



CITY OF WAUWATOSA

MEMORIAL CIVIC CENTER
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BOARD OF PUBLIC WORKS

Monday, July 15, 2013 – 8:30 a.m.

PRESENT: Mr. Kesner, City Atty.; Ms. Ledesma, City Clerk;
Mr. Mainus, Bldg. Insp.; Mr. Ruggini, Finance Dir. (9:22 a.m.) - 4

EXCUSED: Ms. Enders, Development Dir.

ALSO PRESENT: Mr. Wehrley, City Engr.; Mr. Porter, Public Works Dir.; Mr. Presnal, Plbg. Inspector;
Lt. J. Schwark, Fire Dept.

Mr. Kesner as 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 Ms. Ledesma, seconded by Mr. Mainus
to accept the minutes as printed. Ayes: 3

Request by Andy Miller, Flagstone Landscaping for a waiver to City code 15.26.050 for construction of a pool with limited emergency access at 6578 Washington Circle. This item was held from the meeting of July 1, 2013. Andy Miller, Flagstone Landscaping reviewed the request for a waiver to the city code. Mr. Miller explained the limited amount of footage on the parcel and said there is clearance on three sides.

Brian Zempel, 1616 Alta Vista Avenue, said this project has not been socialized in the neighborhood and asked to review the plans. He said that his home is above this residence and feels he will be impacted by noise and that currently there is natural landscaping and foliage in this area. He expressed a concern for property values as well. He asked Mr. Miller if this has been approved by the Washington Highlands Association as they have bylaws that must be followed. Mr. Miller said this meeting with the Board of Public Works is their first step of the approval process and has not yet contacted the association. Mr. Zempel explained that this would significantly change the back area and it will come right up to his property.

The City Attorney reminded the Board that the request is for clearance on the back side of the pool. Lt. Joe Schwark noted that there are safety concerns with the pool. He suggested the homeowner's insurance company be contacted regarding fencing and any other safety issues. The fire department has no input other than they would need access for equipment and personnel in event of an emergency. He said that the insurance company would require a four-foot fence with locking gate around the pool.

Mr. Miller discussed the four-foot retaining wall at the lot line and noted it would be cost prohibitive to remove.

Mr. Kesner expressed concerns with safety and accessibility and noted that the homeowners will need fencing around the pool. He had concerns about the limited amounts of space all around. This is a difficult spot and he was not in favor of this layout.

Ms. Ledesma had other concerns as well. In an emergency the different levels could be problematic for emergency response.

Mr. Kesner noted that the Washington Highlands Association will weigh-in on the landscaping including aesthetics. It was felt by the Board that this would project is too large and would be difficult to fit in the area available.

Moved by Mr. Kesner, seconded by Mr. Mainus
to deny the request for exception to city code
15.26.050. Ayes: 3

Appeal to notice of noncompliance – 2423 N. 115th Street. Mr. Presnal explained he went out to 2423 N. 115th after a complaint was received about illegal water discharge onto the complainant's property at 2404 N. 116th Street. His investigation showed that two properties are discharging onto the complainant's parcel, 2423 N. 115th Street and 2411 N. 115th Street. A notice of noncompliance was issued to Irene Nelson at 2423 N. 115th Street. Mr. Presnal met with Ms. Nelson, and Stano Landscaping regarding a remedy to the situation. One option suggested was to install a rain garden.

Richard Deuel, 2426 N. 115th Street, neighbor of Ms. Nelson reviewed with the Board the history of the 'Anderson Lake' in this location since he moved into the neighborhood back in the 60's. Water has always flowed into this 'ravine' and gathers. It flows naturally to the lowest point. Mr. Deuel told the Board that the street was raised six – eight feet back in the 70's and Ms. Nelson had to raise her yard to be the same height as the street. Water flowing into her yard made ditches, and soil would be carried to the neighboring property. She constantly was shoveling her soil out of the neighbor's yard with heavy rainfall events. To alleviate the soil problem, Ms. Nelson had installed a pipe underground connected to two downspouts that dumped into a garden surface area with stones, like a catch basin to stow the flow. This pipe is nine and one-half feet back from her property line. It is clear water that flows. There have been no complaints in 25 years until a new neighbor moved in who wasn't familiar with the previous water issues and remedies taken to improve the situation. He said without the drainage pipe installed the complainant would have had nothing but mud washed into his yard.

