



CITY OF WUWATOSA

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

BOARD OF PUBLIC WORKS

Regular Meeting, Tuesday, September 6, 2005 – 8:30 a.m.

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

ABSENT: Mr. Wheaton

ALSO W. Kappel, Dir. of Public Works; W. Wehrley, City Engineer; J. Wojcehowicz, Water J.
PRESENT: Supt.; J. Kroll, Spec. Projects Eng.; Ald. Birschel

Mr. Kesner in the Chair.

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

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

Use of Public Right-of-Way for Sidewalk Event at 7225 W. North Avenue. Ms. Bonnie Eckl, 2572 N. 65th Street, outlined East Towne Café's plans for a BratFest on the sidewalk outside the restaurant and in front of the adjacent laundromat on Thursday, September 22, 2005. All grilling takes place behind the building. They have held three similar events in the past. They will have live music from 5-8 p.m., and the event would be over by 8:30 p.m. Ms. Eckl said they would clean up the sidewalk and curb area by 9 p.m. Mr. Kappel had no objection, noting that there have been no problems with any of the past events.

It was moved by Mr. Braier, seconded by Ms. Welch to approve the use of public right-of-way as requested. Ayes: 4

Encroachment – 7118 W. State Street. The Board reviewed an application by Wauwatosa Savings Bank, 7500 W. State Street, to encroach into city right-of-way with an ATM sign overhanging the sidewalk. Brian Olen, 1553 N. 117th Street, representing Wauwatosa Savings Bank, said they are investing in a new ATM and need to update their ATM signage to comply with some FDIC requirements and to better inform the public of its location. He distributed photos of the site showing the ATM location and existing signage. Other photos were available showing the proposed signage.

Don Nummerdor of Sign Effectz, 2362 N. Stanley Place, Milwaukee, said the sign will be aluminum with plastic faces and there will be about 12 feet of clearance from the sidewalk. Mr. Wehrley indicated that staff has no objection to the proposal.

Ms. Welch reported that this type of signage has been allowed in the Village area. There would be concerns about signs that project farther into the right-of-way. All signage must conform with the sign

code, which would be a separate issue, although she felt there would be no conflicts with those requirements. The amount of signage allowed for commercial buildings is based on total frontage.

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

Street Vendor License – 7118 W. State Street. The Board reviewed an application for a Street Vendor license by Hectors—A Mexican Restaurant, 7118 W. State Street, for an outdoor tailgate/fest in their parking lot from 1-8 p.m. on September 11, 2005. Ms. Stephanie Rockenbach, Manager of Hector's, said they have been holding this annual event for ten years. It will be confined to the parking lot and will include live music until 8 p.m. There have been no complaints about past events.

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

Encroachment – 6908 Hillcrest Drive. The Board reviewed an application by Catherine and Thomas Feroah, 6908 Hillcrest Drive, to encroach onto city right-of-way with a stone retaining wall. Ms. Feroah stated that the wall is needed to control erosion and will also improve the appearance of the hill. It would be similar to existing smaller walls on the hill but would probably be higher in order to achieve a reasonable grade. A neighboring property has a retaining wall right at the sidewalk. Here, they are proposing to locate the wall two feet away from the sidewalk.

The Chair explained the need for an encroachment agreement holding the city harmless for damage to the wall in connection with any work the city might do within the right-of-way. Mr. Wehrley said this allows enough room for doing any sidewalk replacement without incurring extra cost or undue liability.

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

Encroachment – 2603 N. 71st Street. The Board reviewed an application by Paul and Vicki Trautschold, 2603 N. 71st Street, to encroach into city right-of-way with a retaining wall at 2603 N. 71st Street. Ms. Trautschold explained that a stone retaining wall is needed in order to create a patio adjacent to their side yard, which faces Clarke Street. There would be a one-foot setback from the sidewalk. A similar wall across the street is immediately adjacent to the sidewalk.

Mr. Wehrley indicated that he would support the one-foot setback with the understanding that the city may have to charge extra for any sidewalk replacement in the future because of the extra labor and equipment that may be needed. That provision is included in the standard encroachment agreement, the Chair reported.

It was moved by Mr. Braier, seconded by Ms. Welch to recommend approval of the requested encroachment subject to execution of an encroachment agreement. Ayes: 4

Request for Review of Special Assessment for Alley Improvement - Pilgrim Child Development Center, 7011 W. Center Street.

