



CITY OF WAUWATOSA
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BOARD OF PUBLIC WORKS

Regular Meeting – Monday, July 6, 2009 – 9:00 a.m.

PRESENT: Mr. Braier, Finance Dir.; Mr. Kesner, City Atty.; Community Dev. Dir.; Mr. Wheaton, Chief Bldg. Official; Ms. Murphy, Library Dir. (1st Alt.) -4

EXCUSED: Ms. Ledesma, Ms. Welch

ALSO W. Kappel, Dir. of Public Works; W. Wehrley, City Eng.; Chief D. Redman, Fire Dept.;
PRESENT: J. Bembenek, Purch. Mgr.; J. Beix, Health Dept.

Mr. Kesner in the Chair called the meeting to order at 9:00 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: 4

Use of Municipal Parking Lot for Seasonal Harvest Festival. The Board reviewed a request by Edward Haydin, 2568 N. 71st Street, for use of the municipal parking lot behind the Little Red Store for a seasonal harvest festival on September 26, 2009. Mr. Haydin said that a Tosa Farmers Market group was formed in February but was unable to establish a farmers market this year. They have found some farmers interested in a Saturday morning market next year and a seasonal harvest festival in September. They would like to use the front half of the Little Red Store parking lot. They would pay a fee for use of toilet facilities at the Little Red Store and would clean up the area after the event. They also will obtain liability insurance. Mr. Kesner indicated he would work with Mr. Haydin on that issue.

Kathy Ehley, Executive Director of the Village Business Improvement District (BID), said that she has spoken with representatives of the group about use of the parking lot and will continue to work with them. The only concern is potential conflict over lunchtime use of the lot.

Mr. Haydin said that his group's goal is to have a positive impact on the business district. He clarified that, for visibility purposes, they would like to close the entire lot to traffic rather than locating more to the east and allowing parking at the front. Parking would still be available in the brick paver lot and elsewhere in the Village.

Moved by Mr. Wheaton, seconded by Ms. Murphy to approve use of the Little Red Store municipal parking lot for a seasonal harvest festival on September 26, 2009. Ayes: 4

Use of Municipal Parking Lot for Historical Society Outdoor Art Event. Ken Loeffel, representing the Wauwatosa Historical Society Board of Directors, outlined their request for use of a portion of the

municipal parking lot behind the Little Red Store on July 17 and 18, 2009, in connection with their 10-day Wauwatosa Plein Air Affair, an outdoor painting event.

Mr. Loeffel said that they would like to use the south part of the lot east of the bridge; the area west of the bridge would be fully usable for parking. The event would be separated from traffic entering and leaving the western part through use of the current entrance roadway close to the brick path at the north end of the lot. There will be a physical barrier between parking and the event. Mr. Wehrley was concerned about proper delineation and channelization since this is a very tight area. Mr. Loeffel said he is familiar with rerouting traffic and believes it will work out safely using stanchions and caution tape to create two 11-foot lanes. The Chair suggested further consultation to assure that traffic is handled appropriately.

Kathy Ehley, Executive Director of the Village Business Improvement District, concurred with the plans inasmuch as some parking will still be available.

Moved by Mr. Wheaton, seconded by Mr. Braier to approve the requested use contingent upon agreement from the City Engineer regarding the parking plan. Ayes: 4

Use of Public Right-of-Way for Village Soiree De Village and Take a Seat Events. Kathy Ehley, Executive Director of the Village Business Improvement District (BID), explained that Village businesses are planning a variety of special activities July 16-18, 2009, in conjunction with the Wauwatosa Historical Society's Plein Air Affair. It might include music, sidewalk sales, or special activities within stores.

This is the third year of the Take a Seat promotion, which this year includes artistically painted rain barrels as well as chairs to be set out starting July 17 and 18. The articles will be sold by silent auction on September 12 during TosaFest with funds going toward needs of the Root Common area.

Moved by Ms. Murphy, seconded by Mr. Wheaton to recommend to Council approval of the proposed uses of public right-of-way contingent upon execution of temporary encroachment agreements. Ayes: 4

Acceptance of Donation of Rotary Performance Pavilion at Hart Park. Bill Bode, Paul Roller, and Roger Walsh were present representing the Rotary Club and the Wauwatosa Rotary Foundation. Mr. Bode reported that following a nine-year quest to raise funds and construct a performance pavilion in Hart Park, the Rotary Foundation is now ready to turn the facility over to the City. Ms. Murphy thanked the foundation for their efforts on behalf of the citizens of Wauwatosa.

