



CITY OF WAUWATOSA
7725 WEST NORTH AVENUE
WAUWATOSA, WI 53213
Telephone: (414) 479-8917 - Fax: (414) 479-8989
<http://www.wauwatosa.net>

BOARD OF PUBLIC WORKS

Regular Meeting – Monday, April 20, 2009 – 8:30 a.m.

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

ALSO W. Kappel, Dir. of Public Works; W. Wehrley, City Eng.; M. Groholski, Oper. Supv.;
PRESENT: Chief D. Redman, Fire Dept.; J. Archambo, City Admin.

Ms. Welch in the Chair called the meeting to order at 8:32 a.m.

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

Moved by Mr. Wheaton, seconded by Mr. Braier to accept the minutes as printed. Ayes: 5

Encroachment – 7400 and 7406 Hennessey Avenue. The Board reviewed an application by John Simons, 7400 Hennessey Avenue, and William Summers, 7406 Hennessey Avenue, to encroach into City right-of-way with a retaining wall. Mr. Summers explained that there is an existing block retaining wall adjacent to the curb on the 74th Street side of the Simons property that wraps around at the edge of the sidewalk on the Hennessey side. He and Mr. Simons would like to continue the wall across the front of both their properties to eliminate the steep grade on which it is difficult to maintain grass. City right-of-way extends two feet back from the sidewalk. The wall would be 28 inches above the top of the sidewalk. It could possibly be moved back a few inches from the sidewalk, but he felt that any greater distance back would be unattractive in terms of matching the existing wall.

Mr. Wehrley explained that the concern with a retaining wall immediately adjacent to a sidewalk is potential damage to the wall if sidewalk stones need to be removed. He recommended requiring placement a minimum of 12 inches back from the sidewalk with the bottom of the first course one course below the bottom of the sidewalk. An alternative would be an agreement with the property owners to assume responsibility for all sidewalk maintenance. If the City identified a need to replace any sidewalk stones, the homeowners would have to contract for the work themselves and the City would not be responsible for any damage to the wall. The agreement would transfer to future owners of the parcels.

Mr. Summers indicated that an agreement assuming responsibility would be acceptable, particularly since his neighbor is a mason. They plan to put in an expansion joint between the existing sidewalk and the retaining wall.

Moved by Mr. Wheaton, seconded by Ms. Ledesma to recommend to Council approval of the encroachment contingent upon execution of an encroachment agreement signed by both property owners assuming responsibility for maintaining the sidewalk and further contingent upon the first course of the retaining wall being below the bottom of the sidewalk. Ayes: 5

Appeal of Special Pickup Charge. Brian Mintner, 1869 N. 71st Street, was present to appeal a \$50 invoice for an April 9, 2009, special pickup of discarded carpeting. He reported that he placed the carpeting on the curb with the intention of removing it with his own truck. Before he could do that, the City removed the carpeting and billed him, although he did not authorize the pickup.

Mr. Kappel explained that City ordinances allow for pickup without prior notification of any items placed at the curb. This reportedly was not a same-day issue; the carpeting had been at the curb prior to the pickup date. Mr. Groholski, Operations Supervisor, confirmed that the carpeting was at the curb for multiple days before it was scheduled for pickup. Mr. Mintner conceded that was probably the case.

Mr. Kesner commented that the action was appropriate considering that the carpeting was at the curb for more than just one day.

Moved by Mr. Kesner, seconded by Mr. Wheaton to deny the appeal. Ayes: 5

Parking Lot Event at 10001 Innovation Drive. The Board reviewed a letter from Nicole Frkol, Wild Impact Marketing, 10001 Innovation Drive, for authorization to use a portion of their parking lot in connection with an invitation-only product fair and open house on June 11, 2009. They plan a catered outdoor reception from 4-8 p.m. with a live band from 5-7:30 p.m. Ms. Frkol said they have held similar events for several years. It is basically a trade show to display new products to clients and vendors.

Mr. Kappel reported that there have been no problems in previous years. He noted that a tent permit would be needed and requested a 24-hour emergency number for use while the tent is in place.

Moved by Mr. Wheaton, seconded by Mr. Kesner to approve the requested use contingent upon approval of a tent permit by the Fire Prevention Bureau. Ayes: 5

Flag Banners on North Avenue. Mr. Kappel reported that Richard Bachman has been working with the North Avenue East Town group for the past year about installing flags between N. 60th Street and Wauwatosa Avenue, continuing the theme that now extends west to 124th Street. The group favored banners rather than flags, and Mr. Bachman has raised funds to cover the cost. The plan is to retain East Town banners on the street side of every second light pole and to install flag banners on the sidewalk side of every pole. The banners would be in place from before Memorial Day until after September 11, matching the timeframe for the rest of North Avenue. The City has handled past installation of banners in the Village as well as the existing East Town banners.