In a letter dated September 1, 2005, Warren Schmidt, Chairman of the Board of Trustees of Pilgrim Ev. Lutheran Church, School and Child Development Center, requested review of the special assessment in the estimated amount of \$16,448.96 for 2005 alley improvements adjacent to Pilgrim Child Development Center, 7011 W. Center Street. In his letter, Mr. Schmidt referred to Council Resolution R-04-245, which outlines policies for 2005 construction. He felt that the Pilgrim Child Development Center should be reclassified from (c), "2 Units – business, commercial industrial," to (a), "1 Unit – one and two family residences, churches, schools, public parks." The property is owned and controlled by Pilgrim Church, a 501 (c)(3) not-for-profit entity, and the church is responsible for all financial obligations of the center. Mr. Schmidt also pointed out that Pilgrim Child Development Center has no vehicular access from the alley whereas the other three properties adjacent to the alley access their garages and parking spaces exclusively from the alley.

Norman Jensen, 6550 Hillcrest Drive, was present representing the church. He indicated that the alley project has not started, and he acknowledged that the church received notice at the time it was approved. He noted that one and two-family properties without access to an alley are assessed at 50%. The church is between 68th and 69th Streets; the subject property is the church's day care center and school operation.

Mr. Wehrley said that the church was classified as "1 Unit" but the child development center was classified as a business. Alleys are assessed at 100% of the reconstruction cost. If adjustments are made for one and two-family properties without access, the rest of the property owners on the alley share the additional cost.

In response to questions, Mr. Wehrley indicated that there is no intent to require alley access in the future to better control traffic that now exits the parking lot close to the corner. The lack of access from the alley was the church's choice. Mr. Jensen said that in its former use as a Walgreens store, the site did have access to the alley. Some requirements related to parking spaces dictated the current parking lot configuration.

A question about property taxes arose. Following an inquiry by Mr. Braier, the Deputy Treasurer reported that the property pays no real estate taxes.

Mr. Wehrley asked about differentiation between a church and a non-profit, noting that the assessment resolution refers to churches but doesn't mention non-profit entities. The Chair said that the Assessor's office would have that information since they review taxability of properties. Mr. Braier noted that "501 (c)(3) is an IRS non-profit designation. He commented that the city needs to be consistent in the taxing and special assessment policies. Mr. Kappel noted that the YMCA has paid a sidewalk assessment even though classified as a 501 (c)(3).

The Chair felt this is more of a policy decision. He recommended asking the Assessor's office to review how similar church owned, off-site day care operations are treated.

It was moved by Mr. Braier, seconded by Ms. Welch to refer matter to the Budget and Finance Committee and request that the City Assessor furnish information regarding taxability of these types of operations within Wauwatosa.

Ayes: 4

Contract 05-51, Swan Boulevard Water Main Relay and Extension – Partial Payment. The Board reviewed a memo from the Water Superintendent recommending partial payment of \$256,121.87 to American Sewer Services on Contract 05-51. This amount represents 85% of the contract price. Mr. Wojcehowicz reported that the contractor has completed all of the specified underground water construction, leaving only the final stages of road and lawn restoration to be completed.

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

Contract 05-25, 64th Street Reservoir Overflow Reconstruction – Final Payment. The Board reviewed the following:

Board Resolution

WHEREAS, the Board of Public Works has accepted the work of Overflow Reconstruction N. 64th Street Reservoir and work incidental thereto in the City of Wauwatosa under Contract 05-25 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 Overflow Reconstruction N. 64th Street Water Reservoir under Contractor 05-25 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 twenty-six thousand seven hundred thirty-two dollars and twenty-five cents (\$26,732.25) in favor of Midwest Pipeline, 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 Ms. Welch, seconded by Ms. Ledesma to approve the foregoing. Ayes: 4

Contract 05-30, Sod Replacement at Hart Park Baseball Field – Award of Bid. The Board reviewed a memo from the Director of Public Works recommending award of Contract 05-30 to Western Contractors, Inc., the lower bidder, in the amount of \$26,675. The amount budgeted for the work is \$58,000. Mr. Kappel said that he has recommended at least a 10-15% contingency to cover any unforeseen additional work, which would still fall within the budgeted amount. He indicated that some additional equipment has been purchased for watering the field, and other equipment will be borrowed from the school district. The field is also used for football practice.

