

PUBLIC WORKS & HIGHWAY COMMITTEE MEETING MINUTES
September 10, 2013
Village Hall Board Room

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

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

PREVIOUS MINUTES:

MOTION made by Vanderheiden , seconded by Kaminski to approve the minutes of August 6, 2013.

Motion carried unanimously.

PUBLIC COMMENT: None.

DRAINAGE COMPLAINT - W173 N10042 MEADOW CREEK WAY: Engr. Bischke reported resident Gail Bradley requested assistance with her backyard drainage problem. The Engineering Dept. collected data, surveyed topography, utilities and landscape features proximate to the backyard swale and provided the Committee with a list of the existing conditions. Engr. Bischke stated the Engineering Dept. did not oppose the fill, topsoil & seed of Ms. Bradley's backyard swale and would issue the necessary permits for the Bradley's to perform the work themselves. Engr. Bischke did note the Village had senior easement rights and if the Village decided to participate on this project, there wouldn't be a charge for the elevation of the WEPCO utility pedestals. The property owners could be charged for utility pedestal changes if they chose to make the necessary repairs themselves. In closing, Engr. Bischke stated final existing grade deviations & patio encroachment created constraints that would prohibit a complete remedy of the drainage problem. The drainage problem could be lessened by either placing fill, topsoil & seed in the area at a cost of \$3,500 or, install a pipe, fill, topsoil & seed, at a cost of \$20,000-\$40,000 depending upon the number of parcels included. The Committee was provided with 7 alternatives to consider.

Tom Gentz, W172 N10185 Division Road, gave a brief history and passed along pictures of water issues dating back to 2003. During the process of installing a water connection to his home, the disturbed area was filled with water bordering Mr. Gentz's and Mr. Bradley's property. It was found that an 8" lateral provided to Mr. Gentz's property incurred damage with the connection. In his opinion, the reason the utility pedestals were low in that area was due to the Village re-grading the property in conjunction with the 8" lateral connection. Mr. Gentz stated there was a water problem from the beginning. He believed the Engineering Department should be made to fix the problem as they were the ones who created it.

Engr. Bischke clarified the Engineering Dept. did not do water repairs. The Water Utility did water repair.

Dir. Ludwig noted the Village Water Utility does not install mains outside of easements or right of way and Mr. Gentz's lateral did not have an easement or right of way on record.

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Gail and James Bradley, W173 N10042 Meadow Creek Way, noted it was said they deviated from the master grading plan and provided copies of the plat survey, a survey from the homeowner of the subdivision, and one from the building and zoning department. They had not deviated from grading in neither any way nor what plan they deviated from. The patio they installed did stop the water from going down into the drainage. Mrs. Bradley recognized her whole backyard was a 30 foot easement and the Village was responsible based on information of past water issues in the subdivision. They were at a loss as to what their responsibilities were and what the builder's responsibility were. The Bradley's did not understand how the Village could issue a building permit knowing there were problems in the area. Karek was allowed to build and sell them the home. They didn't believe it was fair and equitable.

Engr. Bischke explained Village owned easements were easements that allowed Village access on private property. He was unable to respond regarding the Building Inspection Dept. issuing a building permit knowing that there was a problem. Engineering and Building Inspection were two different departments and Building Inspection may not have been aware there were problems at the time.

Mr. Bradley, W173 N10042 Meadow Creek Way, stated the Building Inspection Dept. allowed Karek Homes to raise his home 2 feet higher because of water issues. The Department had to know there was a water problem and did not do their due diligence and allowed the request.

Engr. Bischke felt the suggestion that the Village Building Inspection Department knew there was a water problem was presumptuous. Requests have been made for other reasons and stated examples. Committee comments included;

- Suggested staff refer to the Village Attorney on easement liabilities;
- Staff research Planning Dept. files on what transpired with the raising of the Bradley home.
- Two past piping projects within the subdivision which were performed by the Village at Village expense.
- Consultation with the Village Attorney stated the design engineer was always responsible for errors and omissions whether the Village picks up on it or not.
- If the swale was filled improperly, it wasn't sure what the Village could do about it. There were a lot of drainage issues throughout the Village.
- Village participation, it would be limited. The Village could possibly perform fill, topsoil & seed at Bradley's expense and the Village could petition to have the utility pedestals raised at no cost to the homeowner.