Moved by Mr. Wheaton, seconded by Mr. Braier to recommend to Council acceptance of the donation of the performance pavilion and naming of the stage "Rotary Performance Pavilion" in recognition of the contribution of the Wauwatosa Rotary Foundation. Ayes: 4

Contract 09-75 Fire Station #1 – Change Order, Purchase of Materials without Competitive Bidding. Chief Redman reported on a proposal by the City's fire station construction contractor, J. P. Cullen & Sons, Inc., to issue a change order to remove materials purchases from the contract. A purchase order would then be issued to the contractor's subsidiary, Builder's Supply Corporation, for tax-exempt purchase by the City. The purchase order would be a no-bid, single source award within the competitive

bid process for the fire station. With cost of materials estimated at \$2,000,000, the sales tax would amount to about \$112,000. Builder's Supply Corporation would charge 2% of the materials cost for their services, resulting in net savings to the City of about \$72,000. J. P. Cullen & Sons has stated that they would still assume all warranties and liabilities for the materials; they would not be passing any responsibility off to the City.

Mr. Bembenek, Purchasing Manager, objected to the proposal. He said that all public construction contracts include any sales tax for materials the contractor would have to buy. Mr. Kesner said that there are some unusual circumstances in the bid that prompted this proposal. The public works roof was handled similarly a few years ago, and his review indicates that this is legal. Mr. Braier said he is aware that many other cities use this process, even on projects such as sewer work.

There was further discussion of reducing the service fee, which Chief Redman indicated would have to be negotiated with the contractor. The savings here would reduce the overall cost of the project, which right now is considerably under budget. Mr. Braier said it was his understanding from discussions with the contractor and city administrator that there wasn't room for further negotiation; the 2% goes toward the overhead costs of the subsidiary corporation.

Moved by Mr. Wheaton, seconded by Mr. Braier to recommend to Council approval of the change order and purchase of materials without competitive bidding. Ayes: 4

Street Vendor – Sears Outlet, 3203 N. Mayfair Road. The Board reviewed an application by Justin Zantow, Sears Outlet, 3203 N. Mayfair Road, for a Street Vendor license for a parking lot tent sale on July 11, 18, 25, and August 1. Mr. Zantow said that a 10 ft. by 15 ft. tent will take up about six parking spaces at the east end of the lot in front of their store, leaving three 24-space rows for parking. He anticipates there would be no impact on traffic flow. Security will be on duty any time there is merchandise in the lot. Mr. Zantow was directed to contact the Building & Safety office regarding temporary signage.

Moved by Mr. Braier, seconded by Mr. Wheaton to approve the requested Street Vendor license. Ayes: 4

Contract 09-76 Hart Park Athletic Field Improvements – Partial Payment #3. Jacqueline Herington of Graef, the project consultant, updated the status of the project and the request by Triad Construction, Inc., for a third partial payment in the amount of \$215,134.15. The project is on schedule, although there have been some issues with electrical service.

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>
Triad Construction, Inc.	3	09-76 Hart Park Athletic Field Improvements	\$215,134.15

Moved by Ms. Murphy, seconded by Mr. Wheaton to approve the foregoing. Ayes: 4

Contracts 09-04A and 09-04B – Award of Bid. The City Engineer recommended award of Contract 09-04A Sanitary Sewer, Storm Sewer and Water Main Relay, Repair and Extension to C. W. Purpero, Inc., at their bid price of \$299,911.30, the lowest of seven bids. The engineer's estimate was \$347,738.00. The contract covers work in conjunction with street reconstruction on 68th Street, Auburn Avenue, Blue Mound Road, Kinsman Street, and an alley north of North Avenue.

Mr. Wehrley recommended award of Contract 09-04B Reconstruction of Fully Deteriorated Sewers Using a Structural CIPP Relining Process to Terra Engineering Construction Corp. at their bid price of \$72,023.11, the lowest of three bids. The engineer's estimate was \$105,899.50. The contract covers work in conjunction with street reconstruction on Blue Mound, 99th Street, Auburn Avenue, Kinsman Street, 68th Street, and an easement E. of Honey Creek.