David Nelson, son of Ms. Nelson, explained that approximately twenty years ago a proposal was made by the City to remedy the situation and presented to the residents of the twelve properties affected. This was not approved by the neighbors due to the cost associated with the remedy and the matter was dropped.

Robert Sebastian, 2431 N. 115th Street, has lived at this property for seven years. His house is higher than Ms. Nelson's and there has always been a lake behind them, even in dry years.

Mr. Presnal told the committee that the parcel at 2431 N. 115th Street has downspouts tied in with Ms. Nelson's discharge system, so there are two properties discharging into this catch basin installed by Ms. Nelson. He suggested that natural run-off is a different subject.

Mr. Deuel told the committee that Ms. Nelson is a very conscientious neighbor. Her yard has won awards for her gardening.

Mr. Wehrley responded to a question regarding excess rainfall events. He said that due to the very wet spring the area has had, there has been a larger volume of calls received. Although not the 100-year flood type of event, rainfall on saturated lawns slowly moves with the contours of the land while larger rain events would flow heavily.

The City Attorney questioned whether a rain garden would be considered part of a stormwater management plan. Mr. Wehrley said it is a tool from a tool kit with proper planning.

The Board discussed whether the rain garden design would be considered part of a stormwater management plan. Would this solve the problem for normal rain events and would it stop overflowing in heavier rain events? The Engineering Department would need time to design the plan.

There used to be a rainwater garden program in the City although it is no longer funded. Stano Landscaping apparently has a plan and Ms. Nelson was asked to have her landscaper discuss this with the city's plumbing and engineering department. It was questioned whether it were a normal or abnormal rain event that causes the overflow. Maybe a capacity change at the basin would work.

Mr. Presnal replied to a question that there is not a sump pump in this location. However there is a crock on the south side of the home.

Ms. Nelson said the amount of change the city made to the street was significant. David Nelson said the entire neighborhood affects the pond, not just his mother's property. Water flows to the lowest point.

The Board decided to hold this item for a few months and re-visit this in September. The landscaping firm can consult with the city referring to their rain garden standards.

Encroachment into public right-of-way request – 2017 N. 113th Street. Kyle Stuppan, 2017 N. 113th Street, explained that they would like to construct a chain link fence. He explained that he would like to install the fence five-feet from the roadway. Mr. Wehrley responded to a question that it would be preferable to not have the fence that close, making access problematic.

The City Attorney explained that eleven-feet off the roadway would be preferable. Mr. Stuppan said the reason they wanted to stay at five-feet was due to the slope on the property further back and didn't want to put the fence on a hill if possible. Mr. Stuppan felt it would be a problem with the contractor. The City Attorney explained that there may be the potential for access down the road and wanted to avoid any potential issues.

In reviewing the map the west corner of the property line was discussed. It was determined that the fence could be constructed within five or six feet of the roadway at this location.

Moved by Ms. Ledesma, seconded by Mr. Mainus
to recommend to council approval of the encroachment
at a location half-way between the lot line and the curb,
no less than ten feet, subject to execution of the necessary Hold
Harmless Agreement. Ayes: 3

Encroachment into public right-of-way request – 7700 Harwood Avenue. Sean Phelan, 7700 Harwood LLC, explained the encroachment request on behalf of the Lowlands Group. The encroachment request is for outdoor seating, trash enclosure, front vestibule, entry and exit doors along Menomonee River Parkway, roof overhang and bay window.

Mr. Phelan explained the modifications made to the plan including a change at the vestibule. This dimension changed from seven-feet to about five-feet to not be so intrusive. They will be pushing the doorway further into the building instead.

Mr. Ruggini present at 9:22 a.m. - 4

Mr. Phelan explained that due to the uniqueness of the building and that it is basically sitting on piles, there is no place to put the ancillaries. The physical trash recycle enclosure will be discussed at Design Review. He noted the Community Development Committee requested the enclosure be as functional and aesthetically pleasing as possible.

Mr. Wehrley inquired about the fire escape on the west end of the building. Mr. Phelan said that it will not be used for emergency access and will be abandoned.

