



## CITY OF WAUWATOSA

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### **BOARD OF PUBLIC WORKS**

Regular Meeting – Monday, April 2, 2007 – 8:30 a.m.

PRESENT: Mr. Braier, Finance Dir.; Mr. Kesner, City Atty.; Ms. Ledesma, City Clerk; Ms. Welch, Community Dev. Dir. -4

EXCUSED: Mr. Wheaton

ALSO W. Kappel, Dir. of Public Works; W. Wehrley, City Engineer; P. Pyne, Civil Eng.;  
PRESENT: J. Archambo, City Admin.

Mr. Kesner in the Chair.

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

It was moved by Ms. Welch, seconded by Ms. Ledesma to accept the minutes as printed. Ayes: 4

**Encroachment – 1060 Glenview Avenue.** The Board reviewed a request by Bruce Johnson, Facilities Manager, Wauwatosa School District, to encroach into city right-of-way with landscaping and a stairway at Wilson School, 1060 Glenview Avenue. Referring to a landscape plan, Mr. Chuck Rohrer, Wauwatosa School District, pointed out the area along the Gridley Avenue side of the school where they would be replacing an eroded path with a stairway and landscaping. The idea came from a Wilson parents' beautification committee, and a landscape architect drew up the plans.

Mr. Wehrley indicated that staff has reviewed the plans and has no objections. Although there is a storm sewer in the immediately vicinity, it was built in 1995 and should not require any work until far into the future. Mr. Pyne added that the proposed sidewalk and landscaping does not appear to be immediately over the storm sewer.

It was moved by Ms. Ledesma, seconded by Ms. Welch to recommend to Council approval of the encroachment subject to execution of the appropriate agreement. Ayes: 4

**Appeal of Snow Removal Charges – 11100 W. Burleigh Street.** The Board reviewed an appeal by David Frank, David J. Frank Landscape Contracting, Inc., of three snow removal invoices for the property at 11100 W. Burleigh Street, each for \$2,757. Mr. Kappel noted that there is an administrative policy that allows him to defer appealed charges if there are no subsequent violations. The fact that city crews incurred costs on three separate dates makes it difficult to overturn these invoices.

Mr. Joe Weirich, CB Richard Ellis, 800 Woodland Prime, Menomonee Falls, and Mr. David Frank, David J. Frank Landscape Contracting, Inc., 21350 Freistadt Road, Germantown, were present. Mr. Frank

explained that the number of different parties involved here, including the property owner, property manager, and his company as the snow removal contractor, resulted in some miscommunication.

Mr. Weirich reported that his company handles about 60 properties in the metropolitan area and bids out snow removal every July. This was Mr. Frank's first winter for work at this property, which is a very complicated site made up of several parcels. The bid description sheet did not mention sidewalk work. The initial city invoices were thought to be billing misunderstandings since his office believed there weren't any sidewalks in this area. The invoices were put aside for further follow-up. By the time of the third snowfall in early March, Mr. Frank was contacted and had a crew there within hours but city cleanup was already in progress.

Mr. Weirich acknowledged responsibility for snow removal but questioned the amount of the charges, particularly any punitive amount. He said he is not asking for taxpayers to pay but feels that the cost structure in the marketplace is much lower for this type of work. Mr. Kappel explained that the invoices are based on a mobilization charge of \$200 and a fixed amount per lineal foot; there is no additional punitive amount. Owners of property on main streets are notified each October of the winter regulations that apply. It is generally at least 36-48 hours following a snowfall before crews start to check sidewalks.

As much as the city wants to work with the property owner on developing this site, Ms. Welch commented, it is difficult to support waiving the fee. She noted that bidding the work competitively could account for lower marketplace costs. In the city's case, it is an additional service beyond regular responsibilities that makes it less economical. Mr. Braier added that when this was priced closer to market costs, many property owners decided to just let the city do it. Realizing that, the city fees were raised since the city does not want to provide that type of service.

