



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, June 6, 2005 - 8:30 a.m.

PRESENT: Mr. Kesner, City Attorney; Ms. Ledesma, City Clerk; Ms. Welch, Community Dev. Dir.;  
Ms. Mulroy, Library Dir. (1st Alt.)

EXCUSED: Mr. Braier, Mr. Wheaton

ALSO W. Kappel, Dir. of Public Works; W. Wehrley, City Eng.;  
PRESENT: P. Pyne, Civil Eng.; J. Kroll, Spec. Proj. Eng.; K. Walbrant, Parks & Forestry Supt.

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 Mr. Kesner to approve the minutes as printed. Ayes: 4

**Use of Public Right-of-Way in 7200 Block of W. North Avenue.** Bonnie Eckl, 2572 N. 65th Street, said that East Towne Café and other businesses on the south side of the 7200 block of W. North Avenue are planning a "Summer Solstice" event from 4-8 p.m. on June 21st. The East Towne Café will prepare food outdoors behind their restaurant and serve it in front. All Star Music will provide music to promote their DJ business. A pottery business and The Pantry and Homebrewing Depot will do some demonstrations. The two nail salons on the block are not involved.

Mr. Kappel said there have been no problems with similar events in the past. Ms. Ecks indicated that she is aware that the sidewalk must remain handicapped accessible. Sponsors will clean any debris from walkways and curbs following the event.

It was moved by Ms. Mulroy, seconded by Ms. Ledesma to approve the use of public right-of-way for the Summer Solstice event from 4-8 p.m. on June 21, 2005. Ayes: 4

**Request for Plumbing Code Exception at 6600 River Parkway.** Kevin Brice of Wenzler & Associates Architects, 205 W. Highland Avenue, Milwaukee, requested an exception to roof drainage requirements of the plumbing code for the Hart Park Square project at 6600 River Parkway. Bruce Jutkins of The Laureate Group also was present.

Mr. Brice said that the plumbing code requires gutters and downspouts tied directly to the storm sewer around the entire perimeter of the building. The Laureate Group has done quite a few projects in the area using roof drains only at the entrance and otherwise allowing water to run off at the roof edge. This has worked well at their other facilities, and they propose doing likewise here.

Mr. Wehrley reported that staff has reviewed the submitted plans in detail and has no objection. One area along the south side where downspouts would discharge onto a public walk should be rerouted to discharge to the west onto a gravel bed. The plumbing inspector will require revised plans prior to issuing an occupancy permit.

It was moved by Ms. Mulroy, seconded by Ms. Welch to approve an exception to roof drainage requirements of the plumbing code with the understanding that an area on the south side where downspouts would discharge onto a public walk will be rerouted to the west onto a gravel bed. Ayes: 4

**Request for Review of Garage Requirement at 1137 Elm Lawn.** Christopher Schaaf, 1137 Elm Lawn, requested reconsideration of a matter before the Board in January 2005. At that time, Mr. Schaaf had appealed the enforcement of a warning by police for housing a commercial vehicle at his residence. This code provision is enforced on a complaint basis. The Board at that time recommended no enforcement by the police or planning departments subject to Mr. Schaaf applying for a building permit and submitting plans for a garage sufficient to house his commercial vehicle within six months.

Mr. Schaaf reported that the neighbor who made the complaint has moved. He noted that this property backs up to the Medical College property, and neighbors in this area have been concerned about proposed changes there and the size of any garage that would house the truck, feeling it would not be appropriate for the neighborhood. Only four neighbors can see the truck when it is parked in his driveway. Mr. Schaaf presented letters from those four neighbors stating that they have no problem with the truck being parked in the driveway. Mr. Schaaf noted that he found 65 similar situations on six streets that he surveyed in January.

The Chair said that some relief from the earlier order may be possible since this involves complaint-based enforcement and the complainant has since moved. Ms. Welch noted that the neighbors have been very clear on their preferred solution.

It was moved by Ms. Welch, seconded by Ms. Ledesma to grant relief from any request to build a garage contingent upon: 1) parking the vehicle in a location not visible from the street behind the house where it would border on non-residential property; and 2) if another complaint about parking is received by the police, planning, or building departments, Mr. Schaaf will be required, without further action of this Board, to move forward within six months on building the garage. Ayes: 4

**Proposed Intergovernmental Cooperation Agreement with MMSD on Hart Park Project.** Mr. Wehrley reported that that staff has worked with the Milwaukee Metropolitan Sewerage District (MMSD) for some time on the proposed Intergovernmental Cooperation Agreement Concerning Design and Construction Activities for the Hart Park Project. The agreement allocates costs and responsibilities for the upcoming MMSD construction project at Hart Park. It does not address future construction of park amenities, which would be the city's responsibility. Mr. Wehrley said that one remaining concern has been reimbursement for trees that are being removed. MMSD has agreed to work with the city on this issue with specific details to be worked out later.

The Chair asked about a plan of action in view of the higher than anticipated bids received by MMSD, some of which includes work requiring cooperation and payment by the city. Mr. Wehrley reported that the Water

Superintendent is reviewing bid tabulations for work under his purview and is considering a reduction in the scope of the work. Bid tabulations for other city responsibility items have not yet been received. He explained that the water utility had planned to do some additional work in the area to take advantage of economies of scale, but they have now determined that the bid prices are too high. The city's agreement with MMSD allows for removal of any Wauwatosa-pay item from the contract after the bid opening, which the Chair indicated is fairly standard in contracts with government agencies. Mr. Wehrley noted that the low bid for the project was over \$21 million. The water utility's portion amounted to about \$600,000 and would be reduced at most to about \$300,000. The bulk of the project is utility work—storm, sewers, sanitary sewers, and water mains—that would probably be done by one contractor.

