

**MINUTES**  
**BOARD OF PUBLIC WORKS MEETING**  
**December 15, 2008**  
**New Berlin City Hall Common Council Chambers**  
**3805 S Casper Drive**

Please note: Minutes are unofficial until approved by the Board of Public Works at their next regular scheduled meeting.

The meeting was called to order by Alderman Moore at 8:03AM.

Members Present: Mayor Jack Chiovero, John Graber, Alderman Moore, Alderman Ament, Alderman Seidl.

Staff Present: J. P. Walker, City Engineer, Tammy Simonson, Transportation Senior Civil Engineer., Ron Schildt, Transportation Engineer, Dave Jeske and Mark Schroeder, Park & Rec.

Guest: Sue Barker from Crispell-Snyder.

Privilege of the Floor:

Alderman Moore asked if anyone wanted to speak at the Privilege of the floor and the following people came forward.

Rhoda Flagg – 3180 S. Thornapple – I continue to say that we do not need a super highway going down Calhoun Road. I wish to have the least invasive widening of the road. It makes me sick to see what they have done in Brookfield with all the trees and houses, gone. So please be very careful what you vote for.

Neil Scheaffer – 2131 S. Ridgeway Dr – I have the opposite opinion. I feel we do need to widen the road; it definitely needs to be done. The pavement is in incredibly bad shape between Cleveland and Greenfield Avenue, although the railroad crossing has been fixed but the rest of the pavement is in bad shape. It needs to be widened, we need sidewalks for safety, and we need access for the Industrial Complex in there. The trucks have problems getting in. We are losing businesses in there that are necessary tax revenue. I think we need to keep up the progress and allow those businesses to have access to trucks.

After seeing no one else, Alderman Moore called the meeting to order.

**OLD BUSINESS**

**ITEM 01-08 Approval of the Minutes from the November 17th, 2008 meeting**

**Motion by John Graber to approve the minutes.**

**2<sup>nd</sup> by Alderman Seidl.**

**Upon voting the motion passed unanimously.**

**ITEM 25-08 Redesign of S. 124<sup>th</sup> Street & a Portion of Grange Avenue**

JP Walker: It has been about 6 months since we last discussed the design components for 124<sup>th</sup> Street. In your Staff Report you have a series of questions that were raised by our consultant about six months ago that they are still waiting for direction on. What we are looking for is direction from the Board as to what to carry forth on the final design for 124<sup>th</sup> Street including that portion of Grange Avenue from St. Mary's to 121<sup>st</sup> street in Hales Corners. We are requesting that there be a separate motion on each design component with a vote by the Board

followed by a consensus motion being sent forth to the Common Council should a decision be made on what should be included in the final design for 124<sup>th</sup> Street. The project starts at the south end at Grange Avenue and works its way north to Cold Spring Road. Please concentrate on the questions that are in the Staff Report.

Alderman Moore: As I went through the written comments from the Public Informational Meeting I noticed that you had indicated the numbers of people that had written in favor of the sidepath, opposed to the sidepath or had no opinion. From my perusal most of those appeared to come from Greenfield and Hales Corners. I think we need to take a look at these and note that the written comments in favor of the sidepath were 4 from New Berlin residents, opposed were 3 from New Berlin residents and no opinion were 2. Other than the sidepath items that are on page 2, does anybody have any questions in general on this project.

Mayor Chiovarero: If I remember, we were waiting for some actions from the other municipalities in order to proceed with this. Can you summarize what those actions have been?

JP Walker: If you take a look at page 2 of the Executive Summary, on November 18<sup>th</sup> the City of Greenfield Common Council approved the construction of a concrete sidewalk from Holmes Avenue to Beloit Road along the east side of 124<sup>th</sup> street. From Hales Corners there has not been any formal action taken but according to the Director of Public Works, all the Board members are in favor and have agreed to fund the project with the pathway as proposed.

Mayor Chiovarero: As far as pathway, are there any other actions? They were just voting on the pathway?

