



CITY OF WAUWATOSA  
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### **BOARD OF PUBLIC WORKS**

Regular Meeting – Monday, February 4, 2008 – 8:30 a.m.

PRESENT: Mr. Braier, Finance Dir.; Mr. Kesner, City Atty.; Ms. Ledesma, City Clerk; Ms. Welch, Community Dev. Dir.; Mr. Wheaton, Chief Insp. -5

ALSO

PRESENT: W. Kappel, Dir. of Public Works; W. Wehrley, City Eng.; S. Presnal, Plumbing Insp.

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: 5

**Variance for Continued Operation of Well at 522 N. 104th Street.** The Board reviewed an application by Michal and Kathryn Miroslaw, 522 N. 104th Street, for a variance to allow a well to remain in operation. Mr. Presnal reported that the expiration date for renewing the well permit was December 31, 2007. As required, the owners have had the well tested to ensure that it meets the standards for operation. Ms. Miroslaw explained that initial notices regarding the well were sent to the previous owner and then to the bank handling foreclosure of the property. As new owners, they first became aware of the situation in January.

Moved by Mr. Wheaton, seconded by Ms. Ledesma to reinstate the well operation based on the extenuating circumstances involved in the expiration. Ayes: 5

**Water Pumpage Report.** The Board reviewed the water pumpage report and billing analysis for December 2007. The year-end total of 1,864,704,000 gallons was just below the 2006 total of 1,886,775,200 gallons. The Chair ordered the report placed on file.

**2008 Street Improvements.** Mr. Wehrley reported that the streets proposed for improvement are those listed in the Five Year Capital Improvements Plan plus Ruby Avenue, which was added by the Budget Committee. The Board reviewed the following:

#### Board Resolution

BE IT RESOLVED, by the Board of Public Works of the City of Wauwatosa, Wisconsin, that

Section 1. The Board of Public Works of the City of Wauwatosa, Wisconsin hereby declares its intention to exercise its police power, under Section 66.0703 of the Wisconsin Statutes, to levy special assessments upon property in the

City of Wauwatosa within the following described area for the benefits conferred upon such property by the repaving of:

<u>Street &amp; Location</u>	<u>Ald. Dist.</u>	<u>Exist &amp; (Prop.) Width</u>	<u>Pavement Construction Type</u>	<u>Assessec Sidewalk Work</u>
N. 73 <sup>rd</sup> Street – W. Center Street to North City Limit	5	30'	B – Asph.	Yes
N. 74 <sup>th</sup> Street – W. Clarke Street to W. Center Street	5	24'	B – Asph.	Yes
N. 74 <sup>th</sup> Street – W. Center Street to North City Limit	5	30'	B – Asph.	Yes
N. 75 <sup>th</sup> Street – W. Center Street to North City Limit	5	30'	B – Asph.	Yes
N. 84 <sup>th</sup> Street – W. North Avenue to W. Wright Street	6	30'	B – Asph.	Yes
N. 85 <sup>th</sup> Street – W. Meinecke Avenue to North City Limit	6	30'	B – Asph.	Yes
Elm Lawn – South End to Watertown Plank Road	3	30'	B – Asph.	Yes
W. Hadley Street – N. 117 <sup>th</sup> Street to N. 124 <sup>th</sup> Street	6,7	30'	C – Asph.	No
W. Locust Street – N. 117 <sup>th</sup> Street to N. 124 <sup>th</sup> Street	6,7	30'	C – Asph.	No
Mayfair Court – N. 117 <sup>th</sup> Street to Cul-De-Sac	6	30'	C – Asph.	No
Robertson Avenue – W. Wisconsin Avenue to Avon Court	3	30'	B – Asph.	Yes
Ruby Avenue – N. 100 <sup>th</sup> Street to N. 106 <sup>th</sup> Street	8	30'	C-Asph.	No
Alley – W. Center Street-W. Clarke Street/N. 66 <sup>th</sup> Street-N. 67 <sup>th</sup> Street	5	18'/20'	C-Asph.	No
Alley – W. Fiebrantz Avenue-W. Capitol Drive/N. Mayfair Road-N. 110 <sup>th</sup> Street	8	20'	C-Asph.	No
Alley – W. Wright Street-W. Meinecke Avenue/N. 64 <sup>th</sup> Street-N. 65 <sup>th</sup> Street	5	20'	A – Conc.	No
Alley – Jackson Park Boulevard-Stickney Avenue/Ludington Avenue-N. 90 <sup>th</sup> Street	2	20'	A – Conc.	No
Alley – Stickney Avenue-Menomonee River Parkway/N. 89 <sup>th</sup> Street-N. 90 <sup>th</sup> Street	2	18'	A – Conc.	No
Alley – W. Wells Street-Menomonee River Parkway/N. 60 <sup>th</sup> Street-West End	4	20'	A – Conc.	No

Section 2. Said public improvement shall include the following work to be done during the 2008 construction season:

Original Construction: New (Conc.) or (Asph.) Grading, placing new concrete curb and gutter, and concrete or asphalt pavement surface (as indicated) on a new stone or asphalt base.

