

PUBLIC NOTICE OF MEETING
BOARD OF PUBLIC WORKS

Pursuant to Section 19.84, Wisconsin Statutes, notice is hereby given to the public that a regular meeting of the Board of Public Works of the City of De Pere will be held on Monday, March 9, 2009, 7:30 p.m. in the **Council Chambers of the City Hall**.

Notice is hereby given that a majority of the members of the Common Council of the City of De Pere may attend this meeting to gather information about a subject(s) over which they have decision-making responsibility.

AGENDA FOR SAID MEETING:

1. Roll Call
2. Approve minutes of the regular meeting held on February 9, 2009, which were previously forwarded to Board Members
3. Approve Bump Outs on Chicago Street
4. Discuss Sanitary Sewer Lining Projects
5. Approve Bid for Project 09-01 Watermain Relay and Sanitary Sewer Relay
6. Approve Bid for Project E09-12, One (1) 2009 Year 2500 HD 4WD, Ext Cab 157.5" Work Truck
7. Traffic/Parking Review Team Meeting Minutes from February 17, 2009
8. Public Comment
9. Future Agenda Items
10. Adjournment

Scott J. Thoresen, P.E.
Public Works Director

AGENDA SENT TO:

Alderspersons
Mayor
Administrator
Clerk's Office
Bulletin Boards
Lee Schley
Karen Heyrman

De Pere Journal
Green Bay Press Gazette
TV and Radio Stations
De Pere Area Business Alliance
North American Communications
WI Public Service Corporation
Ms. Diane Hockers, 429 S. Ninth St, De Pere 54115

Any person wishing to attend whom, because of disability, requires special accommodations should contact the office of the Clerk-Treasurer at 339-4050 by noon on the day of the meeting so that arrangements can be made.

A regular meeting of the Board of Public Works was held on Monday, March 9, 2009 at 7:30 p.m. in the Council Chambers at City Hall.

1. Roll Call.

Members present on roll call: Mayor Walsh, Alderpersons Boyd, Wilmet, Donovan and Heuvelmans.

Members absent on roll call: None

Others present: Scott Thoresen - Director of Public Works, Lee Schley – City Engineer, Sue Selissen - Public Works Secretary, recording secretary, Alderperson Robinson, Terry Gerbers, Attorney for Jossart Bros., Jesse Jossart and Conrad Jossart, Jossart Bros.

2. Approve minutes of the regular meeting held on February 9, 2009; which were previously forwarded to Board Members.

Minutes of the February 9, 2009 regular meeting previously forwarded to members of the Board were presented. A motion to approve the minutes was made by Alderperson Wilmet, seconded by Alderperson Donovan. Upon vote, motion was carried unanimously.

3. Approve Bump Outs on Chicago Street.

Scott Thoresen, Public Works Director presented information to the Board about the Bump Outs on Chicago by providing a detailed diagram and explanation of the project. A discussion was held about free-flowing traffic vs traffic calming and the benefits to the school in that area as well as the bump outs between Webster and Crestview by a path that leads to the park. Alderperson Donovan opened a discussion on marking the street with lines to make it an official crosswalk and Scott added that if we mark the street, we would need signage as well. A question was posed as to how well the bump outs could be seen if there are cars parked along the roadside and it was suggested that "No Parking" signs be placed within 15' of the bump outs so moving traffic would notice it. A motion was made by Mayor Walsh to approve the bump outs on Chicago Street and mark the bump outs between Webster and Crestview as an official crosswalk, seconded by Alderperson Wilmet. Upon vote, motion was carried unanimously.

4. Discuss Sanitary Sewer Lining Projects.

Scott Thoresen, Public Works Director presented information to the Board about the need to repair sanitary sewer on Chicago Street and Bluebird Street, which are getting Asphalt Overlays this year. He added that putting in the slip lining is a cost effective way to make the necessary repair vs. replacing them. Scott had stated that he discussed the funding of this with Joe Zegers, Finance Director, and there were enough funds in the Sewer Utility budget to cover the additional \$60,000 needed to proceed with the sewer linings. A motion was made by Alderperson Heuvelmans to approve Sanitary Sewer Linings for Chicago Street and Bluebird Street, seconded by Mayor Walsh. Upon vote, motion was carried unanimously.