JP Walker: Voting on the sidepath there has been absolutely no question at all on the design of the road. There were questions that came from residents; there was a petition mostly from residents in Greenfield between Cold Spring Road and Beloit Road that they did not want to see the road reconstructed. We aren't planning to reconstruct the road in that area, that's really more just of a rehab to make sure that it has the proper surface. I think there was a misunderstanding on their part; there was no intention to reconstruct that area. We are just resurfacing it between Beloit Road and Cold Spring Road.

Mayor Chiovarero: The road from Beloit going north to Cold Spring is pretty well what we want to see on the other side of Beloit Road anyway, right? As far as width and construction and urban cross section and all that?

JP Walker: It is, the only thing we are changing is the cross slope to make sure that we have a 3% cross slope.

Mayor Chiovarero: That was the only action that we were waiting for. So you are saying is that Greenfield and Hales Corners are supporting the design as is. As far as the sidepath goes, you are talking Holmes to Beloit Road, what about going south of Holmes, that's a different municipality than Hales Corners isn't it?

JP Walker: Part of it is Greenfield, part is Hales Corners, and there is no room on the east side in the southern part of the project for it to be totally on the east side. That's why it's always been proposed to be on the west side up until it crosses at Holmes. The reason why we had selected that location for a crossing had to do with line of sight issue coming over the bridge. At one time we had looked at crossing right at the bridge or near Barnard Avenue, but that's too close to the bridge and there is a safety issue.

Mayor Chiovarero: Were there any comments on between the sidepath and the on-road path. I know we were going back and forth on this. I know in New Berlin we were discussing an on-road bikepath. But any comments from the other municipalities, do they want both, or one or the other, or no determination or no feedback.

JP Walker: I have received no comments on the on-road bikepath from the other communities. I have received no comments from the other communities about having a pedestrian way on-road at all, they have only talked about the off road.

Alderman Moore: But they have in fact accepted the design as shown?

JP Walker: As shown, that's correct.

Mayor Chiovatero: I received a concern from some New Berlin residents in regard to the multiple crossings of 124<sup>th</sup> Street for the connectivity of the sidewalk to remain. How many times are we going to have to cross 124<sup>th</sup> Street to go down the sidepath? Are we going to put a sidepath from Holmes going to Beloit Road or are we anticipating the sidepath on the east side of the road would be the sidepath?

JP Walker: The anticipation right now is that the sidepath would only be located on the east side of the road, north of Holmes. There is only one crossing and that is at Holmes.

Mayor Chiovatero: As far as the overpass, is the sidewalk on the east or west side of the street?

JP Walker: It is on the east side. That's the only location that the bridge accommodates the sidepath.

JP Walker: There is a sidepath on the west side; it crosses on the north side of Holmes and then continues north on the east side up to the bridge. As it gets to Barnard it jogs closer to the road because it has to connect to the bridge. Across the bridge there already is an existing area for the walkway, there is an existing sidewalk, I believe, on the east side between the bridge and Layton and then when you get to Layton it continues north to Beloit Road.

Mayor Chiovatero: I think there is one at Beloit by the service station, I don't know if it continues further east.

JP Walker: But it was Greenfield's Common Council that made the decision about taking it all the way up to Cold Spring Road on the east side where it could connect to the marked path that we have on Coldspring road, but their Common Council voted to stop it at Beloit.

John Graber: So we are really only crossing 124<sup>th</sup> Street once. At Grange Avenue it's on the south side of the road, so you are crossing Grange, you aren't crossing 124<sup>th</sup> Street. Then you go all the way up to Holmes and you are crossing it there and then it stays on the east side for essentially the rest of the project.

JP Walker: That's correct.

Alderman Ament: Use of retaining walls and/or curb and gutter to minimize disturbance within the right-of-way. There are some areas that are calling for curb and gutter anyway. What areas would this actually have an impact on minimizing the disturbance?

Sue Barker – That would be the area that is immediately south of Holmes on the west side of the road. That's where it's planned to be reconditioned with a rural cross section.

