



# 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*

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Wednesday, May 4, 2005

4:30 PM

210 MARTIN LUTHER KING JR BLVD  
ROOM 103A (City County Building)

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#### CALL TO ORDER

Vice Chair Clausius called the Board meeting to order at 4:35 p.m. following verification by the Secretary that the meeting was properly noticed.

#### ROLL CALL

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

**Excused:** William F. Bremer and Harrelson

1. Consider approving the Minutes of the Board of Public Works Meeting and the Public Hearing of April 20, 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 were brought before 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.

**It was noted for the record that no items required permit as to water resources impacts.**

#### PUBLIC HEARING - 6:30 P.M. COUNCIL CHAMBERS

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

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

Vice Chair Clausius called the Public Hearing meetings to order at 6:32 p.m. following verification by the Secretary that the meeting was properly noticed and a quorum was present.

Two items for public hearing are: ID 01129 and ID 01130. Vice Chair Clausius opened first item for public hearing: ID 01129.

4. [01129](#) Approving Plans, Specifications, And Schedule Of Assessments For East Main Street Reconstruction Assessment District - 2005. (6th AD)

A motion was made by Ms. Hewitt, seconded by Ald. Van Rooy, to **RECOMMEND TO COUNCIL TO ADOPT - PUBLIC HEARING**

Mr. Steve Gohde with City Engineering displayed the plans for this project, and distributed a revised set of assessments. He stated the limits are from the Yahara River Bridge to First Street. The street improvements will include removing and replacing the curb and gutter on the north side. The curb on the south side of the street is in good condition and will not be replaced. The street width is proposed to remain 32'. The current utilities will be increased in size to accommodate future development to take place in 2006. There will be no sidewalk installed on the north side. There will be repair of broken or offset curb and sidewalk work on the south side of the street; new storm main and inlets and sanitary sewer and water main will be installed. The work is scheduled to begin August 1 and be completed in October, 2005. During the construction there may be times when the access cannot be maintained due to driveways and aprons being closed to allow concrete to cure. Estimated costs are \$620,000 with the City share being \$576,000.

He received no written correspondence, and received a phone call from a resident on Riverside Drive about a future project and access and easement issues.

Vice Chair Clausius thanked Mr. Gohde for his presentation called for technical questions.

Resident on Riverside Drive had questions regarding access during the construction.

Noted for the record the following Registrant who did not wish to speak and was present for questions only.

Mary Waltrovich, 101 Riverside Drive - present for information and to ask questions.

Vice Chair Clausius closed the public hearing and called the Board into regular session for discussion and action on this project.

Vice Chair Clausius opened the next public hearing.

The motion passed by acclamation.

5. [01130](#) Approving temporary construction work with associated noise impacts between the hours of 7:00 PM and 7:00 AM on East Towne Boulevard. (17th AD)

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

Mr. John Fahrney with City Engineering reported that this project will be done in three phases. Phase I includes curb and gutter replaced at East Towne Boulevard from Eagan Road to Zeier Road and is scheduled for early May of this year. Phase II includes the pulverizing of existing pavement and placing back the lower layer of pavement on this same section in late May or early June. The final phase includes placing the final surface of pavement.

The work that is requested to be done beyond 7 p.m. is placing the final surface of asphalt pavement on East Towne Boulevard. He explained that the contractor would begin work at midnight and be done before morning business hours.

He reported that several meetings were held with the neighborhood residents and he received no objections.

Vice Chair Clausius closed the public hearing and called the Board into regular session to discuss and take action on this item. The motion passed by acclamation.

6. [01100](#) Authorizing the Mayor and the City Clerk to execute an amended agreement with the State of Wisconsin Department of Transportation for the construction of the East Johnson Street Pedestrian Underpass, and amending the 2005 Capital Budget for Bikeways. (2nd AD)  
**A motion was made by Ald. Palm, seconded by Ald. Van Rooy, to Return to Lead with the Recommendation for Approval to the BOARD OF ESTIMATES. The motion passed by acclamation.**
7. [01087](#) Approving plans, specifications, and schedule of assessments for the installation of street lights in Liberty Place Phase 3 (16th AD)  
**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.**
8. [01090](#) Approving plans, specifications, and schedule of assessments for the installation of street lights in Secret Places Phase 2 (16th AD)  
**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.**
9. [01091](#) Approving plans, specifications, and schedule of assessments for the installation of street lights in Sauk Heights Phase 3 (9th AD)  
**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.**
10. [01134](#) Accepting street improvements, excluding the bituminous pavement, constructed by private contract in Rhodia Plat, Private Contract No. 1898. (16th AD)

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.

