



## CITY OF WAUWATOSA

7725 WEST NORTH AVENUE  
WAUWATOSA, WI 53213  
Telephone: (414) 479-8917  
Fax: (414) 479-8989

### **BOARD OF PUBLIC WORKS**

Regular Meeting – Monday, February 5, 2007 – 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 W. Kappel, Dir. of Public Works; W. Wehrley, City Engineer; P. Pyne, Civil Eng.  
PRESENT: J. Wojcehowicz, Water Supt.

Mr. Kesner in the Chair.

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

It was moved by Mr. Wheaton, seconded by Ms. Welch to accept the minutes as printed. Ayes: 5

**Encroachment – 9125 W. North Avenue.** The Board reviewed an application by BBC Investments, Des Moines, Iowa, to encroach onto city property with landscaping and overhanging balconies at their newly constructed building on the Locker's site at 9125 W. North Avenue. Stephen Alexander, AG Architecture, reported that the building's landscaping plan includes plantings between the curb and sidewalk. That area was previously landscaped and maintained by Lockers, a practice they would like to continue. In addition, five balconies on the Swan Boulevard side of the building extend beyond the property line, although they are about four feet back from the sidewalk.

The Chair explained that an encroachment agreement would be required as well as an appropriate certificate of insurance.

It was moved by Mr. Wheaton, seconded by Ms. Ledesma to recommend to Council approval of encroachment into city right-of-way subject to execution of a hold harmless agreement and submittal of a certificate of insurance. Ayes: 5

**Appeal of Snow/Ice Removal Charges – 8402, 8416, 8426 W. North Avenue.** The Board reviewed a letter from Jon Robinson, 8402 LLC, 12775 Green Meadow Place, Elm Grove, appealing invoices totaling \$398 for snow/ice removal following the December 1, 2006, snowfall. Mr. Kappel distributed photos of conditions prior to the removal operation on December 5, as well as photos of conditions prior to additional work at 8416 and 8426 W. North Avenue following a January 21 storm. Although he might administratively hold charges for a first incident, Mr. Kappel noted that the first charges are reinstated if a second incident occurs.

Mr. Robinson said that he has been checking the properties every day or every other day. He got behind in removing the heavy snow from the December 1 storm when his snow blower broke. He removed the snow from the January 21 storm after the plows had come through but surmised that there was additional plowing that pushed more snow onto the sidewalk after that time. He said that he has owned the properties for two years and had no problems last year. It took him longer than expected to repair his snow blower in December, but he now has a backup blower. He has tried to keep the walks cleared, but there were extenuating circumstances in this case.

Mr. Kappel reported that sidewalks are not inspected until the second or third day after a storm, providing ample time for clearing. He confirmed that additional cleanup plowing was done the evening of January 22 due to parked cars during the initial plowing operation.

Ms. Welch commented on the need to clear sidewalks with heavy pedestrian traffic. When equipment breaks, property owners may need to make an extra effort to get the work done. Mr. Wheaton noted that the city performed the work, and there was a cost to city taxpayers. Other commercial properties have to deal with the same circumstances.

It was moved by Mr. Wheaton, seconded by Ms. Ledesma to deny the appeal and reaffirm the invoices submitted for payment. Ayes: 5

**Encroachment – Village Pedestrian Bridge Adjacent to 7707 Harwood Avenue.** The Board reviewed an application by Jaime and Michael Kristof to relocate their popcorn wagon to city property at the north end of the Village pedestrian bridge adjacent to 7707 Harwood Avenue. Ms. Kristof was present and explained that the Village Business Improvement District (BID) has requested relocation of the popcorn wagon from the Root Commons area due to plans to redesign that area. After consulting with city staff, she will have a commercial electrician follow through with obtaining service, possibly through a connection from the Zimmerman building at 7707 Harwood Avenue. She would like to keep the popcorn wagon out year round, if possible, rather than putting it in storage in the winter. Based on the additional electrical service expense, Ms. Kristof also requested a longer-term lease than the month-to-month arrangement now in place.

Mr. Kappel indicated that there are no issues from a structural standpoint. He explained that the lease was on a month-to-month basis because of pending plans for the Root Commons area. He had no objection to a longer term, if desired.

