

## PUBLIC WORKS & HIGHWAY COMMITTEE MEETING MINUTES

April 7, 2015  
Village Hall Board Room

**CALL:** Chm. Kaminski called the meeting to order at 5:00 p.m.

**ROLL CALL:** Chm. Kaminski, Trustee Members Zabel, Vanderheiden, and Warren. Also present were Dir. Ludwig, Engr. Bischke, and Secretary Wick.

### **PREVIOUS MINUTES:**

**MOTION made by Warren, seconded by Vanderheiden to approve the Minutes of March 3, 2015.**

Motion carried unanimously.

**PUBLIC COMMENT:** None

**MOTION made by Vanderheiden, seconded by Zabel to move to Item "A" under New Business of the Public Works and Highway Committee Meeting agenda.**

Motion carried unanimously.

### **CONSIDERATION OF A UTILITY CREDIT – W147 N9838 RIMROCK ROAD:**

Dir. Ludwig reported resident Dan Barnes requested by letter, consideration of a utility credit toward his first quarter utility invoice. On March 28<sup>th</sup> Mr. Barnes found that his outside hose bib was broken and leaking. The Village Utility Clerk did notify Mr. Barnes when it was found his first quarter reading showed unusually high usage. The Committee was provided with the billing history and a calculation of averages. The over average water usage was 61,000 gallons. Since the water did not go into the sanitary sewer, it was suggested that one half of the MMSD portion of the sewer bill (\$210.85) could be rebated to Mr. Barnes. Mr. Barnes provided a copy of an estimate to have the hose bib repaired.

**MOTION made by Zabel, seconded by Vanderheiden authorizing staff to credit \$210.85 toward the sanitary sewer portion of the previous sewer invoice for the property at W147 N9838 Rimrock Road.**

Trustee Warren voiced concern as he felt utility bill credit requests were becoming more common where the Village was subsidizing residents that weren't maintaining their property properly.

Dir. Ludwig stated he received approximately 4-6 utility bill credit requests per year. There have been additional requests which are first reviewed to determine if credits are warranted. Policy has always been if the Village knows the water didn't go into a floor drain or directly into the sanitary sewer by some other means, past practice has been to refund the MMSD O&M charge back to the land owner. You have a portion of the sewer bill that is MMSD O&M and a portion of the sewer bill that is Village O&M. The Village's O&M is much higher than MMSD's O&M. Yes, you are subsidizing but you're still covering the cost going to MMSD.

The Village is not billed on “end of pipe volume”. The Village is billed based off of reported volumes from the water meters. That is why the Village Sewer Utility co-owns the water meters with the water utility.

Wastewater Superintendent Zimmerman added the Village charges “X” number of dollars per thousand gallons that includes the MMSD portion that the Village pays. The Village’s portion is substantially higher because we want to be a “for profit” utility. The Village still needs to meet its O&M expenses as part of the annual budget.

**Motion carried 3 -1 (Warren)**

**RESIDENT REQUEST FOR SIDEWALK FRONTING BP, BMO HARRIS & COLUMBIA ST. MARY’S PROPERTIES:** Engr. Bischke provided an update regarding a resident request for sidewalk fronting the above named properties. The 2015 Budget did not include funding for installing this segment of sidewalk. Estimated sidewalk costs for the three businesses totaled \$36,450.00. Upon further investigation of any existing agreements with the subject properties it was found that Columbia St. Mary’s submitted a letter of intent for their future responsibility for funding sidewalk fronting their property and the BMO Harris and BP locations had language requiring the owner’s responsibility as part of their CUP (Conditional Use Permit) from the mid 1980’s. As the two properties had undergone at least one change of ownership, it was the advice of the Village Attorney that the CUP’s transfer responsibilities to successor owners but that the agreement between two parties may not. The Village could implement a special assessment process that would be exclusive of the agreements and CUP’s. The process starts with the Committee creating the initial resolution with intent to special assess. Staff would then prepare an Engineer’s report. The Committee and Board would then need to pass a final resolution of special assessment. As a courtesy, staff can notify the affected property owners of the topic to discuss the special assessment allowing the businesses to publicly speak at a Public Works Committee meeting.

Dir. Ludwig suggested another approach would be to contact the property owners and if they were willing to sign a document stating they waive their rights for a public hearing, the documents could be prepared, and the preliminary Ordinance and final Ordinance could be completed.