Discussion followed on the eight inch pipe installation and the flow of water bordering the affected properties and how to possibly solve the drainage issues.

Engr. Bischke stated one way to remedy water issues was to install a clay dam

around the water lateral which would probably be best located behind the back of curb. Staff would need to investigate if there were any easement documents prior to any work being done.

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MOTION made by Kaminski, seconded by Vanderheiden to postpone action on the drainage complaint at W173 N10042 Meadow Creek Way until, 1) staff can consult with the Village Attorney regarding liability on Village easements and whether the Village has an easement over the water line at W172 N10185 Division Road; 2) research the Building Inspection Department files on any authorization approving the elevation of the proposed home by 2 feet; 3) research whether the Village can use a clay dam or other approach to intercept or prevent the water from transferring along the watermain lateral/main; 4) research any records on file regarding the water lateral installation at the Thomas Gentz property at W172 N 10185 Division Road.

Motion carried unanimously.

MOTION made by Kaminski, seconded by Vanderheiden to move to items A & B under New Business of the September Public Works & Highway Committee Meeting Agenda.

Motion carried unanimously.

PETITION TO ENCLOSE DITCHES - CRESTVIEW DRIVE: Engr. Bischke reported an August 21, 2013 petition was received from six residents who reside on Crestview Drive requesting the Village enclose ditches fronting their properties at Village's expense. The Engineering Dept. did not oppose the request but noted costs exceeded the department's authority and required Committee action to incorporate those costs into the Village's 2014 budget. Engr. Bischke provided the Committee with a list of roadside ditch design criteria and estimated costs for the design, drafting, contracting, inspection, materials and installation to enclose the ditches. Further detail was given on the current status of the 2012 Forest Heights Subdivision project. It was noted most properties conformed with the original design standards with the exception of two which were at the intersection of Forest Drive and Crestview Dr. In closing, Engr. Bischke provided several alternatives for Committee review.

Joel Bohringer, N113 W13450 Crestview Dr., didn't understand the deep ditch. Nowhere for the water to go. Cannot mow. Village should fix at Village expense.

Dean Wandel, N113 W13523 Crestview Dr., ditches still hold water. Not draining. They are un-cuttable.

Dave Larson, N113 W13341 Crestview Dr., road needed to be replaced. Drainage issues were not thought out. Some homes piped, some not. Would like ditches enclosed at Village expense.

Jane Jewett, N113 W13396 Crestview Dr., used to be able to mow ditch with no drainage problems. Ditch is now too steep. There were no trees that would have inhibited better sloping. Would like to see a resolution.

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Michele Benn, N113 W13344 Crestview Dr., did not have any trees/shrubs that could have interfered or created the slope that she now has. Cannot mow ditches. Problem needs to be addressed.

Dennis Myers, Washington County Supervisor, was asked by the residents to look at the project. Witnessed grass cutting. Ditches very deep in areas. As the Village moves forward on future road projects, keep in mind certain sections may need to be enclosed.

Trustee Vanderheiden - Roads in Forest Heights subdivision were in very poor condition. Engr. Bischke used the standards necessary to repair the roads and address the drainage issues. Public meetings were held for residents to get an understanding of what their ditches were going to look like. The Village has done their job of meeting the requirements. If a resident wanted an enclosed ditch, they could do so at their cost.

Joel Bohringer, N113 W13450 Crestview Dr., even as contractors were working, the residents could not get answers on the final outcome. It was never planned on how the ditches would end up.

David Larson, N113 W13341 Crestview Dr., plans were reviewed by Trustee Baum. There were not supposed to be any ditch deeper than 2-1/2 ft. Ditches risky to mow. Why would repairs be made on each end and leave a few residents in the middle to deal with the unattainable ditches. They need the ditches repaired so they can mow safely.

