

PUBLIC WORKS & HIGHWAY COMMITTEE MEETING MINUTES

August 6, 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 June 25, 2013.

MOTION made by Zabel, seconded by Kaminski to *amend* the Motion to change the first sentence of his comment under Riversbend Lane Right of Way & Future Road Improvements-Update which now shall read: "Trustee Zabel stated the intersection was *not* owned by the Village and the part the Committee was dealing with was the right of way of Riversbend Lane."

Motion as amended carried unanimously.

Original Motion as amended carried unanimously.

PUBLIC COMMENT: Dick Kent, N114 W15920 Hilbert Lane, commented on the value of water in the relationship to any potential changes in the formula for billing. Mr. Kent believed that formula is still in existence today modified by inflation. Mr. Kent stated he was not here to say how much the Village should charge for water but in this day and age the idea of giving away water free for the cost of pumping is out of the ordinary. It is only reasonable for a municipality to charge a fair and modest rate for water. Giving away water when you have to borrow money to fix the roads seemed to be a contradiction. The Annual Water Quality Report attempts to educate the residents on the high cost of water leaks. The report fails to include in the tabulation the fact that the water user must pay an amount of cost for sewage 2-3 times what the pumping cost was. Once the element of charging water for a sum value is pushed through, *that* will be pushed out of the way. He thanked the Committee for hearing the concept of water.

DRAINAGE COMPLAINT – W173 N10042 MEADOW CREEK WAY: Engr. Bischke reminded the Committee that residents had petitioned the Village to explore resolving the drainage problem in the backyard swale of two properties on Meadow Creek Way. The utilities were identified and the Village surveyor surveyed the properties. It was found the two properties were not graded in conformance with the grading plan and there were areas of higher elevation that infringed on the drainage swale and other properties. Also found was Lot 33 had a patio that extended into the drainage swale, plantings which provided restrictions, and three utility pedestals at the property line of Lot 33 and Lot 34 were set low. The only remedy would be to fill the low areas of Lot 33 and 34 and also the Thomas Gentz property to the east. Landscape Firm quotes ranged from \$3,000-\$3,500 to grade and seed. Only one of three utility companies had responded to the elevation request and provided an agreement in which they would need

to be compensated (approximate cost \$1,000) for elevating their pedestal. Assuming all three utilities agreed, total costs may be \$3,000 + to elevate all three pedestals. Discussion with the Village Attorney reminded staff that just because issues were in a drainage easement, that didn't prescribe that the Village had to participate in resolving the issue. The drainage easement only gives the Village right of access to remedy a problem as a result of default on private property. Maintenance is a private property owner's responsibility. Should the private property owner not remedy the issue and cause a danger in the Village's perspective, the Village could access and remedy the matter and charge the property owners. Written permission would be needed from all property owners if the Village was to participate in this project.

Two of the three property owners had been notified who then asked that the Village not take any action at this time until all pertinent information was obtained. Committee comments included;

- Contact the developer and/or builder for remedy or cost share;
- Can't justify spending all this money on private property;
- Not a Village issue. Most issues are caused by property owners who have not followed proper grading requirements; Not willing to participate in a cost share.
- Contact Karek Homes for record drawings to make sure elevations are followed;
- All future developments should not be allowed to have utilities within the drainage easement; Utilities should be adjusted and in their own separate easement;

MOTION made by Zabel, seconded by Kaminski to postpone discussion on the drainage complaint at W173 N10042 Meadow Creek Way until staff is able to contact the home builder for a cost contribution for remedy.

Motion carried unanimously.

