

PUBLIC WORKS & HIGHWAY COMMITTEE MEETING MINUTES

November 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 (Virtual), Atty. Sajdak (Virtual) and Secretary Wick.

APPROVAL OF MINUTES: MOTION made by Zabel, seconded by Miller to approve the Minutes of October 6th and November 2nd, 2020.

Motion carried unanimously.

PUBLIC COMMENT: None

DRAINAGE DITCHES – HILLTOP DR., FOX LANE, EDGEWOOD DR.: Dir. Ratayczak reported staff was in the process of completing the design of stormwater drainage improvements based on a survey of the area. A visual map of the area provided the proposed storm pipe layout with the Village's Prof. Land Surveyor Bob Beilfuss explaining the work to be done.

Dir. Ratayczak further noted the area was flat and therefore storm pipe was necessary. Material costs were approximately \$140,000 for 2000 feet of pipe. Project labor and equipment were additional costs. Upon completing a design plan, staff will obtain costs for Committee review. It was anticipated the project work would start late Spring or early Summer.

WOODLAND MANOR DRAINAGE - DISCUSSION: Dir. Ratayczak reported staff obtained an estimated cost of \$6,000-\$8,000 from R.A. Smith to complete a drainage study of the Woodland Manor area. The estimated cost was due to the undetermined amount of field work that may be required.

MOTION made by Miller, seconded by Zabel authorizing staff to complete a drainage study of Woodland Manor Subdivision not to exceed \$8,000.

Motion carried unanimously.

BLACKSTONE CREEK – PRIVATE/PUBLIC ROADWAY - INFORMATIONAL:

Staff has evaluated the request of the Blackstone Creek homeowners to transfer the private roadways to public roadways. Provided to the Committee was a summary of items that would be required by the Condo Association as none of the road or storm sewer was inspected by the Village's Engineering Department during construction in 2008. Also noted was detention ponds within the development would still be owned and maintained by the condo and subdivision HOA in perpetuity.

Prof. Land Surveyor Bob Beilfuss explained in 2008 Blackstone Creek was originally designed as a condo development. With the downfall of the economy and not being able to sell condominiums, the developer sub-divided the easterly and northerly section of the development. All roads within the development are still retained by the condo association. Interior roads and utilities were private and therefore not inspected under the Village's jurisdiction. Mr. Beilfuss added to convert the private roads to public roads, the condo association would need to remove the area of the roads from the development itself. The State would require 100% compliance or sign-off from every unit owner. In the areas of the subdivision where a 60 foot road right of way would be established, homeowners would lose portions of their land as a center line was never established. Discussion continued noting the following:

- Homeowners with mortgages would need to notify their lending institution to obtain authorization to change their mortgage or obtain a new mortgage.
- Fred Schmelzer, Condo President, recalled from the Oct., 2020 Public Works Committee meeting that the creation of bullet points by Village staff for the road conversion process would adjust the road right-of-way to 32 feet for the condominium owned properties and not the single family properties. It would be a huge effort but if the Village would except a 32 foot right-of-way then the Association would only be dealing with the 62 condo owners and not 136 homeowners.
- Mr. Schmelzer felt there was a precedence set for municipal trash and recycling collection with the creation of the Wrenwood development which was a mixed use of single family and condos receiving municipal trash services. The Blackstone Association was postponing discussion on municipal trash services until the private to public road request was addressed.
- Dir. Ratayczak stated the current width of the private roads were 32 feet curb to curb. There was no right-of-way terrace behind the curb. This would not allow the Village to work behind the curb for any type of work.
- T. Zabel – If the Village takes over the roads and maintains the roads, why would you expand the private road right-of-way an additional 16 feet? It would make more sense to narrow the amount of area the Village is responsible for. He suggested a 33 foot road right-of-way allowing for 1 foot behind curb. Anything wider would not work. You would not get the required setbacks or mortgage holders/banks to sign off.
- Dir. Ratayczak stated additional right-of-way was necessary and sited the example of snow removal. Is the Village setting a precedence if a 32 foot roadway is allowed within a 33' right of way area?
- Private roads fronting the single family homes have no setbacks as far as right of way. There was no right of way dedicated on the Final Plat. The road property is owned by the condo association.
- Chm. Kaminski recommended a Policy be established regarding public roads vs. private roads.
- Trustee Zabel stated up until 2020 all condominium projects had private roads. That changed with Wrenwood Subdivision.
- Atty. Sajdak explained the initial proposal for the Wrenwood Subdivision and condominiums was that the condominium road was going to be a mix of condos and single family homes. During discussion it was decided it made sense to make the roads all public as the Village was not going to plow half a road. He did not believe there was a change in the current policy with allowing the condominium road to be public. It was a circumstance that made sense and was not a point of discussion during the approval process.
- Mr. Schmelzer was questioned whether the Single Family/Condo relationship was outlined in the HOA documents. Mr. Schmelzer noted the condominiums own all the roads and ponds within the development. The Homeowners Association was totally separate. There was no document that linked the Homeowners and the Condo Associations together. The only relationship between the two was an easement agreement that gave the single family homeowners access to their homes, club house and pool using the condo association's roads. The Condo Association was totally responsible for maintaining the roads, club house, pool and the five ponds. There was no issue with the condominium owners. It was the single family homeowners within the

development who were not benefiting because most single family subdivisions have public services. The large pond on the north end of the development was created by the Village to support the Industrial Park and the Association is responsible to maintain it. There should be some sort of relief by the Village on these services. It was suggested on all future developments like Blackstone, staff should take a full look at the end product and what was being created.

