



CITY OF WAUWATOSA
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BOARD OF PUBLIC WORKS

Regular Meeting, Monday, May 2, 2005 - 8:30 a.m.

PRESENT: Mr. Braier, Finance Dir.; Mr. Kesner, City Attorney; Ms. Ledesma, City Clerk; Ms. Welch, Community Dev. Dir.; Mr. Wheaton, Chief Insp. -5

ALSO W. Kappel, Dir. of Public Works; W. Wehrley, City Eng.; P. Pyne., Civil Eng.; J. Bembenek,
PRESENT: Purch. Mgr.; Ald. Casey, 2nd Dist.; Ald. Treis, 8th Dist.

Mr. Braier in the Chair.

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

It was moved by Mr. Kesner, seconded by Ms. Welch to approve the minutes as printed. Ayes: 5

Contract 04-10, Street Lighting Cable Replacement – Request to Work Outside Prescribed

Construction Hours. Mr. Kappel reported that Pieper Electric, Inc. has requested permission to work until 2:30 a.m. on the street lighting cable replacement project along W. North Avenue from Mayfair Road to 124th Street. He indicated that he would support the request if any work after 9 p.m. is confined to the area east of the freeway ramps, which is distant from any residences.

Chris Surges of Pieper Electric, Inc., 5070 N. 35th Street, Milwaukee, said they would like to work extra hours for two or three weeks in order to complete the project as quickly as possible. Also, it will be beneficial to work around the freeway ramps and businesses at times when there is less vehicular and pedestrian traffic.

Mr. Wheaton suggested a deadline of 12 midnight, feeling that 2:30 a.m., as requested by Pieper, is too late. Mr. Surges indicated that they could stop all equipment at midnight and do just hand work after that time.

It was moved by Mr. Wheaton, seconded by Ms. Welch to approve extension of construction hours to 2:30 a.m. limited to the commercial area of North Avenue east of the freeway ramps for up to 3 weeks, contingent upon there being no use of noise-producing equipment after 12 midnight. Ayes: 5

Appeal of Snow Removal Charges. Ms. Murtis Grant-Acquah of Nana's Imported Arts & Textiles, LLC, 6440 W. North Avenue, said she is appealing a \$411 charge for snow removal on January 7, 2005. She presented photos showing that a path was shoveled at the front and side of her property.

Mr. Kappel said that the city ordinance requires clearing the full width of a sidewalk, not just the path shown on the pictures, which a wheelchair would have been unable to navigate. The invoice was issued because there was a previous warning for a violation at this address on March 11, 1999. The \$411 charge represents a \$37 mobilization fee plus the cost of clearing 202 lineal feet of sidewalk at this corner lot.

It was moved by Mr. Wheaton, seconded by Mr. Kesner to deny the appeal—

Mr. Kesner said that it is important for the city to maintain the use of the full width of sidewalks for all people but especially for people in wheelchairs and those assisting them. By ordinance, this responsibility rests with residents and businesses. It is appropriate to deny this appeal since the city did incur the expense.

Vote on the motion, Ayes: 5

Reconsideration of Approval of the Parking Lot at 7600 W. State Street. Mr. Kesner said he is aware that a number of discussions have taken place with Mr. Drover since the Board's previous meeting where there were many comments that placing a drive approach and parking lot in this urban area is not a good use of the property from a planning standpoint and its effect on the public. From Mr. Drover's standpoint, the issues that need to be addressed are parking and a good use for this vacant land. Although it seems there are interested buyers, there has not been any progress toward purchase or other use of the land. The issue of finding parking elsewhere is being pursued but is not fully complete.

Ald. Casey reviewed his city planning background, which includes downtown planning efforts and historic downtown commercial development in various communities. He noted that Mr. Drover is a constituent who has raised concerns over the years about the Village BID (Business Improvement District) and the BID's annual assessments on his properties, but he indicated that neither of those situations has anything to do with his remarks on this proposal. He said that this is exactly what should not be done from a planning standpoint, where one of the main goals is to maintain a continuous building frontage line, which contributes to ambience and walkability of a street. A curb cut in relatively close proximity to other drives is not desirable nor is replacing on-street public parking spaces with off-street private parking. This lot presents problems similar to the Lefeber site in the Village, where no one ever considered a surface parking lot during the 25-30 years that it stood vacant. Ald. Casey acknowledged Mr. Drover's property rights but said this would run counter to everything the BID has been trying to do for many years.

Atty. Christopher Carson, 13600 Watertown Plank Road, Elm Grove, said the relevant issue is not whether this is good for Wauwatosa from an aesthetic or business improvement perspective but whether it conforms to Mr. Drover's property rights. Parking spaces for himself and guests would be well within the uses of a private property owner, he felt. He questioned how a vacant lot filled with weeds would help Wauwatosa.

