seconded by Mr. Elmakias, to Return to Lead with the Recommendation for Approval to the PLAN COMMISSION Ms. Jule Stroick with City Planning displayed the neighborhood maps and introduced Archie Nicolette to brief the Board on the Plan.

Mr. Nicolette displayed a map of the neighborhood area and briefed the Board on the street grid and infrastructure planned to enhance development in the Wingra Creek Market area.

An inquiry was made as to a timetable for the work to begin and Mr. Nicolette responded that there is no target dates at this time, but it is hoped the redevelopment will begin within the next five years.

The motion passed by acclamation.

6. [01371](#) Amending Section 10.08(6)(a)6. of the Madison General Ordinances to remove the Board of Public Works as approval body for using public right-of-way other than as ingress and egress from parking facility.
- A motion was made by Ald. Van Rooy, seconded by Mr. Clausius, to Return to Lead with the Recommendation for Approval to the Traffic Engineering Division Mr. Nelson explained that this ordinance amendment would allow the City Traffic Engineer to approve the backing items that have been coming to the Board. There would be an appeal process to the Board of Public Works, if an applicant disagreed with the Traffic Engineer's decision. The motion passed by acclamation.**
- Enactment No:** ORD-05-00128
7. [01381](#) Accepting a 12-foot wide Public Storm Sewer Easement from The Urban Open Space Foundation across property located at 201 South Ingersoll Street. 6th Ald. District.
- A motion was made by Ald. Van Rooy, seconded by Mr. Elmakias, to RECOMMEND TO COUNCIL TO ADOPT - REPORT OF OFFICER. The motion passed by acclamation.**
- Enactment No:** RES-05-00588
8. [01489](#) Accepting street improvements, excluding the bituminous pavement, constructed by private contract in Fairhaven Road Certified Survey Map, Private Contract No. 1901. (7th 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.**
- Enactment No:** RES-05-00594
9. [01490](#) Accepting sanitary sewer constructed by Private Contract In Fairhaven Road Certified Survey Map, Private Contract No. 1901. (7th 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.**
- Enactment No:** RES-05-00595
10. [01491](#) Accepting storm sewer constructed by private contract in Fairhaven Road Certified Survey Map, Private Contract No. 1901. (7th 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.**
- Enactment No:** RES-05-00596
11. [01492](#) Accepting bituminous pavement constructed by private contract in Fourth Addition to Blackhawk Subdivision - Phase III, Private Contract No. 1760. (9th

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.

Enactment No: RES-05-00597

12. [01495](#) Approving plans and specifications for public improvements necessary for the Subdivision known as First Addition to the Meadowlands and authorizing construction to be undertaken by the Developer, Private Contract No. 2045. (3rd 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.**
- Enactment No:** RES-05-00598
13. [01496](#) Approving plans and specifications for public improvements required to serve Phase VI of the Subdivision known as Ice Age Falls and authorizing construction to be undertaken by the Developer, Private Contract No. 2033. (1st 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.**
- Enactment No:** RES-05-00599
14. [01497](#) Approving plans and specifications for public improvements required to serve Phase V of the Subdivision known as Ice Age Falls and authorizing construction to be undertaken by the Developer, Private Contract No. 2032 (1st 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.**
- Enactment No:** RES-05-00600
15. [01455](#) Improvements Accepted for Metro North Transfer Point Park and Ride Lot, Contract # 5633 (12th AD)
- A motion was made by Ald. Van Rooy, seconded by Mr. Elmakias, to RECOMMEND TO COUNCIL TO ADOPT - REPORT OF OFFICER. The motion passed by acclamation.**
- Enactment No:** RES-05-00589
16. [01485](#) Improvements accepted for Sutherland Court Reconstruction Assessment District - 2003 Contract No. 5400 (6th AD)
- A motion was made by Ald. Van Rooy, seconded by Mr. Elmakias, to RECOMMEND TO COUNCIL TO ADOPT - REPORT OF OFFICER. The motion passed by acclamation.**

Enactment No: RES-05-00591

17. [01487](#) Assessing Benefits for Norman Way Street Assessment District - 2004 (5th AD)

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

Enactment No: RES-05-00592

18. [01488](#) Declaring the City of Madison's intention to exercise its police powers establishing the St. Philomena Way Public Utility Assessment District - 2005. (9th AD)

A motion was made by Ald. Van Rooy, seconded by Mr. Elmakias, to RECOMMEND TO COUNCIL TO ADOPT - REPORT OF OFFICER Mr. Dailey with City Engineering displayed a map of the area stating this is to establish a utility district to provide utilities requested by a church in the area. The utilities will be installed in right-of-way and assessed to the abutting properties, which are not part of the Church development. The assessments may be deferred until such time as development occurs, but there is an immediate need for utilities to be extended to the church. He stated that a public hearing on the assessment district would be held before the Board at a future date. The motion passed by acclamation.