11. [01135](#) Approving plans and specifications for public improvements required to serve Phase III of the Subdivision known as Seventh Addition to Blackhawk Subdivision and authorizing construction to be undertaken by the Developer, Private Contract No. 2035. (9th AD)

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.

12. [01136](#) Approving plans and specifications for public improvements necessary for the project known as 1802 Maplecrest Drive PUD - Phase I and authorizing construction to be undertaken by the Developer, Private Contract No. 2040. (1st AD)

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

Mr. Greg Fries of City Engineering displayed a map of the area involved, stating that this would be Phase I of the PUD and a new main would be installed to serve the development. The Resolution would be changed to reflect Phase I of the PUD. The motion passed by acclamation.

13. [01139](#) Accepting sanitary sewer constructed by Private Contract In Rhodia Plat, Private Contract No. 1898. (16th AD)

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.

14. [01140](#) Accepting storm sewer constructed by private contract in Rhodia Plat, Private Contract No. 1898 (16th AD)

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.

15. [01133](#) Improvements accepted for Restoration/Landscaping - 2004, Contract No. 5624. (Various ADs)

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.

16. [01157](#) Declaring the City of Madison's intention to exercise its police powers establishing the Regent Street Assessment District-2005 (11th 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.

17. Change Order No. 9 to Contract No. W-5472, City of Madison Water Utility Administration and Vehicle Storage Buildings, to Miron Construction Co., Inc. in the amount of \$133,599.00.

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

**Mr. Al Larson with Water Utility explained the items, including undercut work and adding additional asphalt paving of bike path along Olin Avenue due to added electrical work.**

**Board Member Rewey expressed his concerns with drainage as it related to edges of breaker run.**

**It was noted for the record the following individuals were present for questions on the Change order - did not speak.**

**Fred Noble, representing Bray Associates - available to answer questions  
Tim Kippenhan, representing Miron Construction - available to answer questions  
Bill Wuellner, representing CGC - available to answer questions  
Paul Riederer, representing Miron Construction - available to answer questions**

18. 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 contracts and those requesting to be licensed as Asphalt Pavers, Concrete Layers or Mudjackers. There were no appeals.**

19. For information: Attached Long-Range Transportation Planning Commission (LRTPC) Minutes of Thursday, April 21, 2005.

**Noted for the record the Board received, for information, the minutes of the Long Range Transportation Planning meeting.**

20. Status of acceptance of Public Works Contracts.

**Mr. Nelson reported that at the previous Board meeting, the members were distributed information pertaining to outstanding contracts and the need to take action on them and get contractors paid. He recommended a motion that would direct 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; 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. The Board discussed the motion and it was moved to refer action on the motion to the May 18 Board meeting.**

21. Consider a request for variance in accordance with Chapter 37.13 of the MGO, to the proposed plat of the Eighth Addition to the Blackhawk Subdivision, to allow payment of a calculated fee in lieu of providing onsite storm water management.

**Mr. Greg Fries with City Engineering displayed a map of the area and stated that there currently is a city detention basin that is adjacent to a City Park. The developer [Ron Guthrie] has requested, as part of Phase 8 of the Blackhawk Development, a variance to allow for more stormwater to be sent to the pond than was expected. The water would overflow the basin and then pond on City Park lands during severe storm events.**

**He calculated fees for this request and the City Parks Superintendent has agreed to allow the ponding in the City Park at a fee of \$75,000 which would be used towards the construction of a pedestrian bridge across the pond to access the Park. City Engineering would charge \$30,000 for Engineering fees which would be used towards reseeding the basin. He also reported that there have been occasions where the entire basin has infiltrated on its own, and Engineering is currently working with UW experts investigating this occurrence.**

**Mr. Fries reported that if the variance was not granted the water would eventually drain to the pond in any way.**

**Alder Skidmore addressed the Board and stated his support for this variance, and also stated that the neighborhood association is fully supportive of the variance fee which would be used towards the pedestrian bridge over the pond. He also urged the approval of additional funding that might be needed to complete the construction of such a pedestrian bridge. [It was pointed out that the funding issue would have to be taken up in the budgeting process, and was not within the Board of Public Works jurisdiction.]**