Richard Bachman, 2229 N. 115th Street, displayed a sample banner and said that 110 banners would be needed. He noted that he is still seeking contributions. He believes the East Town association supports this plan, which Mr. Kappel confirmed.

Ms. Ledesma thanked Mr. Bachman for his continuing efforts in connection with all the North Avenue flags and banners.

Moved by Mr. Wheaton, seconded by Ms. Ledesma to approve the Installation of flag banners on W. North Avenue from Wauwatosa Avenue to N. 60th Street. Ayes: 5

Contract 09-75 Fire Station #1 and Administrative Offices – Award of Bid. The Board reviewed a memo from Chief Redman recommending award of Contract 09-75 to J. P. Cullen & Sons in the amount of \$6,864,180.00. The bids were reviewed by the project architects and City staff, and it was determined that J.P. Cullen is the low bidder and fully qualified to complete this project.

Chief Redman reported that bids were sought on 12 alternate items, allowing for deductions as needed based on budget or as determined appropriate. Following thorough review, some alternates were accepted and some retained, the latter including two recommended by the architects. One is Alternate #10, a change in wood species from cherry to maple, a potential \$7,000 deduction. The architect believes that some performance properties and stain characteristics of the cherry wood type would be lost with the alternate choice, and staff supports that recommendation based on performance concerns.

Alternate #11, replacing the paver system at the west terrace with a cast-in-place concrete slab, was a potential \$12,000 deduction. With the paver system, water goes through to a membrane on top of the roof parking deck and drains off into the ground, ultimately making its way to a storm sewer. Less costly would be a concrete deck that would drain off. The architect believes that the long-term performance of the paver system and drain would be more effective.

Acceptance of Alternate #5, a solar domestic hot water system, was recommended, with the intention of adding the system under a separate contract. Based on prices provided by other bidders, it is felt that this system could be accomplished for less than the \$135,000 alternate bid.

Mr. Kesner commented that the bid process worked out well with bids from large and well respected companies that work statewide and can do a good job. He asked that the project architects work with the City's engineering office so that contract documents are based on the City's standard engineering contracts.

Moved by Mr. Wheaton, seconded by Ms. Ledesma to recommend to Council award of Contract 09-75 to J.P. Cullen, the low bidder, in the amount of \$6,864,180. Ayes: 5

Ms. Welch asked Jack Blume of Zimmerman Architects about LEED eligibility. Mr. Blume said that some unknowns have been resolved, making the building LEED eligible, but he did not know at what level. Ms. Welch commented that she would like to have seen more attention to that aspect.

Emergency Purchase of Demolition Services for Public Works Transfer Station. Mr. Kappel reported that over the past two and one-half years there have been two major accidents at the public works transfer station. The first in November 2007 caused minor damage and a second incident in February 2008 caused severe damage to the brickwork. Mortar has now eroded away to the point that bricks were falling out in strong winds this winter, which became a safety issue with the labor union.

Ford Construction Company, Inc. was called in to mitigate the hazard by removing the loose brickwork on a time and material basis. To date, the work completed has cost \$11,094.12, with some minimal work remaining. An insurance settlement on two claims filed for the damages with the City's insurance carrier amounted to a little over \$11,000. Steel plates that are needed on the south wall are expected to have a minimal cost. Ford Construction will provide an estimate for the next phase, which is erecting walls and possibly raising the door. Talks have been underway with Waste Management regarding their pending insurance claim on the first incident, which involved their vehicle. If insurance does not fully cover all demolition and reconstruction work, Mr. Kappel indicated that he would work with the Finance Director's office on funding sources.

Moved by Mr. Wheaton, seconded by Mr. Kesner to recommend to Council approval of the emergency purchase as outlined. Ayes: 5

WE Energies Agreement for Electrical Service to Rotary Stage at Hart Park. Mr. Wehrley reported on a proposed distribution easement agreement with WE Energies for provision of electrical service to the Rotary stage at Hart Park. We Energies plans to install aerial lines because they are concerned about trenching through the structural levee portion of the park. He suggested approving the use of aerial lines for immediate service, since the first concert is May 7, but asking them to work toward converting converted to underground service for the rest of the work.

Moved by Mr. Kesner, seconded by Mr. Wheaton to recommend to Council execution of the distribution easement agreement. Ayes: 5

Partial Payments and Contract Updates. Mr. Wehrley reported on the progress of work on State Street, the manhole repair contract, the private water main extensions for Target and Pick 'N Save, and dismantling of bleachers at Hart Park.

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>
C. W. Purpero, Inc.	6	08-02 State Street Repaving	\$ 38,284.95

The meeting adjourned at 9:02 a.m..

Secretary to the Board

es