Sally Larson, N113 W13341 Crestview Dr., Can't mow. Affects curb appeal of all homes. Village should have conferred with a landscape architect for an opinion on how to correct landscaping.

Dean Wandel, N113 W13523 Crestview Dr., ditches all over 3 to 1 slope, at least across the street, 3 doors to the east, both directions.

Trustee Zabel - Unless it is proven that the current ditch structure is creating damage to the road surface itself, the Village should not touch the ditches. There is just so many dollars in the budget to do pavement. When ditches are addressed, it takes funding away from the road project.

Jason Hartman, W218 N9848 Happy Hollow Lane, did not have an issue north of his driveway. On the south side it was steep at the culvert which was dropped one foot. Why is one side manageable and the other side not?

Trustee Kaminski - struggled with trying to find a compromise to make everyone happy. If all ditches were enclosed, every tax payer would be paying for the ditch enclosures. Is it fair when the project was done in a structurally sound way by all standards? Trustee Kaminski was open minded with making adjustments and would support some type of compromise or shared cost but would not support a 100% repair cost.

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MOTION made by Kaminski, seconded by Zabel to forward on to the Village Board recommending the Village participate in the enclosure of the ditches for 6 petitioning residential properties in the Forest Heights Subdivision at a 50% cost share as part of the 2014 road project completion with the Village covering the design and drafting costs and inspection fees. Staff shall submit costs as part of the 2014 budget review.

Discussion followed suggesting a time period in which residents could reimburse the Village on their 50% cost share of enclosing the ditches and how it would be determined which ditch enclosures the Village would participate in for the current projects and all future projects.

President Dean Wolter understood when a project takes place, it's disruptive. He questioned the committee whether their Motion was a solution for all, was it all or nothing, or was it find a solution that works for some of the ditches that were the deepest. If funding was for year 2014, those discussions would then take place at the budget meetings. The current motion sets the ground work for budget talks and taking monies from the Department of Public Works. This request should be forwarded to the Village Board for further discussion and approval. In closing, Pres. Wolter stated there was a fair amount of Engineering and hours that go into Village projects. It may not always turn out to the best of what was expected and there may be additional work needed. He encouraged the public to attend the budget hearings to encourage the Village Board to budget for their ditching project.

Jane Jewett, N113 W13396 Crestview Dr., recommended the Committee look at the grade of her ditch as it was not acceptable.

Dennis Myers, Washington County Supervisor, suggested a letter to the other individuals with regards to what the Village wanted to do so they could be included if they want to.

Trustee Vanderheiden - stated it has now been extended from 6 to 8 residents to who knows how many. All the Village will get is requests to repair and pay for these types of projects. By suggesting a cost share is increasing people's taxes.

The Village is still trying to hold or reduce taxes. The project was done. The residents should take some responsibility.

Dave Larson, N113 W13341 Crestview Dr., It wasn't the residents fault as it was not their doing to have deep ditches. This project had nothing to do with other areas. This additional funding was to be included in the budget for the Forest Heights road project for 2014.

MOTION made by Kaminski, seconded by Zabel to *amend* the motion to limit the 50% funding assistance to only those ditches that are steeper than a 3 to 1 slope.

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Dean Wandel, N113 W13523 Crestview Dr., stated the Village created the problem. What happens if someone cutting the ditch gets hurt? Is the Village liable? Trustee Kaminski stated the Village did not create a problem and the project was technically done correctly.

Motion as amended carried unanimously.

**Original Motion as amended failed 2-2 (Vanderheiden, Zabel)
Moved to Village Board with no recommendation.**

INDIAN HILLS CUL-DE-SAC ISLAND ENLARGEMENTS: Trustee Zabel requested discussion in response to constituent requests to testify before the Committee in opposition to enlarging cul-de-sac islands in the Indian Hills Subdivision. The design enlarges the cul-de-sac islands to reduce pavement widths from 34 feet to 24 feet. Engr. Bischke stated a Public Informational Meeting invitation was sent by mail. The Committee was provided with a table summarizing the socio-economic benefits and costs of the enlarged cul-de-sac islands in the Indian Hills Subdivision which demonstrated that the benefits outweighed the costs. Engr. Bischke further provided the non-refundable costs already expended for the enlarged cul-de-sacs, redesign costs, exhibits, and, several alternatives for the Committee to consider.