**MOTION made by Vanderheiden, seconded by Warren instructing staff to initiate contact with the property owners of BP, BMO Harris, and Columbia St. Mary’s regarding the potential of constructing sidewalk fronting their property on Mequon Road in Year 2016 and their intention to fund. If owners fail to respond, staff shall return to the Public Works Committee with a request to start Special Assessment procedures.**

**Motion carried unanimously.**

**DEVELOPMENT OF PRIVATE PROPERTY INFLOW & INFILTRATION POLICY:**

Per the direction of the Committee at its March meeting, staff was asked to explore other communities whom had explicit private sanitary sewer lateral point-of-sale inspection requirements in their Ordinances. Jerome Fogel of MMSD had identified three communities having such ordinances. Also provided to the Committee were examples from two other communities’ use of education materials. Also discussed at the March meeting was the cost

sharing formula where the Village would fund 100% of the lateral situated in the right-of-way and the 30%-70% formula be applied to the portion of the lateral situated in private property. A draft ordinance was created and the Village Attorney provided a few comments. Discussion included:

- The original language - Once a lateral is certified, it doesn't need to be re-certified for 10 years; You could sell your home any time in between that time and not have to have another inspection;
- Out of all communities in Milwaukee County only three are required to perform a point of sale inspection. Why would you put that burden on the Village residents?
- Trustee Kaminski said there are MMSD funds that need to be spent on private laterals. The "carrot" is that the Village is going to pay a portion of the repair for the home owner. The "stick" is you better get on board and do this as the Village is trying to limit I&I. The residents can chose whether they want to fix their lateral or not but in the event of a home sale, requirements may be in place for a mandatory inspection.
- Trustee Zabel questioned whether the Village needed to change the Ordinance as it currently existed. His answer was always "we do not need to change the Ordinances". We do not need to require that people have to televise it, fix it, and other stuff. Secondly, an I&I program should be created but, you do like Brookfield and Muskego did. You show the areas of the older homes where you probably have the problems and let those residents know that the Village is going to be in the area and if the resident wants their lateral televised, the Village will do it. That is a totally different thing than creating an ordinance that states a property owner must televise their sewer lateral upon sale. Why would the Village want to become one of four communities out of forty communities in the area that have that requirement? The Village has an ordinance now where if staff or anyone else notices a problem either by televising the mainline sewer or, cleaning sewer backups on a regular basis, homeowners are required to fix them.
- Supt. Zimmerman had taken enforcement on three properties requiring the property owners to make the repairs.
- Supt. Zimmerman stated the Brookfield program was not a fair comparison because they were under a consent decree with EPA Region Five to clean up the basin.
- Chm. Kaminski questioned out of all of the homes staff had found with lateral issues, we can't force the resident to have them fixed. We could use the old Ordinance to say you've got to but, when staff moves into the next neighborhood they think is bad, residents don't have to let you in the door. Supt. Zimmerman agreed. Chm. Kaminski stated there may be a whole neighborhood where we know the laterals are bad. There is no "stick". The "stick" is we're coming through for free to inspect your lateral, report the findings and if it is faulty, the Village will pay 30% of the cost to fix it and will put the property owner on notice that if they sell, their lateral will have to be fixed. Property owners should not be allowed to pass their lateral problems on to the next new owner. Chm. Kaminski stated I&I has become so important, it needed its own Ordinance so everything was under one cover.
- Trustee Zabel stated Germantown had a relatively tight system. All he was saying is that the Ordinances in place is that no one is going to put an additional burden on someone. Supt. Zimmerman stated there were three sections in the Code Book that dealt with clear waters. One was under the Plumbing Code (which he could not enforce), one

was under “User shall keep and repair” located in the Sewer Ordinance and the third was a “Right of Entry” clause that shows up in the Plumbing Code as well as the Sewer Use Ordinance which states staff has the authority to seek a special warrant at Circuit Court to enter a home to do the investigations. The intent of creating a new Ordinance was to define responsibilities pertaining to laterals all in one document.

- Trustee Vanderheiden stated the fact that I&I appeared in so many different areas of the Code book, it would be beneficial to bring all I&I responsibilities under one Ordinance.

**MOTION made by Kaminski, seconded by Vanderheiden to forward to the Village Board with a positive recommendation to approve the Ordinance repealing and recreating Subsection 13.29(8) of the Germantown Code of Ordinances relating to the regulation of private sanitary sewer laterals.**

**Motion carried 3 – 1 (Zabel)**

**MOTION made by Zabel, seconded by Kaminski to approve the practice that the Village fund 100% of laterals situated in the right-of-way and that the 30%-70% formula is applied to the portion of the lateral situated in private property.**

Supt. Zimmerman clarified the Village did not have any ownership of the lateral in the right of way. Village ownership was at the main-line connection.