Alderman Ament: When you say south, how far south are you talking?

Sue Barker – It's about 1,000 feet south of Holmes. The entire area from Grange to Holmes will be a rural cross-section with ditches. The area that has extensive vegetation that is within the right-of-way is roughly about 1,000 feet south of Holmes.

JP Walker: I have to correct that, it is the area north of Holmes that a lot of the residents are talking about that they want to see that buffer retained. If I recall there are slopes to deal with that brings the talk about the retaining wall to minimize grading and trying to save as many trees as possible.

Alderman Ament: Where does that fit in as far as curb and gutter? The reason I am asking has to do with stormwater. Where is it going to go? When you have ditches it has filtration and slows down the flow. With curb and gutter you have storm sewer, so where is it going from there? Are we creating an issue by doing that?

Sue Barker – The general flow of the stormwater is to the south so it would be carried in a storm sewer pipe to the south and then discharged into the ditch on the west side of the road as well.

Alderman Ament: It would discharge into a ditch and there again, that is my concern. If we do that are we creating any issues or downstream to the south where that would start discharging for the residents down there.

Sue Barker – I don't believe there would be any issues with that, because it would be in a ditch and there would be some filtration as that continues to the south.

Alderman Ament: But that ditch would have the capacity to handle that?

Sue Barker – We haven't completed all of that yet, because we haven't looked at if that is the direction we have to go or not but there is a fairly wide right-of-way on that west side so I do believe that we could make that ditch accommodate the water there.

Alderman Ament – OK, but then are we creating where we would have to take out more screening for those people south of there?

Sue Barker – There is really less screening that's out there right now. As you move further south most of the trees are out of the right-of-way; it's really more on the north part where there are a lot of trees that are in the right-of-way.

Alderman Ament: When we look at the roadway items section, it's the pricing breakdown section, how much of that breakdown is for these sidewalks?

Sue Barker – Its \$51,000.

Alderman Moore: Is this the total for the whole construction, how much would our share be?

Sue Barker – About \$35,000 is in the New Berlin area.

Alderman Moore: How much of that is taken care of by other monies other than New Berlin monies?

Sue Barker – 80% of that is through the State and Federal grant. So total would be about \$7,000 - \$8,000.

Alderman Ament – In looking at this did anybody check to see what the Alternative Transportation plan calls for?

JP Walker: It's not called for in the plan except for the statement: "when you reconstruct arterials you are supposed to accommodate bicycles and pedestrians." 124<sup>th</sup> street is designated as an arterial.

Alderman Ament – In the map that I have it shows a shoulder path. We aren't necessarily following our Alternative Transportation Plan; we are taking these things on the fly.

JP Walker: We are following the plan as far as the bike lanes go. Safety concerns for me indicate that the sidepath portion should not be on the road.

Alderman Moore: To clarify, when roads get reconstructed we are supposed to highly consider sidepaths because of protection for the pedestrians as JP has indicated.

Alderman Ament: On page 2 it says: "Funding of \$100,000 for right-of-way acquisition for this project was approved in the 2008 CIP budget." What exactly is that \$100,000 for? Is that at the intersections?

JP Walker: There are two properties in New Berlin that are on Grange Avenue where there is some land acquisition required to accommodate the improvements on Grange Avenue. Those are the only two locations within New Berlin that will have some land acquisition impact.

Alderman Ament: Is that for the road or the sidewalks?

JP Walker: That is for the road.

Alderman Ament: When I look at Grange on the New Berlin side it appears that's going to be wider. If it is, how is that going to be played out; are we adding a turn lane?

Sue Barker – It will be a bypass lane. If you are headed eastbound and you want to turn left there will be a left turn lane and then the traffic can move around you on the right. The other reason for that acquisition is the road is going to be lowered quite a bit there to improve the sight distance.

Alderman Ament: I assume that's why we need the additional right-of-way. That's the \$100,000. Is that part of this project cost?

Sue Barker – That's not part of the construction cost that's shown but its part of it.