- Atty. Sajdak stated the Village did not typically review subdivision declarations other than possibly specific items such as large retention ponds and who may be responsible for their upkeep.
- Discussion followed regarding retention pond management.
- If in fact the retention pond in Blackstone Creek takes the run-off from the Industrial Park, it was the opinion of Chm. Kaminski that this should not be.
- Trustee Hudson stated his subdivision had a retention pond that took run-off from property they do not own, and they are responsible for its upkeep.
- Mr. Schmelzer clarified the condominiums were maintaining and bound to maintain the ponds within the condominium portion of the development. They did not have a single property adjacent to those ponds. When the development was split creating single family homes, the pond maintenance agreement should have been re-worked making the single family homeowners association responsible for the upkeep of the two retention ponds and not the condo association. The pond management agreement is an agreement with the Village and the condo association.

In closing, Chm. Kaminski expressed if the Blackstone Creek wanted 60' public road right-of-way within the development, she did not have a problem with that. 33' public road right-of-way would not be acceptable. As for the pond maintenance and trash/recycling services, those could be discussed at a future Public Works Committee meeting.

Trustee Myers conveyed to take on additional roads was not favored. The Village was behind on reconstructing roads now. If the Village sets an example taking over private roads, we open pandoras box to let any other private road development to request public roads. The Village should not go into the Blackstone area.

MOTION made by Kaminski, seconded by Hudson to abide by staff's minimum number of requirements necessary for the Village to accept the roads and storm sewer within the Blackstone Creek development.

Motion carried 3 – 1(Zabel)

Bob Simonson, Treasurer commended Trustee Miller for his assistance on addressing the safety issue within their community. Trustee Miller explained the Public Safety Committee gave the Police Dept. authority to enforce traffic concerns on the private roads within the development.

Chm. Kaminski suggested the Blackstone Association contact the Director of Public Works if they choose to discuss trash, recycling, and ponds at a future Public Works Committee meeting.

MOTION made by Kaminski, seconded by Zabel to move to Item G under New Business of the Public Works Committee Agenda.

Motion carried unanimously.

WASTE MANAGEMENT CONTRACT EXTENSION – SOLID WASTE & RECYCLING: Adm. Kreklow provided for review the W.M. contract extension for solid waste and recycling. Waste Management had proposed the following rates for 2021 as the first year of a seven-year contract. Weekly waste collection (including carts) = \$9.24 per unit per month and Bi-weekly Recycling collection (including carts) = \$4.25 per unit per month. Starting Jan. 1, 2022 and each year thereafter, the rate will be adjusted by the CPI – US City Average – Water, sewer, and trash collection services with a minimum increase of 3% and a maximum increase of 4%. The contract will also include the following provisions:

- Bulk collection: The Village & Waste Management will schedule, on an annual basis a one-time per year Curbside Bulk Collection.
- Apartment Recycling: Apartments will have the opportunity to sign up for cart recycling service at a rate of \$1.00 per unit per month more than the Village pays at the time.

After the review of the W.M. proposal by DPW and Administration, staff recommended approval. Market conditions did not appear to be conducive to a formal bidding process as other communities reported a 2.5% to 5% increase per year. The longer term contract would provide the Village with stability in planning for future budgets.

Adm. Kreklow voiced concern as to where the Village may see significant increases in the future in the area of Recycling due to the flux in the Recycling market and therefore recommended a longer term contract.

Discussion followed to include;

- Year round landfill access for Germantown residents at a minimal cost per pound.
- Contract length of service and percentage increases.
- Require a Termination provision in the contract.

Dir. Ratayczak noted the current contract with W.M. expired Oct. 31, 2020. The Village requested and W.M. agreed to a two month extension of the current contract and terms. This would allow for the new 7 year contract to begin on January 1, 2021 which would coincide with the budget year.

MOTION made by Miller, seconded by Zabel to forward to the Village Board with a positive recommendation to approve the award of a seven-year contract to Waste Management for the collection of the Village's trash and recycling based on Committee clarification of discussion points.

Motion carried unanimously.

CONSIDERATION OF INVOICE – CTW – WELL #3:

MOTION made by Zabel, seconded by Miller to forward to the Village Board with a positive recommendation authorizing the payment of \$26,485.00 to CTW for the emergency repair of a pump at Well #3. Funds to be allocated from Acct. #50-722-530-6330.