It was moved by Ms. Welch, seconded by Ms. Ledesma to recommend award to Western Contractors, Inc., in the amount of \$26,675. Ayes: 4

Contract 05-28, Permanent Traffic Signals at Watertown Plank Road and Innovation Drive – Award of Bid. The Board reviewed a memo from the Director of Public Works recommending award of Contract 05-28 to Outdoor Lighting Construction Co., the lower bidder, in the amount of \$87,233.10. The amount budgeted for the work is \$125,000. The work includes preemption for fire station #3.

It was moved by Ms. Welch, seconded by Ms. Ledesma to recommend

award to Outdoor Lighting Construction Co. in the amount of \$87,233.10.
Ayes: 4

Purchase of LED Traffic Signal Lamps. The Board reviewed a memo from the Purchasing Manager recommending purchase of LED traffic signal lamps in the amount of \$29,609.07 from TAPCO, the lowest of three bidders. Mr. Kappel reported that funds for the lamps were carried over from the 2004 budget. Although there had been some hope for a state grant, the state was not moving forward and staff decided to proceed now in order to begin accumulating the energy savings associated with the LED fixtures. There is still potential for an energy credit.

It was moved by Mr. Braier, seconded by Ms. Welch to recommend approval. Ayes: 4

Contract 05-20, Pavement Repair – Award of Bid. The Board reviewed a memo from the Director of Public Works recommending award of Contract 05-20 to Snorek Construction., Inc., the low bidder, in the amount of \$152,160. The total budgeted amount for this contract is \$159,000, including \$134,000 by the Engineering Department and \$25,000 by the Water Department. The Water Department portion is for repairs in locations where bigger cuts were temporarily patched following water main breaks.

It was moved by Ms. Ledesma, seconded by Ms. Welch to recommend award of Snorek Construction, Inc., in the amount of \$152,160. Ayes: 4

Contract 04-18, Aggregate Sealcoating – Final Payment. Mr. Wehrley said that concerns about stone cleanup have diminished due to normal stone loss. The roads are no longer tacky, but there may be some small bubbles for a couple of years and some spots are shiny due to grinding that occurs with tight in-place turns using power steering. The Board reviewed the following:

Board Resolution

WHEREAS, the Board of Public Works has accepted the work of Aggregate Sealcoating and work incidental thereto in the City of Wauwatosa under Contract 04-18 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 Aggregate Sealcoating under Contract 04-18 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 one thousand eight hundred fifty dollars and forty-six cents (\$1,850.46) in favor of Dodge Construction 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 Ms. Welch, seconded by Ms. Ledesma to approve the foregoing. Ayes: 3; Present: 1 (Braier)

Contract Updates and Partial Payments. Mr. Wehrley reported on the status of pavement marking work, sanitary sewer removal work in Hart Park, and various paving and utility contracts.

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>
Fahrner Asphalt Sealers, Inc.	1	05-18 Aggregate Sealcoating	\$145,983.66
Snorek Construction	2	05-19 Concrete Sidewalk Repair	\$139,080.54
Crowley Construction	1	05-22 Citywide Pavement Marking	\$ 4,501.89
Payne & Dolan, Inc.	1	05-7 Asphalt Pavement Resurfacing	\$ 58,699.36
Dome Corporation of America	3	05-12 Salt Storage Facility	\$105,653.75
Payne & Dolan, Inc.	3	05-6 Asphaltic Concrete Repaving	\$119,332.55
American Sewer Services, Inc.	5	05-01A Sanitary Sewer, Storm Sewer and Water Main Relay, Repair and Extension	\$ 25,521.14
American Sewer Services, Inc.	2	05-02A Sanitary Sewer, Storm Sewer and Water Main Relay, Repair and Extension	\$462,680.27
Visu-Sewer Clean & Seal, Inc.	2	05-02B Reconstruction of Fully Deteriorated Sewers Using a Structural CIPP Relining Process	\$ 16,821.30
American Sewer Services, Inc.	1	05-03A Sanitary Sewer and Storm Sewer Relay, Repair and Extension	\$102,880.73
Visu-Sewer Clean & Seal, Inc.	1	05-03B Reconstruction of Fully Deteriorated Sewers Using a Structural CIPP Relining Process	\$ 55,896.85

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

The meeting adjourned at 9:10 a.m.

Secretary to the Board

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