It was moved by Ms. Welch, seconded by Ms. Ledesma to recommend to Council approval of the encroachment subject to execution of a hold harmless agreement and execution of a one-year lease with month-to-month terms thereafter –

Mr. Kappel confirmed that the proposed placement immediately next to the Zimmerman building would not interfere with use of the walkway or the circular seating area and would not obstruct access to the building. Although the city does not plow the bridge but does attempt to clear it for pedestrians, there may end up being some furrows around the wagon. Mr. Braier requested a letter from the Village BID indicating their concurrence with the placement.

Vote on the motion, Ayes: 5

**Removal of Village Fountain.** Mr. Kappel reported that the Village Business Improvement district (BID) would like the fountain in the Root Commons area to be removed in anticipation of developing a new plan for improving that area. City crews would be available to do that work up until about mid-March. The BID also requested removal of the brick wall, but they were advised to incorporate the wall in their planning. Mr. Kappel is reluctant to remove it because there is an 1897 water main beneath the wall. The Common Council approved the 2004 Rotary Club plan for renovation of Root Commons in concept pending development of a fully established plan, which never occurred. Removal of the fountain, therefore, was never officially approved.

It was moved by Ms. Welch, seconded by Ms. Ledesma to forward this matter to the Community Development Committee with a recommendation for approval –

Mr. Braier questioned proceeding with demolition under the assumption that a plan will be developed and approved. In what condition would that leave the fountain area if plans again don't proceed? Mr. Kappel said that the area would be graded and seeded or sodded, making it more attractive for the short term than it is now. In its present condition with loose bricks and general disrepair, the fountain needs to either be maintained or removed. If removed, Mr. Wojcehowicz noted that its water service should be properly abandoned.

Vote on the motion, Ayes: 5

**Contract 03-7 Asphaltic Concrete Repaving – Final Payment.** Mr. Wehrley reported that work is complete and has been inspected by staff. The project is under budget but slightly over the award amount.

Board Resolution

WHEREAS, the Board of Public Works has accepted the work of Asphaltic Concrete Repaving and work incidental thereto in the City of Wauwatosa under Contract 03-7 and 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 work of Asphaltic Concrete Repaving under Contract 03-7 is 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 seven thousand and one hundred forty-eight dollars and eighty cents (\$7,148.80) in favor of Payne & Dolan, Inc. as the final payment under said contract, upon receipt of waivers of lien and for labor and materials furnished under said contract, and upon 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

**Emulsion and Street Patching Materials.** The Board reviewed a memo from the Purchasing Manager reporting on bids for 2007 emulsion and street patching materials. Bids from three vendors were submitted with the notation that all increased their prices from between 23% to 30% per ton over 2006 pricing. This equates to \$5.45 to \$9.28 more per ton depending on the type of surface grade requested.

It was moved by Mr. Wheaton, seconded by Ms. Ledesma to recommend to Council approval of all three vendors for as-needed purchases on the basis of price, convenience, and availability. Ayes: 5

**Village BID Wayfinding Project.** Mr. Kappel reported that the Village Business Improvement District (BID) is requesting approval of a revised wayfinding project, originally approved by the Common Council in November 2004 but never implemented. Both design and proposed locations of the signs have changed.

It was moved by Ms. Welch, seconded by Mr. Wheaton to hold this matter so that a representative of the Village BID can be present for the discussion.  
Ayes: 5

**Partial Payments.** 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>Payment No.</u> | <u>Contract No.</u>                             | <u>Amount</u> |
|---------------------------------|--------------------|---|---------------|
| Schreiber/Anderson Assoc., Inc. | 8                  | 06-24 Hart Park Expansion<br>Preliminary Design | \$ 8,596.78   |
| Payne & Dolan, Inc.             | 3                  | 06-7 Asphalt Concrete Repaving                  | \$ 25,358.24  |
| D.C. Burbach, Inc.              | 5                  | 06-6 Asphalt Concrete Repaving                  | \$ 18,579.29  |

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

The meeting adjourned at 9:07 a.m.

\_\_\_\_\_  
Secretary to the Board

es