

PUBLIC WORKS & HIGHWAY COMMITTEE MEETING MINUTES

July 6, 2016
Village Hall Board Room

CALL: Pro. Chm. Zabel called the meeting to order at 5:30 p.m.

ROLL CALL: Chm. Pro Tem Zabel, Chm. Kaminski (absent & excused), Trustee Members Miller and Warren. Also present were Director Ratayczak, Engr. Laning and Secretary Wick.

PREVIOUS MINUTES: MOTION made by Warren, seconded by Miller to approve the minutes of May 3, 2016 and June 1, 2016.

Motion carried unanimously.

PUBLIC COMMENT: None

CONSIDERATION OF INVOICE – WDNR 2016 WATER USE FEES: Supt. Driver reported this annual fee is charged by the WDNR for water withdrawn from the aquifer based on the number of gallons.

MOTION made by Miller, seconded by Warren authorizing the payment of \$3,716.00 to the WDNR for the 2016 Water Use Fees. Funds allocated from Account #50-711-530-6030.

Motion carried unanimously.

CONSIDERATION OF INVOICE – HD SUPPLY:

MOTION made by Warren, seconded by Miller to forward to the Village Board with a positive recommendation authorizing payment of \$5,041.00 to HD Supply for the purchase of various materials used for unforeseen water main repairs and the 2016 Road Reconstruction projects. Funds to be allocated from Acct. #50-743-530-6730.

Motion carried unanimously.

CONSIDERATION OF INVOICE – D.F. TOMASINI:

MOTION made by Miller, seconded by Warren authorizing the payment of \$4,195.00 to D.F. Tomasini for the emergency water distribution repair of a 16" main line at Division Road and Dotty Way. Funds to be allocated from Acct. #50-742-530-6730.

Motion carried unanimously.

CONSIDERATION OF INVOICE – FERGUSON WATERWORKS:

MOTION made by Warren, seconded by Miller authorizing the payment of \$4,584.00 to Ferguson Waterworks for various materials to be utilized for water distribution repairs. Funds to be allocated from Acct. #50-742-530-530-6730.

Motion carried unanimously.

AUTHORIZATION TO CONTRACT – EAB ASH TREE TREATMENTS: Supt. Olszewski solicited proposals from area tree experts to treat ash trees for the emerald ash bore. Of the seven companies solicited, only one proposal was received for tree trunk injection treatments for select ash trees throughout the Village. Supt. Olszewski further stated the proposal was for approximately 979 inches of treatment on approximately 93 trees which most were located along Mequon Road, Pilgrim Road and DPW campus. The proposal received submitted a unit rate of \$5.90 per inch for a total approximate cost of \$5,776.10. Trustee Warren voiced concern of the one bid and questioned if the bid was competitive. Supt. Olszewski stated the bid in fact was competitive and emailed the other solicited companies as to why they did not entertain a bid. Answers included past competition with other tree companies in which they could not compete with other low bids and communication errors within their own company. John Gall of Wachtel Tree Service felt the bid was competitive and noted emerald ash bore is in the Village and taking its toll. The longer the Village waited to treat, the longer it would impact.

Dean Worzella, W213 N10103 Beech Drive, questioned if treatment was ground injected or bored injected and how often a tree was treated. Supt. Olszewski stated treatments were trunk injected every other year. 50% of the trees were done one year and 50% the second year. Trunk injections are most effective this time of year.

MOTION made by Warren, seconded by Miller to forward to the Village Board with a positive recommendation to contract M&M Tree Service for the EAB Ash Tree treatments at a unit rate of \$5.90 per inch at an approximate total cost of \$5,776.10. Funds to be allocated from Account #10-553-530-5290.

Motion carried unanimously.

DRAINAGE CONCERN – BEECH DRIVE – DISCUSSION AND/OR ACTION: Supt. Olszewski reported a number of years ago the Village installed infrastructure within the right of way along Beech Drive. A 12" perforated pipe was installed under the ditch fronting N10062, N10103 & N10113 Beech Drive. Over time tree roots and artesian springs have compounded drainage issues. The Highway Dept. had patched and replaced sections of pipe as a temporary solution. The original perforated pipe now needs to be replaced with a new pipe. Budgetary figures could range between \$20,000 to \$35,000.