Alderman Ament: Will we get any reimbursement from the federal or state on that?

JP Walker: No, the STP funds are just for the construction phase. The land acquisition phase precedes the construction phase.

Alderman Ament: Going over to Holmes I see that there is a request from Alderman Moore to put a light at Holmes. Is that going to be one of the questions we are going to be responding to and if that's the case is that because we are going to have to cross 124<sup>th</sup> Street?

JP Walker: That's correct.

Alderman Ament: Our current policy for sidewalk maintenance, snow and ice-removal primarily. Who would be responsible for snow and ice removal along 124<sup>th</sup> Street on the New Berlin side?

JP Walker: Are we going to consider this to be a sidepath or a trail? If it's a trail it doesn't get cleared during the winter. If it's a sidepath then it would be the responsibility of the property owners because it will postdate the ordinance that was recently adopted in August of this year, that requires that any sidepath that are created after the date of the ordinance will be the responsibility of the property owners.

Alderman Ament: I didn't know that was going to be on there. It says "whether the wider paved shoulder/sidepath/sidewalk should be included in the project" it doesn't say trail, so I'm not really sure. I hear a lot when we talk about sidewalks or bike lanes; points of conflict are generally something that should be considered. There are certainly more points of conflict certainly on the New Berlin side than there are on the Greenfield or Hales Corners side. One of the comments we had at one of the meetings was part of the reason for wanting this sidewalk on the New Berlin side was for safety for the high school kids, because they do their running down there. If that's the case why does it have to go on the New Berlin side and disrupt New Berlin rather than being on the Hales Corners and Greenfield side? One of the reasons was given is that it would be to close to their homes over there, but if you go north of Holmes it is on their side and I see little difference if any to the distance to those homes to the ones that are south of Holmes in Hales Corners and Greenfield. We talked about Hales Corners and Greenfield they think this is a great idea to have the sidewalks as long as they are on the New Berlin side and I would say the same thing. Fine put them in put them on their side. I don't think we should have them on our side. That would also reduce the conflict points and it would also eliminate the need for that light at Holmes. When you go into the Hales Corners side on Grange that sidewalk or sidepath that they have on the south side of Grange, is that already there?

JP Walker: It stops at 121<sup>st</sup> Street; the portion that needs to be added is west of 121<sup>st</sup> Street to 124<sup>th</sup> Street.

Alderman Ament: They have it east of 121<sup>st</sup> Street already.

Alderman Moore: Earlier JP answered that it would be on the New Berlin side and that's because right-of-way extends into the New Berlin side while it does not on the Hales Corners side.

Mayor Chiovarero: I want to clarify two comments. As far as the students using the sidepath, I have seen them using it, so I know it does get used. As far as points of conflict, where are the points of conflict that you are referring to that are more in the New Berlin side? I'm looking at all the driveways on Hales Corners side and that's where all the conflict is. I see a lot less on the New Berlin side.

Alderman Ament: Once you go all the way to the south side by Grange you are crossing a frontage road, then as you go north you are crossing three access points for the subdivision, if we are counting driveways we should take the one out north of Holmes and put it on the west side as well. There are a lot more driveways that are crossing there. I wasn't looking at driveways; I was looking at the roads.

Mayor Chiovarero: Points of conflict are considered driveways. I don't know if intersections are considered points of conflict because in an intersection you may expect to see a crossing. On a driveway you may not expect to see that.

Alderman Ament: I would certainly think that crossing 124<sup>th</sup> Street at Holmes would be a conflict or we wouldn't be talking about putting a light there.

John Graber: The points of conflict though that would be crossing any of the streets, those would be marked on pavement, whereas for the individual driveways of the residents on the east side in Greenfield and Hales Corners those are not going to be marked, you aren't going to paint up someone's private driveway, plus the fact that there is an area that is just along Greenfield's south City limits, and if I recall this correctly if we put the sidepath in there it physically can't be done because of wetland issues, is that correct? Between Edgerton and Holmes.

JP Walker: You can but it would be a boardwalk.