Moved by Mr. Wheaton, seconded by Ms. Murphy to recommend to Council award of Contract 09-04A to C. W. Purpero, Inc., at their bid price of \$299,911.30 and award of Contract 09-04B to Terra Engineering Construction Corp. at their bid price of \$72,023.11. Ayes: 4

Capacity, Management, Operations, and Maintenance (CMOM) Program; Compliance Maintenance Annual Report (CMAR). Mr. Kappel reported that the 29 satellite communities of the Milwaukee Metropolitan Sewerage District (MMSD) were required to develop Capacity, Management, Operations, and Maintenance (MOM) programs as the result of an MMSD stipulation with the State of Wisconsin. An annual report is required, and there is also a five year audit plan. The City of Wauwatosa submitted a plan on June 30, 2009, as required. The plan will be continuously updated to reach the goal of a collection system that is in much better operating condition.

The Compliance Maintenance Annual Report (CMAR) must be filed with the Wisconsin Department of Natural Resources and will include an action plan to address performance deficiencies.

Moved by Mr. Braier, seconded by Mr. Wheaton to recommend that Council accept and place on file the Capacity, Management, Operations, and maintenance Program and adopt a resolution accepting the Compliance Maintenance Annual Report. Ayes: 4

Contract 09-06 Street Repaving – Plans and Specifications. The Board reviewed the following:

Board Resolution

WHEREAS, it is the sense of the Board of Public Works of the City of Wauwatosa that it is necessary to repave portions of N. 68th Street, Auburn Avenue, Kinsman Street, the alley bounded by W. Meinecke Avenue-W. North Avenue/N. 68th Street to 108 ft. east and work incidental thereto in the City of Wauwatosa under Contract 09-06 Street Repaving;

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

Section 1. That the plans and specifications and form of contract and bond, together with the contract documents submitted therewith for furnishing all labor, material and equipment for pavement repair and work incidental thereto, be and the same are hereby approved.

Section 2. That the work is intended to be done during the 2009 construction season in the City of Wauwatosa, all in accordance with said plans and specifications.

Section 3. That the work is to be let to the lowest responsible bidder following competitive bidding therefor.

Section 4. That the City Clerk be and she is hereby authorized and instructed to advertise for bids for Contract 09-06 Street Repaving on July 16th and 23rd, 2009, bids are to be opened on July 30, 2009, and to provide in so doing that bids may be submitted with a contract and bond, with sureties, as prescribed by the form furnished, complete with the exception of the signatures on the part of the City; and in lieu of the foregoing provision that the bidder may accompany his bid with a certified check equal to five (5) percent of the bid, payable to the city as a guarantee that if his bid is accepted, he will execute and file the proper contract and bond within ten (10) days after the award, all in accordance with the provision of the Wisconsin Statutes.

Section 5. That the Wage Scale in the contract documents be and the same is hereby accepted.

Moved by Ms. Murphy, seconded by Mr. Wheaton to approve the foregoing. Ayes: 4

Easement for Relocated AT & T Facilities in Hart Park. Mr. Wehrley reported that AT & T has submitted a proposed site plan and will submit an easement document for relocation of their facilities in the area of the Hart Park athletic field. He explained the route and said that details of the easement document will be worked out by engineering staff and the City Attorney.

Moved by Ms. Murphy, seconded by Mr. Wheaton to recommend to Council approval of an easement agreement. Ayes: 4

Dedication of Portion of Meinecke Avenue as Public Right-of-Way. Mr. Kesner reported that Amcore Bank and Best Buy were asked to dedicate land for a future public street when their new Mayfair Road buildings were constructed. The land is now a paved section of Meinecke Avenue, which needs to be recorded as public right-of-way.

Moved by Mr. Wheaton, seconded by Ms. Murphy to recommend to Council approval of the dedication as public right-of-way a portion of W. Meinecke Avenue west of N. Mayfair Road. Ayes: 4

Partial Payments and Contract Updates. Mr. Wehrley updated the status of State Street paving, the manhole rehabilitation contract, traffic signal work on North Avenue, and DOT work on Mayfair Road. The sidewalk contractor expects to begin work at the end of July, and the sealcoating contract will get underway in early August.

Board Resolution

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Payment

<u>Contractor</u>	<u>No.</u>	<u>Contract No.</u>	<u>Amount</u>
C.W. Purpero, Inc.	8	08-02 State Street Repaving	\$346,408.09
Outdoor Lighting Construction Co., Inc.	1	08-13 Traffic Signal Improvements	\$234,931.85

Moved by Mr. Wheaton, seconded by Ms. Murphy to approve the foregoing. Ayes: 4

The meeting adjourned at 9:52 a.m.

Secretary to the Board

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