Dean Worzella, W213 N10103 Beech Drive, stated it was unfortunate there were no Village records of the work done in the past. He has an artesian well that runs 24-7. It goes into the collector pipe buried underneath the ditch. When the pipe gets plugged, the underground spring runs anywhere from 2 to 4 gallons per minute. It backs up real quick into his yard. He hoped the Committee would not consider "band aiding" the pipe any longer and replace with a new pipe.

Due to the numerous trees in the area, Supt. Olszewski proposed replacing the current perforated pipe with one uniform rigid pipe. The pipe would run approximately 200 hundred feet north of the Oakley property which was the furthest north property and then depending upon elevation, to the furthest point south of Hickory Drive. The pipe would terminate and flow through the ditch. There would be cleanouts and attachments in front of the resident's driveways so the Village could maintain the mainline. Everything that is stubbed off for the private connections would

terminate at the junction at the right of way. From the right of way line to private property would be on the homeowners' side and anything from the right of way toward the road would be Village.

Barb Vorbel, W213 N10062 Beech Drive, stated a section of pipe had been replaced a couple of years ago. She was not sure if the artesian wells were properly hooked up to any of the pipe. Ms. Vorbel gave a detailed explanation of the flow of water. Ms. Vorbel also questioned who would be responsible for the underground lateral connections from their homes to the rigid pipe in the ditch? Supt. Olszewski stated there would be an exposed mini manhole in the rigid pipe which the homeowner could take whatever piping they had on their property and connect it to the new structure.

Ms. Vorbel stated if the Village buries the new pipe and leaves openings for the artesian wells which currently extend into the ditch, does the homeowner need to contact a plumber to make the connection? Trustee Warren stated the Village would be responsible for taking care of everything in the right of way but the Village would not be responsible for infrastructure on private property.

Dir. Ratayczak stated there were no set plans in place for this stormwater project. Other options could include installing an 8" collector pipe behind the curb for sump pumps by installing "tees" for homes to connected to, or install a Schedule 35 solid sewer pipe in the ditch and branch off laterals to the property lines and make the connection within the right away. If a resident's pipe has failed for any reason the Village would not be responsible. Dir. Ratayczak further noted the ditch slopes were in good shape.

MOTION made by Miller, seconded by Warren recommending staff place the Beech Drive Drainage Concern in the preliminary 2017 Highway Budget for discussion in the attempt to allocate funding for replacement of the pipe within the right of way.

Motion carried unanimously.

CONSIDERATION OF DRAINAGE COMPLAINT – N116 W15925 MAIN STREET:

Supt. Olszewski stated Mr. Lietzau, N116 W15925 Main Street had contacted the Dept. of Public Works to voice concern regarding an 18" concrete storm pipe that went through his property. The aged pipe conveyed water from Pilgrim Road at Roberts Drive southwest to a waterway that leads to Lake Park Ponds. From all appearances the pipe is believed to be original infrastructure and well past its service life. Pictures were provided to the Committee which showed sink holes and the pipes exposure above ground in some areas. Mr. Lietzau was currently in the process of selling his home and was concerned the infrastructure was hampering his ability to sell.

Director Ratayczak stated a majority of these storm sewer crossings are on private property without easements. If the Village were to do anything, easements would need to be obtained first. It would take an overall design of the drainage basin to see what contributed to the pipe and then size and install it properly. Discussion included;

- This was an area of discussion when looking at the Beer Garden development;
- The drainage benefits the Village yet goes across private property;
- There are some easements in place but a majority of the properties do not;
- Two issues were; you don't know how the land is going to be developed and if you look at the tile, it looks like old farmers tile as there was no bell and spicket on the ends of the pipes;

- It was recommended that a drainage system study be done;
- It was believed that the previous Village Engineer was looking into a study with the reconstruction of Hwy 145 and the possibly of changing some of the flow down Pilgrim Road to another basin;
- The Director of Public Works stated the study was approved and staff was to come back to the Committee with a cost to see what the project entailed. The previous engineer looked at sharing the water into another drainage basin and there were some initial sketches of where the drainage would flow and whether the pond could handle the additional water.
- If the Village had the easements, is there any immediate solution?