Alderman Moore: Greenfield has already said that they will not be putting a sidepath in south of Holmes and they will be putting one in north of Holmes.

Alderman Ament: Why don't they want one south of Holmes?

Alderman Moore: The right-of-way extends on the New Berlin side; it does not extend on the Hales Corners or Greenfield side.

Alderman Ament: That didn't stop them north of Holmes. They don't have a right-of-way there either. I see little difference between the north and south side.

Alderman Moore: Is there any more discussion on the use of retaining walls and/or curb and gutter to minimize disturbance within the right-of-way?

Alderman Ament: I like the idea of saving that stuff; I just want to reserve my opinion on that. If there is some determination that this will have some downstream impacts on those residents either by having to dig a moat of some sort, or that it could cause some flooding problems. If it doesn't that's a good idea.

Alderman Moore: In relation to whether or not we put a retaining wall is essentially it saves more trees and it retains the present slope to the greatest extent possible; is that correct?

Sue Barker – There is a grade difference between where the private property is and where the road elevation would be and currently the private property is several feet higher than where the road elevation would be so to minimize the area that would be affected you could put a retaining wall there that would do those things. It would salvage some of the trees that are there and reduce the grading that would be needed. The downside is the cost.

Alderman Ament: Would we need the retaining wall and worry about as much about the disturbance if we didn't have the sidewalks there?

Sue Barker – Some of that is in the area where the sidepath is on the east side. In the area north of Holmes there are a number of trees there and the sidepath is proposed on the east side in that area so it's kind of a moot point.

Alderman Ament: That all flows south?

Sue Barker – From the crest of the hill at the driveway.

Alderman Moore: It flows south to the stream area south of Edgerton?

Alderman Ament: That's where I was concerned about the curb and gutter creating an additional flow in there, because that goes through the neighborhood.

Alderman Seidl: When we are talking about the roadway items again, you had mentioned that Item 0013, the \$51,480 was for the sidepaths? If you go to Item 0019 there is concrete sidewalk 4", is that for the sidewalks on the New Berlin side as well?

Sue Barker – No, that is the concrete that would be on the east side, the portion in Greenfield.

Alderman Moore: What would the drainage situation be where there are retaining walls?

Sue Barker - In general what would happen would be that there would be curb and gutter on the edge of the roadway and then it would be a constant grade up to where the retaining wall would be, maybe 4 to 6 feet away from there, so there would not be a swale between the retaining wall and the roadway. The water would run off the roadway into the curb and gutter and into the storm system.

Alderman Moore: Because of the upslope between the curb and gutter and the land?

JP Walker: Another reason we need a retaining wall is, if you have driven 124<sup>th</sup> Street southbound you will notice how close those power poles are to the edge of pavement. By putting in a retaining wall that gives us flexibility for some possible relocation of those utility poles. There would be a terrace there between where the ultimate location for the retaining wall is and back of curb and that would all be sloped towards the road and the water picked up by catch basins into a storm sewer.

Alderman Moore: What would be the New Berlin share of that cost for the retaining wall?

JP Walker: We don't have retaining wall costs in the cost estimate yet, whether or not the Board entertains that option, obviously that would be an added cost.

Mayor Chiovarero: If the retaining walls would reduce the impact on the property owners, with their buffers, that seems to be their biggest complaint against the sidepath, was because the trees were going to be cut down. But if the retaining wall would reduce the number of trees we would have to remove and keep the buffer I think it's a great idea.

Alderman Moore: I agree. I would be in favor of the retaining wall to minimize that disturbance.

**Alderman Moore made the motion to include retaining walls and/or curb and gutter within areas that need it in order to minimize disturbance within the right of way.**

**John Graber 2<sup>nd</sup> the motion.**

**Upon voting the motion passed unanimously.**

Alderman Moore: Let's talk about the wider paved shoulders because sidepath is under the next section and then we can come back and make a final vote on the sidepath. This has been part of this project for some time; this would be included as a bike lane is that correct?

JP Walker: Correct.