Enactment No: RES-05-00593

19. [01463](#) Approving plans and specifications and authorizing the Board of Public Works to advertise and receive bids for Contract No. 5854, Yahara River Limestone Wall Improvements - 2005. (2nd & 6th ADs)

A motion was made by Ald. Van Rooy, seconded by Ald. Palm, to RECOMMEND TO COUNCIL TO ADOPT - REPORT OF OFFICER Mr. Maglio stated that Parks originally was requesting permission to go out to bid for one contract that is composed of two limestone projects - one the canoe launch and one to correct a liability concern with a steep slope near the Jenifer St. pedestrian bridge by building a second limestone retaining wall. However, it was brought to their attention that there was going to be other work done on that stretch of the Yahara River in 2006 and that it might be better for sequencing if the canoe launch portion of the contract was done at that time as part of a Public Works contract. Therefore Parks was present to update the board and asking permission to do the Jenifer St. retaining wall as a competitive change order. The motion passed by acclamation.

Enactment No: RES-05-00590

20. Competitive Change Order for Olbrich Gardens Parking Lot and Service Drive Expansion. Contractor/Change Order amounts will be available at the Board Meeting.

Alder Van Rooy moved approval of the Competitive Change Order to Payne & Dolan for \$18,525 ; motion seconded by Ms. Hewitt; motion unanimously passed.

Mr. Maglio with City Parks reported that this competitive change order is to pave the parking lot and surface road that is near the Garver Cottage. The current road is gravel and when trucks or vehicles drive by the Cottage, the dust becomes very thick inside the building.

Quotes were solicited from three contractors, two responded with Payne & Dolan being selected.

21. Change Order No. 1 to Contract No. 5817, 2005 Resurfacing Various Streets Asphalt Paving, to Payne & Dolan in the amount of \$36,900.00.

It was noted for the record that this change order was approved at the June 8, 2005 Board meeting.

22. Introduction of Draft Comprehensive Plan (CD/s of the draft plan will be handed out.)

Mr. Nelson distributed the CD and information sheet regarding the draft comprehensive plan for the City. He requested that the Board members review the information contained on the CD and stated that the Board eventually will receive referral from the Common Council to approve the plan at a future meeting - most likely near the end of the year.

No action was necessary this was informational at this time.

23. Approval of Subcontractor List: Contract No. 5850, Goodman Community Pool Construction to Joe Daniels.

Alder Van Rooy moved approval of the Subcontractor List submitted by Joe Daniels Construction to Contract 5850; motion seconded by Mr. Elmakias; motion unanimously passed.

Subcontractor List: Payne & Dolan (Asphalt) 1.17%; Struck & Irwin Fence (Fencing) .32%; Austad & Son, Inc. (Acoustical Ceilings) .05%; Bunbury Painting Co. (Painting) .22%; Dave Jones Plumbing & Hygienic(Plumbing) 3.61%; Westphal & Co. Inc. (Electric) 4.06%; RG Huston Co. (Strip Topsoil) .49%; Tri County Paving (Aggregate Base Course) 1.57%; Monona Masonry, Inc. (Masonry) 4.51%; Metal Design Corp. (Sheet Metal) 1.53%; Neuman Pools (Pool & Pool Equip. Instal.) 30.71%; Raymond P. Cattell (Concrete Curbs) .76%; MadisonCommercial Landscape (Plants & Landscape) .27%; Prime Mechanical of WI (HVAC) 1.5%; Carpenter Glass, Inc. (Glass & Windows) .37%; Alpine Insulation Co. (Fiberglass Insulation) .25%. TOTAL 51.39%.

24. Approval of Subcontractor List: Contract No. W7065, Well #30 Reservoir and Pumping Station, to Miron Construction Co., Inc.

Alder Van Rooy moved approval of the Subcontractor list submitted by Miron Construction Company, Inc., to Contract No. W7054; motion seconded by Mr. Elmakias; motion unanimously passed.

Subcontractor List: Madison Crushing (Excavation/Paving) 3.5%; Forest View Landscape (Landscape) 1.2%; H & B Steel (Reinforcing Install) 2.1%; Maly Roofing (Roofing) 1.2%; General Caulking (Joint Sealants) .4%; Howard Grote & Sons (Flooring & Painting) 2%; Water Well Solutions (Turbine Pump) 4%; Monona Plmb. (Mechanical Piping) 29.6%; Pointon Heating & Air (HVAC) 3.3%; People Construction (Electrical) 18.5%. TOTAL 65.7%

25. Consider approving a motion on Acceptance of Public Works Contracts.

Ms. Hewitt moved approval of the following motion; seconded by Alder Van Rooy; motion unanimously passed.

"The Board of Public Works directs the City Engineer to publish an official notice, upon the issuance of a Certificate of Substantial Completion for public works construction projects in order to inform subcontractors, vendors, suppliers and laborers that the project is being processed for final payment. Furthermore, in the event that the necessary documents including all affidavits of compliance with prevailing wage rate determination from the General Contractor and certified Payroll Records are not submitted within one year of the issuance of the Certificate of Substantial Completion, the City will cause the contractor to be paid the remaining monies due".

Mr. Nelson reported that this was discussed at previous Board meetings and is to allow the City to close out some of the outstanding contracts.