2012 ROAD PROJECTS PUNCHLIST: Engr. Bischke stated notices were sent to affected residents notifying them of punch list work that would be completed in their subdivisions. Payne and Dolan had responded to the punch list of issues and the Committee was provided with the list. It was found that private trees or tress planted in the right of way had created some of the issues. Residents would only agree to tree removal if the Village would do it at Village expense. Engr. Bischke stated staff would be conversing with the property owners, keeping a log of all communication with the property owners, and require written documentation/permission for property access. Committee discussion included;

- Would residents have the option to remove the trees at their expense and if they chose not to, will the Village re-grade the ditch without the removal? Engr. Bischke stated yes.
- If slopes were dangerous to maintain causing a safety hazard for the residents, what were the options? Engr. Bischke stated right of way cutting is done twice per year or the ditch can be enclosed at additional expense. Right of way maintenance is not a requirement. It is the resident's option whether they want to maintain the ditch area like the rest of their yard.
- A Punch List is typical for a subdivision. Plantings in the right of way or root penetration can destroy plantings when the ditch is dug out.

- If the Village has issues with ditches or drainage, Village crews should do repairs leaving more funds for road projects. As long as the system is working and draining, do the roads, do not do the ditches. Engr. Bischke stated the reason we chose to do the ditches with the roads is to make the necessary adjustments for drainage. It is standard intent to not only drain the surface but to drain the base material under the road. The faster you get the water out from under the entire pavement structure, the longer it will last. It is proper road design.
- Each individual ditch should be looked at and if there is a problem with drainage where there is standing water at all times, those areas should be addressed. Current ditch slopes in the project areas were an overkill.
- Suggested a presentation on what other communities were doing with best practices. Many roads have deteriorated to the point of total replacement. A lot of those surface problems have to be related to drainage issues. Roads should be done the right way.
- Residents need to be informed on what the end result will be with the road project prior to construction.
- Communication is important. Letters from the Engineering Dept. to the residents are very helpful.

CONSIDERATION OF A UTILITY CREDIT – W164 N11084 KINGS WAY:

Cheryl Flasch, W164 N11084 Kings Way, requested consideration of a utility credit toward her first quarter invoice due to the unknown excessive water usage. As a plumber found no internal problems but, replaced an outside hose bib, Ms. Flasch believed there may have been a calculation error in the changeover to a new meter reader in 2009 and felt she should receive a credit for the additional charges over her normal usage. Based upon the first quarter usages over the last couple of years, Dir. Ludwig calculated 94,500 gallons over the average usage. Water usage costs of \$2.16 per thousand gallons and sewer usage costs of \$6.28 per thousand gallons totaled \$797.00.

Ms. Flasch did not believe the additional water came from her hose bib or floor drain. She was given an explanation by staff on how the meter worked and how it was read. She believed the protocol and sequence in determining her next steps to address the additional costs on her bill was a lengthy process.

Dir. Ludwig explained the steps in determining cause for the high usage of someone's bill. It was most important for any one contesting their usage to put the issues in writing. Act 25 requires a signed letter of permission to discuss any water usage at a particular residence.

Committee discussion justified reducing the overage of the sewer portion of Ms. Flasch's utility bill to an operations and maintenance charge which would be half of the normal charges of \$6.28 per thousand gallons.

MOTION made by Zabel, seconded by Kaminski authorizing a utility credit of \$296.97 on the sanitary sewer portion of the first quarter utility billing at W164 N11084 Kings Way and, offer the property owner a payment plan for 6 months without interest. Any previous interest charges, if any, on the first quarter billing can be eliminated.

Motion carried unanimously.

CONSIDERATION OF A CURB CUT – N101 W17354 TANGLEWOOD DRIVE:

Engr. Bischke explained the property owner had a private property drainage problem and because they were in a low spot, the resident had been advised to re-grade their back yard. Hawk's Landscaping had contacted the Village requesting a curb cut which would have helped their grading and draining project. Because of Ordinance #35-89 this type of procedure was not allowed.

Mr. Jeff Batt, N101 W17354 Tanglewood Drive, provided the Committee pictures along with an explanation of the work to be done. He requested permission to cut into the curb to allow drainage from his back yard.

