

PUBLIC WORKS & HIGHWAY COMMITTEE MEETING MINUTES

September 10, 2020

Virtual WebEx & Village Hall Board Room

CALL: Chm. Kaminski called the meeting to order at 6:00 p.m.

ROLL CALL: Chm. Kaminski, Trustee Members Hudson, Miller and Zabel. Also present were Dir. Ratayczak, Adm. Kreklow, Atty. Sajdak, Trustee Myers and Secretary Wick.

APPROVAL OF MINUTES: **MOTION made by Zabel, seconded by Miller to approve the Minutes of July 1, 2020.**

Motion carried unanimously.

PUBLIC COMMENT: None

PETITION BY THE GLEN AT BLACKSTONE CREEK CONDOMINIUMS – AMEND SECTION 5.05 OF THE DEVELOPMENT AGREE TO REMOVE MUNICIPAL SERVICES RESTRICTIONS: Dir. Ratayczak reported Trustee Miller submitted a petition from the Blackstone COA requesting the Village consider amending Section 5.05 of the Blackstone Creek Development Agreement. Section 5.05 states: “The parties acknowledge and agree that the roads and driveways in and through the Development are private and not dedicated to the public and the Village will not maintain such roads and driveways, including removal of snow. The parties further acknowledge and agree that the Village shall likewise not be responsible for pick-up and removal of trash and refuse in the Development, but that the same shall be privately contracted for.”

Dir. Ratayczak noted the Engr. Dept. looked at the cross section of the private roads as the plans signified and found the thickness of pavement, gravel base, curb and gutter were close to matching Village road standards. The private roads were not inspected by the Village.

Bob Beilfuss, Prof. Land Surveyor for the Village, gave a visual explanation noting when the condo development was created in 2008, all properties and roadways minus the buildings were common areas. When some of the property was re-developed as a single-family subdivision, the roadways within the subdivision were still retained by the condominium association. Lots were created to look like a subdivision lot, but lots were based on the lot size that was created at the time. There was no continuous right of way line within the development. Shown were lines that were platted. To maintain a 60 foot right of way, all 74 single family property owners and condominium owners would need to dedicate a portion of their property. The process included property owners having to re-survey their lot as they would be giving up land for the proposed right of way.

Village Atty. Sajdak explained all owners would need to agree to the dedication of land. Because the area of land has changed, anyone who has a mortgage on their property would also need to get approval from their mortgage holder. Depending on the mortgage holder it may be an easy process or real difficult.

Bob Beilfuss, Prof. Land Surveyor, stated all legal descriptions would become null and void as they reference the subdivision plat. It was then suggested the whole subdivision be re-platted. Infrastructure (catch basins – manholes) were all private and therefore not inspected by the Village.

Fred Schmelzer, N115 W17846 Sawgrass Court, President of the Condo Association, expressed he was willing to refocus the request for the Village to take over roads to a request for the Village taking over the snowplowing and trash collection. He did not realize the Village taking over the roads was so complicated and with the requirements of the homeowners, it was unlikely the Village ownership would happen. Mr. Schmelzer looked for some equity in the whole process. They are a development with a combined assessed evaluation of \$56 million and contribute \$262,845 to the Village which represented \$1,932 per owner. In total tax it was \$6,700 per owner. Mr. Schmelzer questioned has the Village created a market and equity for Blackstone in comparison to the Wrenwood Subdivision. Without the services, residents in the Blackstone subdivision are paying \$280 a year more than comparable residents in Wrenwood subdivision who have Village services. They feel they are large tax contributors getting minimal services from the Village. Mr. Schmelzer provided additional history on the Blackstone development.

Dir. Ratayczak gave a brief history of the Wrenwood Subdivision which was constructed as single family with a southern cul de sac with two & four family lots. Roads and storm sewer were built to Village standards. The Plan Commission had approved the subdivision as proposed. Trustee Zabel added it was the only subdivision he was aware of that had Village amenities even though there were 2-4 family units within the subdivision.

Chm. Kaminski questioned the downside of adding snowplowing services for the Blackstone Subdivision. Dir. Ratayczak stated there would be additional labor and material costs with an added route.

Additional comments were received from: *Rock Picciolo, N114, W17880 Blackstone Ct., Bob Simonson, Treasurer, N115 W17853 Sawgrass Ct., Judy Wagner, N116 W17866 Blackstone Cir.* who noted the following:

- Blackstone is paying the same mill rate as homes in other subdivisions per assessed value; If they are paying the same amount for the values of their properties and others are receiving trash collection and plowing services where is the fairness? Consider decreasing the mill rate and they will continue with their private services.
Trustee Zabel explained everyone pays the same mill rate. The difference is the value of land. If you look at the value of the dwellings and the value of the land, you will find the value of land is less as there are more dwelling units in the development vs. a normal subdivision. Even though you pay the same rate, the gross dollar amount you are paying is different.
Village Atty. Sadjak noted when the subdivision was developed, it was understood the development would have private roads, and services. Typically, it is found in exchange for agreeing to take on responsibilities as part of a private development, the developer in return would get some benefit as in more density, less requirements than other developments, etc. When the Assessor looks at homes in a subdivision that sell for less than similar homes in other places, one of the reasons could be because they are paying for services themselves as opposed to somewhere else. As the result you would see that translate into a difference in the assessed value.
- Blackstone is not the typical condo association. They are stand alone homes. Assessed value was \$500,00 and assessed value on land \$70,000.

