



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, November 1, 2004 - 8:30 a.m.

PRESENT: Mr. Braier, Finance Dir.; Mr. Kesner, City Atty. (8:38 a.m.); Ms. Welch, Community Dev. Dir.; Mr. Wheaton, Chief Insp. -4

EXCUSED: Ms. Ledesma

ALSO W. Kappel, Dir. of Public Works; W. Wehrley, City Eng.; J. Kroll, Spec. Proj. Eng. ;  
PRESENT: J. Bembenek, Purch. Mgr.; Aids. McCarthy, Birschel

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 Mr. Wheaton to accept the minutes as printed. Ayes: 4

**Village Business Improvement District (BID) Signage and Wayfinding Program.** As previously directed by the Board, Mr. Kappel reported that he and the Traffic & Electrical Supervisor have surveyed the various locations proposed by the BID for their signage and wayfinding program. He also ascertained that the Wisconsin Department of Transportation has no concerns about using blue on white signs on local roads, which would include STH 181. Any signs on Blue Mound Road, however, would require state approval. Mr. Kappel suggested having the Community Development Committee weigh in on any signs outside of the district's boundaries. David Jaeckels, a member of the Wayfinding Committee of the Village BID, said the committee is open to removing some outlying locations from their proposal.

It was moved by Mr. Wheaton, seconded by Mr. Kesner to approve the proposed wayfinding and parking signage within the Village BID, and to forward to the Committee on Community Development that portion of the proposal relating to signs outside of the Village BID boundaries, all subject to approval of the WisDOT where needed.  
Ayes: 4

**116th Street Paving.** A request by Richard Achter, 1745 N. 116th Street, and additional petitioners for compensation in connection with the 2003 paving of N. 116th Street was referred to the Board for review. Mr. Achter felt the paving work was inferior, and he requested a reduction in the special assessments to residents for the work. The Budget & Finance Committee previously discussed the request and viewed a

video provided by Mr. Achter. Board members indicated that they have viewed the street since this matter was first brought to the Board's attention.

Mr. Kappel reported that the sod and grass problems depicted on the video were corrected this summer. The pavement cracking that was complained of is the type generally expected at some point, and it is difficult to predict just how soon that will occur. At the appropriate time, the street would be included in the annual crack-filling program. Mr. Kappel said that since this is a local street with a traffic count of less than 3,600 cars per day, it was not necessary to pulverize the base before repaving. The paving was done in the summer of 2003, so the pavement has experienced one winter season. In response to questions, Mr. Wehrley added that the contractor for 116th Street also did 113th Street last year and Walnut Road this year, both of which did not have the same type of cracking.

Ald. McCarthy said that Mr. Achter, who is a contractor and has done paving work, felt the work was inferior and wanted some adjustment. Although the cracks may be expected, they do not meet the standards from an aesthetic standpoint. Ald. Birschel said there was quite a bit of faulting on 116th Street, and he referred to nuclear density testing that could have confirmed whether there was a problem with the materials used. He said he has observed cracks like this happening in 3-4 years and suggested that this street may simply be an anomaly.

In answer to further questions and comments, Mr. Wehrley said that asphalt is a more flexible pavement with a certain amount of movement and expansion that allows cracks to open and close. Most of the cracks shown on the video have since knit back together. The city generally relies on the crack filling and sealcoating programs to address cracks. In response to questions, Mr. Wehrley said that this street would be sealcoated in 5-10 years depending on surface condition and oxidation. The present condition of the surface does not create an unusual risk of potholes. The street design engineer sets the criteria for the crack filling contract, and there was only one crack here that would have met the criteria for being filled. Mr. Wehrley confirmed that he would not recommend repairing or redoing the road and does not feel that the contractor performed work inadequately. He also confirmed that this is not a situation where he would recommend retaining any funds for use for repairs, as allowed by contract language when work is not deemed satisfactory.

It was moved by Mr. Kesner, seconded by Ms. Welch to return this matter to the Budget & Finance Committee with a recommendation for no alterations in the financial conditions of the assessments for work on N. 116th Street inasmuch as the work quality appears to meet city standards. Ayes: 4

**Purchase of Sodium Light Fixtures.** The Board reviewed a memo from the Purchasing Manager recommendation purchase of mogul base high pressure sodium light fixtures from JaMar Electric in the amount \$10,640, the lowest of three bids. Mr. Bembenek reported that the total cost is affected by the significantly higher cost of the fixtures used on residential streets.

