



CITY OF WAUWATOSA
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BOARD OF PUBLIC WORKS

Regular Meeting – Monday, September 14, 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

PRESENT: W. Wehrley, City Eng.; P. Pyne, Civil Eng.; G. Blando, Prop. Maint. Insp.

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 Mr. Wheaton, seconded by Ms. Ledesma to accept the minutes as printed. Ayes: 5

Encroachment – Brick Paver Drive Approach at 1659 N. 120th Street. The matter of a request by Steve Maria to encroach into public right-of-way at 1659 N. 120th Street with a brick paver drive approach was first discussed at the April 20, 2009 meeting. At that time, the Board held it pending completion of other landscaping work.

Mr. Blando, Property Maintenance Inspector, reported that he responded to citizen complaints forwarded by an alderperson and later by the mayor's office that a business was operating in a residential district. He could not substantiate that claim but believes the perception stems from the materials stored on the property for use in landscaping. Work done under a June 2007 building permit is 99% complete, but exterior work is unfinished and will continue to generate complaints. Mr. Blando noted that the lack of a plan or diagram will make it difficult to determine when work is completed.

Mr. Maria presented photos of the property taken this past weekend. He said he originally planned to complete the paver work in spring, but the Board asked him to complete the landscaping first. He confirmed that all material stored on the property is intended for use there; it has no connection to his business. Since spring, he has installed approximately 90% of the material that was stacked on pallets. He has been unable to purchase the brick pavers but expects to order them this week. He said that he will hit the remainder of the project hard in the next six weeks.

Moved by Mr. Wheaton, seconded by Ms. Welch to continue to hold the encroachment application –

Mr. Wheaton said that he would direct the property maintenance inspector to write orders on the property since the project has gone on for so long. When Mr. Maria is ready to tie into city right-of-way, the Board can address the encroachment question.

The Chair requested a drawing showing at least the intended area of encroachment.

Mr. Maria said that about 15 pallets of brick pavers will need to be unloaded and stored in the front yard, so any sod placed in that area would be torn up. The Chair said that leaving that storage area unsodded would be acceptable if other work is complete. Mr. Maria should work with the property maintenance inspector to assure that progress is made. He directed that the matter be reviewed again at the October 5 Board meeting or at the subsequent meeting at the discretion of the property maintenance inspector.

Vote on the motion, Ayes: 5

Exception to Code Requirements – Driveway Approach – 1209 N. 118th Street. The matter of the request by Craig Busche, 1209 N. 118th Street, for an exception to code requirements relating to his drive approach was held from the previous meeting. Reviewing September 11, 2009 memo, Mr. Pyne reported that he found that the majority of the 16 similar drive approaches cited by Mr. Busche are original asphalt approaches that were acceptable when roads in this area were reconstructed in 1971. There were two approaches that were installed with permits but without standard flares, seemingly modified to fit the existing curb openings. There was only one approach that had no flare. Mr. Pyne recommended denial of the exception and suggested three options: 1) remove the new concrete from the right-of-way and restore the turf area; 2) widen the curb opening and install a flare properly aligned with the parking slab; or 3) do the work as part of the 2010 sidewalk program and assess the cost to the property owner.

Mr. Busche said that he does not intend to drive over the curb. He would like to park two full-size vehicles at that side of the driveway. He does not want to widen the entire driveway and believes the property would not accommodate a two-car garage. He could cut away the concrete adjacent to the curb if that would alleviate concerns. He raised concerns about uneven enforcement in this area and also noted that numerous businesses on Mayfair Road have concrete between the curb and sidewalk that trucks drive over. None of his neighbors objects to this. If removed, he would replace it with gravel since he still needs a place for the vehicles.

Mr. Braier was concerned that enforcement has not been uniform. He pointed out that the city could assess the owner for any repairs if the curb deteriorates from vehicles driving over it.

Moved by Mr. Braier, seconded by Ms. Ledesma to approve an exception to Code requirements relating to the drive approach –

In further discussion, the Chair said that he would prefer that any concrete in the right-of-way go at least straight to the curb cut. Mr. Busche said that the concrete could be cut to meet the flare, but that would not be as aesthetically appealing as cutting on an angle.

Ms. Welch commented that she does not support the argument that this is okay because other people have done it or the Code was changed. Mr. Wheaton said that this situation often occurs in the regulatory process. In the end, the city ordinance applies equally to all residences.