Reconstruction: Type “A” (Asph.) or (Conc.) Completely removing existing curb and gutter and existing pavement, placing new concrete curb and gutter (excluding alleys), and asphalt or concrete pavement surface on a new base.

The above repaving type also includes placing necessary water and sewer service pipes and storm sewer and appurtenances; relaying sanitary sewer and storm sewer as required; relocating existing street lighting system where necessary; constructing new concrete driveway approaches; and replacing concrete sidewalks which are disturbed by other construction, which are defective, or which have a hazard potential.

Repaving Type “B” (Asph.) Completely removing existing curb and gutter, milling the existing asphalt pavement as required, and placing new concrete curb and gutter and asphalt pavement surface on the existing road base.

The above repaving type also includes placing necessary water and sewer service pipes and storm sewer and appurtenances; relaying sanitary sewer and storm sewer as required; relocating existing street lighting system where necessary; constructing new concrete driveway approaches; and replacing concrete sidewalks which are disturbed by other construction, which are defective, or which have a hazard potential.

Resurfacing: Type "C" (Asph.) Milling the existing pavement as required, repairing curbs (and abutting approaches and sidewalks where necessary), and resurfacing with asphalt pavement. Also included is the placing of necessary water and sewer service pipes and storm sewer and appurtenances, and relaying sanitary sewer and storm sewer as required.

Section 3. The total amount assessed shall be upon a reasonable basis as determined by the Common Council.

Section 4. That the owners of the respective parcels of land fronting or abutting the street improvements, on which a public hearing has been held and preliminary assessments have been confirmed, shall have payment of the special assessments scheduled as follows:

- (a) Each special assessment and special charge, pursuant to Section 66.0703 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 sale of corporate purpose bonds, which include the project which is the subject of the special assessment, 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 5. The properties against which the assessments are proposed are benefited. Such benefits may include, but are not necessarily limited to, enhancement of value or marketability, improved drainage, improved pedestrian safety (walks), improved vehicular access, improved skid resistance and cross sectional elements.

Section 6. The Director of Public Works has prepared a report consisting of:

- a) Preliminary and/or final plans and specifications for said improvements
- b) An estimate of the entire cost of the proposed improvements
- c) A schedule of the proposed assessments in connection therewith upon a reasonable basis as determined by the Board of Public Works.

The Director of Public Works is directed to file a copy of these in the City Clerk's Office for public inspection.

BE IT FURTHER RESOLVED, By the Board of Public Works of the City of Wauwatosa, Wisconsin, that the City Clerk is directed to give notice, as by law provided, of a public hearing to all owners, to be assessed for the proposed improvements herein before listed, and to publish notice of the hearing at least once in the official newspaper at least ten days and not more than 40 days before the time set for the hearing; and

BE IT FURTHER RESOLVED, That the Common Council be requested to schedule the public hearing to be held before the Common Council in the Council Chambers, at 7:30 P.M., on Tuesday, March 4, 2008 in the City Hall of the City of Wauwatosa, Wisconsin at which times all persons interested, or their agents or attorneys, concerning matters contained in the resolution and report, including the proposed assessment of benefits will be heard.

The Board discussed the approval timeline. The Capital Improvements portion of the 2008 budget has not yet been approved, although Mr. Wehrley indicated that staff was directed to bring it to Council later this month. Also, the Board would like to tour the streets sometime prior to the proposed March 4 public hearing. With the Council vote on the projects scheduled for March 18, it was noted that there would still be time to make any changes deemed necessary.

Moved by Ms. Ledesma, seconded by Mr. Wheaton to approve the foregoing contingent upon approval of the 2008 Capital Improvements budget. Ayes: 5

**Public Hearing – 2008 Street Improvements.** The Board reviewed a proposed resolution setting a public hearing date of March 4, 2008, for the 2008 street improvement projects.

Moved by Ms. Welch, seconded by Mr. Wheaton to recommend to Council approval of the resolution. Ayes: 5

**Contract 07-6, Asphalt Resurfacing – Change Order No. 1.** Mr. Wehrley reported that extra work was required in the Village when old streetcar tracks were found at Wauwatosa and Harwood Avenues, for other areas with deteriorated base, and where extra quantities were needed.