- Drivers do not abide by the stop signs within the development. The Police Dept. stated they had no jurisdiction as the internal roads were private. This is a big problem as there is no police coverage.
Trustee Miller stated this concern could be addressed at the Public Safety Committee meeting.
- Looking at a plat of the condominiums vs. the single-family properties, the common property is the five retention ponds, cul de sacs and the roads. The owners have massive amounts of property. There is a lot of high-end properties. There are about 12 single family homes as part of the condominiums. They are paying for infrastructure that was put in by the Village prior to the creation of the subdivision. The developer restructured stop lights on River Lane at the entrance to the High School and at Mequon Road. The Village and High School got a great benefit. The condominiums did not. They just paid for it all.

Discussion continued regarding liability when providing services to private roads, structure, and land value assessments, and accepting a smaller right of way modification to the internal roads. Dir. Ratayczak noted you could look at a reduced size of right of way, but it would not change the complexity of converting all the lots. What currently exists is not enough room.

Chm. Kaminski stated if the homeowners were willing to go ahead with the complexity of making their private roads public the Village would very likely take over the roads. As for the collection of the trash and recycling a Motion made at the May 11, 2016 Committee meeting stated the Village would adhere to the collection policies as structured in the Blackstone Creek Development Agreement on file.

Dir. Ratayczak stated he would be willing to speak with the Village's provider to possibly facilitate better collection rates upon a written request by the Condo Association.

Trustee Miller stated if the Condo Association wanted to consider moving forward on converting their private road to public roads he would assist in the process.

Mr. Schmelzer requested the Village create a list of bullet points for the Association to consider on the process of converting their private roads to public roads. The Committee set a date of October 10th, 2020 for staff to respond with this request.

Trustee Zabel noted part of Section 5.05 of the Developers Agreement was the removal of trash & recycling collection. One thing that has changed was that we now have a condominium development that has trash/recycling collection. If the Village is going to start doing this for one development than he wants to do it for all privately owned residential.

MOTION made by Kaminski, seconded by Hudson to deny amending Section 5.05 of the Blackstone Creek Developers Agreement until such time the Committee hears from the homeowners regarding road ownership.

Motion carried 3- 1 (Zabel)

PARK AVENUE – OPTIONS TO CONTROL SPEED: The Public Safety Committee requested input from the Public Works Committee on options to control the speed on Park Avenue. Trustee Miller stated a warning sign was erected by the Police Dept. and the data collected determined the average speed to be 28 mph.

Interim Hwy. Supt. Scott Anderson reported the DPW installed a radar sign for 20 days which collected data without visually indicating the actual speed which usually slows traffic down. The data collected indicated an eighty-percentile of average speeds of 26 mph. The highest speed collected was 47 mph. It could not be determined whether the high speed may have been generated by a P.D. vehicle, Emergency Equipment, etc. Further noted;

- A lane reduction with the use of rubber delineators on Park Ave. at Hwy 145 did not see any change in the data.
- Permanent radar speed display signage would be expensive at a cost estimate exceeding \$6,000. In addition, there would be an annual maintenance contract cost associated with the signage/data.
- A curb bump out would create a tighter radius for plowing operations.
- A speed table or speed bumps would be a conflict with plowing operations.

Discussion concluded if time stamps detect high speeds at certain times of the day, this information should be forwarded to the Police Dept. for enforcement.

WATERMAIN EXTENSION – WENDY LANE: Trustee Zabel requested Committee input on the potential of extending watermain in Wendy Lane on behalf of a resident whose private well had failed.

Dir. Ratayczak looked at the overall system of the watermain in the area and concluded watermain at a minimum could be installed on Wendy Lane from Dotty Way to Division Road at an estimated cost of \$150,000. This would create a looped system and eliminate two dead ends in the existing water system. This would also supply another source of water that serves the west side of I41. In addition, staff recommended installing as estimated 390 lineal feet of watermain on Division Road at an estimated cost of \$87,750 which would also create a better system through looped watermain.

Trustee Zabel stated funding the project could be established by either special assessment with the property owner paying for service to his property line or, a utility project which would benefit the water system. Current policy would allow the utility to fund the installation of the watermain with property owners paying lateral connection costs through the process of a special assessment. Homeowners would not be required to connect provided a safe water sample of their existing well was provided to the Village.

Adm. Kreklow voiced concern as there were several projects in the Water Utility that had been deferred due to the lack of availability of funding until the rate increase was established which could be 6 months to a year. If the Committee and staff believe this project is something that should be done, Adm. Kreklow stated the project could be looked at in the upcoming budget process.

James Darling, W174 N9799 Wendy Lane, stated he is currently purchasing gallons of water for cooking, drinking, and bathing.

Chm. Kaminski questioned whether it was possible to make a loan and pay it back in 2-3 years.

