

PUBLIC WORKS & HIGHWAY COMMITTEE MEETING MINUTES

December 7, 2016
Village Hall Board Room

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

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

PREVIOUS MINUTES: **MOTION made by Miller, seconded by Zabel to approve the minutes of November 2, 2016.**

Motion carried unanimously.

PUBLIC COMMENT: None

MOTION made by Miller, seconded by Zabel to address Item “D” first under New Business of the Public Works and Highway Committee Meeting agenda.

Motion carried unanimously.

APPROVAL OF PERMIT FOR WISCONSIN TECHNOLOGY NETWORKING, LLC TO INSTALL A 120’ UTILITY POLE IN RIGHT OF WAY: Dir. Ratayczak received an application from Wisconsin Technology Networking to construct a 120’ tall galvanized steel pole within the right-of-way on Maple Road on the west side of Fire Station #2. The purpose of the pole is to provide intrastate telecommunications service to telecommunications providers and private-line services. Wisconsin Technology Networking’s application to occupy space within the Village’s right-of-way falls under Section 8.065 of the Germantown Municipal Code. Additional description of services and location maps were provided to the Committee. The permit would stipulate that only four dishes would be allowed on the pole and no additional interference with the Village’s radio signals currently being emitted from Village towers. The Ordinance requires the applicant to register with the Village and the process has already started.

Jay Wendt, Representative of Mobility/WI Technologies, stated they were a backhaul provider in which they take data of the major carriers (AT&T, Verizon, Sprint, etc.) and carry their data out to the internet. The microwave antennas located on the pole are able to transmit data via line of site at rates almost similar to fiber optics. The poles can be placed from 1 to 10 miles with major data transport capability.

Discussion and questions included;

- WI Tech Networking is currently working with Bayside, Kewauskum, Saukville; in all, 2700 jurisdictions throughout the nation;
- Where would be the next pole location? Could be existing cell towers. Mr. Wendt did not have further information. The company has to tie back to fiber. On a lot of the poles, all that is needed is an electrical hookup. Whether there is fiber in the area will determine whether WI Tech will hookup to this particular pole.
- Is the Village looking at additional poles in the future? As network needs, users, and density increase, Mr. Wendt stated it would be possible.

- WI Tech Networking is regulated by the Public Service Commission and certificated as a CLEC (Competitive Local Exchange Carrier) or ATU (Alternate Telecommunications Utility). It allows WI Tech Networking access to the right of way like a utility. WI Tech Networking still has to meet local ordinance and local law. What the State grants is access to the right of way in a non-discriminatory manner.
- The southeast portion of the Village is pretty much under fiber optics which goes to Mequon or Freistadt. At what point in time will WI Tech Networking know if they are going to tie back into that fiber optic network? Mr. Wendt stated it will be based on the needs, approvals, and the understanding of the overall network in the general region.
- Is there anything in the permit process and research that this tower location will not be the best location for WI Tech? Mr. Wendt stated at this time the radio frequency engineering worked and there was no indication that the pole location would change.
- Mr. Wendt stated maintenance of the equipment can be completed with a boom truck from the roadway. Any changes to the WI Tech's maintenance procedures can be openly discussed.

Brian Depies, W143 N9867 Ridgewood Lane, appreciated all the work everyone contributed to the potential installation of the telecommunications pole. Mr. Depies works with SEH, Inc. (Short, Elliot, and Hendrickson) who has an entire group dedicated to telecommunications. SEH, Inc. does many leases on water tower telecommunications and are very experienced in the process. Mr. Depies gave a brief history on the telecommunication companies who had looked to various municipalities in SE Wisconsin indicating they were a PSC regulated entity wanting to place a 120 foot telecommunications pole in the right of way within the community. Mr. Depies's concern was the use of a public right of way for any entity whether it's labeled and permitted by right as a PSC entity; that was openly telling people we will provide and be a backhaul provider for the private entities. Mr. Depies's questions included:

- Why and the reasons the pole needed to be in the public right of way;
- Would like to understand the technology;
- Where has the company physically received municipal permits within the State of WI;
- Believed City of Green Bay came up with a Master Land Use Agreement which indicates a Master License Agreement between the community and WI Technology Network for the use of public right of ways. This type of document controls the use of that public right of way not only from the PSC standpoint but what if others (ATT or Verizon) do not want to pay their rates that they say they pay to be located on a tower. Those companies will come before the municipality and ask to put a tower in the right of way possibly creating private entity towers next to each other. Where you have dense populations the provider will start to locate telecommunications on street light poles.