Nancy Lietzau, N116 W15925 Main Street, stated the drainage pipe affected her property and the Schuster property most. A large rainfall can produce up to two feet of water on her property. She believed the water was seeping out of the pipe due to its condition. There were also numerous potholes and questioned who was responsible in the event someone was hurt at the pipe location. Ms. Lietzau wanted to see something done as they were showing their property in which it the pipe came into question. In closing Ms. Lietzau felt the pipe was a maintenance issue.

Chm. Pro Tem Zabel recalled the pipe issue has been a topic of discussion for many years. It always concluded the pipe was a private system on private property. There was always discussion on obtaining easements. He thought the pipe was put in by private people to serve their property. A public document or public drainage area was never created. When asked who was responsible for the pipe, Chm. Zabel assumed it was the responsibility of the homeowner. If you were to remove the pipe from your backyard, you would basically have a ditch.

Ms. Lietzau stated the water was coming from Hwy 145. It was stormwater from the Village coming on to her land. Chm. Zabel stated even though the infrastructure was on Ms. Lietzau's property, she could not remove the pipe per State law. Ms. Lietzau suggested possibly removing the broken pipe and replacing with larger stone so water could continue to drain.

In closing Chm. Zabel suggested Ms. Lietzau continue working with the Village on obtaining easement documents or have the Village do a study of the area to make a determination as to what will occur in the back area of her property. Chm. Zabel stated the Committee approved a basin study December 2, 2014 and will re-affirm the Village does a study to see what is occurring.

Trustee Warren stated the storm water drainage was the easy part. The hard part was figuring what kind of development was going into the area. You must first determine the type of uses for the area, which define what type of surfaces, which defines how much water, and then you can size your pipes accordingly. He felt the Village was a long way off before they could get to an analysis of the area.

Dir. Ratayczak will research the scope of a stormwater drainage analysis to determine whether a study could be done in-house or not.

DEVELOPER AGREEMENT – SAXONY VILLAGE – REVIEW AND POSSIBLE

ACTION: Dir. Ratayczak stated the Development Agreement for Saxony Village was to cover items constructed in the public areas. The roads within the development will be private. Highlighted were the following;

- Watermain is to be connected at Hilbert Lane, run due west through the internal roadway and connect with the existing watermain on Castle Drive. The Village is asking JBJ Development to extend the 80 feet of watermain to Castle Drive which is outside of their property limits;
- The Village is trying to abandon a 16" watermain on the southern end of the property. The Village's 2016 Budget includes completing some of the watermain as the watermain has many maintenance issues for the water utility. Staff approached the Saxony Village developer and asked if the Village could run the water main through the Saxony Village property as a public water main which would be a savings to the Village and satisfy the need to make a loop connection;
- Water Supt. Driver further explained a 12" watermain would be relayed in Castle Drive out to Squire Drive, north on Squire Drive and tee into the main. This would complete a loop from Main Street all the way to Hilbert Drive. The current 16" ductile tying into Hilbert and Sylvan would then be abandoned.
- Sanitary sewer issues included lack of volume and capacity on Main Street and a neighboring business looking to double their flow. The Developer was approached asking whether they could install a larger pipe for the Village on the westerly property line from Main Street's existing sanitary sewer south to the existing 30" interceptor sewer. If the Village were to complete this task after the development was established, the Village would need an easement. The Developer and his engineers designed the sanitary sewer through the development within a 30 foot easement. The easement would be granted to the Village at a nominal fee.
- The Village will bid out a project to relay the sanitary sewer on Main Street from Saxony Village to Main Street easterly to Gehl's Corporation just past where their lateral comes in.
- The Village has reached an agreement (via email) that Gehl's will pay 100% of the sanitary sewer relay on Main Street and will share the cost with the Village for relaying the sanitary sewer going from Main Street to the 30" interceptor sewer going through Saxony Village.
- Chm. Zabel noted he would need to speak further with the Village Attorney on some of the issues as he thought there were points that needed to be addressed referencing compliance to Chapter 18 of the Village Code and watermain cost agreements.
- Dir. Ratayczak explained if the Village did not approach the Developer to try and help relieve the flow on Main Street, the developer could build their development, put in their original sanitary sewer design, and tap into the 15" at the SE corner of their property. The Village's portion would not get installed.
- Chm. Zabel stated the Village would have to relay Main Street all the way to the Lift Station and further referenced the Village Code regarding assessments.
- Chm. Zabel requested a Section be added to all developer agreements referencing the Sewer Connection Fee as this fee increased yearly. Dir. Ratayczak referenced Exhibit A of the Developer's Agreement which stated the "current Connection Fees upon building

permit issuance” although could add that information under a separate section of the Agreement.