5. Approve Bid for Project 09-01 Watermain Relay and Sanitary Sewer Relay.

Scott Thoresen, Public Works Director presented information to the Board about the 09-01 Project. The Board was updated on an issue regarding the apparent low bidder bid being incomplete, therefore recommended by Judy Schmidt-Lehman, City Attorney, that the bid be rejected and we accept the 2nd low bid, Dornier Inc. Scott recognized Jesse and Conrad Jossart and their attorney were present and they acknowledged that they would like to speak. A motion was made by Alderperson Donovan to open the meeting, seconded by Alderperson Boyd. Upon vote, motion was carried unanimously.

For the record, Terry Gerber, Gerbers Law, SC, 480 Pilgrims Wy, Ashwaubenon, WI, Jesse & Conrad Jossart, Jossart

Brothers, Inc, 1682 Swan Rd, De Pere, WI were present to address the Board. Mr. Gerber wanted to reiterate in person what was communicated between Judy Schmidt-Lehman, City Attorney and himself. He also wanted to challenge the City Attorney's interpretation of the law regarding James Cape & Sons Company vs. Terrance D. Mulcahy, 2005 WI 128,285 Wis. 2d 200. He argued that only a bidder has the right to withdraw a bid and that there is no provision or authority in that law that demands a re-tabulation of the bid. Mr. Gerber pled with the Board to consider their proposal to accept the bid and let it stand as is, in its total bid amount and supported that request by his clients attesting that this was an honest error on their part and added that if the Board believed that there was no ill-intent on behalf of his clients and that their history with the City is in good standing they could legally accept his proposal without violating any law regarding this matter. The Board had no questions for Mr. Gerber. A motion was made by Alderperson Donovan to close the meeting, seconded by Alderperson Wilmet. Upon vote, motion was carried unanimously. Mayor Walsh updated the Board on the City Attorney's recommendation to reject the bid as incomplete. Other options brought up were to reject all bids and re-bid the project which could cost approximately \$1,000 plus staff time as well as at least a month delay and the need to possibly call a special PW Board meeting to present bids. Also taken into consideration is the agreement of completion of the St. Norbert's part of this project, which was to be completed in June of this summer. Lee Schley added that costs could also go up as contractors are getting more jobs at this time of year and this project may have to be completed in conjunction with another project. A motion was made by Alderperson Wilmet to reject all bids, seconded by James Boyd. Upon vote, this motion was defeated. 2 Ayes (Alderperson Wilmet and Alderperson Boyd), 3 Nays (Mayor Walsh, Alderperson Heuvelmans and Alderperson Donovan). A motion was made by Alderperson Donovan to reject the Jossart Bros, Inc. bid as incomplete and award the 2nd low Bid from Dorner, Inc in the amount of \$526,244.15, seconded by Mayor Walsh. Upon vote, the motion was approved with 3 Ayes (Mayor Walsh, Alderperson Heuvelmans and Alderperson Donovan) and 2 Nays (Alderperson Wilmet and Alderperson Boyd). Motion carried.

6. Approve Bid for Project E09-12, One (1) 2009 Year 2500 HD 4WD, Ext Cab 157.5' Work Truck.

Mayor Walsh presented this item to the Board and a motion was made by Alderperson Heuvelmans to award the bid to Broadway Automotive for \$20,281.00, including trade, seconded by Alderperson Donovan. Upon vote, motion was carried unanimously.

7. Traffic/Parking Review Team Meeting Minutes from February 17, 2009.

Lee Schley, City Engineer, presented the minutes and in response to a question about the Downtown Parking study, the most recent numbers are from 2004 and a new study will be completed.

8. Public Comment.

None.

9. Future Agenda Items.

None.

10. Adjournment.

A motion was made by Mayor Walsh at 8:28 pm to adjourn, seconded by Alderperson Wilmet. Upon vote, motion was carried unanimously.

SCOTT J. THORESEN, P.E.
DIRECTOR OF PUBLIC WORKS