



City of Madison Master

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

File Number: 04635

File Number: 04635 File Type: Resolution Status: Passed

Version: 1 Reference: Controlling Body: BOARD OF PUBLIC WORKS

Requester: BOARD OF PUBLIC WORKS Cost: Introduced: 09/27/2006

File Name: Authorizing the Mayor and City Clerk to enter into an intermunicipal agreement with the City of Monona for construction of a stormwater treatment facility located in the City of Monona Lake Edge Park. (15th AD)

Title: Authorizing the Mayor and City Clerk to enter into an intermunicipal agreement with the City of Monona for construction of a stormwater treatment facility located in the City of Monona Lake Edge Park. (15th AD)

Notes: Greg Fries

Code Sections: Agenda Date: 10/17/2006

Indexes: Agenda Number: 16.

Sponsors: Common Council By Request Enactment Date: 10/18/2006

Attachments: Enactment Number: RES-06-00881

History of Legislative File

Ver-Action Body	Date	Action	Sent To	Due Date	Return Date	Result
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1	Engineering Division	09/27/2006	Fiscal Note Required / Approval	Comptroller's Office/Approval Group	09/28/2006	Pass
1	Comptroller's Office/Approval Group	09/28/2006	Approved Fiscal Note By The Comptroller's Office	BOARD OF PUBLIC WORKS	09/28/2006	Pass
1	BOARD OF PUBLIC WORKS	10/04/2006	RECOMMEND TO COUNCIL TO ADOPT - REPORT OF OFFICER			Pass
1	COMMON COUNCIL	10/17/2006	Adopt			Pass

Text of Legislative File 04635

Fiscal Note

The stormwater utility shall fund the costs associated with this agreement with funds in Acct. No. ESTM-58270-810392-00-53W0316. The project is currently estimated at \$105,000.00 of which \$35,000.00 shall be provided by Dane County grant. After accounting for the grant the remaining capital costs shall be split 75% City of Madison 25% City of Monona. This results in an anticipated one-time cost of \$52,500.00 to the City of Madison. Annual maintenance shall be addressed with a separate agreement.

Authorizing the Mayor and City Clerk to enter into an intermunicipal agreement with the City of Monona for construction of a stormwater treatment facility located in the City of Monona Lake Edge Park. (15th AD)

..Body

WHEREAS, the drainage area discharging to the Lake Edge Outfall in the City of Monona is approximately 90% within the Corporate limits of the City of Madison; and

WHEREAS, the City of Monona has requested the City of Madison's assistance in reducing the amount of sediment discharging to Lake Monona in this location; and

WHEREAS, the City of Madison has no stormwater treatment systems in this watershed; and

WHEREAS, the City of Madison has a statutory requirement to reduce the amount of Total Suspended Solids (TSS) being discharged to the Waters of the State, by 40% in 2013 in accord with our WDNR NR-216 stormwater discharge permit; and

WHEREAS, the modeling calculations for this stormwater treatment facility indicate that it will remove slightly more than 40% TSS from the storm discharge from this watershed;

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and City Clerk are authorized to enter into an Intermunicipal Agreement with the City of Monona to construct a stormwater treatment facility at Lake Edge Park and that the City of Madison's share of the cost of this construction shall be consistent with the percentages discussed in the Fiscal Note.



City of Madison Master

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Madison, WI 53703
www.cityofmadison.com

File Number: 05253

File Number: 05253
File Type: Resolution
Status: Passed
Version: 1
Reference: Controlling Body: BOARD OF PUBLIC WORKS
Requester: Introduced: 12/13/2006
File Name: Authorizing the Mayor & City Clerk to enter into an intermunicipal agreement with the City of Monona for maintenance of a stormwater treatment facility located in the City of Monona Lake Edge Park.
Title: Authorizing the Mayor and City Clerk to enter into an intermunicipal agreement with the City of Monona for maintenance of a stormwater treatment facility located in the City of Monona Lake Edge Park. Previous resolution provided for an agreement to cost share the construction of this practice. (15th AD)

Notes: Greg Fries

Code Sections:
Agenda Date: 01/02/2007
Indexes:
Agenda Number: 110
Sponsors: Common Council By Request
Enactment Date: 01/03/2007
Attachments:
Enactment Number: RES-07-00078

History of Legislative File

Ver- Acting Body: Date: Action: Sent To: Due Date: Return Date: Result:

1	Engineering Division	12/13/2006	Fiscal Note Required / Approval	Comptroller's Office/Approval Group	12/13/2006	Pass
1	Comptroller's Office/Approval Group	12/13/2006	Approved Fiscal Note By The Comptroller's Office	BOARD OF PUBLIC WORKS	12/13/2006	Pass
1	BOARD OF PUBLIC WORKS	12/20/2006	RECOMMEND TO COUNCIL TO ADOPT - REPORT OF OFFICER			Pass
1	COMMON COUNCIL	01/02/2007	Adopt			Pass

Text of Legislative File 05253

Fiscal Note
The stormwater utility shall fund the costs associated with this agreement with funds in account number ESTM-58270-810392-00-53V0316. This practice will require maintenance (removal of accumulated sediments) annually. Cost for this removal will vary but are estimated at \$15,000.00 per year. Maintenance costs shall be split 75% City of Madison 25% City of Monona.