- Chm. Zabel noted at the time of the Conditional Use Permit there was a small extension of sidewalk on Hilbert Lane that would tie into Sylvan Circle and complete the loop. He felt this was a safety issue for all of the increased foot traffic coming out of that area that currently needed to walk on the road for approximately 150 feet.

MOTION made by Miller, seconded by Warren to forward to the Village Board with a positive recommendation to approve the Development Agreement for Saxony Village with the added stipulation that the developer install sidewalk from the terminus on Hilbert Lane south to Sylvan Circle.

Motion carried 2-1 (Zabel)

PERMIT TO REMOVE EXCESS TOPSOIL – SAXONY VILLAGE DEVELOPMENT:

The Developer had requested approval to remove 5,556 cubic yards of excess topsoil from their project site. Calculation quantities by the Developer were provided to the Committee for review. Developer Scott Bence further explained the topsoil quantities on site, what was remaining and what was to be removed. Discussion followed. Documentation will be provided to the Village indemnifying the Village of any contaminated soils removed from the site.

MOTION made by Warren, seconded by Miller authorizing JBJ Development to remove 5,556 cubic yards of excess topsoil from the Saxony Village development.

Developer Scott Bence informed the Committee that they had a permit from the DNR to truck contaminated soil off site and registered with the Orchard Ridge Landfill.

Motion carried 2-1 (Zabel)

DEVELOPER AGREEMENT – GATEWOOD PLACE – REVIEW AND POSSIBLE ACTION:

Dir. Ratayczak presented for review the Gatewood Place Developer Agreement which consisted of four single family residential lots on 6.88 acres on the south side of Donges Bay Road at Magnolia Drive. Public improvements included public watermain extension, fire hydrant relocation, sanitary sewer extension and cul-de-sac construction. The fourth lot bordering Donges Bay Road has existing sewer and water available.

Chm Zabel questioned Section 1.05 of the Developer’s Agreement noting there was no language requiring a pathway in front of the Gatewood Place lot along on Donges Bay Road. Currently the existing pathway ended at the westerly end of the Gatewood property and the WDOT had installed sidewalk up to the easterly end of the Gatewood property. The Developer voiced two concerns;

1. Lot #1 covered a lot of area along Donges Bay Road.
2. The cost to install a pathway. The Village has bid quantities for asphalt pathways along Donges Bay Road. Could the pathway be connected as part of the Donges Bay Road project and costs assessed back to the Developer?

Tim Hiller, President of The Hiller Co., representing the ownership stated they did not intend to construct or pay for the extension of a bike path/sidewalk fronting the Donges Bay Road lot. They were not in opposition to the path but questioned the Committee if they would consider a cost share with a cap for the pathway installation. Mr. Hiller believed costs would range from \$10,000 to \$15,000 for the installation.

Dir. Ratayczak stated the lot frontage was approximately 500 ft. and installation costs would include clearing, grading and filling the ditch before the sidewalk could be installed. Prep costs could run approximately \$5,000 and installation of an asphalt sidewalk would be roughly \$20/ft. Installation of the asphalt sidewalk was not part of the Donges Bay Road bid prices.

Discussion followed. Chm. Zabel stated the balance of the sidewalk costs could be obtained from the Donges Bay Road project. Mr. Hiller agreed if necessary, easements would be granted for the sidewalk.

Discussion continued on construction access, WE Energies pedestal in the wetland area and a request that the Sewer Connection Fee language be added as a Section within the Development Agreement.

MOTION made by Miller, seconded by Warren to forward to the Village Board with a positive recommendation to approve the Development Agreement for Gatewood Place Subdivision with the additional directive that Village staff design the sidewalk/pathway on the Donges Bay Road lot section of the subdivision with the developer's total cost share not to exceed \$5,000.

Motion carried unanimously.

DEVELOPER AGREEMENT – PRAIRIE GLEN PHASE II – REVIEW AND POSSIBLE ACTION: Brian Depies, Regional Manager, SEH Inc. on behalf of Bielinski Homes has proposed the next phase of the Prairie Glen Subdivision known as Prairie Glen Phase II located on the west side of Wasaukee Road and south of Mequon Road. The Developer's Agreement had been approved by the Public Works Committee and Village Board last Fall but was never executed. Since that time, Bielinski Homes was requesting Committee reconsideration of the Developer's Agreement with a few revisions to the document.

