



CITY OF WAUWATOSA
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BOARD OF PUBLIC WORKS

Regular Meeting – Monday, June 5, 2006 – 8:30 a.m.

PRESENT: Mr. Braier, Finance Dir.; Mr. Kesner, City Atty./Interim City Admin.; 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 Engineer; P. Pyne, Civil Eng.

Mr. Kesner in the Chair.

Encroachment – 2529 Wauwatosa Avenue. The Board reviewed an application by Paul and Rhonda Ladewig, 2529 Wauwatosa Avenue, to encroach into city right-of-way with landscaping. Mr. Pyne reported that the right-of-way here is extra-wide, extending 60 feet from the center of Wauwatosa Avenue to the property line. The property owners have already put in some plantings and plan to construct a berm. There are no underlying utilities in that area. There are separate issues with a fence erected within the setback three years ago and a crushed stone driveway that has been started.

The Chair suggested placing a limitation on the height of the berm. Since front-yard fences cannot exceed three feet, it was agreed that may be an appropriate limitation.

Asked about vacating a portion of the right-of-way in the future, Mr. Wehrley indicated that there is no immediate need to do so. The homes here are set quite far back and homeowners have not otherwise requested any use of the right-of-way. It is good to have that space available for any future utility work.

It was moved by Mr. Braier, seconded by Ms. Welch to recommend approval of the encroachment subject to execution of a hold harmless agreement and with the understanding that the proposed berm will not exceed three feet in height. Ayes: 5

Revised Special Assessments for Sidewalk Repair at 6331 W. Wisconsin Avenue. Following a request at the previous meeting for further information on a proposed revision to the special assessment for 2005 sidewalk repair at 6331 W. Wisconsin Avenue, Mr. Wehrley reported that staff has reviewed the ownership timeline. The property transfer occurred one month before notices of the proposed work were mailed on April 12, 2005, but that transfer information was not received by the city until May 17, 2005. The property owner never received notice and, therefore, never had the opportunity to make other arrangements for the repair. Mr. Wehrley recommended reducing the assessment from \$957.83 to \$100.00, the maximum allowable under those circumstances.

Mr. Braier felt that the burden was on the property owner or his representatives to investigate the markings that were placed on the sidewalk the previous fall. Mr. Wehrley indicated that no notices were sent at that time, and Ms. Ledesma stated that the City Clerk's office would have had no information in response to any inquiries on assessments when the property transfer took place.

It was moved by Ms. Welch, seconded by Mr. Wheaton to recommend that the special assessment of \$957.83 on 6331 W. Wisconsin Avenue, tax key #384-0407-00, be reduced to \$100.00. Ayes: 4; Noes: 1 (Braier)

Contract 06-7, Asphalt Pavement Resurfacing – Plans and Specifications. The Board reviewed the following:

Board Resolution

WHEREAS, the Common Council of the City of Wauwatosa is of the opinion that it is necessary to resurface the following streets, including milling, grading, concrete curb and gutter repair, asphalt pavement and work incidental thereto under Contract 06-7 Asphalt Pavement Resurfacing

<u>Street & Location</u>	<u>Const. Type</u>
N. 116th St. – Watertown Plank Rd. to Walnut Rd.	C
N. 118th St. – W. Center St. to Locust St.	C
N. 122nd St. – W. Center St. to Locust St.	C
Mayfair Frontage Road – Walnut Rd. to 1,200 ft. south	C

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 asphalt 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 2006 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 June 15 & 22, 2006; bids are to be opened June 29, 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 7. That the Wage Scale in the contract documents be and the same is hereby accepted.

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

Contract 06-6, Asphalt Pavement Repaving – Award of Bid. The Board reviewed a memo from the City Engineer recommending award of contract 06-6 to D.C. Burbach, Inc., at their bid price of \$363,348.25, the lowest of four bids. The engineer's estimate is \$346,578, and the repaving budget available for 2006 contracts is \$822,358.

It was moved by Mr. Wheaton, seconded by Ms. Ledesma to recommend award to D.C. Burbach, Inc., in the amount of \$363,348.25. Ayes: 5

Contract 06-3, Sanitary Sewer, Storm Sewer and Water Main Relay, Repair, Extension and Relining – Award of Bid. The Board reviewed a memo from the City Engineer recommending award of Contract 06-3 to American Sewer Services, Inc., at their bid price of \$1,175,742.50, this being the only bid.