Moved by Mr. Wheaton, seconded by Ms. Ledesma to approve the change order. Ayes: 5

**Contract 03-3, Water Main Relay and Extension – Final Payment.** Mr. Wehrley reported that work under this contract was at locations outside of the paving program. It was completed under budget and is recommended for final payment. The Board reviewed the following:

Board Resolution

WHEREAS, the Engineering Services Section of the City of Wauwatosa has made final inspection of the work for the relay and extension of water mains on N. 110th Street, N. 112th Street, N. 117th Street, Elmhurst Parkway, W. Vliet Street and Glenview Place under Contract 03-3; and

WHEREAS, this contract is partially funded by the Federal Community Development Block Grant (CDBG) program and, therefore, is subject to that program's requirements and regulations; and

WHEREAS, the contractor has furnished certification of compliance with Federal Community Development Block Grant (CDBG) requirements; and

WHEREAS, this inspection showed that the contractor, American Sewer Services, Inc., has completed the work in an acceptable manner and in accordance with the terms of the contract; and

WHEREAS, the Director of Public Works has provided written certification as to said completion and that the same is ready for final payment,

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

Section 1. That the original contract work and the additional work performed within the projects limits under Contract 03-3 Water Main Relay and Extension are hereby accepted.

Section 2. That the proper city officers be and they are hereby authorized and directed to draw and sign a city order in the sum of Twenty-two Thousand Seven Hundred Thirteen Dollars and Eighty-two Cents (\$22,713.82) in favor of American Sewer Services, Inc. as final payment under said contract. The proper city officials shall hold the payment until receipt of waivers of lien for labor and materials furnished under said contract and receipt of an affidavit stipulating compliance with wage rate requirements.

It was moved by Mr. Wheaton, seconded by Ms. Welch to approve  
the foregoing. Ayes: 5

**Capacity, Management, Operation and Maintenance Program Strategic Plan.** Mr. Kappel reported that staff has been meeting with MMSD (Milwaukee Metropolitan Sewerage District) and various consultants for the past two years to draft a Capacity, Management, Operation and Maintenance (CMOM) Strategic Plan for Wauwatosa. Page three of the plan shows elements that the city will be responsible for completing. Appendix B contains an overview of the status of various goals including timeframes for those not yet accomplished. Those with the highest priority need to be completed by mid-2009, medium goals by 2011, and lower goals by 2015. The complete plan is available in the City Clerk's office or from engineering staff.

Mr. Kappel recommended approval of the plan as drafted, noting that many areas are already listed as complete; most of the work will involve documenting current practices. A number of the items have been undertaken as part of the DNR mandate. Other states across the country are implementing similar strategic plans; Wisconsin is leading the way in connection with the DNR requirements.

Moved by Mr. Wheaton, seconded by Ms. Welch to recommend to

Council approval of the Capacity, Management, Operation and Maintenance Program Strategic Plan as drafted. Ayes: 5

**Agreement with MMSD – Water Quality Monitoring on the Menomonee River.** Mr. Wehrley reported on the proposed Intergovernmental Cooperation Agreement with the Milwaukee Metropolitan Sewerage District (MMSD) to Provide Water Quality Monitoring on the Menomonee River. The agreement represents a collaborative effort by MMSD and member communities of the Menomonee River group. It fulfills requirements of Wauwatosa’s Wisconsin Pollution Discharge Elimination System permit. A one-time payment of \$7,680.76 is budgeted this year. Costs were pro-rated among the member communities based on projected 2020 population per MMSD’s 2020 Facility Plan.

Moved by Mr. Wheaton, seconded by Ms. Ledesma to recommend to Council approval of executing the Intergovernmental Cooperation Agreement with MMSD. Ayes: 5

**Contract 07-16 , Portland Bridge Scour Repair – Change Order No. 1.** Mr. Wehrley reported that the DNR has been somewhat inconsistent in their feedback on permitting requirements for the planned Portland bridge work. The latest word is that a separate permit would be needed for work outside of the bridge area itself. Since it would likely take months to receive that permit, that portion of the contract has been split off, effectively cutting the contract in half. The scour repair work will proceed, but work outside of the bridge area will be done at a later point. Council approval is required since the change exceeds 15% of the contract amount.

Moved by Ms. Ledesma, seconded by Ms. Welch to recommend to Council approval of the change order. Ayes: 5

**Partial Payments.**

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>Payment</u>		<u>Amount</u>
	<u>No.</u>	<u>Contract No.</u>	
Wisconsin Department of Transportation	107-29	Mayfair Mall South Driveway Relocation	\$ 74,602.42
Payne & Dolan, Inc.	5	07-6 Asphalt Resurfacing	\$105,872.70

It was moved by Ms. Ledesma, seconded by Ms. Welch to approve the foregoing. Ayes: 5

The meeting adjourned at 8:46 a.m.

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Secretary to the Board

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