Mr. Depies felt there was a better way to handle the entity. His fear was opening Pandora's Box; by approving one entity you cannot stop other entities after that. He understood the need for the telecommunication towers as more users came on. Mr. Depies's alternative was following the format that the City of Green Bay, City of Wausau and Village of Rothschild was following which was a Master License Agreement between the two entities. As Mr. Depies did not have the opportunity to review the Master License Agreement, he was unable to explain its language. In closing, Mr. Depies felt by allowing the poles in the right of way would set precedence and the Village should protect their best interests. SEH, Inc. was not competitive with WI Technology Networking. Their company represents 100% municipal interests in the State of Wisconsin and Minnesota.

Dir. Ratayczak referred to a suggestion of land uses to include placing the pole on public property and what if public property didn't exist? Mr. Depies stated the current proposed location was next to a Fire Station so let's work with the telecommunication company and keep the pole out of the right of way. Second was the Master License Agreement that should be explored further.

Dir. Ratayczak asked Mr. Depies if any municipality formally, in public, rejected the permit or the ability for WITN to put their tower in the right of way. Mr. Depies stated he wasn't involved that often but stated the Village of Random Lake rejected the permit. Random Lake's Ordinances declared the application was improper and therefore incomplete. Random Lake passed a Resolution indicating why the permit was incomplete and passed an Ordinance indicating what they would expect to see in the future.

Mr. Depies questioned what was WI Tech's FCC license to transfer a signal? Mr. Wendt stated WITN was not licensed with the FCC as they were not a structural provider and did not own spectrum. They do not own a spectrum for the air. Essentially a lot of people go underground with cable.

Water Supt. Jim Driver was asked if there was a limit as to how much could be placed on a water tower. His response was you could put a lot on a water tower and it depended structurally what was being installed. Engineering studies would be recommended to ensure there was no interference with radio communications (SCADA System).

Mr. Wendt, WITN, stated typically when WITN gets into a licensing agreement is when they do attachments on that particular entity's light pole. It is exactly related to the small cell technology. This is not what WITN is asking for. Small cell technology is about densification. By utilizing the right of way, it was Mr. Wendt's opinion the Village could ask for fees in terms of maintaining the database, registrations, etc. From that perspective the Village cannot charge a lease fee inside the right of way. If WITN moved their tower to the Fire Dept. site and within an easement with no fees, they would be willing to operate in that location. WITN would not be interested in paying fees for installing their tower on public ground. It is totally about economics. From a public policy perspective it starts with the FCC working down to the State level which allowed fiber optic, telecom, wet & dry utilities to utilize the right of way for the public good for necessary pieces of infrastructure. Cell phones are necessary pieces of infrastructure. By utilizing the right of way from a public policy perspective makes sense. If we push the towers to private ground, rates go up and citizens pay more through their fees, Mr. Wendt felt utilizing the right of way did make sense economically.

Chm. Kaminski agreed with the installation of a new pole for the data. She stated we need that kind of coverage for the area and it is expected. It is a public service. Chm. Kaminski questioned the Village Ordinance and wondered if it was written in such a way that the Village had to allow every single person coming in.

Trustee Zabel noted the PSC states the Village has to accommodate those who are registered through the PSC within our right of way. In the past it's only been the gas and electric companies. The Village determines the location within the right of way. Trustee Zabel voiced concern with one tower company coming in and the fact they couldn't deal with the other tower company that was already there and now you have two towers. It was his fear when the communication companies come and place a tower in the right of way and the Village does not

have something in Village Codes and AT&T wants to come in and be in the same right of way 100 ft. away from the other tower how do you say no to AT&T? He believed this is where the permitting and licensing comes in. Trustee Zabel wanted to see a copy of the Licensing Agreement from Green Bay be sent to the Village's attorney to determine what the Village could and could not do.

Mr. Wendt questioned Dir. Ratayczak if one of the registration items was the Indemnification Agreement. The answer was yes. Mobility will be entering into that agreement with the Village. Mobility will also need to maintain a certificate of insurance.

MOTION made by Kaminski, seconded by Miller to forward to the Village Board with a positive recommendation authorizing the approval of the Wisconsin Technology Networking LLC application for the installation of a 120' utility pole within the right-of-way on Maple Road just west of Fire Station #2.

Dir. Ratayczak questioned if WITN was licensed by the FCC. Mr. Wendt stated they were not licensed by the FCC and did not need to be. Their equipment needs to be regulated by the FCC but they do not own the spectrum. Mr. Wendt referred to State Statutes 182.017 which essentially stated what could happen inside a right of way, how utilities operate, timelines for applications etc. Statute 66.0404 is the telecom which limits what you can do.

