



CITY OF WAUWATOSA  
7725 WEST NORTH AVENUE  
WAUWATOSA, WI 53213  
Telephone: (414) 479-8917 - Fax: (414) 479-8989  
<http://www.wauwatosa.net>

**BOARD OF PUBLIC WORKS**

Regular Meeting – Monday, April 19, 2010 – 8:30 a.m.

PRESENT: Mr. Kesner, City Atty.; Ms. Welch, Community Dev. Dir.; Mr. Wheaton, Chief Bldg. Official -3

EXCUSED: Mr. Braier, Ms. Ledesma

ALSO W. Kappel, Public Works Dir.; W. Wehrley, City Eng.;;  
PRESENT: Chief D. Redman, Fire Dept.

Mr. Kesner in the Chair called the meeting to order at 8:30 a.m.

The Chair requested any additions or corrections to the minutes of the previous meeting.

Moved by Mr. Wheaton, seconded by Ms. Welch to accept the minutes as printed. Ayes: 3

**Appeal of Special Assessment for Sidewalks at 2720 Wauwatosa Avenue.** The Board reviewed an appeal by Paul F. Klemens, 2720 Wauwatosa Avenue, of a portion of the special assessment for 2009 sidewalk replacement.

Mr. Wehrley, City Engineer, reported that the Wauwatosa Avenue paving project was a Wisconsin Department of Transportation (DOT) project, and the City of Milwaukee was the lead agency. He referred to an engineering drawing showing areas of walk removal. Mr. Klemens is appealing the assessment for approximately 5.2 feet of sidewalk adjacent to the alley north of his home. The total sidewalk assessment for approximately three squares was \$402.74, and there was an assessment for street paving as well.

Mr. Klemens said that since the sidewalk at the alley was previously replaced, there was nothing wrong with it and he objected to replacement prior to the start of the project. The joint today looks worse than before and there are bumps in the cement finish because the contractor did not brush it out correctly. He objects to the charge for the third square and to the quality of the work.

Mr. Wehrley indicated that he had not previously heard the concerns about the quality of the block and would need to follow up on site.

Moved by Mr. Wheaton, seconded by Ms. Welch to hold this matter to the next meeting to allow the City Engineer to inspect the sidewalk and also provide a cost for the block. in question. Ayes: 3

**Contract 08-02 State Street Repaving – Final Payment.** Mr. Wehrley reported that the repaving of portions of W. State Street was completed last year and has been inspected. He requested acceptance for final payment of \$20,198.08 to the contractor, C. W. Purpero, Inc. The original contract amount was \$2,007,632.00; due to change orders, extras, and adjustments, the final contract amount is \$2,263,967.03, an increase of \$256,335.03 but less than 15% of the original amount.

Moved by Mr. Wheaton, seconded by Ms. Welch to recommend to Council approval of the final payment. Ayes: 3

**Suspension of Train Whistle Ban.** The Board reviewed a memo from Assistant City Attorney Miller Carter outlining a proposed application to the Federal Railroad Administration for temporary suspension of the State Street quiet zone effective April 19, 2010, or soon thereafter, until June 30, 2010, or such time as the construction at the intersection of N. 68<sup>th</sup> and W. State Streets has been completed. This would apply to the crossings at 63<sup>rd</sup>, 70<sup>th</sup>, and 72<sup>nd</sup> Streets and Harwood Avenue.

Mr. Wehrley reported that the ban was suspended last year during construction adjacent to the tracks. Staff learned at a construction conference last week that the railroad would be removing the flashing lights and gates at 68<sup>th</sup> and State for several weeks. There would be no vehicular traffic, but pedestrians would still be able to cross. Assistant Fire Chief Anton recommended suspending the whistle ban during the hours contractors would be working to increase safety for the workers and any pedestrians. Since there will also be work in Hart Park and the brick paver (Hart's Mill) parking lot, the suspension would include all crossings between 63<sup>rd</sup> Street and Harwood Avenue.

The Chair noted that the two train accidents during last year's construction and suspension of the whistle ban occurred when people drove around road-closed signs.

Moved by Mr. Wheaton, seconded by Ms. Welch to authorize staff to apply for suspension of the railroad quiet zone at crossings between 63<sup>rd</sup> Street and Harwood Avenue from 7 a.m. and 7 p.m. daily until June 30, 2010, or such time as construction at 68<sup>th</sup> and State is completed. Ayes: 3

**Temporary Amendment to Encroachment – Café Hollander 7677 W. State Street.** Mr. Kappel said that it was reported last week that, due to construction on the Harwood pedestrian bridge, Café Hollander has placed tables along the front of their building on State Street. Although there were initially two rows of tables, they now request approval for temporary encroachment of five or six tables in one row. Bridge work should be completed by the first week of June. The site was inspected by a staff engineer who concluded that there would be enough clearance to meet ADA accessibility requirements when chairs are pulled out about two feet from the table. If it is necessary to occupy this space for construction purposes, Café Hollander would be notified.

Mr. Wheaton commented on Café Hollander's tendency to proceed before seeking city approval. Ms. Welch felt that clearance is marginal and emphasized that this is a temporary measure due to special circumstances and does not set a precedent for tables along this sidewalk.