Title

Authorizing the Mayor and City Clerk to enter into an intermunicipal agreement with the City of Monona for maintenance of a stormwater treatment facility located in the City of Monona Lake Edge Park. Previous resolution provided for an agreement to cost share the construction of this practice. (15th AD)

..Body
WHEREAS, the drainage area discharging to the Lake Edge Outfall in the City of Monona is approximately 90% within the Corporate limits of the City of Madison; and

WHEREAS, the City of Monona has requested the City of Madison's assistance in reducing the amount of sediment discharging to Lake Monona in this location; and

WHEREAS, the City of Madison has no stormwater treatment systems in this watershed; and

WHEREAS, the City of Madison has a statutory requirement to reduce the amount of Total Suspended Solids (TSS) being discharged to the Waters of the State, by 40% in 2013 in accord with our WDNR NR-216 stormwater discharge permit; and

WHEREAS, the modeling calculations for this stormwater treatment facility indicate that it will remove slightly more than 40% TSS from the storm discharge from this watershed;

WHEREAS, previous resolutions (RES-06-00881) have authorized an intermunicipal agreement for the construction of a stormwater treatment facility at this location;

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and City Clerk are authorized to enter into an Intermunicipal Agreement with the City of Monona to maintain a stormwater treatment facility at Lake Edge Park and that the City of Madison's share of the cost of this construction shall be consistent with the percentages discussed in the Fiscal Note.

RECEIVED FEB 20 2007

REUTER, WHITISH & COLE, S.C.

ATTORNEYS AT LAW

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(608) 250-9053

February 14, 2007

ALLEN D. REUTER
BARBARA O. WHITISH
WILLIAM S. COLE
DANIEL J. EVANS
MEGAN M. STOLTZ

Mr. Larry Nelson

City Engineer

City of Madison

Department of Public Works

210 Martin Luther King Jr. Blvd., Room 115

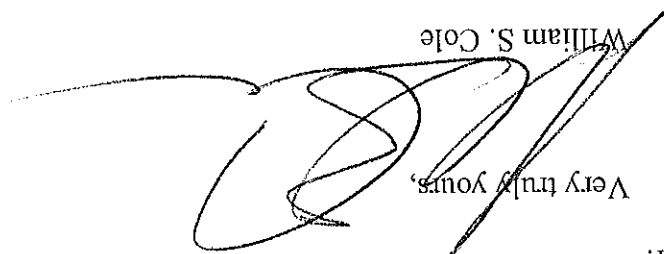
Madison, WI 53703

Re: Lake Edge Community Park Sediment Basin

Dear Mr. Nelson:

Enclosed please find the intergovernmental agreement between the cities of Madison and Monona relating to the construction and maintenance of the sediment basin at Lake Edge Community Park. The document has been signed by all Monona officials. Please forward it as appropriate for execution by Madison officials and, when completed, return a copy to me. Thank you for your attention to this matter.

Very truly yours,



William S. Cole

WSC/cj
Enclosures

cc: Mr. David Berner (w/ enclosures)

**INTERGOVERNMENTAL AGREEMENT RELATING TO THE CONSTRUCTION AND
MAINTENANCE OF A SEDIMENT BASIN**

Between the City of Madison and the City of Monona

THIS AGREEMENT made this 1st day of January 2007, by and between the City of Madison, a municipal corporation (hereinafter referred to as "Madison"), and the City of Monona, a municipal corporation (hereinafter referred to as "Monona").

WHEREAS, the parties desire to install a sediment basin at Lake Edge Community Park within the City of Monona in order to reduce storm water pollution at that point for the particular benefit of Monona and Madison; and

WHEREAS, section 66.0301, Wisconsin Statutes, authorizes the parties to contract for the joint exercise of their powers and duties, and sharing of expenses arising therefrom; and

WHEREAS, the parties desire to formalize arrangements for the sharing of the project's costs pursuant to section 66.0301, Stats.

