



CITY OF WAUWATOSA
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BOARD OF PUBLIC WORKS

Regular Meeting – Monday, March 20, 2006 – 8:30 a.m.

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

EXCUSED: Mr. Wheaton

ALSO W. Kappel, Dir. of Public Works; W. Wehrley, City Engineer;
PRESENT J. Kroll, Spec. Projects Eng.; J. Bembenek, Purch. Mgr.

Mr. Kesner in the Chair.

Special Assessment for Alley Paving – 7303 W. Center Street. The Board reviewed a March 13, 2006, letter from Jonathon Leubner, SurroundinSoundStudio, 7303 W. Center Street, regarding a \$6,093.89 special assessment for alley paving. Mr. Leubner said that he has already spoken with city staff and his district representatives, Ald. Stepaniak and Ald. Sullivan, and was referred to the Board as the next step. Mr. Leubner said that his commercial property is between 73rd and 74th Streets south of Center Street. He relocated his business to this site from the Third Ward in Milwaukee in August 2003, and has been a neighborhood resident for 20 years.

Mr. Leubner noted that a December 2004 letter from the City Clerk listed an estimated cost of \$4,732. He felt that the \$1,200 assessment paid when 72nd Street was repaved a few years ago was fair, but he was surprised by the cost of the alley work, especially since the back of this property adjacent to the alley is a green space without a garage or parking slab. There are two commercial properties on the corners of Center Street at 73rd and 74th Streets. Between them, there are two double lots with apartment buildings, each with parking for six cars. Two residential homes abut the south side of the alley, one facing each side street. The resident to the south of his property was assessed \$2,200 for the alley, although his property is half the alley's length and his two-car garage is in the middle of the block. Mr. Leubner said that the original estimate for the 46-49 ft. length along his property comes to \$102 per foot, while the residential property was charged \$52 per foot. He questioned the rationale behind that difference.

Mr. Wehrley explained that 100% of the cost of alleys is assessed to abutting property owners under three classifications. Single-family residences or duplexes as well as churches, schools, or public parks are charged at one basic rate. Multi-family units of four or more are assessed at 1 ½ times that rate and commercial at two times that rate. Mr. Kappel said that commercial generally generates more traffic.

Mr. Leubner said that the apartment buildings next to him are a business; they are not owner occupied and they produce income. They are not any different from a commercial property. He acknowledged that the alley was a hazard and said he has no problem with the work and paying what he considers a fair share. He questioned the 23% increase in the *actual* cost from the *estimated* cost. The Chair explained that estimates are based on known prices at the time. Unfortunately, last year bids came in higher, possibly due

to the large amount of work available to contractors in connection with Marquette Interchange reconstruction. Mr. Kappel added that increases in the price of concrete itself as well as fuel surcharges were also significant factors.

Mr. Leubner requested that his assessment be lowered. He noted that his property is subject to assessments on three sides. In paying for the alley he feels like he is paying for his neighbors' driveway in that two adjacent buildings have parking lots that can only be accessed by way of the alley. He is a sole proprietor, and the assessment has a significant impact on the ongoing viability of his business.

Asked by Mr. Braier about relief offered in the past, Mr. Kappel said that there is a reduction policy for one and two-family properties that have driveways entering at the front and no alley access. It was noted that this property could at some time use the alley to access parking or a garage. Mr. Leubner said the building dates to the late 1940s and has never, to his knowledge, had on-site parking. He has no such plans himself. Ms. Welch noted that zoning code requirements for a certain number of on-site spaces could come into play with a change of use. The situation here with a single business owner who walks to work is unusual.

Mr. Leubner then referred to being subject to special assessments on three sides of his property. The Chair said that is generally something that comes with owning a property like this; similar properties are affected as well. There is a policy to delay a subsequent assessment until payment of an existing one has been completed so that not everything is assessed at one time. Mr. Wehrley confirmed that reducing the assessment on one property would raise the assessment for others abutting the alley.