Roll call vote on the motion, Ayes: 2; Noes: 3 (Welch, Wheaton, Kesner)

Moved by Mr. Wheaton, seconded by Ms. Welch to deny the request for an exception –

Mr. Pyne said that there is some documentation from the 1970s of the city allowing some expansion for parking at a number of locations with only a one-car garage.

Roll call vote on the motion, Ayes: 4; Noes: 1 (Braier)

The Chair said that Mr. Busche would have to work with the engineering department on the three options listed by Mr. Pyne or anything else available to comply. Mr. Busche again expressed concern about other violations that are not pursued. He said he was told that this type of exception was granted at another location.

Contract 04-05 Harley Davidson Avenue Sanitary Sewer, Storm Sewer and Water Main Relay, Repair and Extension – Final Payment. The Board reviewed the following:

Board Resolution

WHEREAS, the Engineering Services Section of the City of Wauwatosa has made final inspection of the work for the extension of water mains and repair of storm sewers on Harley Davidson Avenue under Contract 04-05; and

WHEREAS, this inspection showed that the contractor, Mainline Sewer & Water, Inc. has completed the work in an acceptable manner and in accordance with the terms of the contract; and

WHEREAS, the Director of Public Works has provided written certification as to said completion and that 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 original contract work the additional work performed and credits taken for work within the project limits and the emergency work performed outside of the project limits under Contract 04-05 Harley Davidson Avenue Water Main Extension are 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 Twenty-four Thousand Nine Hundred Eighteen Dollars and Thirteen Cents (\$24,918.13) in favor of Mainline Sewer & Water, Inc. as final payment under said contract. The proper city officials shall hold the payment until receipt of waivers of lien for labor and materials furnished under said contract and receipt of an affidavit stipulating compliance with wage rate requirements.

Moved by Mr. Wheaton, seconded by Ms. Welch to approve the foregoing. Ayes: 5

Water Pumpage Report. The water pumpage report for August 2009 showed pumpage of 172,883,999 gallons for the month and a year-to-date total of 1,168,341,999 gallons compared to 1,184,269,000 gallons at the end of August 2008. The Chair ordered the report placed on file.

Contract 09-76 Hart Park Athletic Field Improvements – Change Orders #7, 8, 9, 11. Jacqueline Herington of Graef, the Hart Park project consultant, reported that change order #7 covers relief cuts made to the tennis court asphalt to prevent cracking; #8 new adjusting rings on a sanitary manhole; #9 additional connections for the trench drain in front of the bleachers; and #11 bringing the press box gutters down to the pavement, which is 10 feet from the trench drain. Mr. Wheaton indicated that he would review #11 as it relates to the plumbing code.

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.	Change Order 7	09-76 Hart Park Athletic Field Improvements	\$2,335.22
Triad Construction, Inc.	Change Order 6	09-76 Hart Park Athletic Field Improvements	\$407.88
Triad Construction, Inc.	Change Order 9	09-76 Hart Park Athletic Field Improvements	\$1,522.03
Triad Construction, Inc.	Change Order 11	09-76 Hart Park Athletic Field Improvements	\$615.09

Moved by Mr. Wheaton, seconded by Ms. Welch to approve the foregoing. Ayes: 5

Partial Payment – Contract 09-76 Hart Park Athletic Field Improvements. Jacqueline Herington of Graef, the project consultant, reported that they met the substantial completion date and are on schedule to meet the final date of October 8. Track surfacing has begun, the east bleachers are now substantially complete, and some landscaping remains. In response to an inquiry from Mr. Braier, Ms. Herington indicated that she would look into the condition of the new sod and determine who is responsible for maintaining it at this point.

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.	7	09-76 Hart Park Athletic Field Improvements	\$208,108.88

Moved by Ms. Welch, seconded by Ms. Ledesma to approve the foregoing. Ayes: 5

Contract Updates. Mr. Wehrley reported on the status of various contracts including work on 68th Street and the 66th Street alley, the 70th Street bridge, the Blue Mound DOT project, and the sidewalk contract. He expected utility work on 86th Street to start October 1, with completion through trench restoration this year and the paving portion next year.

The meeting adjourned at 9:00 a.m.

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Secretary to the Board