**Motion carried unanimously.**

**MOTION made by Vanderheiden, seconded by Kaminski to move to Item “C” under Unfinished Business to right after Item “I” under New Business of the Public Works and Highway Committee Meeting Aenda.**

**Motion carried unanimously.**

**AUTHORIZATION TO PURCHASE – TRACKLESS SIDEWALK TRACTOR:**

Highway, Parks, Bldgs. & Grounds Foreman Scott Anderson presented for review two bids for the purchase of a trackless sidewalk tractor. Staff had reviewed two options and after extensive research felt the Maclean MV4 best fit the needs of the Department. The equipment was very dependable and relied upon during all four seasons. Attachments currently owned by the department would be interchangeable between tractors. Discussion followed on the difference between the equipment models.

**MOTION made by Zabel, seconded by Warren to forward to the Village Board with a positive recommendation to approve the purchase of one 2015 Maclean MV4 Trackless Tractor from Miller Bradford for an amount not to exceed \$143,375.00. Funds to be allocated from Acct. #40-553-570-8530.**

**Motion carried unanimously.**

**AUTHORIZATION TO PURCHASE – USED PICKUP TRUCK:** Highway, Parks, Bldgs. & Grounds Foreman Scott Anderson requested authorization to purchase one used pick-up truck to add to the department's fleet. The truck was approved as part of the 2015 budget and would replace a truck that was beyond its useful service life. As the purchase of a used vehicle was difficult due to the fast turn-around time needed to complete the transaction, staff requested authorization to purchase the truck that best fit the needs of the department. Committee discussion requested staff research complaints, lawsuits, warranties, and perform a title check prior to purchase.

**MOTION made by Kaminski, seconded by Warren to forward to the Village Board with a positive recommendation to approve the purchase of one used pickup truck that best fit the needs of the Highways, Parks, Buildings & Grounds fleet for a cost not to exceed \$17,000. Funds to be allocated from Acct. #10-553-570-8100.**

**Motion carried unanimously.**

**AUTHORIZATION TO CONTRACT – WDOT SALT BID – 2015/2016:** Highway, Parks, Bldgs. & Grounds Foreman Scott Anderson reported Supt. Olszewski had entered into the WIDOT Salt Bid Process for 2015-2016. Staff had committed to the purchase of 2,100 ton of salt for the upcoming season. The cost per ton was not available at this time and the WDOT required the Village submit its quantities prior to tonight's meeting.

**MOTION made by Zabel, seconded by Vanderheiden to forward to the Village Board with a positive recommendation to approve the Village's commitment to approximately 2,100 ton of road salt for the 2015-2016 season as part of the WisDOT Salt Bid Process.**

**Motion carried unanimously.**

**APPROVAL OF CONTRACT – SHALLOW WELL EXPLORATION TEST BORING:** Dir. Ludwig reported Foth Engineering solicited proposals from five contractors to drill three exploratory borings for a possible shallow well site. Four proposals were received ranging from \$40,716 to \$91,010. Funding was budgeted and this was the next step that was needed in the process of determining whether there was sufficient water available in a location that Foth Engineers had identified in Phase I. Last year, staff had received estimated costs of \$28,500 +/- for the test borings. The Committee asked the Director to research the cost difference on the quotes from last year to this year and present his findings at the Village Board meeting.

**MOTION made by Warren, seconded by Vanderheiden to forward to the Village Board with a positive recommendation to contract Badger Well Drilling for a cost of \$40,716.00 for three Shallow Well Test Borings.**

**Motion carried unanimously.**

**CONSIDERATION OF INVOICE – SEILER INSTRUMENT & MFG. MAINTENANCE AGREEMENT:** Engr. Bischke requested authorization to pay an invoice for the yearly maintenance, calibrations, and updates for the Village's survey equipment.

**MOTION made by Zabel, seconded by Warren authorizing payment of an invoice from Seiler Instrument & Mfg. in the amount of \$4,824.00 for the annual maintenance, calibrations, and updates of the Village's survey equipment.**

**Motion carried unanimously.**

**APPROVAL TO WDOT PAVING PROJECT – HOLY HILL ROAD:** Dir. Ludwig reported the WDOT is planning the milling and overlay of the existing roadway along Holy Hill Road from "B" Street to the west ramp termini of the USH 41/45 interchange. The WDOT is completing this work in conjunction with the US Open scheduled for 2017 at Erin Hills. There is no cost to the Village.