The engineer's estimate is \$1,146,000. This project is CDBG funded with some supplemental funding from an Urban Nonpoint Source Water Pollution Abatement & Stormwater Management grant. Reallocation of \$672,000 in 2006 CDBG monies is on tomorrow's Council agenda, approval of which would bring available CDBG funds to \$1,336,735. In addition, \$45,000 is to be transferred from a CDBG storm sewer fund to a CDBG water main fund to reflect costs for each portion of the contract.

It was moved by Mr. Wheaton, seconded by Ms. Welch to recommend award to American Sewer Services, Inc., in the amount of \$1,175,742.50, contingent upon approval of the reallocation of \$672,000 in 2006 CDBG funding. Ayes: 5

Wood Waste Processing at Public Works Yard. Mr. Kappel reported that White Oak Farms, the city's composting and yard waste processing contractor, is seeking approval to bring clean wood waste into the public works yard to be chipped and then shipped off site. They propose bringing in approximately 10 truckloads a day totaling 100 tons. They would chip the material using the same equipment used for the city's materials. There is room in the north end of the yard for this daytime operation.

To reimburse the city for this use, Mr. Kappel recommended a scale fee of \$2/ton and a \$4 minimum scale charge. This fee is based on a portion of the annual costs of maintaining the scale. There is a potential that White Oaks Farms may bring in additional materials in the future, perhaps from surrounding municipalities, using this site as a staging area for chipping and composting. The benefit to the city is a greatly reduced cost in processing fees for local yard waste. Since White Oak Farms took over the operation at the yard, there has been only one complaint and that was on a day when some windrow turning was being done. They have handled the operation very professionally, and the city has been getting a much better product. It would not set a precedent to allow a contractor to bring materials onto the site.

In answer to questions, Mr. Kappel clarified that White Oak Farms owns the equipment to be used and uses their own fuel. He estimated about \$200 per day in additional revenue when waste is brought in. He noted that this is before the Board because it is on public property but may require review by the Budget and Finance Committee from the standpoint of setting a new fee.

It was moved by Mr. Braier, seconded by Mr. Wheaton to forward this matter to the Budget & Finance Committee with a recommendation for approval. Ayes: 5

Partial Payments and Contract Updates. Mr. Wehrley updated progress on outstanding contracts, including Stickney Avenue underground work, work in the State Street area, and the manhole rehab, crack filling, street lighting cabinet replacement, and sidewalk repair contracts. He noted that the contractor removing the Hart Park parking lot has uncovered two foundations of former buildings. Thus far, there has been no discussion of any incurred city costs. A pre-construction meeting for the county grounds basins will be held tomorrow.

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/PO No.</u>	<u>Amount</u>
Schreiber/Anderson Associates, Inc.	1A	Contract 06-24 Hart Park Expansion Preliminary Design	\$ 89.98
Schreiber/Anderson Associates, Inc.	2A	Contract 06-24 Hart Park Expansion Preliminary Design	\$ 1,512.51
Schreiber/Anderson Associates, Inc.	3	Contract 06-24 Hart Park Expansion Preliminary Design	\$ 20,927.25
American Sewer Services, Inc.	1	Contract 05-05 Sanitary Sewer Rehabilitation	\$148,724.88
American Sewer Services	1	contract 06-05 Sanitary Sewer Rehabilitation	\$ 61,024.20
Payne & Dolan, Inc.	8	05-6 Asphaltic Concrete Repaving	\$ 13,542.51
American Sewer Services, Inc.	3	06-01 Sanitary Sewer and Storm Sewer Relay, Repair, Extension and Relining	\$113,014.20
Payne & Dolan, Inc.	7	05-7 Asphalt Pavement Resurfacing	\$ 8,365.28
Snorek Construction, Inc.	2	05-20 Citywide Pavement Repair	\$106,373.80

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

Election of Officers.

It was moved by Mr. Braier, seconded by Mr. Wheaton to nominate and elect Mr. Kesner as president and Ms. Ledesma as secretary. Ayes: 5

Redesign of N.70th Street from State Street to Hart Park Entrance. Mr. Wehrley reported that MMSD’s contractor is ready to begin reconstructing the 70th Street roadway. The question that arises is whether the city should redesign the alignment for 70th Street within Hart Park to accommodate a median section and, if so, whether the construction of a reconstructed roadway should occur under the MMSD contract. The current plans entail a roadway without a median, but the city may want to consider a median there as a supplemental safety measure to address anticipated requirements of the Federal Railroad Administration (FRA). Meeting those anticipated requirements may allow the city to retain the existing whistle ban for trains in Wauwatosa. There is not any certainty at this point, however, about specific FRA requirements and whether adding a median section would be considered adequate.