The Chair requested further information on the provision for permeable pavement that the city will be responsible for maintaining in the future. Will there be any added burdens on the city? Mr. Wehrley said that the permeable surface requires regular vacuum sweeping, which the city will be able to accomplish with its own equipment. There is some debate in the industry regarding winter maintenance with some believing this type of surface freezes sooner and others saying it melts faster. There is not a large volume of statistical data available, although this type of surface has been used in some places in the eastern United States since the mid-80s. Porous pavement is considered a "green" measure since it allows some water to soak through into the ground rather than running off and also provides some degree of water treatment; i.e., there are both water quality and volume effects. The surface is underlaid by a layer of gravel so that water freely runs through. Because of the gravel base, water drains off through the pavement before any freezing and thawing in the winter. Expansion joints may not be needed because of the porosity.

Mr. Wehrley said this type of pavement falls into a gray area between experimental and well-established. There is no guarantee that this will work. The majority of problems have related to the installation process rather than the product itself. The Chair added that there are guarantees within the contract for replacement or repair within the one-year warranty period. The city will be involved in meetings after the contract has been awarded but does not know at this time what contractor would be doing this work.

In response to concerns expressed by Ms. Mulroy, the Chair said it is his understanding that the primary contractor is required to use a qualified subcontractor for this portion of the project. Experience with this type of installation will be required. Mr. Wehrley said that MMSD may view this as similar to demonstration projects they fund throughout the area. They have supported the concept of porous pavement on two other sites and are interested in making this work as a responsible storm water management tool. It could be of value in fully developed communities such as Wauwatosa where there is no room for detention ponds and basins. Although somewhat new to this area, it has been used for decades in other parts of the country. Mr. Wehrley said that he is cautiously optimistic that it will work out.

Ms. Welch endorsed consideration of measures such as porous pavement to reduce the need for increased storm water capacity. If successful, Mr. Kappel added, it could be a requirement in future developments. If it doesn't work out here, it would still provide valuable information to the city. MMSD has an interest in being able to use this type of surface for other projects in the future. Ms. Welch agreed that MMSD has an interest in its success since they have been promoting this type of surface as part of their "Every Drop Counts" campaign.

It was moved by Ms. Welch, seconded by Ms. Ledesma to recommend to Council approval of the proposed Intergovernmental Cooperation Agreement with MMSD. Ayes: 4

**Contract 04-28, Village Street Lighting – Final Payment.** The Board reviewed a memo from the Director of Public Works recommending final payment on Contract 04-28. The amount budgeted was \$522,000, and the contract bid amount was \$446,472.05. Due to change orders and adjustments in quantities, the final contract amount is \$456,885.30.

It was moved by Ms. Welch, seconded by Ms. Mulroy to recommend to Council approval of the final payment. Ayes: 4

**Contract 04-26, Sanitary Sewer Rehab and Lining Improvements – Final Payment.** The Board reviewed a memo from the Director of Public Works recommending final payment to Michels Pipeline Construction on Contract 04-26. The cost of this work was \$415,303.02, and the bid amount was \$498,815.65.

Board Resolution

WHEREAS, the Board of Public Works has accepted the work of Sanitary Sewer Rehab and Lining Improvements and work incidental thereto in the City of Wauwatosa under Contract 04-26 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 Sanitary Sewer Rehab and Lining Improvements under Contract 04-26 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-three thousand two hundred fifty-four dollars and eight-six cents (\$23,254.86) in favor of Michels Pipeline 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. Ledesma, seconded by Ms. Mulroy to approve the foregoing. Ayes: 4

**Emergency Repairs to Sanitary Manholes.** The Board reviewed a memo from the City Engineer recommending approval of emergency repairs to two sanitary sewer manholes in W. Garfield Avenue between N. 74th Street and Wauwatosa Avenue. The work is to be done by Rawson Contractors, Inc., whose quote of \$13,500 was the lowest of five solicited from various utility contractors.

Mr. Kappel explained that sanitary manholes are inspected by public works crews prior to sealcoating. City crews generally attempt to repair any defects that are found, but the work needed here exceeds the capabilities of city crews and equipment. Given upcoming activities in this area, it is important to accomplish this work as soon as possible in order to close the two holes in this street. A procedure will be set up so that a contractor is already in place for similar situations in the future.

Moved by Ms. Welch, seconded by Ms. Ledesma to recommend approval of emergency repairs by Rawson Contractors, Inc., in the amount of \$13,500. Ayes: 4

**Partial Payments and Contract Updates.** 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>
American Sewer Services, Inc.	2	05-01A Sanitary Sewer, Storm Sewer and Water Main Relay, Repair and Extension	\$700,627.16

Mr. Wehrley reported that the crack filling contract will begin today as well as utility work on 124th Street. He then reported on the progress of open cut utility work on Pasadena Boulevard and Wright Street and timing of work on 61st and 75th Streets and the sidewalk contract. Mr. Kappel noted that MMSD has scheduled a meeting on the Hart Park project beginning at 4 p.m. on July 26th at Hart Park.

The meeting adjourned at 9:09 a.m.

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

es