Section 1.06 – Improvements to Streets Abutting Subdivision: Currently there was a requirement to install sidewalk up to Mequon Road approximately 170 feet beyond the property boundaries. Mr. Depies stated this area posed challenges to include steep slopes, the possibility of having to obtain private property for the sidewalk installation and standing water issues. While this area seemed to be a fairly insignificant distance, it did have construction constraints. The estimated cost of construction of the sidewalk without potential wetland permitting was \$20,000. Currently there was no other sidewalk within this area. Mr. Depies stated not that there wouldn't be sidewalk someday, currently sidewalk didn't appear west into the industrial subdivision and there was no tie in for sidewalks directly north of the subdivision. There is a trail system within the Prairie Glen Subdivision and a walking trail along the road.

Section 5.05 – Recapture Agreement: Bielinski Homes has requested that consideration be given for recapturing anything over 8" line for both the sanitary sewer and water. Oversizing was done for the potential of properties to the west and north.

Director Ratayczak stated the developer was looking for the sizing recapture from an 8" to a 15" line. Village Ordinance allows up to a 12" line. Anything over 12" the Village could reimburse. The Director provided a plan for Committee review which showed the proposed sanitary sewer, cost calculations for increased costs, and the recapture amount. The Village required oversizing as the properties to the west and south side of Mequon Road were accessible to the gravity sanitary sewer line and the Village was trying to service the 16 lots through the gravity sewer line. As for the extended sidewalk, staff calculated 206 ft. of sidewalk beyond the property limits. Previous meetings between Bielinski representatives and the Village agreed to the following requirements; the sidewalk can be an asphalt pathway vs. a concrete sidewalk, the storm sewer pipe can be an HPD pipe and the storm pond outfall structure can be a standard outfall structure which is common around the area.

Chm. Zabel cited other issues to include Resolution 4-14 PDD Conditions and Restrictions approved by the Village Board. As part of the Plan Unit Development the developer was required to install paved sidewalks along Wasaukee Road, continuing north and connecting to the existing sidewalk along Mequon Road at the Mequon Road intersection. Chm. Zabel believed amendments to the Resolution would need Village Board approval.

Bielinski Developers questioned Dir. Ratayczak as to whether the sidewalk extension beyond the property limits could be delayed until sidewalk was constructed by the WDOT as part of their intersection reconstruction. Suggested was the possibility of holding funds in the form of a Letter of Credit from Bielinski Homes until the sidewalk was needed.

Chm. Zabel believed the sidewalk needed to remain as it was part of the Planned Development District. He questioned whether the Developer Agreement could be modified to give the developer the ability to escrow money for the sidewalk at some point in time in the future.

Dir. Ratayczak further discussed the possible type of sidewalk construction and would work with the developer on the options for that area. The Committee needed to decide whether the sidewalk would be required at the time of the subdivision construction or delayed with escrowed funds for future construction.

The Village Engineer estimated approximately \$4,120 to pave the 206 foot portion of sidewalk at \$20 per foot. Grading would be an additional cost.

In conclusion the Committee suggested:

- Staff shall provide a detailed plan of the 206 foot section of sidewalk area in order to get a better visualization and whether or not the cost was assessable.
- Update the Developer Agreement to include: the recapture language for oversizing of sewer/water facilities.
- Sidewalk changes would require an amendment to the PDD as you're changing the Plan Unit Development.
- The Engineering Dept. will need to approve the pathway design and types of materials used in creating the sidewalk extension.

MOTION made by Zabel, seconded by Warren requesting staff make the necessary modifications to the Prairie Glen Phase II Developer Agreement to include the recapture agreement costs as discussed and return to the Public Works Committee for review and approval.

Motion carried unanimously.

NEXT MEETING DATE: The next Public Works and Highway Committee meeting will be held Thursday, August 4, 2016 at 5:30 p.m.

ANNOUNCEMENTS: None

ADJOURNMENT: There being no further business, the meeting was adjourned at 7:38 p.m.

A handwritten signature in cursive script, reading "Janice Wick". The signature is written in dark ink and is positioned above the printed name.

Janice Wick, Recording Secretary