



CITY OF WAUWATOSA  
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**BOARD OF PUBLIC WORKS**

Regular Meeting, Monday, August 16, 2004 - 8:30 a.m.

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

EXCUSED: Mr. Kesner, City Atty.

ALSO W. Kappel, Dir. of Public Works; J. Kroll, Spec. Proj. Eng.;  
PRESENT: M. Maki, Storm Water Spec.

Mr. Braier in the Chair.

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

It was moved by Mr. Wheaton, seconded by Ms. Welch to accept  
the minutes as printed. Ayes: 4

**Encroachment – 2242 Wauwatosa Avenue.** The Board reviewed an application by Craig Muri and Chad Konow, 2242 Wauwatosa Avenue, to encroach onto city right-of-way with a fence. Mr. Muri was present.

The Board viewed photographs of the fence, a letter from the applicants explaining the circumstances of its installation, and letters of support from M & I Bank, Hawks Nursery, and 40 individuals including neighboring residents. Mr. Kappel said that a hold harmless agreement would be required due to the fence's proximity to the sidewalk, although he indicated that there may be enough room to accommodate any future sidewalk work. Mr. Wheaton observed that the fence does not obstruct visibility for motorists.

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

**Contract 03-10 Street Lighting Cable Replacement.** The Board reviewed a memo from the Special Projects Engineer requesting authorization to have warranty repair work on Contract 03-10 completed by an outside contractor. Mr. Kroll explained that Cable-Lite, Inc., had completed cable replacement work under Contract 03-10 in the fall of 2003, but several of the underground cables have failed and

require repair or replacement. Cable-Lite, Inc. has gone out of business without having taken any action to correct the defective work.

Cable Lite's bonding company has been contacted and was notified in writing by the City Attorney that the city is "...calling upon the surety to provide for payment of the necessary costs pursuant to the performance bond..." Mr. Kroll reported that there is about \$3,800 remaining in open contract payments. He expected that testing alone would exceed that amount. He requested authorization to retain Outdoor Lighting Construction Co., Inc. to perform the necessary testing and repairs based on a proposal they have submitted. The bonding company has indicated that, if the city moves ahead with an outside contractor, they would like to have a representative present when testing is done.

It was moved by Mr. Wheaton, seconded by Ms. Welch to authorize completion of warranty work by an outside contractor contingent upon first addressing any additional comments or concerns that the City Attorney may have. Ayes: 4

The Chair indicated that he would consult the City Attorney regarding the status of the contract before deciding on the proper procedures from a finance standpoint.

**Contract 04-26 Sanitary Sewer Rehab and Lining Improvements – Change Order No. 1.** Mr. Kappel reported that the proposed change order adjusts quantities of open-cut items by changing 14 structures from rebuilding to relining projects. This change represents a difference in cost of almost \$750 per structure, reducing the overall amount of the contract by \$110,950.

It was moved by Ms. Welch, seconded by Ms. Ledesma to approve the change order. 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 a 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>
Outdoor Lighting Construction Company	3	04-28 Street Lighting & Traffic Signal Replacement – Tosa Village (Phase-II)	\$ 75,173.61

It was moved by Mr. Wheaton, seconded by Ms. Welch to approve

the foregoing. Ayes: 4

Mr. Kappel reported that the first underground utility contract is almost complete and the second is well underway. Work on Meinecke Avenue under the first paving contract is proceeding right now, and work on all but one of the alleys on the second paving contract is complete. Work on Walnut Road will begin shortly. Sealcoat sweeping should begin later today or tomorrow.

**Acquisition of Right-of-Way at 4770 N. 124th Street.** In a memo to the Board, the City Engineer detailed negotiations for acquisition of right-of-way at 4770 N. 124th Street in connection with reconstruction of N. 124th Street. He recommended approval of a purchase agreement at an agreed-upon price of \$26,525, an amount that Mr. Kappel reported is available in the capital budget.

It was moved by Mr. Wheaton, seconded by Ms. Welch to recommend approval of the purchase agreement subject to review by the Budget and Finance Committee. Ayes: 4

**Water Pumpage Report.** The Board reviewed the water pumpage report and billing analysis for July 2004, which indicated that 191,340,300 gallons were pumped in July and 1,134,209,000 gallons year-to-date. The Chair ordered the report placed on file.

**Air Conditioner – 2129 N. 86th Street.** The Board reviewed an application by Jack and Monica Lewis, 2129 N. 86th Street, to place an air conditioning unit within the setback area of the south lot line of their property. They provided photos of the site showing that the unit is already in place. They listed several hardships including insufficient side setback, an existing concrete patio along the back of the house, and the distance between the furnace and the back of the house.

Mr. Wheaton reported that he just received an e-mail from the neighbors to the south objecting to the location, which is outside of their kitchen window. He noted that the neighbors' own air conditioning unit is also in this immediate area. With that in mind, Ms. Welch felt that the location of the subject unit is not inappropriate. She said that any noise experienced by the neighbors is probably caused as much by their own unit as the subject unit.

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

**Capital Improvements Program 2005-2009.** Mr. Kappel provided a breakdown on changes made in projected 2005 sanitary and storm sewer work since the Capital Improvements Program was reviewed by the Capital Improvements Committee. Some changes have also been made concerning streets to be paved in 2005. The Chair expressed concern that these changes took place after the Capital

Improvements Committee made their recommendations. Following discussion, Mr. Kappel indicated that he would contact the chair of the Capital Improvements Committee and then communicate with committee members to inform them of the changes.

The Board tentatively agreed to meet at 8:30 a.m. on Monday, August, 30, to tour the streets on the 2005 program.

The meeting adjourned at 8:57 a.m.

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Secretary to the Board

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