It was moved by Mr. Kesner, seconded by Mr. Wheaton to

recommend to Council purchase from JaMar Electric in the amount of \$10,640. Ayes: 4

**Contract 04-10, Street Lighting Cable Replacement – Award of Bid.** In a memo to the Board, the Special Projects Engineer recommended award of Contract 04-10 to Pieper Electric, Inc. at their base bid of \$59,000, this being the lowest of two proposals. Award of Alternates A and B in the amounts of \$17,930 and \$17,510 is also recommended, bringing the total amount of the award of \$94,440. There is \$87,500 budgeted for this work, and it is recommended that the shortfall be covered by remaining funds in Contract 03-28, which is in the process of being closed with some budgeted funds remaining.

It was moved by Mr. Kesner, seconded by Mr. Wheaton to forward this matter to the Committee on Budget & Finance with a recommendation for award to Pieper Electric, Inc. in the amount of \$94,440 including Alternates A and B, contingent upon appropriate fund transfers. Ayes: 4

**Contract 03-10, Street Lighting & Traffic Signal Replacement in Wauwatosa Village Area, Phase-I – Final Payment.** The Board reviewed the following:

Board Resolution

WHEREAS, the Board of Public Works has accepted the work of Street Lighting & Traffic Signal Replacement Wauwatosa Village Area, Phase I and work incidental thereto in the City of Wauwatosa under Contract 03-28 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 Street Lighting & Traffic Signal Replacement Wauwatosa Village Area, Phase I and work incidental thereto under Contract 03-28 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 Thirteen thousand twenty-two dollars and thirty-one cents (\$13,022.31) in favor of Darwin Electric, 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 Mr. Kesner, seconded by Ms. Welch to approve the foregoing. Ayes: 4

**Contract 03-28, Street Lighting Cable Replacement N. Mayfair Road from W. Burleigh to W. Capitol – Closing.** The Board reviewed the following:

Board Resolution

WHEREAS, Cable Lite, Inc. had completed the final work of street lighting cable replacement work and work incidental thereto in the City of Wauwatosa under Contract 03-10 in the year 2003, but said contract required warranty repairs pursuant to its provisions, and

WHEREAS, Cable Lite, Inc. has since gone out of business, efforts to obtain performance of the warranty provisions under Contract 03-10 have been unsuccessful, and

WHEREAS, the bonding company securing performance of Contract 03-10 to the City of Wauwatosa has agreed to pay for testing and repairing any defective work pursuant to the warranty and performance bond provisions of said contract.

NOW, THEREFORE, BE IT RESOLVED by the Board of Public Works of the City of Wauwatosa, Wisconsin as follows:

Section 1. That the final contract amount for this project is \$67,127.25, of which the City has paid Cable Lite, Inc. \$63,258.75 leaving a retained amount of \$3,868.50.

Section 2. That the remaining work to be performed under Contract 03-10 by Cable Lite, Inc. is hereby declared unsatisfactory, and proper City officials be and hereby are authorized and directed to withhold any further payment to Cable Lite, Inc. pursuant to Contract 03-10 and instead use the retained amount of \$3,868.50 to offset the cost of warranty repairs.

Section 3. City officials are hereby directed to close Contract 03-10.

It was moved by Mr. Wheaton, seconded by Ms. Welch to approve the foregoing. 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>
Wm. Beaudoin & Sons, Inc.	5	04-6 Asphaltic Concrete Repaving	\$117,790.90
Payne & Dolan, Inc.	2	04-8 Red Store Parking Lot	\$117,910.83
Payne & Dolan, Inc.	4	04-7 Asphaltic Concrete Repaving	\$ 95,005.50
Snorek Construction, Inc.	2	04-20 Citywide Pavement Repair	\$ 24,065.00
Crowley Construction Corporation	3	04-22 Citywide Pavement Marking	\$ 804.23
American Sewer Services, Inc.	6	04-01A Sanitary Sewer, Storm Sewer and Water Main Relay, Repair and Extension	\$ 20,103.87
American Sewer Services, Inc.	3	04-02A Sanitary Sewer, Storm Sewer and Water Main Relay, Repair and	\$237,128.20

## Extension

It was moved by Mr. Kesner, seconded by Mr. Wheaton to approve the foregoing. Ayes: 4

Mr. Wehrley reported that surface course work on the last two streets in this year's paving contracts is complete with backfilling and sodding remaining to be done. The Red Store parking lot has been paved, but the lot will remain closed for at least one more week as work on the Harmoniee bridge proceeds tomorrow. The pavement spot improvement contract is complete except for some restoration. Work on the Harley Davidson water main project continues.