Moved by Mr. Wheaton, seconded by Ms. Welch to approve the temporary encroachment as outlined. Ayes: 3

**Water Pumpage Report.** With March 2010 pumpage of 135,185,000 gallons, the year-to-date total stands at 383,386,000 gallons, only slightly below this time last year. The Chair ordered the report placed on file.

**Contract 09-75 Fire Station #1 and Administrative Offices - Change Orders #27, 29-36.** The Board reviewed the following:

Board Resolution

BE IT RESOLVED, By the Board of Public Works of the City of Wauwatosa, Wisconsin that the proper City Officers be and they are hereby authorized and directed to issue City orders in favor of the contractor listed below in the amount listed in the column headed "Amount" as partial payment for work completed as indicated on the attached Exhibit pursuant to the terms of the contract noted.

<u>Contractor</u>	<u>Change Order No.</u>	<u>Contract No.</u>	<u>Amount</u>
J.P. Cullen & Sons, Inc.	#27 Credit to contract for owner purchases & increase P.O. to Builder's supply Corp. Net credit to City \$11,561 tax savings (3.6% of \$321,148)	09-75 Fire Station #1 and Administrative Offices	(332,709.00) Increase P.O. 08666 \$321,148.00
J.P. Cullen & Sons, Inc.	#29 Extend wall in Capt.'s room to fit locker	09-75 Fire Station #1 and Administrative Offices	\$ 567.00
J.P. Cullen & Sons, Inc.	#30 Add Fire house connection at stairway #2	09-75 Fire Station #1 and Administrative Offices	\$ 908.00
J.P. Cullen & Sons, Inc.	#31 CB #15 Wiring and cable changes in wellness room	09-75 Fire Station #1 and Administrative Offices	\$5,422.00
J.P. Cullen & Sons, Inc.	#32 CB #14 Security system hardware changes	09-75 Fire Station #1 and Administrative Offices	\$ 26,539.00
J.P. Cullen & Sons, Inc.	#33 Credit for non-mold resistant drywall	09-75 Fire Station #1 and Administrative Offices	(\$384.00)
J.P. Cullen & Sons, Inc.	#34 Administrative costs due to delayed start of project	09-75 Fire Station #1 and Administrative Offices	\$ 10,000.00
J.P. Cullen & Sons, Inc.	#35 Cost of winter heat and protective weather enclosures	09-75 Fire Station #1 and Administrative Offices	\$100,785.00
J.P. Cullen & Sons, Inc.	#36 One-half cost of heavy crane used to make up construction time due to delayed start of project	09-75 Fire Station #1 and Administrative Offices	\$10,458.00

Jack Bluhm and John Sabinash of Zimmerman Architecture Studios were present. Mr. Bluhm reviewed the change orders. He explained that the \$10,000 amount of #34 was negotiated for administrative costs in connection with the delayed start of the project due to utility issues along the back lot line. That delay led to the \$100,785 charge for winter heat and protective weather enclosures in change order #35. The \$10,458 change under #36 was negotiated down to half the actual cost of the crane that J.P. Cullen rented to advance the schedule.

Chief Redman reported that the initial estimate last fall for the cost of the delay was \$212,000, but no action was taken pending the outcome of winter conditions costs. Since then some time was saved overall, so it is difficult to consider the costs separately.

Moved by Mr. Wheaton, seconded by Ms. Welch to approve change orders #27 and 29-33. Ayes: 3

Mr. Wheaton objected to approving change order #36 for the crane costs, which the contractor did not formally request to add as an extra. He felt that it is subjective whether the additional time saved is as stated but said he understands that the actual administrative costs under #34 might be substantially more.

Chief Redman explained that the contractor believes that using the crane shaved three weeks off the project. They were requesting \$60,000 in administrative costs tied to the original six-week delay—equal to \$10,000 per week. With an original target date of April 30 and occupancy expected by mid-May, it essentially becomes a delay of about two weeks. We would be paying \$10,000 on the change order for administrative costs, which would be equal to one week. Chief Redman further explained his reasoning in negotiating these costs, taking into consideration the fact that there was a delay and a crane was rented. While he believes the city does not have an obligation for the crane costs, we instead be asked to pay additional administrative costs in connection with the delay. Getting the total down to \$121,000 serves the public properly, he believes.

There was further discussion of how to proceed. Ms. Welch suggested that perhaps #34-36 could be rolled into some sort of overall agreement.

Moved by Ms. Welch, seconded by Mr. Wheaton to hold change orders #34-36 and direct staff to attempt to reach an overall agreement on those change orders. -3

**Contract Updates.** Mr. Wehrley reported on the status of work in Hart Park and in the Harts Mill parking lot and surrounding area. It is hoped that the Hart Park tot lot design will proceed this summer with construction late in fall or next spring. All services are in and restoration is underway on the Burleigh Street water main project. The annual engineering staff “Hitt trip” of all city streets is in the beginning stages.

The meeting adjourned at 9:06 a.m.

es

---

Secretary to the Board