



CITY OF WAUWATOSA

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BOARD OF PUBLIC WORKS

Monday, February 14, 2011 – 8:30 a.m.

PRESENT: Mr. Kesner, City Atty.; Ms. Ledesma, City Clerk (8:45 a.m.); Ms. Plass, Acting Finance Dir.; Mr. Presnal, Plumbing Insp.; Ms. Welch, Dir. of Community Development - 5

ALSO PRESENT: Mr. Blando, Property Maintenance Inspector

Mr. Kesner in the Chair called the meeting to order at 8:30 a.m.

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

Moved by Ms. Welch, seconded by Mr. Presnal to accept the minutes as printed. Ayes: 4

Contract 11-51 Water Main Relays, Water Main Extension, Water Main Alterations, and Sanitary Sewer Relays – Award of Bid. Mr. Wojcehowicz reported that seven contractors submitted bids on Contract 11-51 Water Main Relays, Water Main Extension, Water Main Alterations, and Sanitary Sewer Relays. He recommended award to American Sewer Services, Inc. at their bid price of \$1,845,852.00, this being the lowest and best bid. The consulting engineer's estimate for this was \$2.1 million dollars, and \$2,230,000 was budgeted for the water main portion of this work.

Moved by Ms. Welch, seconded by Ms. Plass to recommend to Council award of Contract 11-51 to American Sewer Services, Inc. at their bid price of \$1,845,852. Ayes: 4

Award of bid on emulsion and street patching materials for the 2011 spring/summer repair season.

Mr. Wehrley, Acting Public Works Director, reported that the following five vendors submitted bids for emulsion and street patching materials for the 2011 spring/summer repair season: American Asphalt Materials, Inc.; Northwest Asphalt Products, Inc.; Sherwin Industries, Inc.; Payne and Dolan, Inc.; and Wolf Paving Co., Inc. Mr. Wehrley recommended award to all five vendors for purchase on a price, convenience, and availability basis.

Moved by Ms. Welch, seconded by Ms. Plass to recommend to Council award to the five responding vendors for purchase on an as-needed basis based on price, convenience, and availability. Ayes: 4

Contract 11-14 Ruby Avenue – Plans and Specifications. Mr. Wehrley reported that this is for Phase 1 of a multi-million dollar project for Ruby Avenue which has been discussed for years.

A Board resolution has been prepared authorizing the City Clerk to advertise for bids on February 24th and March 3, 2011.

Moved by Ms. Welch, seconded by Mr. Presnal to approve the foregoing. Ayes: 4

Ms. Ledesma present at 8: 45 a.m. - 5

Appeal by J. Miles Goodwin, regarding non-compliance for debris. Mr. Blando explained that a notice of noncompliance was sent to Mr. Goodwin after an inspection on January 10, 2011 revealed conditions that were in violation of the Municipal Code 15.32.101 of the City of Wauwatosa. The complaint was for debris (lumber-bamboo fencing) on the exterior property.

Mr. Goodwin placed the bamboo-type material next to his home to prevent the snow removed from the neighbor's driveway from being piled against the west side of his house despite his repeated attempts asking the westerly neighbor to curtail this behavior. Mr. Goodwin's petition is for placing the bamboo material during the winter months and removing it in the springtime every year. Mr. Blando has determined that the bamboo material by definition is debris and refuse. The property maintenance inspector has further confirmed with a private source the bamboo product is in fact a wood material.

Mr. Presnal wondered what the difference is between this material and coverings used on rose bushes or boards that protect shrubs. Mr. Blando said that the property maintenance program is a part-time program which operates on a complaint basis. Mr. Blando has not had any complaints on shrub coverings, so he hasn't written any orders for this.

Mr. Presnal asked whether this is debris or is it something that is protecting the owner's exhaust pipes for their furnace. Mr. Blando said that it is a debris type application.