**Fencing at Little Red Store Parking Lot.** In a memo to the Board, the Director of Public Works requested authorization to install a 24-foot long fence at the northwest corner of the expanded Little Red Store parking lot at 7720 Harwood Avenue. The west end of the lot is adjacent to the county bike trail and a bridge over the Menomonee River. There is concern that cars could jump the curb and drive on the pedestrian bridge or that bikers could head north toward the bridge and not see the parking lot curb. The fence would alert cars that there is no access to the bridge, and proper signage could be installed on the fence to guide bikers. The proposed fencing would match the existing fence used by the county at the pedestrian bridge. City work staff would install the fencing, and it is proposed that Redevelopment Authority funds be used for the materials, estimated at \$300.

It was moved by Mr. Kesner, seconded by Ms. Welch to approve the proposed fencing subject to approval of funding for materials from the Redevelopment Authority. Ayes: 4

**2005 Special Assessment Policy.** The Board reviewed a Council resolution setting the special assessment policy for 2005 paving projects. Mr. Wehrley reported that rates for Type B paving were \$25.60 per assessable foot in 2004 and will be \$26.40 in 2005. Rates for Type C will increase from \$12.80 to \$13.20 per assessable foot.

It was moved by Mr. Wheaton, seconded by Ms. Welch to recommend adoption. Ayes: 4

**2005 Paving Program.** The Board reviewed the following resolution setting out the intent to levy special assessments for street construction work to be performed in 2005. Mr. Wehrley reported that previously proposed work on Concordia Avenue in conjunction with the City of Milwaukee will not be performed due Milwaukee's plans to delay their portion.

## Board Resolution

BE IT RESOLVED, by the Board of Public Works of the City of Wauwatosa, Wisconsin, that

Section 1. The Board of Public Works of the City of Wauwatosa, Wisconsin hereby declares its intention to exercise its police power, under Section 66.0703 of the Wisconsin Statutes, to levy special assessments upon

property in the City of Wauwatosa within the following described area for the benefits conferred upon such property by the repaving of:

<u>Street &amp; Location</u>	<u>Ald. Dist.</u>	<u>Exist &amp; (Prop.) Width</u>	<u>Pavement Construction Type</u>	<u>Assessed Sidewalk Work</u>
<b>59<sup>th</sup> Street</b> Wisconsin Ave. to Wells St.	4	24'	B	Yes
<b>61<sup>st</sup> Street</b> Wisconsin Ave. to Wells St.	4	24'	B	Yes
<b>75<sup>th</sup> Street</b> 220' South of Clarke St. to W. Center St.	5	30'	B	Yes
<b>114<sup>th</sup> Street</b> Gilbert Ave. to W. North Ave.	7	30'	C	No
<b>115<sup>th</sup> Street</b> W. North Ave. to W. Center St.	7	30'	C	No
<b>117<sup>th</sup> Place</b> W. Center St. to Hadley St.	6	30'	C	No
<b>117<sup>th</sup> Street</b> Hadley St. to Locust St.	6	30'	C	No
<b>Fairwood Ct.</b> Cul-de-sac to N. 120 <sup>th</sup> St.	6	30'	C	No
<b>Ludington Ct.</b> Ludington Ave. to Cul-de-sac	2	30'	C	No
<b>Meadow Court</b> East end to West end	6/7	30'	C	No
<b>Pasadena Blvd.</b> W. North Ave. to North City Limits	6	36'	B	Yes
<b>Wright Street</b> N. 68 <sup>th</sup> Street to N. 74 <sup>th</sup> Street	5	30'	B	Yes
<b>Alley</b> Burleigh St.–Locust St./N. 122 <sup>nd</sup> St. to N. 124 <sup>th</sup> St. (n/s leg)	7,8	19'	A – Conc.	No
<b>Alley</b> Burleigh St.–Locust St./N. 122 <sup>nd</sup> St. to N. 124 <sup>th</sup> St. (e/w leg)	7,8	20'	C	No
<b>Alley</b> Center St.–Clarke St./70 <sup>th</sup> St.–71 <sup>st</sup> St.	5	18'	A – Conc.	No
<b>Alley</b> Center St.–Clarke St./71 <sup>st</sup> St.–72 <sup>nd</sup> St.	5	18'	A – Conc.	No
<b>Alley</b> Center St.–Clarke St./72 <sup>nd</sup> St.–Lefebber Ave.	5	18'	A – Conc.	No
<b>Alley</b> Center St.–Clarke St./Lefebber Ave.–73 <sup>rd</sup> St.	5	18'	A – Conc.	No
<b>Alley</b> Center St.–Clarke St./73 <sup>rd</sup> St.–74 <sup>th</sup> St.	5	18'	A – Conc.	No
<b>Alley</b> Center St.–Hadley St./Lefebber Ave.–East City Limit	5	18'	A – Conc.	No
<b>Alley</b> North Ave.–Jackson Park Blvd./East End–N. 81 <sup>st</sup> St.	2	20'	C	No
<b>Alley</b> North Ave.–Jackson Park Blvd./N. 81 <sup>st</sup> St.–N. 83 <sup>rd</sup> St.	2	20'	C	No

Section 2. Said public improvement shall include the following work to be done during the 2004 construction season:

Original Construction: New (Conc.) or (Asph.) Grading, placing new concrete curb and gutter, and concrete or asphalt pavement surface (as indicated) on a new stone or asphalt base.