Motion carried unanimously.

CONSIDERATION OF INVOICE – D.F. TOMASINI – HYDRANT REPAIR:

MOTION made by Miller, seconded by Hudson authorizing the payment of \$11,845.00 to D.F. Tomasini for the hydrant repair on Squire Drive. Funds to be allocated from Acct. #50-742-530-6770.

Motion carried unanimously.

2021 WACHTEL ARBORICULTURAL CONTRACT:

MOTION made by Zabel, seconded by Miller to forward to the Village Board with a positive recommendation to contract Wachtel Tree Science & Services to provide specific consultation services as it relates to many forestry related services at a cost not to exceed \$15,000. Funds to be allocated from Acct. #10-553-530-5290.

Motion carried unanimously.

JOHNSON CONTROLS – MAINTENANCE AND METASYS CONTRACT: Interim Supt. Anderson explained the Library's HVAC system had been historically handled by two separate contractors. Using two contractors to maintain the HVAC system has been sometimes difficult to get both contractors at the same time to resolve issues. This comes at a cost to the Village both financially and in not solving the issue in a timely manner. Staff has suggested entering a 3 year HVAC mechanical maintenance and Metasys agreement with Johnson Controls which should streamline problem resolution and cost savings. The maintenance portion of the contract comes with 27 hours of service performing preventative maintenance on all major components. Any maintenance not considered preventive will be billed separately. The first year contract is \$7,328.88, second year \$7,548.75 and third year is \$7,775.21.

MOTION made by Miller, seconded by Zabel to forward to the Village Board with a positive recommendation to enter into a three year Maintenance and Metasys contract with Johnson Controls for the Library's HVAC system at a total three year cost of \$22,652.84. Funds to be allocated from Acct. #10-519-530-5251.

Motion carried unanimously.

DPW SEASONAL & TEMPORARY POSITION – PAY INCREASE:

MOTION made by Zabel, seconded by Miller to forward to the Village Board with a positive recommendation approving the hourly wage increase as presented for the Department of Public Works Seasonal & Temporary positions.

Motion carried unanimously.

BEL AIRE LANE – DRAINAGE AREA: Dir. Ratayczak provided a detailed visual explanation with regards to a complaint of the aesthetics and wet base of a public drainage ditch between two properties on Bel Aire Lane. For many years staff had investigated issues in which a neighboring property believed ditch water was entering his drain tile causing his sump pump to run often. Dye testing confirmed no leaching of ditch water to the resident's home. Staff investigated downstream conditions to determine if any improvements could be made to improve

drainage. It was determined that directly on the south side of Bel Aire Lane was a wetland and therefore no ditching could be performed. Other options were investigated only to find there was not a way to access the area without the use of an extensive amount of a plywood platform to scrape the ditch out. Enclosing the ditch would be costly due to the amount of water that travels along the ditch. There was no easy way to get the water to drain better from the side yard lot of the property owner as it would involve going through wetlands which was on private property, no easements, and the area was heavily wooded. Years past staff had tried to regrade the ditch but found it was too flat. Discussion continued with the Committee agreeing staff leave this area alone as everything was functional.

WRENWOOD SEWAGE PUMP STATION – ADDITIONAL COST: Wrenwood Sewage Pump Station was included in the Developer Agreement for the Wrenwood Subdivision. The pump station serves the Wrenwood Subdivision, flow from the existing pump station #1 (soon to be abandoned) and future development. As part of the Developer Agreement, the developer was committed to pay a maximum amount of \$972,750.00 toward the station and any additional cost would be the responsibility of the Village Wastewater Utility. To cover the additional cost, the Wastewater Utility had a previous year's budget of approximately \$600,000. The additional cost attributed to the Village was \$264,000. The original cost estimate at the time the Developer Agreement was created was based on an engineer estimate and not actual bid cost.

MOTION made by Miller, seconded by Kaminski to forward to the Village Board with a positive recommendation to approve the maximum payment of \$275,000 to Neumann Companies for the Village's portion to construct the Wrenwood Sewage Pump Station.

Motion carried unanimously.

CN RAILROAD – PRIVATE ACCESS LICENSE: Dir. Ratayczak explained CN Railroad requires a private access license for the Village's Wastewater Utility to gain access to the sanitary sewer line installed as part of the Northeast Interceptor Sewer project. The access is within the CN Railroad right of way on the west side from Mequon Road going north. There is a one-time issuance cost of \$1,000.

MOTION made by Miller, seconded by Zabel to approve the Private Crossing License Agreement and one time fee of \$1,000 for access rights along the Northeast Interceptor Sewer by Wastewater Dept. staff.

Motion carried unanimously.

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 December 1, 2020 at 6:00 p.m.

ANNOUNCEMENTS: None.

ADJOURNMENT: There being no further business, the meeting was adjourned at 7:50 p.m.