**The Board discussed the request and the information relative to the infiltration of the entire pond and concerns were expressed about the infiltration as it relates to the groundwater source. The fact that the pond drains completely on its own is of concern. Mr. Nelson reported that in the past when a pond completely infiltrates on its own the City can find the spot that it infiltrated and can take efforts to plug it; however with this particular pond it never seems to empty itself in the same location. As new locations are discovered, appropriate measures can be taken.**

**Following further discussion Alder Van Rooy moved approval of the request for variance, in lieu of providing onsite storm water management, to the proposed plat of the Eight Addition to the Blackhawk Subdivision; motion seconded by Ms. Hewitt; motion passed with Mr. Rewey voting NO.**

**Noted for the record the following individual was present and registered:**

**Joseph Kellerman, representing Blackhawk Neighborhood Homeowners Association - present to answer questions.**

22. Recommendation of the City Traffic Engineer on a Request for the Board to Approve backing from the street right-of-way (MGO) Section 10.08(6)(a)6): Site 1108 Post Road.

Mr. Mark Winter with Traffic Engineering displayed a sketch of the area stating that a request was received to allow for backing off right-of-way at 1108 Post Road due to the Fire Department's code not to allow for a dock at the rear of their building at this site. There would be about 5 semi trucks per day between the hours of 7 a.m. to 5 p.m. that may need to utilize the backing approval. The recommendation is to approve the request.

Mr. Rewey moved to approve the request for backing from the street right-of-way at 1108 Post Road; motion was seconded by Alder Van Rooy; motion unanimously passed via voice vote.

Noted for the record the following individual was registered:

Michael Webster, representing Bob Riley - Available to answer questions.

23. Appeal of sidewalk replacement by Jerry Kotnour, property owner at 4402 Woods End.

It was noted that Mr. Jerry Kotnour, property owner at 4402 Woods sent a letter indicating that he could not attend the meeting but felt he would not win his appeal any way.

Mr. Rewey moved to place the appeal on file; motion seconded by Alder Van Rooy; motion passed by voice vote.

24. [01131](#)

Awarding Public Works Contracts for Bids Opened April 29, 2005.

*Award low bid to Contract No. 5637 - Seminole Highway Street Assessment District - 2004 - to Speedway Sand & Gravel \$751,372.40; award low bid to Contract No. 5791 - Adams Street, Jefferson Street, Lincoln Street and Alley Reconstruction Street Assessment District - 2005 - to Capitol Underground \$1,318,839.34; award low bid to Contract No. 5802 - John Nolen Drive Expansion Joint Repair - 2005 - to South Central Construction \$183,036.00; award low bid to Contract No. 5829 - Midvale Boulevard Sanitary Sewer Replacement - to Speedway Sand & Gravel \$645,263.30; award low bid to Contract No. 5852 - Tancho/CIC Phase II Construction - to Speedway Sand & Gravel \$100,928.16; and refer to the May 18, 2005 Board meeting the bids to: Contract W7065 - Unit Well No. 30 Reservoir and Pumping Station.*

**A motion was made by Ald. Van Rooy, seconded by Mr. Rewey, to RECOMMEND TO COUNCIL WITH THE FOLLOWING RECOMMENDATIONS - REPORT OF OFFICER. The motion passed by acclamation.**

25. [01190](#)

Authorizing the City to amend the Engineering Department's Capital Expenditure Budget for infrastructure improvements on Pierstorff, Pearson and Wright Streets related to the expansion of Covance Laboratories, Inc. Said improvements include storm sewer, sanitary sewer, water main, street reconstruction and new street and sidewalk construction. (17th AD)

**A motion was made by Ald. Van Rooy, seconded by Mr. Rewey, to Return to Lead with the Recommendation for Approval to the BOARD OF ESTIMATES. The motion passed by acclamation.**

26. [01155](#)

Authorizing the City to apply for a State DOT Transportation Facilities

Economic Assistance Grant and authorizing the Mayor and City Clerk to execute a Transportation Economic Assistance Jobs Guarantee with the State DOT and to execute a Project Agreement with Covance Laboratories, Inc. for a transportation infrastructure project on Pearson, Pierstorff and Wright Streets.

**A motion was made by Ald. Van Rooy, seconded by Mr. Rewey, to Return to Lead with the Recommendation for Approval to the BOARD OF ESTIMATES. The motion passed by acclamation.**

**Board meeting adjourned at 6:50 p.m.**

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