It was moved by Ms. Ledesma, seconded by Ms. Welch to sustain the invoices that have been issued. Ayes: 4

**Contract 07-18, Aggregate Sealcoating – Plans and Specifications.** The Board reviewed the following:

Board Resolution

WHEREAS, It is the sense of the Board of Public Works of the City of Wauwatosa that it is necessary to sealcoat various streets in the City of Wauwatosa and work incidental thereto under contract 07-18 Aggregate Sealcoating;

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 aggregate sealcoating and work incidental thereto, be and the same are hereby approved.

Section 2. That the work is intended to be done during the 2007 construction season in the City of Wauwatosa, all in accordance with said plans and specifications.

Section 3. That the work is to be let to the lowest responsible bidder following competitive bidding therefor.

Section 4. That the City Clerk be and she is hereby authorized and instructed to advertise for bids for Contract 07-18 Aggregate Sealcoating on April 12 and 19, 2007 bids are to be opened on April 26, 2006, 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 5. That the Wage Scale in the contract documents be and the same is hereby accepted.

It was moved by Ms. Welch, seconded by Ms. Ledesma to approve the foregoing. Ayes: 4

**SEWRPC 2035 Regional Transportation System Plan.** Mr. Kappel reported that he served on the advisory committee for the SEWRPC (Southeastern Wisconsin Regional Planning Commission) 2035 Regional Transportation System Plan for Southeastern Wisconsin, copies of which are available in his office. Changes in the plan affecting Wauwatosa include a recommendation to expand Watertown Plank Road from four lanes to six and to expand I-94 and Hwy. 45 from six to eight lanes. The plan acknowledges the widening of N. 124th Street from Ruby to Hampton Avenues as completed and continues to recommend that 124th Street be extended to the south between Watertown Plank Road and Blue Mound Road.

Mr. Kappel noted that the city does not necessarily agree with everything in the plan. Adopting it means only that it would serve as a guide for planning purposes. He recommended referral to the Traffic & Safety Committee prior to Council action.

It was moved by Mr. Braier, seconded by Ms. Welch to refer this matter to the Traffic & Safety Committee. Ayes: 4

**Street Vendor License – 8828 W. North Avenue.** The Board reviewed a request by William Poull, The Club Tap, 8828 W. North Avenue, for a Street Vendor license for events on April; 21 and June 2-3, from 12 to 6 p.m., that will include use of the establishment's parking lot. The Legislation, Licensing and Communications Committee has recommended a liquor license extension to include the parking lot on those dates.

Board members were concerned about the number of outdoor events being held at The Club Tap each year, and there was some consensus that anything beyond three or four per year might become burdensome. The City Clerk was asked to inform Mr. Poull of the Board's concerns.

It was moved by Mr. Braier, seconded by Ms. Welch to approve the requested license. Ayes: 4

**Partial Payments and Contract Updates.** Mr. Wehrley reported on the progress of various projects now underway including sanitary manhole rehab work under Contracts 06-14 and 07-14 and utility work under Contract 07-01.

Mr. Kappel reported that work on removal of the Village fountain will probably take the balance of this week with backfilling and top dressing done next week. The Village BID's plans for the area will return to the agenda for the next meeting of the Community Development Committee.

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<br/>No.</u> | <u>Contract No.</u>  | <u>Amount</u> |
|-------------------------------|------------------------|--|---------------|
| Mainline Sewer & Water, Inc.  | 3                      | 04-05 Harley Davidson Avenue<br>Water Main Extension   | \$ 10,949.65  |
| American Sewer Services, Inc. | 4                      | 06-03 Sanitary Sewer, Storm Sewer and<br>Water Main Relay, Repair, Extension<br>and Relining | \$ 24,633.50  |
| American Sewer Services, Inc. | 1                      | 07-01 Sanitary Sewer and Storm Sewer<br>Relay, Repair, Extension and Relining                | \$ 91,765.25  |

It was moved by Ms. Ledesma, seconded by Ms. Welch to approve  
the foregoing. Ayes: 4

The meeting adjourned at 9:00 a.m.

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Secretary to the Board

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