Alderman Ament: Is that on both sides?

JP Walker: Yes.

Alderman Ament: What would be the additional cost of marking that?

Sue Barker: At this time it's not planned to be marked it would just be a wider shoulder that would be outside of the white striped edge line. If you wanted that to be marked as a bike lane it would be fairly minimal.

Alderman Moore: Is there any reason that we should or shouldn't mark that as a bike lane?

JP Walker: If that is the Boards desire we can certainly include that.

Alderman Ament: I would like to see the cost first. How wide would these shoulders be and would they be on both sides?

Sue Barker: The paved portion of the shoulder would be 5-feet, so it would be 5-feet of paved shoulder and then three feet of gravel should outside of that and it would be on both sides.

Alderman Ament: A full 5-feet on both sides?

Sue Barker: Yes, that's the minimum width that would be needed to accommodate bikes.

John Graber: You indicated that there would be a painted line for the shoulder anyway so it isn't so much that the sidepath is going to be unmarked, it's just the asphalt area between that solid white line and the edge of the asphalt. The only additional markings would be if you put in stencils or something; it's going to function that way anyway, correct?

Sue Barker: Yes, It would function as a bike accommodation. The stencils would be about 2,000 feet apart.

Alderman Moore: In relation on coming back to us on costs for retaining walls or painting are you saying that this will come back to us again? We are going to have another session in relation to 124<sup>th</sup> Street?

Sue Barker: If you want estimates, then yes. If you want to talk about general costs, the cost in general for stenciling the bike lanes along the shoulder would be somewhere in the \$5,000 range. The costs for retaining walls if we use something in the range of \$20 per square foot, would be a common price for that, those could be in the \$40,000 range.

Alderman Moore: Is that an 80 / 20 share for both of those?

Sue Barker: They would be project costs, so they would be shared among all of the municipalities along the projects.

Alderman Moore: For us it would be about \$1,000 for the painting and \$8,000 for the walls?

**Alderman Moore made the motion to include the wider paved shoulders, bike lanes and to include the painting designation as bike lanes.**

**Mayor Chiovatero 2<sup>nd</sup> the motion.**

Alderman Ament: I don't know if I'm ready to pay for the markings, it would be nice. I think we could consider this down the road I don't think we need to make that decision at this point.

Sue Barker: It could be included in the bid and then if you determine not to have that it could be removed.

**Upon voting the motion passed unanimously.**

Alderman Moore: Is the location and 6-foot width acceptable for the sidepaths included in the project? Now we are talking where the sidepath is and is it acceptable.

John Graber: That's a universal 6-foot width whether it's in Hales Corners, Greenfield or New Berlin, correct?

Sue Barker: Yes.

Alderman Ament: No, not acceptable.

Alderman Moore: What other location or width are you suggesting?

Alderman Ament: If it is needed at all, the location should be on the east side of 124<sup>th</sup> Street completely and as far as the width, again you said that's the standard, it needs to be 6 feet?

Sue Barker: A typical sidewalk could be 5- feet wide; I guess there was some discussion that a 6-foot path accommodated families better.

Alderman Ament: I guess it's not worth discussing since I'm not in favor of them.

Alderman Moore: Something I've noticed as I've walked on sidepaths in the past in many locations is that I have seen 5-foot sidewalks and sidepaths they seem to be quite restrictive. It's strange how someone being over 5-feet tall and the average that would be fairly wide, but it's actually not, when you are walking 6-feet is surprisingly much more comfortable, especially when you are passing someone or some kids might be on there riding bicycles, that extra foot makes a big difference.

Mayor Chiovatero: The difference between 5-foot and 6-foot, seems insignificant when it comes to grading, correct? By going thinner we wouldn't be saving anything as far as the design, it would just be a matter of putting in a narrower sidepath, correct?

JP Walker: I can remind you that in our Developers Handbook the minimum width is 6-foot.

Alderman Seidl: I guess I would rather see these on the east side. As it is they are crossing traffic. What is the speed limit at that point on 124<sup>th</sup> Street?

