



## CITY OF WAUWATOSA

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### **BOARD OF PUBLIC WORKS**

Regular Meeting, Monday, October 18, 2004 - 8:30 a.m.

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

EXCUSED: Mr. Wheaton

ALSO W. Kappel, Dir. of Public Works; W. Wehrley, City Eng.;

PRESENT: P. Pyne, Civil Eng.; J. Kroll, Spec. Proj. Eng.

Mr. Braier in the Chair. -3

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 accept  
the minutes as printed. Ayes: 3

**Air Conditioner – 415 N. 70th Street.** The Board reviewed an application by Thomas and Linda Martin to place an air conditioning unit within the setback area of the north lot line at 415 N. 70th Street. Mr. Martin provided a photo of the proposed location and a letter signed by four neighbors indicating their consent. Also, a letter from the State of Wisconsin, Bureau of Regulation and Licensing, suggested placement of the unit in the requested location in order to restrict access by children enrolled in the child care center that is operated at this address.

Mr. Martin pointed out that the unit would be next to the driveway of the neighbor to the north, whose own unit is about 14-15 feet away. He said that it is impractical to place the unit within the fenced backyard because of the possibility of children interfering with it in some way. In response to an inquiry by Ms. Welch, he said that the child care facility is licensed to care for eight children. He said that the city has been aware of the operation. Ms. Welch indicated that she would check on the need for a Conditional Use permit.

It was moved by Ms. Ledesma, seconded by Ms. Welch to approve the  
requested exception subject to appropriate landscaping to shield the unit  
from view. Ayes: 3

(Mr. Kesner present. -4)

**Driveway Slope Requirements – 2129 N. 115th Street.** The Board reviewed a request by Tim Kurth for approval of a 1 ¾" per foot driveway grade at 2129 N. 115th Street. Mr. Kurth was present and displayed photos and a sketch of the site.

Mr. Pyne reported that the standard grade required by the city is 1" per foot, which meets handicapped accessibility requirements. Mr. Kurth is replacing a driveway that had a steeper grade by doing quite a bit of excavation. There is no city sidewalk in this area. In similar situations, this type of grade has been permitted subject to execution of an agreement to hold the city harmless.

It was moved by Mr. Kesner, seconded by Ms. Welch to approve a driveway grade of 1 ¾" per foot subject to execution of a waiver of liability agreement. Ayes: 4

**Contract 03-10 – Street Lighting Cable Replacement on N. Mayfair Road.** The Board reviewed a memo from the Special Projects Engineer requesting permission to enter directly into an agreement with Outdoor Lighting Construction Co., Inc. to correct street lighting cable replacement work done by Cable-Lite, Inc. under Contract 03-10. The cost to correct the defective work is \$9,966, which is in addition to the \$4,860 already invested for cable testing and minor repairs, bringing the total amount for correction to \$14,826. An amount of \$3,368.50 was retained from the original Cable-Lite work. The difference of \$10,957.50 is being claimed under Cable-Lite's performance bond. Mr. Kroll reported that work would proceed contingent upon receiving a written commitment from the bonding company on that claim. Mr. Kesner said that he has reviewed this situation and believes it is likely that the city will get satisfaction from the bonding company.

It was moved by Mr. Kesner, seconded by Ms. Ledesma to recommend to Council approval of waiving the competitive bidding requirements and contracting with Outdoor Lighting Construction Co., Inc. for street lighting cable replacement in the amount of \$9,966. Ayes: 4

**Emergency Repairs to Harmonie Bridge under Contract 04-07.** The Board reviewed a memo from the Civil Engineer requesting approval of emergency repairs to the Harmonie Bridge by Zenith Tech, Inc. in an amount not to exceed \$20,000. Visual inspection has revealed deteriorated concrete on the underside of the bridge in about 15 locations. The average repair area is estimated to be about six square feet and 1-2 inches thick. The estimated cost of the repairs is \$13,150, including railroad flagger time; but authorization in an amount not to exceed \$20,000 is requested in order to cover potentially larger repairs and more flagger time.

Mr. Pyne attributed the problems to normal wear and tear. He explained that this is a very flexible bridge where tension stresses make the concrete pull apart. He said the report submitted by Earth Tech following their bridge inspections in May of this year did not mention any concerns about this bridge. He felt that repairs should be made as soon as possible to address any potential liability issues. Since work is now underway in the Red Store parking lot below the bridge, use of railroad flaggers could be coordinated to

minimize extra costs. This work would be added to Contract 04-07, Asphaltic Concrete Repaving, and would not exceed 5% of the contract amount. Mr. Kappel indicated that sufficient funds are available.

It was moved by Mr. Kesner, seconded by Ms. Welch to recommend to Council approval of waiving the competitive bidding process and contracting with Zenith Tech, Inc. for emergency repairs to the Harmoniee bridge in an amount not to exceed \$20,000. Ayes: 4

The Chair requested a follow-up response from Earth Tech on their May 2004 report on the inspection of this bridge.

Noting that the city formerly had a bridge inspector on staff, the Chair asked about progress on training of a staff inspector. Mr. Wehrley said that there has been a delay in training because the state DOT has been redoing the bridge inspection process. An inspector must be certified in order to submit a report to the state. He mentioned the need to weigh the cost of outside consultants against the time and expense for training staff and suggested there may be some value in using a different consultant every other time.

**Contract 04-25, Crack Sealing – Final Payment.** The Board reviewed the following:

Board Resolution

WHEREAS, the Board of Public Works has accepted the work of crack sealing and work incidental thereto in the City of Wauwatosa under Contract 04-25 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 crack sealing under Contract 04-25 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 one thousand nine hundred seventy-five dollars (\$1,975.00) in favor of Fahrner Asphalt Sealers, 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

**Water Pumpage.** The water pumpage report and billing analysis for September 2004 indicated 121,626,900 gallons pumped during the month and 1,549,449,200 gallons year-to-date. The Chair ordered the report placed on file.

**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>
Earth Tech	October 2004	02-29 Sanitary Sewer Flow Monitoring	\$ 67,170.80
Earth Tech	October 2004	03-37 Flow Monitoring	\$ 7,387.50
Michels Pipeline	2	04-26 Sanitary Sewer Rehab and Lining Improvements	\$228,862.20

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

Mr. Wehrley reported on the status of various projects including work on Walnut Road, 123rd Street, Underwood Avenue, and 124th Street, as well as the water utility project at Mayfair and the Red Store parking lot.

The meeting adjourned at 9:01 a.m.

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Secretary to the Board