Henry Kaminski, N97 W16550 Chippewa Dr., stated the island within the cul de sac was added three years after he built. He was not sure the increased size for snow storage would allow for better drainage. Even though the garbage trucks could make the radius with the larger island, it was questioned whether that would still be the case with a car parked or snow in the street. If the island was to be increased, Mr. Kaminski was not interested in continuing landscape maintenance. In closing Mr. Kaminski stated his issues with snow removal in the cul de sac and did not want the island increased.

Todd Heinz, N97 W16518 Chippewa Dr., thanked Committee and staff stating he appreciated the effort and engineering steps taken. His one concern with the

enlarged design was he didn't believe a large bus could make the radius with a car parked in the road. He wanted the same features and benefits as when he moved to the cul de sac.

Robert Olson, N97 W16592 Chippewa Dr., did not believe a bus could come through the cul de sac with the enlarged design.

Kim Kaminski, W167 N9657 Navajo Ct., did not understand the added expenses for plowing services if the island remained the same size. Ms. Kaminski did not see the benefit of enlarging the island. If the Village chose to remove the island Ms. Kaminski did not care. The buses will not get through.

Rosemary, Navajo Ct., read concerns of a neighbor on one of the Chippewa Dr. cul de sacs noting the following; did not want to see the tree in the middle of the island damaged; it is difficult for plows to get through; difficult to back out of driveway in winter; did not understand the cost savings by enlarging the island and felt it was unnecessary; leave the existing island and pave over; never had a drainage problem.

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Rosemary gave a brief history of when the island was installed and would no longer maintain or fund landscaping costs. It was her opinion there had never been a drainage issue she was aware of and was in favor of leaving the island as it existed or remove it.

Karen Schubring, W167 N9640 Navajo Ct., was not in favor of enlarging the island and believed the only change would be the ramp for snow storage and drainage. She did get ice in the winter.

Joanne Kaminski on behalf of Donna Arkenberg, W167 N9679 Navajo Ct., disapproved the proposed enlargement of the island in Navajo Ct. Will the Village do weekly lawn maintenance of the enlarged island? Larger vehicles will have problems backing out of the driveway. The residents of Navajo Ct. just wanted the streets repaved.

Tracy Pugh, W165 N9758 Chippewa Dr., garbage truck needs to back up to get around the cul de sac. Vehicles have gotten stuck in the winter. If changes are made to the island, it may create more crisis. She looked to the Committee and staff to propose another solution.

Vincent Corrigan, N97 W17089 Cheyenne Ct., a lot of time, effort and expense has gone into this project. It's not just about circles but also stormwater, curb, and paving. With the show of people at the meeting, he suspected many of the residents were not interested in what was proposed. He personally had no problem with the project and asked that the project be completed before winter.

David Pugh, W165 N9758 Chippewa Dr., all courts are not the same size.

Committee discussion included;

- Island sizes;
- Research whether school buses can make the radius even with parked cars;
- It was unknown whether drainage to the inlet would work by keeping the existing island. Engr. should research;
- Would the Village consider including low vegetation landscaping on the outer edge of the enlarged island?
- Consider a prairie grass or any other natural landscaping which is maintenance free;
- MMSD does have requirements on what the Village does managing the stormwater runoff;
- There was a Grant available but wasn't available until after the construction project was let. The Grant is available for other areas in the Village;
- Project costs will increase with island size remaining the same. There will be 10 feet of additional pavement and curbing design.
- Changes to the project will require a change order;

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MOTION made by Kaminski, seconded by Zabel directing the Village Engineer to investigate whether drainage structures can be placed into the existing turf of the existing island and to include the bullet nose ramp on the existing island for snow storage.