Mr. Blando answered a question from the City Attorney that the bamboo material is a fence material and other applications for its use are flooring and decking. It is not being used as a fence as it does not have a supporting structure. The way the bamboo material is applied is not considered a correct application of material. The City Attorney asked about the metal stakes in the ground. Mr. Blando reported that this is not a correct application according to the vendor. The correction application would be to use 4 x 8 cedar posts set in the ground.

Mr. Goodwin advised that the Board of Zoning appeals determined that the structure is not a fence and was allowed on February 25, 2010. Ms. Welch noted that the appeals board determined that the structure was not a fence.

Mr. Goodwin said that bamboo is not a grass and is not listed as prohibitive. He placed it with stakes as a structure because of snow problems. Mr. Kesner said that then would be a fence. Mr. Goodwin suggested it could be a decoration. He noted that there is nowhere in the ordinance that says he can't put anything up against his house to protect the venting on his furnace.

Mr. Goodwin said that the furnace vent is three feet off of the ground. A few winters ago so much snow was blown up against his property that the vent was completely covered and buried in the snow, which blocked the vent and shut down the furnace. They were afraid of carbon monoxide poisoning.

Mr. Goodwin asked the committee members to find that this bamboo material is not debris and read the definition of debris from Webster's dictionary. He respectfully requested that the notice of noncompliance be withdrawn so he can protect his property. He suggested that this could be considered as a tiki-type decoration.

Mr. Goodwin also pointed out in the pictures that there is an eight-foot fence built on the neighbor's property next to the garage, with the fence facing the wrong way and no permits were ever issued to construct this.

Ms. Jenny Jezo, 7034 Grand Parkway; said she has resided in her home since 1996 and has gone through excessive wear and tear on snow removal equipment to move snow further down her driveway, hundreds of yards. She said she has a private contractor remove the snow from her property if the snowfall is more than five inches deep.

Ms. Jezo objected to Mr. Goodwin's appeal as the bamboo is not conforming and objects to the bamboo remaining as it is not in compliance and is aesthetically displeasing.

Ms. Jezo said that this is the fourth winter in a row that she has had to deal with this. She said that she has in good will contracted out for snow removal. She noted that for 30-plus years, Mr. Goodwin had gone without a snow barrier.

Mr. Fred Pflughoeft, 7023 Grand Parkway, Wauwatosa; said he lives across the street from Mr. Goodwin and he never even realized the bamboo was there and didn't feel it was a problem.

Mr. Goodwin suggested that Ms. Jezo could just blow the snow straight down the driveway so it doesn't end up in his yard. He suggested that the blockade fence next to her garage causes drifting of snow allowing more of an accumulation. Mr. Goodwin said the bamboo is used for potential health concerns regarding the HVAC vents getting blocked with snow. He said the bamboo is not debris.

The City Attorney read from the code the definition of debris. He said the possibility of blighting exists.

Ms. Welch expressed disappointment that the board was being asked to act on a neighbor dispute. She noted that people living in Wisconsin have to expect that there will be snow up against their foundations although the furnace vent is a concern. The area surrounding the vent could be cleared to alleviate this problem. She felt the bamboo material could be defined as construction materials placed against the house.

Ms. Ledesma suggested that a small barrier be constructed around the HVAC for protection or construction of an entire fence could be an option.

Mr. Kesner said that the city code was created to insure that homes are put together properly and not poorly maintained. You cannot have your home unpainted or have things lying around outside of your property. The code is a way to maintain properties.

Mr. Kesner felt that there needs to be a permanent solution, not a temporary barrier put up for several months, year after year. Mr. Kesner noted that the bamboo isn't installed as properly planned and felt it is debris.

Moved by Ms. Welch, seconded by Ms. Ledesma
to deny the appeal of Mr. Goodwin. Ayes: 5

Contract Updates. Mr. Wehrley advised that work is being done on the 70th Street bridge when weather permits.

The meeting adjourned at 9:20 p.m.

Secretary to the Board

mks

BPW 02/14/2011