



CITY OF WAUWATOSA
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BOARD OF PUBLIC WORKS

Regular Meeting – Monday, July 14, 2008 – 8:30 a.m.

PRESENT: Mr. Kesner, City Atty.; Ms. Ledesma, City Clerk; Ms. Welch, Community Development Dir. -3

EXCUSED: Mr. Braier, Mr. Wheaton

ALSO W. Kappel, Dir. of Public Works; W. Wehrley, City Eng.;

PRESENT: K. Walbrant, Parks & Forestry Supt.

Mr. Kesner in the Chair called the meeting to order at 8:31 a.m.

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

Moved by Ms. Ledesma seconded by Ms. Welch to accept the minutes as printed. Ayes: 3

Encroachment – 2517 N. 82nd Street. The Board reviewed an application by Joyce Meinecke, 2517 N. 82nd Street, to encroach into city right-of-way with plantings between the curb and sidewalk and appealing the planned removal of a city tree. Ms. Meinecke was present and indicated that the tree is still attractive and is part of other plantings in the area between the curb and sidewalk, which is about 20 feet wide here.

Mr. Walbrant, Parks & Forestry Superintendent, reported that a certified arborist tagged the tree for removal because of a structural defect. The tree's main trunk is split and it is more susceptible to wind damage. Since it is not that big, only the tips of the branches would reach the driveway approaches on either side if it fell. As it continues to grow, however, sometime in the future it will become a high-risk tree and will have to be removed. If Ms. Meinecke is willing to accept responsibility for the tree, the department would remove the tag but reserve the right to assess the tree annually and remove it if a public safety issue arises.

The Chair explained that the city would prepare an encroachment agreement under which Ms. Meinecke would take on the responsibility for the tree along with the other plantings in city right-of-way. It would no longer be covered by city insurance but by the property owner.

Moved by Ms. Welch, seconded by Ms. Ledesma to recommend to Council approval of the encroachment contingent upon execution of an encroachment agreement that includes assuming responsibility for the city tree with the understanding that the tree will be assessed annually and removed if deemed necessary –

Mr. Kappel reported that sometime in the future, it is likely that stormwater regulations will prohibit the use of mulch, even when contained by edging as it is in this situation. Prior to enactment of those regulations, he would like to reserve the right to order the situation mitigated if it is found that the mulch washes off-site and causes a problem with the city storm sewer.

The Chair indicated that the homeowner would be informed if it becomes necessary to remove the tree. If she agrees with that judgment, removal would proceed; but if she doesn't agree, the matter could be brought back to this Board. Ms. Meinecke reported that her own tree service that would also be evaluating the tree.

Vote on the motion, Ayes: 3

Air Conditioner Variance – 2459 N. 93rd Street. The Board reviewed an application by Matt and Jodie Schroeder, 2459 N. 93rd Street, for a variance to place an air conditioning unit within the setback of the north lot line. Photos of the site and a marked survey were provided showing that the unit would be screened from the front by a privacy fence. It is adjacent to a neighboring garage and some distance from the neighboring residence. Mr. Schroeder reported that he has discussed this matter with adjacent neighbors, who were also notified of this meeting. Ms. Welch observed that the requested location seems to be reasonable and should not adversely affect neighbors.

Moved by Ms. Welch, seconded by Ms. Ledesma to approve the requested variance. Ayes: 3

Drainage Issues – 7436 Kenwood Avenue. The Board reviewed a letter from Jim Plaisted and Yvette Muceno-Plaisted, 7436 Kenwood Avenue, detailing drainage issues and requesting authorization to route runoff underground to a curb cut-out.

Mr. Wehrley reported that the City's storm water engineer met with the residents and found that a rain garden might help alleviate some problems. There is no storm sewer here for direct connection of the sump pump. The residents report that their sump pump operates every seven minutes, including in winter. On the west side of the city where there is high ground water, very active sump pumps cause winter road icing to a very significant depth. Similar problems would be anticipated on Kenwood Avenue, which is a hill. Mr. Wehrley indicated that he would not be opposed to using a curb cut during non-freezing weather, but this is otherwise the type of situation the City is trying to rectify with the new sump pump connection systems.

Mr. Plaisted explained that everything to the north and east of their property seems to drain in their direction. A landscaper has proposed creating a retaining wall at a midpoint with drain tile leading to the requested curb cut. The sump pump would continue to discharge in the front yard, but the retaining wall system would theoretically minimize its operation. He noted that there are foundation integrity issues also adding to the need to get water away from the house.

Mr. Kappel said that if the drainage system is handling only surface water, it would only be active in the winter when snow is melting. If the problem is due to high water conditions, however, it might be active during freezing conditions and there still could be roadway icing. That may not be known until the tile is in place, and it would be difficult to mitigate at that point. If a sub-surface drainage system is approved, Mr. Kappel felt that the applicants should be required to directly connect to any storm sewer or drainage structure that may be installed in the future. There are no such plans at this time, Mr. Wehrley noted.