Trustee Zabel felt a better option would be the installation of a 6" or 8" pipe out of the back of the storm sewer structure. Mr. Batt explained that option was considered but due to cost he was hoping to remedy the issue with one line vs. two lines. It was the other side of the property away from the storm sewer that was the bigger issue. Discussion followed on possible solutions. It was believed Village crews would be able to cut out the back side of the storm sewer structure and insert a pipe so a contractor could make the connection. Mr. Batt asked to change his consideration requesting approval for the curb cut to *only* if he needed to do it and would also explore the storm sewer connection alternative.

Dir. Ludwig objected to any curb cut putting water out in the street as the water would travel to the storm sewer creating icy conditions in the winter and spring. The inlet should be used.

MOTION made by Zabel, seconded by Vanderheiden to allow the homeowner at N101 W17354 Tanglewood Drive to tap into the street storm sewer inlet structure and the property owner will be responsible for the installation of pipe up to the backside of the inlet. Village engineering services will be available if needed for Village Code compliance.

Motion carried unanimously.

DONGES BAY ROAD – TRANS 75 EXCEPTION Engr. Bischke presented the cost analysis to determine whether the Village could qualify for the disproportionate cost exception from the sidewalk and bike lane requirements on both sides of Donges Bay Road. The computation could not include areas that had existing sidewalk or bike paths

or the cost for removing and replacing the existing sidewalk. R.A. Smith conducted the calculations estimate at 12% which was under the 20% threshold requirement.

ROAD PROJECTS – GEO TECH COST SAVINGS: Engr. Bischke presented an analysis of the cost savings realized by hiring a Geotechnical Engineer to perform a five year plan for the exploration of existing roads and the recommended replacement of pavement sections. Cost savings for the 2013 road projects came to \$121,000 minus the geotech services.

RECOMMENDATION ON PSC OR A CONSULTANT FOR A FULL RATE WATER STUDY: Dir. Ludwig provided costs from Trilogy Consulting and the PSC. Costs from Trilogy were increased as staff had asked the consultant to include investigating conservation water rates. At the time of the meeting, the PSC had not responded to the request on what their adjustment cost would be. Dir. Ludwig stated due to Act 25, ownership and water usage costs should not be disclosed when discussing specific clients or customers on the water system. A suggestion by Baker Tilley who spoke at the August 5th Village Board meeting stated if the Village had two simplified rate increases, the Village should grab those increases and then study what was needed in the future. Conservation water rates are used efficiently by some communities but it is a signal that we're changing from one rate structure to another rate structure. It takes the burden off of one class and puts it onto another class. It wasn't sure if a full rate study could be done just to change the class. With the high usage of industry "A" in Germantown, the PSC recommended working out a separate contract with the Village and leave other Village rates the way they were. Sample contracts for review were promised by the PSC but had not been received at the time of the meeting. Committee questions/comments included:

T. Kaminski – How do conservation rates actually change what we're charging industry "A" or any other top water users? That information needed to be determined.

Christine Kraemer, of Trilogy explained conservation rate structures could be any number of different structures that were designed to charge more as customers used more water. Currently the Village's rates decrease as water use increases for the customer. The most incremental way is to charge a flat rate that stays the same even after they go up above a certain amount of water use. You could have an inclining block structure where as you go above a certain amount of usage a higher rate kicks in and then if you go up another block of usage another higher rate kicks in. Another option a few communities have looked at in WI was seasonal water use rates by using meters for outdoor irrigation. More and more communities in WI are moving to a conservation rate structure and have gained popularity. It wouldn't be known until a "Cost of Service" study was done to look at the usage patterns of the Village customers and what type of use the village officials wanted to target and how the officials wanted to define those structures.

T. Zabel – Of the high water users you may find out some of those are big apartment complexes with one meter and considered commercial properties even though they are residential in nature. Because of the quantities and the amount of people living in those

units, they get the break on the upper level once they get over 100,000 gallons and once again at one million gallons. Without having the names of the businesses, it was hard to tell what category high water users fell in. We have so much water in this cavity so conservation of the water should be a priority so we don't get stuck doing other things that we may not have to do.