JP Walker: 35 mph.

Alderman Seidl: We are having people cross right there at 35 miles per hour to walk on the other side of the road, for how long of a stretch is that before they cross back down? There is no other crossing of 124<sup>th</sup> Street but you would be crossing Grange to go back east, correct?

JP Walker: It's about 2/3 of a mile in New Berlin.

**Alderman Moore made the motion that the location as indicated is acceptable and the width of 6-feet is acceptable.**

**John Graber 2<sup>nd</sup> the motion.**

Mayor Chiovero: I know there has been some talk about putting the sidepath on the east side. Looking at this design I think they have taken into consideration the neighbors' concerns as far as the intrusion on their property, the taking of trees, but also putting it on the east side I just think that we have the right-of-way, it would be less intrusive in getting right-of-way acquisitions but also the number of driveways and conflicts along the road, I just think it makes more sense along the west side in this area than the east side.

Alderman Moore: Not only is the right-of-way available on the west side and not on the other side but also there is much greater clearway. We would have to destroy a lot more trees over on the east side and the way the trees lie on that side, either the trees would have to be destroyed for the sidepath or else the sidepath would have to be on the home's side of the trees, and would not be a good idea in relation to comfort for the people walking along the sidepath. I'm sure the people in the houses would not appreciate that either. In relation to people crossing the street, it's always a good idea for people to have a safe crossing area and to have a crossing someplace along there is certainly beneficial to the people in the neighborhood to be able to safely cross 124<sup>th</sup> Street.

**Upon voting the motion passed with Alderman Ament and Alderman Seidl voting no.**

Alderman Moore: The next item is: Should there be landscaping added west of the sidepath on the New Berlin side?

Sue Barker: There was a discussion that with the addition of the sidepath that some residents requested additional landscaping or trees to be added to allow more screening be added between the sidepath and their homes.

John Graber: For policy who would have to maintain those trees, since they are in public right-of-way aren't they public trees?

JP Walker: They would be public trees and the City would have to maintain them.

John Graber: I wouldn't be in favor of it for that reason.

Mayor Chiovero: Would that be part of the construction costs too, or would that have to be burdened by the City of New Berlin, and where would these added these?

JP Walker: They are part of the construction.

Mayor Chiovero: Where we would be adding these, there are going to be a considerable buffer that we aren't touching.

Sue Barker: It could be placed along the entire corridor or in an area where some trees are being removed.

Mayor Chiovero: I would be in favor of where the trees are being removed. What kind of trees are we talking about?

Sue Barker: You could put some type of screening trees, like Arbor Vitae's that don't require a lot of maintenance but they would be required to be maintained by the City because they are in the right-of-way. Depending on the type of tree, some require more maintenance than others; we would try to select some that would require less maintenance.

Mayor Chiovero: I could support something that doesn't require a lot of maintenance or some type of evergreens; they do a nice job of screening for the residents. I don't want something that we are going to have to go out there with Park and Rec and worry about a lot of trimming or intrusion on the property owners, sidepaths, or power lines.

JP Walker: The purpose of this landscaping is for screening, so obviously we would look at species that do just that. They start screening at an early age and continue to screen as they grow but a good point on the power lines.

Alderman Moore: It would seem to me that in the far northerly area where the trees grow rather scrubby and they are lower height trees and if we put the retaining wall up the trees on the homes side of the sidepath remain, that's one thing that we probably don't need to add more screening because it's already there. Further south where they are more scattered it would seem logical to if we had to take out trees there which had provided some screening, put replacement trees on the home's side within the right-of-way that would be more logical, is that something we could do?

JP Walker: That is what we are talking about, is where screening is needed, whether trees were taken out or a concern by the property owners that their privacy is being invaded. Those are the areas that we would be concentrating on.

Alderman Moore: That would be with just the larger trees, not with shrubbery is that correct?

JP Walker: I think we are looking at Arbor Vitae and those types of trees.