Chris Leffler of Leff's Lucky Town, 7208 W. State Street, and Spectrum Development, said he believes the site should be developed for new business. He has approached Mr. Drover about purchasing the vacant land and adjacent building at least five times over the past few years, but Mr. Drover has hung up each time, saying the property was not for sale. As recently as three weeks ago, he received the same response. Others have also made anonymous inquiries on his behalf. Mr. Leffler said it seems pointless to make a written offer or try to work with someone who is not willing to sit down for a discussion.

Linda Burg of The Little Red Book, 7603 W. State Street, said her disapproval of the proposal relates to safety. There have been many near accidents because of the entrances and exits on State Street—three for the Chancery lot and two for the bank. Ms. Berg noted that her business has been at this location for 16 years and that she previously submitted a letter outlining her concerns.

Ald. Treis said he has met with Mr. Drover and has found some undercover parking that would be available from 6 p.m. until 9 a.m. plus weekends. Mr. Drover has that under consideration.

In answer to questions from Mr. Kesner, Mr. Pyne said he is a civil engineer with responsibility for reviewing the proposed parking plan. He confirmed that it would accommodate two cars and would require a curb cut across the public sidewalk that would eliminate two parking spaces. Part of the existing sidewalk would have to be replaced with a section sloped to be roughly equivalent to a handicapped ramp—about 1 inch or so of slope per foot across the full width. The parking lot is approximately 7 inches higher than the street. In response to a question from Mr. Carson, Mr. Pyne indicated that other drive approaches along the street would be similar.

Mr. Kesner said that while there are planning and aesthetic issues, his concerns stem from the effect of the proposed use on public use of this area and the Village area in general. It would eliminate two public spaces in order to create two spaces available only for private use. It would create a change in the slope of this otherwise consistent stretch of walking area between the bank and Bartolotta's. In addition, a curb cut would be difficult to reverse in the future. There appear to be many viable alternatives for use of the property, perhaps in conjunction with the two buildings owned by Mr. Drover. Mr. Kesner said that his motion for reconsideration at the last meeting was based on new information about the effect on public use.

It was moved by Mr. Kesner, seconded by Mr. Wheaton to deny a parking lot permit for 7600 W. State Street –

Mr. Wheaton said he was last involved when this came before the Board on February 14th, at which time he felt this is a poor design not in keeping with the city's parking lot standards. For that reason, he does not believe this is an appropriate use for the subject property.

Vote on the motion, Ayes: 5

Purchase of Trucks. The Board reviewed a memo from the Director of Public Works, Fleet & Traffic Superintendent, and Purchasing Manager regarding purchase of two cab, chassis and all-purpose body trucks and one pickup truck.

Two cabs and chassis would be purchased from Badger Truck Center, Inc., the low bidder, at a cost of \$55,259 each. Casper Truck Equipment, Inc., will furnish two all-purpose bodies with underbody plows and main plows for \$88,996 without trade-in, which is the same price bid in 2004.

One of the foregoing units will replace Forestry vehicle R-02. With a longer dump box for use in tree removal costing an additional \$850, its total cost without trade-in is \$100,182. This is a 2005 budget item in the amount of \$105,000 including trade-in. The second unit, having a total cost of \$99,332 without trade-in, will replace the Street Department's vehicle T-55. That item was budgeted at \$110,000 including trade-in.

One 2005 Ford F-150 Super Cab 4-wheel drive pickup would be purchased under a VALUE/state bid from Ewald Automotive Group. Budgeted at \$18,000 with trade-in, its cost is \$17,666 without trade-in.

Vehicles R-02, T-55, P-123, and P-124 will be declared surplus for disposal in a manner most beneficial to the city when the new equipment is placed in service. Vehicles P-123 and P-124 were used for parts due to severe accident damage and will be sold as scrap.

The Chair requested a report at the next meeting on the status of a number of police vehicles that were scheduled for disposal in 2004.

It was moved by Mr. Wheaton, seconded by Ms. Welch to recommend to the foregoing purchases and to declare equipment R-02, T-55, P-123, and P-124 surplus for disposal in a manner most beneficial to the city.
Ayes: 5

Additional Cost of Previously Purchased Fire Vehicle. In a memo to the Board, Mr. Bembenek reported that a \$1,907 error was discovered in the price the city paid for a 2005 Ford Explorer purchased for the Fire Department earlier this year. Although a four-wheel drive vehicle was requested and delivered, the price that was quoted and paid to Ewald's Hartford Lincoln Mercury was for a two-wheel drive vehicle. Upon discussion, it was noted that this vehicle is not part of the public works fleet and the Board does not have jurisdiction over expenditure of funds.