Motion carried 2-1 (Zabel)

AUTHORIZATION TO REPLACE ON-LINE FLUORIDE ANALYZER: Supt. Driver reported an on-line fluoride analyzer used to obtain fluoride readings on weekends and holidays had failed. Staff had purchased a replacement under an emergency situation and requested approval of the invoice from HACH Corporation in the amount of \$5,865.85.

MOTION made by Zabel, seconded by Miller to forward to the Village Board with a positive recommendation to authorize payment of the HACH Corporation invoice in the amount of \$5,865.85 for a replacement on-line fluoride analyzer. Funds to be allocated from Acct. #50-742-530-6770.

Motion carried unanimously.

AUTHORIZATION TO BLANKET PURCHASE ORDER – WATER METERS: Supt. Driver requested authorization to generate a blanket purchase order up to the 2017 budgeted amount of \$150,000 for the purchase of water meters on a time and need basis as part of the meter change-out program.

MOTION made by Kaminski, seconded by Miller to forward to the Village Board with a positive recommendation to approve the allocation of \$150,000 in the form of a blanket purchase order for the continuing purchase of water meters on a time and need basis. Funds to be allocated from the 2017 Capital Budget Acct. #50-180-183-3460.

Trustee Zabel asked that funds not be expended until 2017.

Motion carried 2-1 (Zabel)

REQUEST TO RELEASE RETAINER TO TP CONCRETE INC. FOR FIRE STATION #2 CONCRETE PAVEMENT REPLACEMENT: Engr. Laning reported the project was successfully completed in 2015 and has passed the one year warranty period. All contract requirements have been met.

MOTION made by Miller, seconded by Zabel authorizing the release of a contract retainer in the amount of \$1,311.25 to T.P. Concrete, Inc. which was held during the one year warranty period for the south concrete driveway approach replacement at Fire Station #2.

Motion carried unanimously.

PRESENTATION OF THE FINALIZED DRAFT OF THE FIVE YEAR ROAD IMPROVEMENT PROGRAM: Engr. Laning presented the finalized draft of the Village's Five Year Road Improvement Program which had been modified to reflect recommendations and suggested changes provided by the Committee. A map was provided for viewing and Engr. Laning highlighted the following:

- Added resurfacing/repair costs to highlighter areas, subdivisions, or grouping of streets;
- Added nominal Paser Rating below the costs;
- Need to finalize the 2017 road projects within the next two months in order to bid in a timely fashion;
- Woodland Drive was added to the 2017 list as it was in poor shape but asked the Committee to consider utilities installation prior to road repairs;

Committee comments included;

- Were there any issues with testing of wells in the Woodland Drive area? Trustee Zabel was aware of one resident.
- Wells should be tested prior to road repairs; Wells are required to be permitted every five years in areas where municipal water is available.
- Municipal water is available east of Woodland Drive and south along Goldendale. Water can be looped.
- Water is nearby Woodland Drive but the Village did not want to improve roads if municipal water was necessary.
- Trustee Zabel was not of the intent that the water main had to be under the pavement.
- Dir. Ratayczak did not have issue with putting water main off the road if it was justified to do so.
- Engr. Laning spoke on priority of roads. You don't always do the worst roads first. Roadway usage and priority must also be taken into consideration. Woodland Drive fit well in the 2017 program.
- Should sanitary sewer be considered on Woodland Drive? Staff should first send a survey letter to the affected residents to see if they want sanitary sewer and water and include a rough estimate of the costs to do so.
- Chm. Kaminski noted sanitary sewer and water main installation should be investigated further and highly considered prior to repairing Woodland Drive as it would be smart planning for the future.
- Concord Road repairs have been moved to year 2019. It was suggested a survey letter be sent to those residents asking if they would be interested in municipal water. Trustee Zabel did not want to see water mains installed if there was no requirements/timeframe to connect.

- Engr. Laning referred to Page 2 of the spreadsheet presented at the meeting noting the summary of construction costs for 2017 showed \$1.6 million which was a construction estimate. Through careful bidding, the 2017 road projects should be complete for the Village's budgeted amount of \$1.5 million. If bids exceeded the budgeted amount, Engr. Laning would scale back the projects.
- "Proposed" roads to be repaired should be placed on the Village's website noting "Subject to Change";
- Engr. Laning was requested to provide a final calculation of all costs to complete the two mile stretch of the Donges Bay Road project.

NEXT MEETING DATE: The next Public Works and Highway Committee meeting will be held Tuesday, January 10, 2017 at 5:30 p.m.

ANNOUNCEMENTS: None

ADJOURNMENT: There being no further business, the meeting was adjourned at 6:50 p.m.

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

Janice Wick, Recording Secretary