NOW, THEREFORE, in consideration of the mutual covenants contained herein and other good and valuable consideration, the receipt and sufficiency of which are hereby mutually acknowledged, the parties agree as follows:

1. The purpose of this Agreement is to provide for the construction, operation and maintenance of the stormwater treatment sediment basin at the Lake Edge Community Park in the City of Monona and any associated devices necessary for its operation (collectively referred to as the "Sediment Basin") and the sharing of all costs thereof between the parties.

2. Monona agrees to construct or cause to be constructed the Sediment Basin in accordance with plans prepared by the Monona Engineering Department and approved by Madison.

3. Upon completion of construction of the Sediment Basin, and inspection and approval by Madison to confirm the construction was reasonably consistent with the approved plans, Madison agrees to pay to Monona the following:

a. 75% of all design and construction costs incurred by Monona for the Sediment Basin, including but not limited to labor, equipment, materials, and administrative costs. Costs shall be calculated net, after receipt of any payment by Dane County in contribution for such costs. and

b. 75% of all costs associated with the operation, repair, replacement, removal or maintenance of the Sediment Basin. Monona shall advise Madison when such work is necessary and the estimated cost. Madison shall either:

- Authorize Monona to proceed with the work and reimburse Monona 75% of all actual costs; or

- With the prior consent of Monona, perform the work itself and bill Monona for 25% of all actual costs; or

- With the consent of all parties, participate in a joint effort involving private or public contractors including Dane County to proceed with the work and pay 75% of all actual costs.

In the event the parties cannot agree as to which party shall perform the work, the amount of the work that is necessary, the cost of such work, or any other dispute arising under this Agreement, the dispute shall be resolved through arbitration, with each side bearing its own costs and sharing the costs of the arbitration equally.

4.

Payment shall be due, 60 days after invoices are submitted to it by Monona.

5.

Monona shall complete construction of the Sediment Basin by December 31, 2007 and shall submit a final invoice to the City no later than July 1, 2008. The final invoice submitted to Madison shall be clearly labeled FINAL. If no invoice is labeled FINAL then the last invoice received by the City of Madison on or before July 1, 2008 shall be considered FINAL.

6.

This Agreement shall remain in force and effect until such time as the Sediment Basin is removed, unless otherwise agreed by the parties in writing.

7.

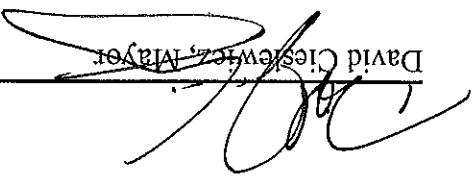
Each party shall be responsible for injuries, claims, or losses arising from or caused by the acts or omissions of its agents or employees. The obligations of the parties under this paragraph shall survive the expiration of termination of this Agreement.

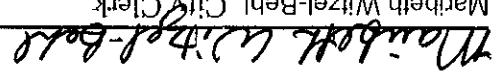
8.

Nondiscrimination - In the performance of the services under this Agreement, Monona agrees not to discriminate against any employee or applicant because of race, religion, marital status, age, color, sex, handicap, national origin or ancestry, income level or source of income, arrest record or conviction record, less than honorable discharge, physical appearance, sexual orientation, political beliefs, or student status. Monona further agrees not to discriminate against any subcontractor or person who offers to subcontract on this contract because of race, religion, color, age, disability, sex or national origin.

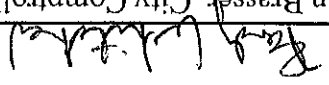
IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed by their proper officers on the day and year first above written.

FOR THE CITY OF MADISON

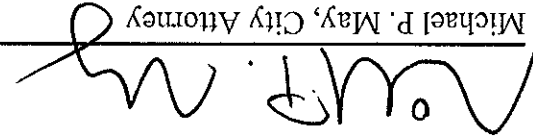

David Cieslewicz, Mayor


Maribeth Witzel-Behn, City Clerk

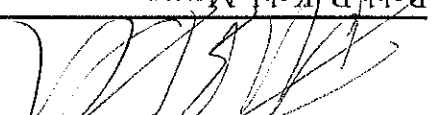
Countersigned:



Dean Brassel, City Comptroller

Approved as to form:

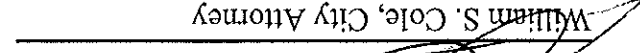

Michael P. May, City Attorney

FOR THE CITY OF MONONA


Robb B. Kahl, Mayor


Karen Eley, City Clerk


David L. Berner, City Comptroller


William S. Cole, City Attorney

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3-26-07
Date

8-26-2007
Date

3-16-07
Date

23 March 2007
Date

2/19/07
Date

2-5-07
Date

2/17/07
Date

2-14-07
Date