



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

Regular Meeting – Monday, July 3, 2006 – 8:30 a.m.

PRESENT: Mr. Kesner, City Atty./Interim City Admin.; Ms. Ledesma, City Clerk; Ms. Murphy, Library Director (1st Alt.)

EXCUSED: Mr. Braier, Ms. Welch, Mr. Wheaton

ALSO

PRESENT: W. Wehrley, City Engineer

Mr. Kesner in the Chair. -3

**Street Vendor License – 8901 W. North Avenue.** The Board reviewed an application by David V. Jennings of the Furniture Clearance Center, 8901 W. North Avenue, for a Street Vendor permit for a parking lot tent sale on September 2-4, 2006. The tent would be erected on August 28 and removed on September 5.

Mr. Jennings said this will be the same as the annual tent sale held previously on Memorial Day weekend for many years. There have not been any problems, and it has been well supported by the community. The adjacent tenants are aware of the planned event, which sometimes helps promote their businesses as well. The same crew as in the past will erect the tents. Mr. Jennings is aware of the need for a tent permit.

Mr. Wehrley noted that the adjacent alley is slated for repaving, and he indicated that efforts will be made to coordinate that work with these dates. He confirmed with Mr. Jennings that the cell phone number provided on the application could be used for emergency contact, if needed.

It was moved by Ms. Murphy, seconded by Ms. Ledesma to approve the requested Street Vendor license. Ayes: 3

**Encroachment – 7500 W. State Street.** The Board reviewed an application by Wauwatosa Savings Bank to encroach onto city property with brick pavers between the sidewalk and curb. Mr. Wehrley reported that Wauwatosa Savings Bank was notified of the need for a street occupancy permit and encroachment agreement when it was found that this work was being done. He said that staff has no objection to the pavers provided that they are maintained by Wauwatosa Savings Bank. Should the city need to dig in that area, they would be responsible for restoration.

It was moved by Ms. Murphy, seconded by Ms. Ledesma to recommend approval of the encroachment contingent upon execution of a standard agreement. Ayes: 3

**Refund of Street Occupancy Permit Fees.** Mr. Wehrley reported that Welch Roofing has requested refund of the \$75 fee they paid for a street occupancy permit that they later found was not needed. He explained that the city requires a street occupancy permit for placement of a dumpster within city right-of-

way but encourages use of driveways or lawns whenever possible. Occasionally, after a permit has been pulled, it is found that the dumpster can be placed on private property, as was the case with the Welch Roofing permit. Since that is actually the city's preference, staff would support some type of refund policy. There would still be some city cost involved in the application and refund process, but it would seem that a refund policy would encourage people to get a permit in advance but, whenever possible, to place dumpsters on private property. If the entire fee were refundable, contractors would probably get a permit every time.

The Chair said this could be addressed through the street occupancy ordinance. He favored keeping \$25 of the fee for processing costs, feeling that a \$50 refund would still encourage contractors to apply every time. Ms. Murphy said that a policy of refunding two-thirds of the fee would address any future changes in the fee itself. It was noted that the city's general policy is to retain 25% but no less than \$25.

It was moved by Ms. Ledesma, seconded by Ms. Murphy to forward this matter to the Budget & Finance Committee with a recommendation to refund \$50 to Welch Roofing and to establish a refund policy for street occupancy permits whereby the city would retain 25% of the fee but no less than \$25. Ayes: 3

**Contract 06-7, Asphalt Pavement Resurfacing – Award of Bid.** Mr. Wehrley reported that the bid of Payne and Dolan, Inc., at \$199,460.20 was the lowest of the three bids received. It is well below the remaining budgeted amount of \$459,009.75 since several streets were removed from this year's program. The engineer's estimate was \$203,000. This is the second and final asphalt repaving contract and covers work on 118th Street, 122nd Street, and the Mayfair frontage road.

It was moved by Ms. Ledesma, seconded by Ms. Murphy to recommend to Council award of Contract 06-7 to Payne & Dolan, Inc., at their low bid of \$199,460.20. Ayes: 3

**Street Vendor License – 11737 W. Burleigh Street.** The Board reviewed an application by Allen Neu on behalf of Wisconsin Paralyzed Veterans of America for a Street Vendor license for a parking lot event at AMF Bowlero, 11737 W. Burleigh Street, on July 23, 2006. Mr. Wehrley said that this event has been held before without any problems. He noted that a permit may be required for any tents that are used.

It was moved by Ms. Murphy, seconded by Ms. Ledesma to approve the requested Street Vendor license. Ayes: 3

**Request for Reconsideration of Special Assessment for 2007 Paving and Sidewalk Work at 7216 W. Blue Mound Road.** In a letter referred to the Board, Donna Jostsons, 7216 W. Blue Mound Road, requested reconsideration of special assessments in the estimated amounts of \$680 for paving and \$450 for sidewalks in connection with the scheduled 2007 repaving of W. Blue Mound Road.

Mr. Wehrley explained that Blue Mound Road is also U.S. Highway 18. Wauwatosa has jurisdiction on portions of the road within the City of Wauwatosa, and Milwaukee has jurisdiction over those portions within its city limits. The scheduled repaving is a joint project with the City of Milwaukee for which Milwaukee is serving as the lead agency. They have prepared plans and specifications in accordance with Wisconsin Department of Transportation rules and regulations. Wauwatosa is responsible for a portion of the design and

paving costs. When the state repaves roadways without cost to the city, property owners are not assessed. In this case, however, the city is being charged and is assessing a portion of that cost to property owners.

Mr. Wehrley said that the latest plans indicate that four sidewalk squares would be replaced at this property. If this work were done under the city's 2006 sidewalk program, the charge would be \$633.36, which is higher than the \$450 cost estimate Ms. Jostsons received. Mr. Wehrley agreed that arterial streets are not expected to last as long as quiet residential streets and are repaved more frequently.

The Chair cited the obligation for uniformity under street paving assessments. He noted that only a portion of the city's cost is assessed to property owners. Mr. Wehrley said that the city's special assessments are intended to recover 60% of the cost. The remaining 40% is distributed among all taxpayers.

It was moved by Ms. Murphy, seconded by Ms. Ledesma to deny the request for reconsideration and place the letter on file. Ayes: 3

**Partial Payments and Contract Updates.** Mr. Wehrley reported on the status of various contracts including the State Street water main project, the two utility contracts, the first paving contract, crack sealing, sealcoating, sidewalks, and street lighting cabinet replacement.

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 Associates, Inc.	4	06-24 Hart Park Expansion Preliminary Design	\$ 43,148.88
Pieper Electric, Inc.	2	05-29 Street Lighting Distribution Cabinets	\$ 19,327.93
D.C. Burbach, Inc.	1	06-6 Asphalt Concrete Repaving	\$114,006.65

It was moved by Ms. Ledesma, seconded by Ms. Murphy to approve the foregoing. Ayes: 3

The meeting adjourned at 8:50 a.m.

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Secretary to the Board