In a memo to the Board, Mr. Wehrley outlined three possible courses of action at this time: 1) Do nothing different and have MMSD’s contractor reconstruct 70th Street without a median; address any roadway/median modifications in the future; 2) Have MMSD’s contractor install 70th Street and add a plastic curb median with delineator panels down the center line; 3) Reconstruct the roadway with a revised alignment that will utilize a grassy median strip to provide the divided roadway, which would also serve as a traffic calming feature and assist in keeping 70th Street speeds down within Hart Park.

Displaying a drawing, Mr. Wehrley noted the opportunity to put in a wide, grassy median with the appearance of a park amenity. He also provided a photo of a railroad crossing with plastic median panels bolted to the

pavement that could be considered as a temporary measure. They are reasonably priced, but panels he has seen in use in Wisconsin showed significant wear with possible snowplow damage and peeling reflective tape.

Mr. Wehrley displayed the roadway plan that would be constructed if the city does nothing, which is a straighter alignment. The revised curvilinear alignment would be expensive in that it requires moving traffic signals and railroad gates but does offer some traffic calming benefit. A 20 mph speed limit would be required due to limited sight distance going over the hump of the levee. A straight alignment would allow drivers to fairly easily exceed that speed. With potential park development, there could be some pedestrian movement in this area due to a possible parking lot east of 70th Street and ball fields to the west.

Mr. Wehrley explained that the contractor would like to open the road before July 4th, so we could incur some delay penalties if we don't make a decision now, or they may decide to move ahead with the existing plan. The road could be reconstructed later at city cost. Based on past experience, the cost to reset a railroad signal gate on an existing base is \$30,000-\$35,000 each, but there would be additional cost to relocate the bases. The railroad signals might cost \$100,000 alone. It would be difficult to avoid moving the signals because of the need to fit a median in and better align the road with 70th Street north of State.

The Chair asked Mr. Wehrley to obtain as much cost information as possible today so that the Board can reconvene later and decide how to proceed.

(The meeting recessed at 9:12 a.m. and reconvened at 2:32 p.m. -4 (Mr. Wheaton excused)

Mr. Wehrley reported that he spoke with the MMSD contractor, who was concerned that the state and federal approval process to change a railroad crossing would take six months. In that case, their late penalty would come to over \$1 million. Alternatively, a temporary 2-inch roadway could be paved in the current alignment and then reconstructed in the revised alignment after approvals are received. The costs would be approximately \$25,000-\$30,000 for grading plus \$125,000-\$150,000 for repaving the crossing and resetting two signals. The cost for the temporary roadway and later pavement would be approximately \$63,000. There could be an additional cost of \$20,000-\$30,000 to move the aluminum railroad bungalow that is adjacent to the tracks. The total estimated cost is about \$215,000-\$240,000 plus the cost of moving the railroad bungalow. Mr. Wehrley cautioned that this estimate is the result of informal discussions with MMSD's contractor, who was unable to quickly prepare a formal cost estimate. Some of those costs would be incurred regardless of when the work is done, but some such as the temporary roadway are additional. Efforts would probably be made to salvage at least part of the pavement. There is some conflicting information from the railroad on whether federal funding could offset some costs.

The city could go ahead now at these estimated costs or suggest that this roadway be incorporated in the Hart Park amenities plan to be developed later and be made part of the park costs. The preliminary park plan included amenities with a curvilinear roadway.

Ms. Welch commented on the need for long-range thinking but noted that the roadway as proposed now may or may not be within the final design considerations for Hart Park. Mr. Braier commented on funding possibilities including future park funding, capital improvement funds, or perhaps TIF dollars in the future.

There was further discussion and debate on park design considerations, the need for traffic calming measures, and concerns about what specific supplemental safety measures might be required by the Federal Railroad Administration. There were also concerns about estimated costs as well as uncertainties about roadway alignment in connection with park plans that have not yet been finalized. The Board was reluctant

to move ahead with changes at this point, feeling that any revised roadway alignment might best be part of the final park amenities plan.

It was moved by Mr. Braier, seconded by Ms. Ledesma to place this matter in file. Ayes: 4

The meeting adjourned at 2:50 p.m.

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Secretary to the Board