Mr. Leubner reiterated that this does not seem equitable to him as a small business owner. He said that his 1,200 sq. ft. building has an assessed value of \$127,900 while the residential property behind him is valued at about \$250,000. The other properties need the alley because it is their driveway.

Ms. Welch said that there is no precedent for this Board to simply forgive assessments. Mr. Braier explained that the Board is not a policy-making body but is able to confirm that everything is technically correct. Only the Common Council can make an exception to city policy. He noted that a five-year installment schedule is offered and suggested that the Common Council could consider a 10-year plan. Mr. Leubner commented that the five-year plan would cost him almost \$700 in interest.

It was moved by Mr. Braier, seconded by Ms. Welch to forward this matter to the Budget & Finance Committee. Ayes: 4

Mr. Leubner provided a summary of his remarks. He was informed that the matter would be on the Budget and Finance Committee's agenda for their meeting at 8 p.m. on March 28.

Use of Municipal Parking Lot for Hartfest. In a memo to the Board, the Director of Public Works outlined a request by the organizers of Hartfest to use the parking lot under the Harmonie bridge (7720 Harwood Avenue) for this year's annual event on May 19 and 20.

Mr. Kappel said that he has been trying to relocate events from Hart Park because of the ongoing construction there. One condition in the use of this lot is that tent stakes cannot penetrate the pavement because this is a capped brownfield site. Tent installers generally have alternatives they can use that will maintain the integrity of the cap to prevent contaminants from leaking out.

Chris Leffler, 7208 W. State Street, said that Hartfest contracts out with local service clubs for after-event cleanup, which has always covered a much broader area than the event itself. Upon a suggestion from Mr. Braier, he indicated that they will discuss temporary lighting on the bike path from Menomonee River Parkway, where some attendees are likely to park.

It was moved by Ms. Welch, seconded by Ms. Ledesma to approve use of the municipal parking lot at 7720 Harwood Avenue for Hartfest on May 19 and 20, 2006, with the understanding that no tent stakes or other devices are allowed to penetrate the asphalt surface. Ayes: 4

Appeal of Snow/Ice Removal Charge – 2008 Wauwatosa Avenue. The Board reviewed a letter from Michael J. Lund, 2008 Wauwatosa Avenue, appealing a \$291 charge for snow/ice removal on February 23, 2006. Mr. Lund stated that his property has 240 feet of sidewalk along Melrose and Wauwatosa Avenues. In the photo taken before the work was done, it is evident that the sidewalk along Melrose is clear and the Wauwatosa Avenue walk is partially clear. National Weather Service data indicates that temperatures on days preceding the work reached the low 30s, causing melting and refreezing. On February 23 when the work was done, it was in the low 40s and all the ice probably would have melted. Mr. Lund said he has lived here 20 years and takes this matter seriously. His children attended neighborhood schools and he understands why clearing the walks is important. He requested that the charges be waived or held in abeyance.

Mr. Kappel provided a color picture of conditions on February 23. The snowstorm occurred on February 15 and 16. Temperatures rose into the 40s on February 22. Mr. Kappel explained that he did not administratively overturn the charges in this case because of the large number of bills that were issued in connection with this snowstorm. Between \$5,000 and \$10,000 was billed. In order to clear the walks, staff had to work with heavy equipment at each site in the morning and again in the afternoon. There wasn't sufficient space at this property for handicapped access.

Mr. Kappel noted that there are four or five similar requests for waiver pending, so any action taken here will set a precedent for those cases. He felt that general taxpayers should not pay for this work. Property owners on main streets like Wauwatosa Avenue receive a letter in October informing of their responsibility for clearing sidewalks. Other homeowners are sent a 24-hour notice upon receipt of a complaint. Mr. Kappel confirmed that there have been no past incidents, to his knowledge, at this property.

It was moved by Mr. Braier, seconded by Ms. Welch to place the charges in abeyance for a year, waiving them if there are no other incidents during that time –

Mr. Braier indicated that Mr. Kappel should hold in abeyance other similar bills from the same storm if there are no unusual circumstances. Although doing the work caused some inconvenience and expense to the city, there was a bad situation with extremely cold weather after that storm.