**MOTION made by Zabel, seconded by Warren to approve WI DOT access on Holy Hill Road in order to allow the WI DOT's milling and overlay paving project of the existing Village's roadway from "B" Street to the west ramp termini of the interchange with USH 41/45 at no cost to the Village.**

**Motion carried unanimously.**

**APPROVAL OF PERMANENT EASEMENT – WE ENERGIES GAS PIPELINE:** Dir. Ludwig reported the construction of the roundabout project at Fond du Lac Ave. and Donges Bay Road was slated to begin in 2016. During that time frame, We Energies plans on relocating a portion of their gas pipeline along the north side of Donges Bay Road east of Fond du Lac Avenue in a 20' wide permanent easement. Dir. Ludwig assessed the value of the permanent easement by averaging the fee title compensated to the Village per acre and for the temporary limited easement. If this method was used, the area of the easement was 273.1' x 20' or 0.12539 acres with an average cost of \$58,089.50 per acre. The recommended compensation totaled \$7,284. Committee discussion requested the easement document contain language stating any Village owned utility alterations within the permanent easement would be at the cost of We Energies and suggested replicating the same language as in the County Line Road Permanent Easement documents.

**MOTION made by Zabel, seconded by Kaminski to forward to the Village Board with a positive recommendation to approve a 20' wide permanent easement with WE Energies to enable the construction of a gas pipeline relocation along the north side of Donges Bay Road east of Fond du Lac Avenue for a fee of \$7,284.00 and request the document incorporate the same language as in the County Line Road Permanent Easement documents.**

**Motion carried unanimously.**

**AWARD OF CONTRACT – SEALCOAT PROJECTS:** Engr. Bischke stated there were three plan holders but received one bid for the Village's 2015 Seal Coat projects. Pricing was favorable and recommended a contract award to Fahrner Asphalt for \$202,000. The total award price included the bid amount and the existing balance in Account #10-542-530-3500.

**MOTION made by Zabel, seconded by Warren to forward to the Village Board with a positive recommendation to award the 2015 Sealcoat Projects contract to Fahrner Asphalt sealers for a cost of \$202,000 with the request that staff provide the additional quantities and numbers at the Village Board meeting.**

**Motion carried unanimously.**

Freistadt Road will be included in the sealcoat program.

**AWARD OF CONTRACT – 2015 ROADS PROJECT & ALT BAUER PARK PATHWAY/BASKETBALL COURT:** Engr. Bischke stated Donges Bay Road, Country Aire Drive, River Crest Drive, Riversbend Lane, Spaten Court, Alt Bauer Pathway, and basketball court projects were consolidated under one contract to benefit from economies of scale. Two bids were received and both found to be over budget. Staff had met with Payne & Dolan to work on decreasing the deficit down to approximately \$125,000. The costs may decrease even more by scheduling the Donges Bay Road project as the year's first project and scrutinizing field proof-rolls to reduce areas predicted by the geotechnical engineer as needing full-depth reconstruction. If the methodology proves successful, it may be possible to do all roads listed in the 2015 project this year. If not, Country Aire Drive would only be partially funded and therefore better to postpone construction in 2016 vs. one half in 2015 and one half in 2016. Engr. Bischke noted value engineering was performed and third party consultants were contacted to take a second look at GZA Environmental and PSI Geotechnical Engineer recommendations as to what had to be done for roads. Some roads designated for reconstruction may actually be done as a pulverize and overlay. Himalayan Consultants gave the option that 80% of Country Aire Drive between Pioneer and Bonniwell could be pulverized and overlayed. R.A. Smith was also asked to check their design and double check their numbers and were able to make adjustments of \$125,000. Engr. Bischke again referenced the spreadsheet provided to the Committee and an additional \$70,000 could be transferred to the Road Projects. The potential balance of \$1,826,000 could be applied to the 2015 road projects. Committee discussion included;

- Bid overages were found for everything;
- The material used in the asphalt is a by-product which is in high demand; As the demand goes up, so does the price;
- For future reference, staff should provide an engineer's estimate column so it can be compared looking for disparities;
- As seen by the Geotechnical Engineer, there is approx. 3,000 feet on Donges Bay Road that is designated for reconstruction. It is planned to reconstruct Donges Bay Road first and proof roll the surface to determine if areas could be pulverized and overlayed therefore reducing area slated for full depth reconstruction. Any funds saved, can then be devoted to Country Aire Drive.
- Some bid quantities would be covered by the utilities and not by the road projects. Engr. Bischke will make the adjustments to the budgeted accounts.
- Minor modifications were made on the design plan to reduce costs. There are design changes on the pathway but no cost reductions.