It was moved by Mr. Wheaton, seconded by Ms. Ledesma to refer this matter to the Committee on Budget & Finance. Ayes: 5

Contract 05-02A & B, Sanitary Sewer, Storm Sewer and Water Main Relay Repair and Extension; Reconstruction of Fully Deteriorated Sewers – Plans and Specifications. The Board reviewed the following:

Board Resolution

WHEREAS, the Board of Public Works of the City of Wauwatosa is of the opinion that it is necessary to relay, repair, reline and extend sanitary sewers and storm sewers; to relay and extend water mains and to perform incidental utility work prior to repaving at the following locations in the City of Wauwatosa:

DIVISION A:

N. 115th Street: From: W. North Avenue
To: W. Center Street

N. Park Drive: From: W. Hadley Street
To: W. Locust Street

DIVISION B. (COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM)

Fairwood Court: From: N. 120th St. (W. Chambers St.)
To: Cul-de-Sac to North

Meadow Court: From: Cul-de-Sac East of N. Park Dr.
To: Cul-de-Sac West of N. Park Dr.

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 necessary for this work be and the same are hereby approved.

Section 2. That the work be separated into two contracts, one containing normal open cut work and the other containing special no-dig trenchless type work. Contract 05-02A Sanitary Sewer, Storm Sewer and Water Main Relay, Repair and Extension shall contain all of the open cut work. Contract 05-02B Reconstruction of Fully Deteriorated Sanitary Sewers Using a Structural Relining Process shall contain all of the no-dig trenchless relining work.

Section 3 That the Board of Public Works be and it is hereby instructed and directed to cause said improvement projects to be done during the 2005 construction season under said Contracts 05-02A and 05-02B 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 meeting the requirements of the Community Development Block Grant Program (CDBG) following competitive bidding therefor.

Section 5. That the City Clerk be and she is hereby authorized and instructed to advertise for bids for Contracts 05-02A and 05-02B on May 19 and May 26, 2005; bids are to be opened on June 2, 2005 and work is to be completed by September 17, 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.

Section 6. That the Engineering Division forward a copy of this resolution along with the project plans, specifications and computations to the Milwaukee Metropolitan Sewerage District and the Wisconsin Department of Natural Resources for their approval.

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

Contract 05-6, Asphalt Pavement Repaving – Award of Bid. The Board reviewed a memo from the Director of Public Works recommending award of Contract 05-6 to Payne & Dolan, Inc., at their bid price of \$656,878.10, this being the lowest of three bids. The amount budgeted is \$739,219, and the engineer's estimate was \$700,000.

It was moved by Mr. Kesner, seconded by Ms. Ledesma to recommend to Council award to Payne & Dolan, Inc., in the amount of \$656,878.10.
Ayes: 5

Contract 05-18, Aggregate Sealcoating – Award of Bid. The Board reviewed a memo from the Director of Public Works recommending award of Contract 05-18 to Fahrner Asphalt Sealers, Inc., the low bidder, in the amount of \$161,000. Since Fahrner's bid of \$164,261.80 exceeded the budgeted amount, quantities were reduced to match the available budget.

Mr. Pyne said that recent changes in the specifications will make the product softer and less temperature sensitive for better stone adhesion. He said that this will result in stones will be pushed around more at stopping points to reveal some black areas, but he felt that would not reduce effectiveness. This year's work

will be done in an area bordered by Center Street and Lloyd Street from the east city limits to Wauwatosa Avenue and also in the area of Fisher Parkway.

It was moved by Mr. Kesner, seconded by Ms. Welch to recommend to Council award to Fahrner Asphalt Sealers, Inc., in the amount of \$161,000. Ayes: 5

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.	1	05-01A Sanitary Sewer, Storm Sewer and Water Main Relay, Repair and Extension	\$122,730.50.
American Sewer Services, Inc.	3	04-31 Sanitary Sewer and Water Main Spot Improvements	\$ 29,670.00

It was moved by Mr. Wheaton, seconded by Mr. Kesner to approve the foregoing. Ayes: 5

Mr. Wehrley reported on the progress of water main work on Wright Street and street lighting cable replacement on North Avenue. Work on the State DOT's 124th Street project is slated to begin in June. Bids were 6% over the engineer's estimate. There is generally an 80/20 split on costs with the city using STP credits to cover its share. MMSD has scheduled a pre-bid meeting for the Hart Park project this week, and bids will be opened May 19th. It may be several months before any work begins. There are provisions in place to ensure that access to the Muellner Building is maintained as well as a certain amount of parking.

The meeting adjourned at 9:12 a.m.

Secretary to the Board

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