Mr. Wehrley noted by looking at the modified plans that there is enough room and the tables and chairs should not jut out into the encroachment area. He expressed concern in the encroachment areas where there may be street poles and signs. The Board discussed demarcation markings for the plaza area so there would not be confusion as to where the tables and chairs must be placed. The City Attorney wondered if some kind of unobtrusive marking could be placed in the encroachment area like a medallion or some marking in sidewalk. The City Engineer suggested that a control joint could be placed, or something embedded in the new sidewalks when they are poured six-feet from the curb unless additional room is needed for poles or signage.

It was noted that the planters were not included on the list of encroachment items and this was added. The City Attorney also noted the need for bike parking. Recently bikes have been chained to the bridge and not a good policy. He encouraged Mr. Phelan to find a place for bike parking.

Moved by Ms. Ledesma, seconded by Mr. Mainus to recommend to council approval of the encroachment item requests including outdoor seating, trash enclosure, front vestibule, entry and exit doors along Menomonee River Parkway, roof overhang, bay window and flower planters subject to execution of the necessary Hold Harmless Agreement, necessary approval from the Design Review Board, and encouraged accommodations for bike parking. Ayes: 4

Use of Parking Lot at 2303 N. Mayfair Road. The Board reviewed a request by Michael Laus, Jimmy's Island Grill, 2303 N. Mayfair Rd., for authorization to use a portion of their parking lot to host their 2nd Anniversary Party on August 25th, from 3:00 – 7:00 p.m. Live music will be played and a food concession stand will be set up from 2:00 – 8:00 p.m.

Moved by Mr. Mainus, seconded by Ms. Ledesma to approve the requested use of the parking lot at 2303 N. Mayfair Road. Ayes: 4

Encroachment into public right-of-way request – 507 N. 70th Street. Mr. Wehrley explained the request for an in-ground irrigation system to the Board. He noted that there may be conflict in the right-of-way with the ongoing roadwork on Blue Mound Road. Mr. Wehrley had no objections but the work should be coordinated with the Engineering Department as well as Electrical Maintenance for future maintenance needs.

Moved by Mr. Ruggini, seconded by Mr. Ledesma to recommend to council approval of the encroachment subject to execution of the necessary Hold Harmless Agreement

and coordination with the city's Engineering and Electrical Maintenance staff. Ayes: 4

Water Pumpage Report. With June 2013 pumpage of 125,643,000 gallons, the year-to-date total stands at 731,515,000 gallons of water pumped, ahead of this time last year. The Chair ordered the report placed on file.

Partial payments and contract updates. Mr. Wehrley said that a clean-up list is being completed on the Meinecke project. Water main relocation is underway on the 100th Street project. Storm Sewer work has begun on 100th & Courtland, and on Center Street in advance of paving. Work is underway on the Fire Department storage building. Railing work is being done on the Harmonie Bridge. UWM work is struggling along due to all of the rain.

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>
Super Excavators, Inc.	5A	12-101 UWM Innovation Park	\$573,444.67
Super Excavators, Inc.	5B	Improvements – Division A/Project 7001A 12-101 UWM Innovation Park	\$1,501,884.40
Super Excavators, Inc.	16	Improvements – Division B/Project 7001	
Super Excavators, Inc.	17A	12-101 UWM Innovation Park	\$29,300.10
Super Excavators, Inc.	2 (1)	Improvements – Division A/Project 7001A 12-101 UWM Innovation Park	\$ 7,704.00
Super Excavators, Inc.	2 (2)	Improvements-Division B/Project 7001 12-101 UWM Innovation Park	\$ 3,430.60
Great Lakes TV Seal, Inc.	2	Improvements – Division B/Project 7001 13-77/4005 Sanitary Lateral	\$ 4,560.42
Ford Construction Co.	2	Chemical Grouting 13-26/9910 Wauwatosa Fire	\$9,956.70
UPI, Inc.	3	Department Storage Building 12-78/1003 Sanitary Sewer Relay	\$70,027.19
Vinton construction Co.	5	Storm Sewer 12-14/4003 100 th Street Relief	\$635.02
Globe Contractors, Inc.	15	12-05/4001 Meinecke Avenue Flood Mitigation	\$732,782.88
			\$421,589.57

Moved by Mr. Mainus, seconded by Ms. Ledesma
to approve the foregoing with the understanding that
there could be a downward revision of payments in the
final resolution. Ayes: 4

The meeting adjourned at 9:37 a.m.

mks

Secretary to the Board