Ms. Welch recalled seeing severe icing conditions in other parts of the city where sump pump flows create safety issues. She encouraged the applicants to investigate rain gardens and any other ways possible to reduce water runoff. Mr. Plaisted noted that they will be increasing porous surface by removing some concrete.

Moved by Ms. Ledesma, seconded by Ms. Welch to approve the requested curb cut for drainage of backyard surface water, not including any sump pump water, with the understanding that the property would connect to any future City storm sewer or drainage system that becomes available. Ayes: 3

Encroachment – 2089 N. 89th Street. The Board reviewed an application by Geraldine Kelnhofer, 2089 N. 89th Street, to encroach into city right-of-way with stone retaining walls. The City is preparing to pave the alley abutting this property and discovered that the retaining wall was built on top of the alley right-of-way. Leaving the wall intact and excavating under it could undermine sections and cause the wall to fall in. Without an encroachment agreement, any damage becomes the City's responsibility. The other alternative would be to require removal of the wall. Edgar and Geraldine Kelnhofer were present and submitted photos of the retaining walls. Mrs. Kelnhofer felt that it would be too costly to landscape that area if the walls were removed.

The Chair explained that an encroachment agreement makes clear that, if the wall were damaged, any repairs would be at the property owner's expense. It would also apply to any other damage caused by City operations such as snow removal. He noted that the alley is public right-of-way that everyone is entitled to use. This compromise would resolve the issue of private use of a portion of that public property.

Moved by Ms. Welch, seconded by Ms. Ledesma to recommend to Council approval of the encroachment contingent upon execution of an encroachment agreement –

Mr. Wehrley reported that the amount of encroachment varies along the parcel. At the north end of the north-south section, the wall appears to be hanging over the original concrete alley by about 3 inches. A later asphalt overlay butted up against it. The encroachment of the southerly portion of the north-south wall ranges from ½ inch to 6 inches. The east-west section of wall encroaches by about a foot. The Chair said that efforts should be made to disturb the wall as minimally as possible. Mr. Wehrley noted possible difficulties with excavating for the new pavement while leaving the wall in place. He indicated that the contractor would attempt to shovel concrete into the void beneath the wall, but there is no guarantee it will be effective.

Vote on the motion, Ayes: 3

Water Pumpage Report. The water pumpage report and billing analysis for June 2008 showed monthly pumpage of 151,674,000 gallons and a year-to-date total of 825,868,000 gallons. Comparable 2007 totals are 187,048,100 and 928,714,200. The Chair ordered the report placed on file.

Contract 08-2, State Street Repaving – Award of Bid. The Board reviewed a memo from the City Engineer recommending award of Contract 08-2 to C.W. Purpero, Inc., the low of two bidders, for their bid price of \$2,007,632.00 contingent upon determination of funding details by the Budget and Finance Committee and the Common Council. The engineer's estimate for the project was \$1,890,000, and \$1,575,000 was budgeted. The project is part of TIF (Tax Incremental Finance) District #3, and portions are eligible for reimbursement from Wisconsin Department of Transportation Municipal Street Improvement Discretionary funds (MSIPD), Wisconsin Department of Natural Resources Nonpoint Source Grant, and the Milwaukee Metropolitan Sewerage District.

Moved by Ms. Welch, seconded by Ms. Ledesma to recommend to Council award to C.W. Purpero at their bid price of \$2,007,632.00,

contingent upon confirmation of funding details. Ayes: 3

Contract 08-7, Street Repaving – Plans and Specifications.

Board Resolution

WHEREAS, the Common Council of the City of Wauwatosa is of the opinion that it is necessary to rebuild, including milling, grading, concrete curb and gutter, asphalt or concrete pavement and work incidental thereto under Contract 08-7 Street Repaving:

<u>Street & Location</u>	<u>Const. Type</u>
N. 73rd Street – W. Center Street to North City Limits	B
N. 74th Street – W. Clarke Street to North City Limits	B
N. 75th Street – W. Center Street to North City Limits	B
N. 84th Street – W. North Avenue to W. Wright Street	B
N. 85th Street – W. Meinecke Avenue to North City Limits	B
Elm Lawn – South End to Watertown Plank Road	B
Robertson Street – W. Wisconsin Avenue to Avon Court	B

NOW, THEREFORE, BE IT RESOLVED, By the Board of Public Works of the City of Wauwatosa, Wisconsin as follows:

Section 1. That the plans and specifications and form of contract and bond, together with the contract documents submitted therewith for furnishing all labor, material and equipment for rebuilding, including milling, grading, concrete curb and gutter, and asphaltic or concrete pavement and work incidental thereto, in the above described locations, be and the same are hereby approved.

