



CITY OF WAUWATOSA
MEMORIAL CIVIC CENTER
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BOARD OF PUBLIC WORKS

Monday, September 16, 2013 – 8:30 a.m.

PRESENT: Ms. Enders, Development Dir.; Mr. Kesner, City Atty.; Ms. Ledesma, City Clerk;
Mr. Mainus, Bldg. Insp. - 4

EXCUSED: Mr. Ruggini, Finance Dir.

ALSO PRESENT: Mr. Porter, Public Works Director; Mr. Wehrley, City Engineer; Mr. Wojcehowicz,
Water Supt.; Mr. Hurst, Fleet Supt.; Mr. Kroll, Special Projects Engr.

Mr. Kesner as 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. Ledesma, seconded by Mr. Mainus
to accept the minutes as printed. Ayes: 4

Request for relief from Notice of Noncompliance and exception to requirements of Municipal Code 15.040.060 by Irene Nelson, 2423 N. 115th Street. This item was originally heard on July 15, 2013 and held.

Brian Randall, Friebert, Finerty & St. John, S.C.; 330 E. Kilbourn Avenue, counsel for Irene Nelson, presented the Board with two handouts regarding the drainage situation at 2423 N. 115th Street. Mr. Randall reviewed the history at this address since the homeowner purchased the land in 1968 and the remedies taken to alleviate water seepage into her basement and foundation concerns. Mr. Randall noted that there are twelve parcels from where water run-off gathers on and behind this parcel.

Mr. Randall said that City ordinances and State of Wisconsin Plumbing Code do not prohibit directing storm water and sump pump water to on-premise surface areas or landscape bed. He read an excerpt from the City of Wauwatosa website FAQ's - "Downspouts and sump pumps may discharge at grade or through an approved underground conductor (pipe) connected to the city storm sewer, to a landscape bed, rain garden, detention/retention area or other on-premise surface areas. Caution: Discharge of storm water from a conductor must not cause a public nuisance such as discharging and/or flowing over a public sidewalk, street or directly into adjoining properties". He felt no public nuisance has been demonstrated. He suggested it may be a private nuisance but not one that would be before this board.

Mr. Randall reviewed his presented materials, explaining the topographical map showing the natural contours of the land and how water run-off from the neighboring properties ran down into Ms. Nelson's parcel, naturally flowing to the lowest point. He noted that two complaints were received regarding water run-off from properties at 2404 N. 116th Street and 2416 N. 116th Street. The complainants were not present at either meeting.

Mr. Randall explained that there are two drainage 'systems' on this property. To the north there is a system with a neighboring connection that drains into a rip rap. The home to the north has a connection to Ms. Nelson's due to the fact that it slopes down onto Ms. Nelson's property which caused water in her basement.

The area to the south which was cited, has two downspouts that drain onto her property in the back of her home. Due to the failure of two retaining walls, a contractor was hired and installed drain tiles to a sump pump that flow into the back yard. The drain pipe ends approximately twenty feet from Ms. Nelson's property line. This system has been in place for over twenty years and is not an unreasonable burden.

The Board discussed the possibility that the water discharge pipe be shortened and flow into a swale. It was questioned whether the rip rap area could be enlarged. Can something be done to dilute or spread the flow of the north drainage as it nears the lot line?

The City Attorney suggested leaving the south side drainage system as is to prevent foundation issues. If permits were not pulled for this, they should be requested now.

The Board determined that a solution for this would be to dilute the discharge from the north as it reaches the lot line by shortening the pipe coming down into a berm which would spread the flow.

Moved by Ms. Ledesma, seconded by Ms. Enders that a permit be requested for the south side drainage and it can remain as is. The north side drainage should be corrected by either shortening the discharge pipe and/or discharging the flow into a berm to spread the flow at the back lot line which should be discussed with the plumbing inspector or engineering department as appropriate. Ayes: 4

Encroachment into public right-of-way request – 629 N. 79th St. Jim Walker, 629 N. 79th Street explained to the Board that he would like to replace their current garage with a larger garage on the current site. Mr. Walker said the Building Department informed him of an existing encroachment where the current garage is located. Mr. Walker said they would like to encroach an additional four feet from the rear lot line.

The Water Superintendent expressed concern of an easement at this location due to backyard water mains located on this property. He explained that the department runs into problems with easements not allowing access to existing water mains. This water main is almost 100 years old and Mr. Wojcehowicz was concerned in the event of a broken water line. Mr. Wojcehowicz preferred that the Board not allow an easement further back in depth. He felt it would be acceptable to replace the garage on the current location.

The City Clerk suggested moving the garage up instead of back. The homeowner felt they could probably move the garage two feet forward. The Board felt this was a good solution.

Moved by Ms. Ledesma, seconded by Mr. Ruggini to recommend to Council approval of the encroachment subject to execution of the necessary Hold Harmless Agreement, and compliance with the city's zoning code. Ayes: 4

Surplus Equipment. The Fleet Superintendent requests that the following Fleet Equipment numbers be declared surplus for disposal in a manner most advantageous to the city. All units have been replaced by new equipment.

P-150 2006 Ford Crown Victoria Police Interceptor
P-159 2007 Ford Expedition
P-164 2008 Ford Crown Victoria Police Interceptor

P-169 2008 Ford Crown Victoria Police Interceptor
P-172 2008 Ford Crown Victoria Police Interceptor
P-173 2008 Ford Crown Victoria Police Interceptor
P-182 2010 Ford Crown Victoria Police Interceptor

Mr. Hurst said the new vehicles are working out well for the city. There is less maintenance on the new vehicles and they get better gas mileage.

Moved by Mr. Mainus, seconded by Ms. Ledesma
to declare the aforementioned equipment surplus for
disposal in a manner most advantageous to the city. Ayes: 4

Contract 12-28 2012 Health Department Renovations – final payment. Mr. Kroll said that the work has been completed and the Health Department has been moved back in. The final punch list has been completed. Mr. Kroll requested final payment be made to Selzer-Ornst Co., in the amount of \$1,000.

Moved by Ms. Ledesma, seconded by Ms. Enders
to approve the foregoing. Ayes: 4

Emergency purchase to repair sink holes near the Harmonee Bridge. Mr. Porter explained that there was a need for emergency repair for two sink holes on the Harmonee Bridge that needed emergency patching. He noted that this was time sensitive due to the Department of Transportation detour routes on this bridge.

Moved by Ms. Enders, seconded by Mr. Mainus
to recommend to Council approval of the emergency
purchase order in the amount of \$9,099.30. Ayes: 4

Water Pumpage Report. With August 2013 pumpage of 155,842,000 gallons, the year-to-date total stands at 1,039,744,000 gallons of water pumped, well below this time last year. The Chair ordered the report placed on file.

Contract updates and partial payments. Mr. Wehrley said that the storm sewer work on 100th Street is in and functioning. Work on UWM campus is proceeding and paving work should be starting soon. Harwood Avenue utility work will resume this week after being delayed. The Watertown Plank Road utility work is ongoing. Contract 13-71 for the lateral grouting project is out for bid.

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.	6A	12-101/7001A UWM Innovation	\$507,416.10

Park Improvements – Division A

Super Excavators, Inc.	6B	12-101/7001 UWM Innovation Park Improvements – Division B	\$1,872,933.98
Steiner Electric, Inc.	2	13-25/6212, Interior Lighting Replacement, Public Works Garage	\$10,096.60

Moved by Ms. Ledesma, seconded by Ms. Enders
to approve the foregoing. Ayes: 4

The meeting adjourned at 9:21 a.m.

Secretary to the Board

mks