Motion made by Vanderheiden, seconded by Kaminski to *amend* the Motion to change the existing curb on the islands in the Indian Hills Subdivision cul-de-sacs to a mountable curb .

Motion as amended carried unanimously.

Original Motion as amended carried unanimously.

WATER RATE STUDY:

MOTION made by Vanderheiden, seconded by Kaminski to forward to the Village Board with a positive recommendation to proceed with a simplified water rate increase of 3% for the year 2013.

Dir. Ludwig questioned whether the Committee would entertain a full rate study in 2014.

T. Zabel - had questions and was still waiting for answers from the PSC.

T. Vanderheiden - still wanted to look at Village water rates to see if some adjustment could be made between commercial and industrial.

T. Kaminski - was comfortable using a consultant;

T. Zabel - suggested staff put out requests for proposals;

Dir. Ludwig noted the current consultant was a professional service and had been used in the Village's last two rate increase studies. The PSC was also consulted and to date has not provided their costs on conservation rates.

Motion carried 3-1 (Zabel)

MOTION made by Zabel, seconded by Kaminski recommending Requests for Proposals for consultant costs if the Village chooses to do a Rate Study in 2014.

Motion carried unanimously

AUTHORIZATION TO REPAIR SALT DOME ROOF: Highway, Parks Bldg. & Grounds Foreman Anderson requested authorization to repair the salt dome roof due to age and deterioration of the flat roofing material. The repair will address the water leak and other damage associated with the leak. Two of three contractors contacted submitted bids ranging from \$7,000 to \$8,500.

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MOTION made by Zabel, seconded by Vanderheiden to forward to the Village Board with a positive recommendation to contract Noffke Roofing for the repair of the Salt Dome roof at a cost not to exceed \$7,000.00. Funds to be allocated from Acct. #10-519-570-8242.

Motion carried unanimously.

AUTHORIZATION TO PURCHASE - CUTTING EDGES: Highway, Parks Bldg. & Grounds Foreman Anderson requested authorization to purchase snow plow cutting edges. Staff solicited pricing from three vendors.

MOTION made by Zabel, seconded by Kaminski to forward to the Village Board with a positive recommendation to purchase snow plow cutting edges from Heavy Equipment Specialists for the amount of \$8,779.98. Funds to be allocated from Acct. #10-542-530-5400.

Motion carried unanimously.

SHALLOW WELL INVESTIGATION - UPDATE: Dir. Ludwig had presented a copy of the results of a Geologic Reconnaissance Study for Phase I of the shallow well siting investigation. It was noted the best sites were located in the preliminary dolomite well exploration areas adjacent to fracture lines. Sites should be at locations which the Village could purchase or currently have ownership of. Phase 2 of the study will conduct geophysical exploration for shallow aquifer wells. Seismic refraction and electrical resistivity will be used to

locate fracture zones and depth of the bedrock and help pinpoint the optimum test drilling locations. Discussion followed.

CONSIDERATION OF INVOICE - RUEKERT & MIELKE: Due to unusual conversion issues and GIS updating, the Ruekert & Mielke invoice exceeded typical monthly limits.

MOTION made by Vanderheiden , seconded by Kaminski to forward to the Village Board with a positive recommendation authorizing payment of the Ruekert & Mielke invoice in the amount of \$6,830 for services rendered to the Village's GIS data storage and maintenance.

Motion carried unanimously.

2014 ROAD PROJECTS BUDGET: The Village Board had approved Willow Creek Road and Forest Heights Subdivision-Phase 2 as Year 2014 road reconstruction projects. The Committee had also authorized a Riversbend Lane reconstruction design. The Committee was asked to recommend the budget provided by staff and noted costs did not include ditch enclosures for the Forest Heights Subdivision.

The Committee stated further discussion would take place at the Village Board meeting.

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ANNOUNCEMENTS:

The next regular Public Works Committee Meeting will be held Tuesday, October 1st, 2013 at 5:00 p.m.

ADJOURNMENT: There being no further business, the meeting was adjourned at 9:00 p.m.

Janice Wick, Recording Secretary