Section 2. That the elevations and widths, for the aforementioned streets, are hereby fixed and permanently established or re-established in accordance with the elevations and widths set forth on the said plans above approved.

Section 3. That the Board of Public Works be and it is hereby instructed and directed to cause said improvement project to be done during the 2008 construction season in the City of Wauwatosa all in accordance with said plans and specifications.

Section 4. That the work is to be let to the lowest responsible bidder following competitive bidding therefor.

Section 5. That the owners of the respective parcels of land fronting or abutting the street improvements, on which public hearings have been held and preliminary assessments scheduled as follows:

- (a) Each special assessment and special charge, pursuant to Section 66.0627 of the Wisconsin Statutes, levied in an amount of \$200. or less against any parcel of land in the City of Wauwatosa shall be entered in the tax rolls in one installment.
- (b) Each special assessment for improvements levied in an amount exceeding \$200 against any parcel of land in the City of Wauwatosa shall be entered in the tax rolls in five equal annual installments of principal together with interest at the rate of twelve percent (12%) per year or the percentage rounded out to the next highest whole percentage number above the interest rate paid by the city for the issuance of General Obligation Debt which include the project which is the subject of the special assessments, whichever figure is less, on the unpaid balance of said assessment. Individual assessments shall run concurrently except as provided under Section 3.08.040 of the City Code.
- (c) Each special assessment levied against any parcel of land in the City of Wauwatosa for the installation of sanitary sewer main or water main or construction of permanent street pavement shall not be entered in the tax roll until all installments of special assessments for sanitary sewer or water main or construction of permanent street pavement levied previously against the same parcel of land have been entered into the tax rolls and have been paid. Such subsequent special assessment shall be deferred and only interest at the rate of twelve percent (12%) per year, or the

percentage rounded out to the next highest whole percentage number above the interest rate paid by the City for the issuance of General Obligation Debt, which include the project which is the subject of the special assessment, whichever figure is less, on such subsequent special assessment shall be carried into the tax rolls in addition to the scheduled installments of such prior assessments. After the last installment of such prior special assessment has been entered in the tax rolls, installments of the subsequent special assessment shall, beginning with the next subsequent tax roll, be entered in the tax rolls pursuant to Section 3.08.030 of the City Code.

(d) Whenever special assessments are levied against the frontage and side of a corner parcel of land in the City of Wauwatosa for the installation of sanitary sewers or water mains or construction of permanent pavements arising out of the same public works project, such special assessments levied against a corner parcel of land shall be deemed to be two separate special assessments, and the special assessment levied against the frontage of the corner parcel of land shall first be scheduled on the tax rolls for payment as provided in Section 3.08.030 of the City Code and the special assessment levied against the side of the corner parcel of land shall be scheduled on the tax rolls pursuant to (c) above, following such scheduling of the special assessment levied against the frontage of the corner parcel of land.

(e) Notwithstanding the provisions of (c) and (d) above, any owners of parcels of land assessed may at their option elect to pay both the scheduled installments of prior assessments as well as scheduled installments of subsequent special assessments on the same tax rolls as entered on those tax rolls pursuant to Section 3.08.030 of the City Code.

(f) If, after special assessments have been placed on the tax rolls in installments or otherwise, the taxpayer fails to pay the same within the time allowed for payment of general taxes, the same shall become delinquent and shall be treated in the same manner and subject to the same laws as delinquent general property taxes.

Section 6. That the Board of Public Works hereby authorizes and instructs the City Clerk to advertise for bids on July 24 and 31, 2008; bids are to be opened August 7, 2008 and to provide in so doing that bids may be submitted with a contract and bond, with sureties, as prescribed by the form furnished, complete with the exception of the signatures on the part of the City; and in lieu of the foregoing provision that the bidder may accompany his bid with a certified check equal to five (5) percent of the bid, payable to the city as a guarantee that if his bid is accepted, he will execute and file the proper contract and bond within ten (10) days after the award, all in accordance with the provision of the Wisconsin Statutes.

Section 7. That the Wage Scale in the contract documents be and the same is hereby accepted.

Moved by Ms. Welch, seconded by Ms. Ledesma to approve the foregoing. Ayes: 3

Contract Updates. Mr. Wehrley reported on the status of the sealcoating contract, under which work will begin later this week, the 2007 manhole contract, utility work in alleys, other sanitary sewer work on Robertson Street, and the privately funded work for the St. Joseph's outpatient facility on Mayfair Road. The Hart Park tennis court work has been delayed another week due to rain, but stone binder will be laid this week if weather allows.

The meeting adjourned at 9:05 a.m.

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Secretary to the Board