26. Contract No. 5605, Gilson Street - Bid of McHugh Excavating & Plumbing.

Alder Van Rooy moved to reject the bids to Contract No. 5605 - Gilson Street; motion seconded by Ms. Hewitt; motion passed with Alder Palm voting NO.

Mr. Nelson reported that at the previous Board meeting, the bids received to Contract No. 5605 Gilson Street were discussed. The bid of the apparent low bidder - McHugh Excavating & Plumbing had been determined as non responsive due to their not submitting the appropriate bid bond information; and the Board had recommended rejection of the bids but then referred that rejection motion to this meeting. He stated that the Attorney for McHugh Excavating & Plumbing was present to speak to the rejection.

John Johanningmeier, Attorney representing McHugh Excavating and Plumbing, addressed the Board and distributed information on the bidding issue. He explained that their Insurance Center out of Onalaska, Wisconsin had submitted the a certificate regarding the bond of McHugh which was the incorrect form. It was acknowledged that it was a clerical error on their insurance company's part. He had the Board members note the letter from The Insurance Center which was included in the information he distributed.

He urged the Board to reconsider its recommendation to reject the bids to this project, stating that once the bids were opened the unit prices were exposed to the public to see; any rebidding at a future date would only compromise prices. He suggested that the Board could waive the bonding error as a minor irregularity and award the bid to McHugh.

The Board discussed the bid and it was pointed out to Attorney Johanningmeier that the Assistant City Attorney had submitted an opinion that the bid of McHugh be rejected as non-responsive because it did not comply with either the City's bidding instruction or with statutory requirements; and because the inclusion of a bid bond with a bid is a material requirement which cannot be waived as a minor irregularity or clerical error.

Further, if the Board were to overlook this error on McHugh's part, it could open the door for future contractors to request the same privilege; and it could cause the second bidder to object to the bid because he had submitted the proper forms and was the next bidder.

Atty. Johanningmeier responded that the second bidder was \$500,000 higher than the low bid of McHugh; he suggested that the Board could reject the bid of the second bidder because the bid was substantially more than what the City had estimated; and then, the City could award the bid to McHugh and waive the bonding issue as a minor irregularity. He also stated that he felt the second bidder would not consider objecting because he would know his bid was so out of line that he would not have grounds for objection.

The Board discussed the concerns at length and Alder Van Rooy recommended rejection of the bids to the Contract, stating that the Board would be wise to take the advice of its City Attorney and not cause a precedent if it were to overlook the bonding issue.

Inquiry was made if this had happened before, and Executive Secretary Nelson responded that it had occurred in the past, and in those instances the bids were more competitive and the 2nd lowest responsible bidder could be awarded the

contract, within the estimated funds available. However, in this case there were only two bids received; the bid of McHugh was just below the City's estimate, and the second bidder was nearly \$500,000 above the estimated funds the City had available for the project. The Board must first reject the bids of the apparent low bidder before it could consider the 2nd bidder - who in this case was considerably higher than funds available. Therefore the recommendation is to reject all the bids.

27. 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.

The Board reviewed a listing of contractors requesting to be prequalified to bid on public works projects and those contractors requesting to be licensed as Concrete Layers, Asphalt Pavers or Mudjackers. There were no appeals to the process.

28. [01499](#) Awarding Public Works Contract for bids Opened June 17, 2005.

A motion was made by Ms. Hewitt, seconded by Ald. Palm, to RECOMMEND TO COUNCIL TO ADOPT - REPORT OF OFFICER Bid of Hammersley Stone of \$554,803.80 was recommended for approval to Contract No. 5835. The motion passed by acclamation.

Enactment No: RES-05-00602

29. Change Order No. 1 to Contract No. 5791, Adams St., Jefferson St., Lincoln St. & Alley Reconstruction, to Capital Underground in the amount of \$9,638.00.
30. Change Order No. 3 to Contract No. 5817, 2005 Resurfacing Various Streets & Asphalt Paving, to Payne & Dolan in the amount of \$10,345.00.

Alder Van Rooy moved approval of the Change Order; motion seconded by Mr. Elmakias; motion unanimously passed.

Mr. Schumacher reported that this change order is to have Payne & Dolan install a 4" thick asphalt pad onto which the new salt storage building is to be constructed.

31. [01507](#) Authorizing the Purchasing Agent to enter into an agreement with Bauer & Raether Builders to provide construction to install building insulation located at the Madison Police Dept. Property storage facility on 120 N. First Street. (6th AD)

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

Mr. Jim Whitney City Architect reported that this would allow the Purchasing Agent to enter into an Agreement with Bauer & Raether Builders to insulate the 4,000 square foot police property storage facility at the First Street garage. The estimated cost is \$24,910 to insulate for heat and air, this facility which is used for evidence storage. They are under a State statute rule to preserve all biological evidence and currently this building is not insulated and evidence can become contaminated.

The motion passed by acclamation.

Enactment No: RES-05-00601

ADJOURNMENT

Board meeting adjourned at 6:46 p.m.

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