Adm. Kreklow stated there would be a possibility to make a loan from the general fund to the water utility and pay it back.

Discussion continued regarding connection costs. Dir. Ratayczak stated there was an option for the resident requiring emergency service in which the Village could extend the watermain approximately 175 feet to his parcel from where it ends on Dotty Way. Funding would be a Board decision. No estimated costs were calculated for this option.

Adm. Kreklow asked the Committee to consider the time frame of this emergency project. There would need to be a public bidding process and may take months even with Committee and Board approval this month.

MOTION made by Kaminski, seconded by Miller to postpone action on the Wendy Lane watermain extension until staff can collect additional information and report back to the Public Works Committee meeting on October 6, 2020.

Motion carried unanimously.

ROOF REPLACEMENT – KINDERBERG PARK:

MOTION made by Zabel, seconded by Miller to forward to the Village Board with a positive recommendation to contract Murphy's Exterior Construction for the roof replacement on the Kinderberg Park Shelter in an amount not to exceed \$46,500.00

Motion carried unanimously.

DITCH/CULVERT WORK – FOX LANE, EDGEWOOD DRIVE, HILLTOP DRIVE:

Dir. Ratayczak provided a brief history at the request of Trustee Myers noting the following:

- This request was brought forward to the former Village Engineer in year 2019 who had indicated staff would try to address ditch and culvert work by placing this project in the 2020 budget. Project size and costs were not known at the time.
- The Village Surveyor surveyed the streets and found the ditches were less than 1% slope and therefore very flat.
- Piping in the ditches was suggested on both sides of the street with inlets on each side of the driveway to collect water.
- Project costs were not available as plans were not completely developed.

Trustee Myers noted Fox Lane was not included in the drainage project and agreed the area was flat. He questioned the Director on the timing of the project and possible funding available from other road projects that were complete. Dir. Ratayczak noted final costs were not yet available from the other road projects.

Adm. Kreklow stated he has seen the area of concern with Trustee Myers and the Director of Public Works. He agreed there was a need for this project but suggested this item be considered as part of the 2021 budget process.

Dir. Ratayczak stated the project information already collected by staff could be forwarded to an engineering firm for design and budget the project accordingly.

Trustee Myers questioned the Administrator as to whether there was another payment coming from the State for roads. Adm. Kreklow noted payments for transportation aides were already part of the 2020 general fund and already accounted for. There were no additional funds.

ORDINANCE TO AMEND SECTION 1.376(6) OF THE GERMANTOWN MUNICIPAL CODE – UTILITY ADVISORY COMMITTEE MEETINGS:

MOTION made by Zabel, seconded by Miller to forward to the Village Board with a positive recommendation to initiate an Ordinance to amend Section 1.376(6) MEETINGS of the Germantown Municipal Code by removing the following; “Meetings of the Utility Advisory Committee shall occur not less frequently than monthly, and additionally at the call of the chairman, or a majority of the members of the Committee” and replace the sentence with “Meetings of the Utility Advisory Committee shall occur at the call of the chairman, or a majority of the members of the Committee.”

Motion carried unanimously.

LETTER OF CREDIT REDUCTION – GOLDENDALE ROAD GERMANTOWN, LLC:

MOTION made by Zabel, seconded by Miller authorizing staff to reduce the Goldendale Road Germantown, LLC Letter of Credit by \$440,500.00 with a remaining balance of \$100,000.00 for the utility improvements at the Dickman/Illings site.

Motion carried unanimously.

REORGANIZATION OF THE DEPARTMENT OF PUBLIC WORKS - DISCUSSION:

Adm. Kreklow reported the Public Administration Associates suggested several alternative organizational structures to best fit the current needs of the Department of Public Works. Previously there had been four employees who had left leaving negative impacts on the organization. As a team, the Administrator, Public Works Director and Public Works Supervisors are working on addressing issues created by the void in the department. Identified were a series of processes that needed updating and improvement. As staff works through the processes, some of the jobs may change. Before those positions are permanently filled, staff would create up to date, well defined job descriptions so all know what the Village is looking for and for anyone applying to be successful in those jobs. Currently there has been no success for a qualified Engineering Tech. Contractors are currently filling in on a project by project basis. Scott Anderson has been moved to Supt. Of Highways, Parks, Buildings & Grounds. Adm. Kreklow and Dir. Ratayczak have been contacting Engineers and Engineering firms to provide additional temporary assistance in the office. Four firms were selected, and interviews will be scheduled next week. In closing Adm. Kreklow thanked the Director of Public Works, Engineering and Public Works staff who have put in extra hours and taken on extra work during this time. The Committee will be kept up to date.

PROJECTS UPDATE: Dir. Ratayczak provided the Committee with a list of Village projects with associated updates and answered questions.

NEXT MEETING DATE: The next Public Works and Highway Committee meeting will be held October 6, 2020 at 6:00 p.m.

ANNOUNCEMENTS: None.

ADJOURNMENT: There being no further business, the meeting was adjourned at 8:10 p.m.

A handwritten signature in cursive script, reading "Janice Wick". The signature is fluid and elegant, with a long, sweeping underline that extends to the right.

Janice Wick, Recording Secretary