T. Kaminski – We cannot bring business or industry to Germantown if we make them supply their own water.

T. Zabel – disagreed with going to increased rates to find a new well. He believed if you're going to look for a new well, you do it through impact fees. Any new development coming in the community needed to pay for themselves. He didn't believe the people already in the community were responsible for paying for anything in the future.

T. Kaminski – Understood that we don't want tax payers to pay for a well but, tax payers do have to pay for infrastructure in the Village because we do need the tax base and we do need the development. Development gives back to the community in taxes, employment, purchasing services, and food from our restaurants. That is how a community thrives.

Chm. Ewert - The Village wants quality planning for the future. Germantown is going to grow.

T. Vanderheiden - The entire infrastructure should be put in. Get everything set ahead of time and then the businesses come in.

Dir. Ludwig consulted with Trilogy regarding impact fees. You need a project to base a fee upon. Simplified rates will give the Village revenue to figure out what projects were needed. Dir. Ludwig noted the top water users in Germantown did not include multi-family though the school district would be impacted if rates were increased.

Christine Kraemer, of Trilogy stated if you go to a conservation rate structure you can separate residential, non- residential, or segregate between commercial vs. industrial.

T. Kaminski - wanted to see an ongoing discussion and felt a new well site needed to be found sooner or later and budgeted for. She did not believe a full rate study was needed at this time based on the Village auditors summary at the Aug. 5th Village Board meeting. Future presentations should include how the conservation rate study will help with funding, what needed to be done differently, what surrounding communities doing had how are they getting more money from their businesses without driving businesses out of town.

T. Vanderheiden – The Village will have to have a well. He questioned if there was a time frame required for putting in a well in order to create the impact fee? *Christine Kraemer of Trilogy stated there was a time frame of 10 years. If the Village did an impact fee, it would be any funds that were collected within seven years after you would adopt an ordinance and would have to be spent within ten years of when the ordinance was adopted.*

T. Vanderheiden – felt the Village was well within the 10 year span of needing to put in a well. He suggested increasing the impact fee or creating another one. Discussions should continue regarding the rate study.

Director Ludwig was requested to ask the PSC if they do the rate study, does a community have the right to change the rate of return. *Christine Kraemer of Trilogy stated you did not have to automatically go with the benchmark rate of return even if you let the PSC do the rate study.*

The Committee authorized the Director to work with Trilogy on a time and material basis to help with the rate study.

WAGO-FREISTADT ROAD STORM SEWER PROJECT: Engr. Bischke reported the Wago Pond was actually able to handle more stormwater run-off than it was presently receiving. Currently 31 acres in the Industrial Park are bypassing the pond that did not need to bypass the pond. Staff has suggested a storm sewer relay to route the water to the Wago Pond which would then reduce flows by 50% and improve water quality discharge by 25%. The Village has a Menomonee River Group permit in which the intent is to improve water quality and reduce flows.

MOTION made by Zabel, seconded by Kaminski authorizing staff to solicit bids for the Wago-Freistadt Road Storm Sewer Project with funds allocated from Account #40-541-570-8902.

Motion carried unanimously.

AUTHORIZATION TO PURCHASE – USED PICKUP TRUCK –

ENGINEERING DEPT: Engr. Bischke reported upon inspection of the department's GMC Sonoma, it was found that the body and undercarriage were severely deteriorated. Staff therefore requested authorization to replace the vehicle. Funds were available in the 2013 Budget.

MOTION made by Kaminski, seconded by Vanderheiden to forward to the Village Board with a positive recommendation to allow staff to purchase a vehicle for the Engineering Department at a cost not to exceed \$15,000 with funds allocated from Acct. #10-541-570-8100.

Motion carried unanimously.

ANNOUNCEMENTS:

Trustee Kaminski announced she would not be available for the regularly scheduled September 3rd Public Works meeting.

The next regular Public Works Committee Meeting will be held Tuesday, September 10th, 2013 at 5:00 p.m.

ADJOURNMENT: There being no further business, the meeting was adjourned at 7:05 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