Vote on the motion, Ayes: 4

Mr. Kappel requested that future invoices use the "action taken" date from the violation report rather than the date of the storm. Mr. Braier indicated that he would pass that information along.

Cooling Unit for Police Computer Room. Mr. Kroll reported that new computer equipment at the police department is generating extra heat that the existing cooling system cannot manage. Proposals were sought for a cooling unit similar to that used in the city hall computer room. He recommended that the project be awarded to Sure-Fire, Inc. of Horicon, the low bidder in the amount of \$22,550, and be referred to the Budget and Finance Committee to determine funding.

It was moved by Ms. Welch, seconded by Ms. Ledesma to recommend award to Sure-Fire, Inc. of Horicon in the amount of \$22,500 and to refer the matter of funding to the Budget & Finance Committee.

HVAC Preventative Maintenance and Repair Services. The Board reviewed a memo from the Special Projects Engineer reporting on proposals and recommending that the city enter into a three-year agreement with Iron Fireman of Milwaukee for boiler and HVAC service work. The total cost of the boiler work for 2006 is \$10,076.05, and the total cost for 2006 HVAC work is \$8,750.96. The cost would be paid from the proper departmental accounts previously established for this purpose.

Mr. Kroll explained that an existing two-year agreement and two-year extension with Downey, Inc., will expire on April 1, 2006. New proposals were sought because of new equipment and a request to include the police station in the contract. The proposed cooling unit for the police computer room will be covered by a warranty.

Mr. Kroll recommended that the three additional contractors that submitted proposals for this work be retained as pre-qualified to perform repair work estimated to cost less than \$8,000 on as-needed basis based on price, convenience, and availability.

It was moved by Ms. Ledesma, seconded by Ms. Welch to recommend to Council approval of a three-year agreement with Iron Fireman of Milwaukee for boiler and HVAC service work and to approve retaining the three additional contractors submitting proposals as pre-qualified to perform work estimated to cost less than \$8,000 on an as-needed basis based on price, convenience, and availability. Ayes: 4

Contract 06-5, Sanitary Manhole Rehab - Plans and Specifications. Mr. Wehrley reported that this is the first of two sanitary manhole rehab contracts. This work is funded under an exception to the \$3.5 million bonding cap. 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 rehabilitate sanitary manholes in the City of Wauwatosa and work incidental thereto under Contract 06-5 Sanitary Manhole Rehab;

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 manhole rehabilitation and work incidental thereto, be and the same are hereby approved.

Section 2. That the work is intended to be done during the 2006 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 06-5 Sanitary Manhole Rehab on March 30, 2006 and April 6, 2006, bids are to be opened on April 13, 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.

Moved by Ms. Welch, seconded by Mr. Braier, to approve the foregoing. Ayes: 4

Contract 06-19, concrete Sidewalk Repair – Plans and Specifications. Mr. Wehrley reported that this year's work will be in the area bounded roughly by 68th Street, 76th Street, State Street, and the south city limits. 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 repair sidewalks and drive approaches in the City of Wauwatosa and work incidental thereto under Contract 06-19 Concrete Sidewalk Repair;

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 manhole rehabilitation and work incidental thereto, be and the same are hereby approved.

Section 2. That the work is intended to be done during the 2006 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 06-5 Sanitary Manhole Rehab on March 30, 2006 and April 6, 2006, bids are to be opened on April 13, 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.

Moved by Ms. Ledesma, seconded by Ms. Welch, to approve the foregoing. Ayes: 4

Water Pumpage Report. The water pumpage report and billing analysis for February 2006 indicated that 139,886,700 gallons were pumped in February. February 2005 pumpage was 137,598,400 gallons. The Chair ordered the report placed on file.

Contract Updates. Mr. Wehrley reported that the wet connections are the only remaining water main work on the TIF water main project, beginning with the connection for the Sentry store last night and continuing during the remainder of the week. Work is being done at night to minimize disruption of business activities.

The meeting adjourned at 9:17 a.m.

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Secretary to the Board