Reconstruction: Type “A” (Asph.) or (Conc.) Completely removing existing curb and gutter and existing pavement, placing new concrete curb and gutter (excluding alleys), and asphalt or concrete pavement surface on a new base.

The above repaving type also includes placing necessary water and sewer service pipes and storm sewer and appurtenances; relaying sanitary sewer and storm sewer as required; relocating existing street lighting system

where necessary; constructing new concrete driveway approaches; and replacing concrete sidewalks which are disturbed by other construction, which are defective, or which have a hazard potential.

Repaving Type "B" (Asph.) Completely removing existing curb and gutter, milling the existing asphalt pavement as required, and placing new concrete curb and gutter and asphalt pavement surface on the existing road base.

The above repaving type also includes placing necessary water and sewer service pipes and storm sewer and appurtenances; relaying sanitary sewer and storm sewer as required; relocating existing street lighting system where necessary; constructing new concrete driveway approaches; and replacing concrete sidewalks which are disturbed by other construction, which are defective, or which have a hazard potential.

Resurfacing: Type "C" (Asph.) Milling the existing pavement as required, repairing curbs (and abutting approaches and sidewalks where necessary), and resurfacing with asphalt pavement. Also included is the placing of necessary water and sewer service pipes and storm sewer and appurtenances, and relaying sanitary sewer and storm sewer as required.

Section 3. The total amount assessed shall be upon a reasonable basis as determined by the Common Council.

Section 4. That the owners of the respective parcels of land fronting or abutting the street improvements, on which a public hearing has been held and preliminary assessments have been confirmed, shall have payment of the special assessments scheduled as follows:

(a) Each special assessment and special charge, pursuant to Section 66.0703 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 sale of corporate purpose bonds, which include the project which is the subject of the special assessment, 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 5. The properties against which the assessments are proposed are benefited. Such benefits may include, but are not necessarily limited to, enhancement of value or marketability, improved drainage, improved pedestrian safety (walks), improved vehicular access, improved skid resistance and cross sectional elements.

Section 6. The Director of Public Works has prepared a report consisting of:

- a) Preliminary and/or final plans and specifications for said improvements
- b) An estimate of the entire cost of the proposed improvements
- c) A schedule of the proposed assessments in connection therewith upon a reasonable basis as determined by the Board of Public Works.

The Director of Public Works is directed to file a copy of these in the City Clerk's Office for public inspection.

BE IT FURTHER RESOLVED, By the Board of Public Works of the City of Wauwatosa, Wisconsin, that the City Clerk is directed to give notice, as by law provided, of a public hearing to all owners, to be assessed for the proposed improvements herein before listed, and to publish notice of the hearing at least once in the official newspaper at least ten days and not more than 40 days before the time set for the hearing; and

BE IT FURTHER RESOLVED, That the Common Council be requested to schedule the public hearing to be held before the Common Council in the Council Chambers, at 7:30 P.M., on Tuesday, December 7, 2004 in the City Hall of the City of Wauwatosa, Wisconsin at which times all persons interested, or their agents or attorneys, concerning matters contained in the resolution and report, including the proposed assessment of benefits will be heard.

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

**Public Hearing on 2005 Paving Program.** The Board reviewed a Council resolution setting a public hearing date of December 7, 2004, on proposed 2005 street reconstruction.

It was moved by Mr. Kesner, seconded by Mr. Wheaton to recommend adoption. Ayes: 4

**Special Board Meeting.** Mr. Wehrley requested a special Board meeting at 8:30 a.m. on November 10, 2004, to review plans and specifications and authorize advertising for bids for Contract 04-31, Sanitary Sewer Spot Improvements.

It was moved by Mr. Kesner, seconded by Ms. Welch to schedule a special meeting as requested. -4

**Little Red Store Ceremony/Banner.** Jim Vint, president of the Wauwatosa Historical Society, has requested permission to hold a 15-20 minute ceremony outside the Little Red Store at 4:30 p.m. on Saturday, December 4, 2004, to recognize the 150th anniversary of the store's existence. They would like to hang a banner or sign across the front porch of the building during the event.

It was moved by Mr. Kesner, seconded by Mr. Wheaton to approve the request. Ayes: 4

The meeting adjourned at 9:11 p.m.

---

Secretary to the Board

es