- The bottom line is that a project will be cut if costs exceed the funding available for the 2015 projects.
- Payne & Dolan was notified that Donges Bay Road would be completed first and at that time would determine how much money was available for Country Aire Drive.

**MOTION made by Zabel, seconded by Kaminski to forward to the Village Board with a positive recommendation to award a contract to Payne & Dolan for the 2015 Roads Project and Alt Bauer Park Pathway/Basketball Court in the amount of \$1,756,081.00. Funds to be allocated from the following Accts #40-542-570-8810 (\$1,630,693.00); #44-574-530-4500 (\$63,482.10); #40-552-570-8310 (\$61,906.77).**

**Motion carried 3 -1 (Warren)**

Engr. Bischke provided the additional updates:

- The Village Board approved the Donges Bay Road pathway design a couple of months ago and asked staff to speak to the residents to see if they approved.  
*Hoffins Property* - ok with the 5 foot terrace. Asked that landscape materials be left behind;  
*Kupszak Property* – Ash tree removed. Gave permission to have shrubs trimmed next to the pathway.  
*Keller Property* – unable to make contact yet regarding asphalt area.  
*Wood Property* – Village needs easement for the pathway. Staff would like to use curb/gutter as a separator which Mr. Wood is against. Looking to purchase Jefferson Ditch land on Mr. Wood's property. Staff received Public Works approval to hire an appraiser; Mr. Wood asked to meet with the Village Engineer and the Appraiser for further details.  
*Bruce Property* - Would like a separation but filled with gravel vs. turf.
- Engr. Bischke asked for consideration of outsourcing the Donges Bay Road survey and construction inspection to R.A. Smith National. Trustee Warren recommended staff obtain competitive bids for inspection services.
- Engr. Bischke met with the Riversbend Master Condo Association to provide updates on the projects affecting their area. Payne and Dolan requested permission to work at night and the Association objected. The meeting between staff and Association was very beneficial.

**APPROVAL OF CHANGE ORDER – R.A. SMITH-DONGES BAY ROAD DESIGN**

**CONTRACT:** Engr. Bischke explained after R.A. Smith National completed the Donges Bay Road Design to a 90% completed level, the Village Board and staff directed R.A. Smith National to make some alterations to the template design and develop exhibits at the request of several residents concerned about impacts to the frontages of their respective properties. R.A. Smith National submitted a contract amendment to the original design for a fee of \$4,900.00. Discussion included:

- Engr. Bischke suggested deferring this topic until John Elkin, of R.A. Smith National, returned from vacation which would allow him opportunity to address the Committee regarding the change order. Mr. Elkin was able to communicate with Engr. Bischke and

describe some of the items that R.A. Smith National felt was excess services. An original Agreement was provided with the Committee backup.

- Engr. Bischke supported the additional scope;
- Trustee Warren stated the localized alterations to the original design should be part of the design process and the existing scope of the R.A. Smith contract. R.A. Smith National should have discussed the cost of any extras before proceeding with additional work above and beyond the original scope.
- This is a lump sum contract; unless it can be proven the additional work was out of scope, there shouldn't be any additional fees incurred.
- The contract was awarded as a non-compete contract;

**MOTION made by Zabel to postpone action on the approval of change order to R.A. Smith for the Donges Bay Road Design Contract until at which time R.A. Smith National can appear before the Committee for discussion.**

**Motion withdrawn.**

**MOTION made by Warren, seconded by Zabel to deny the \$4,900 change order to R.A. Smith National for the Donges Bay Road Design contract.**

**Motion carried 3 – 1 (Vanderheiden)**

**ANNOUNCEMENTS:** The regular Public Works Committee Meeting will be held Tuesday, May 12, 2015 at 5:00 p.m.

**ADJOURNMENT:** There being no further business, the meeting was adjourned at 7:18 p.m.

A handwritten signature in cursive script, appearing to read "Janice Wick".

Janice Wick, Recording Secretary