Alderman Moore: It wouldn't necessarily be tree for tree but it would be native trees.

JP Walker: Yes.

Alderman Seidl: Any idea how many?

JP Walker: Not at this point.

Alderman Ament: Where exactly are we talking about? You said this is to replace trees that are going to be removed.

JP Walker: There are a few locations south of Edgerton where we have individual trees that I think are located very near to where the sidepath needs to go. Obviously we would look at if the sidepath can veer around the tree, because the trees have root systems that spread out as wide as the canopy of the tree at times and we would have to look at the impact on those trees if the sidepaths go in. We aren't talking about large numbers of trees being removed; we are talking about individual trees being removed. I think the bigger issue is the request for privacy by some of the residents that have spoken.

Alderman Ament: So that is for the sidewalks.

Alderman Moore: This would just be a replacement of trees, not creating a screening that wasn't there before.

JP Walker: Tree replacement is one of the reasons and the other reason is the request for privacy and it's a property owner's request.

Alderman Moore: My feeling is that we shouldn't create something that wasn't already there, because then we would have to create a screening for everyone along there, that didn't already have a screening, is that what you are anticipating?

JP Walker: If that is a desire by the Board to have that restraint in there, then the Board should vote on it.

John Graber: I'm not in favor of replanting trees in the right-of-way; they can be a maintenance issue. In some respect I draw the analogy to this to kind of a sidepath, some people want them, some people don't want them and you can't put in just part of a sidepath. I can foresee that this going to construction, a property owner that had some trees is going to get trees replaced and his neighbor says "where are my trees? I don't get any trees, I want trees." and soon we will have to give trees to everybody and I don't see the need to give trees to

everybody. I don't see the need for doing that. If they want the trees that badly they have a 50 foot area that they can plant the trees in; we shouldn't have to do it for them.

Alderman Seidl: What's the cost of each individual tree or bush?

JP Walker: Around \$200-300.

Alderman Moore: Is it possible to take a look at the expected route of the sidepath and leave this issue for a further date in order to determine how many trees we are talking about.

JP Walker: Part of Crispel-Snyder's responsibility is when they look at the minute details of the construction plans that is part of the normal process. They will zero in on tree removal requirements, are there any that need removal?

Alderman Moore: I personally don't see a need to vote on this at this time because we don't have enough information.

Mayor Chiovero: When we get the final design we will have a better idea.

Sue Barker: Yes, we were looking for direction. When we proceed with this do we want to accommodate landscaping, if we need to know what should be replaced there, do you want some replaced or not.

Mayor Chiovero: Some of the trees are scruff but they are giving screening to the people along there. But if some of the trees have to come down, I would say let's replace them. But I'm also under the same feeling as Mr. Graber; if there is nothing there we shouldn't be putting them there. When you come back, if you can give us an idea of how many and where they would be replaced that would help us make a decision.

Alderman Ament: When we are talking about this landscaping, the terrace between the end of the roadway and the sidewalk, how wide is that?

Sue Barker: The sidepath would be 15 feet from the end of the gravel shoulder.

Alderman Ament: And then the 6 feet for the sidepath. When we add the bike lanes of 5-feet each, what does that add to the final width of the road?

Sue Barker: In general we have 11 to 12 foot lanes and a 2 -3 feet shoulder, so maximum you have about 11 – 15 feet of width, when the project is completed, there will be 20-feet of asphalt and gravel. It will be a 12 foot travel lane and an 8 foot shoulder, and 5 feet of that shoulder will be paved. From the center of the road over to the New Berlin side.

Alderman Ament: So you are talking about going from approximately 26 to 30 feet to about 40. I would imagine that has a substantial impact on cost too, rather than just repaving this with GlasGrid or something like that.

Sue Barker: Yes, overall. Part of the reason the road is in such bad shape is because there are a lot of bad soils under there. By reconstructing the whole road will improve that for a longer time and when we do that there are certain standards we have to follow for road width and shoulder width. This is a longer term project rather than just milling the surface.

Alderman Moore: The next item is should a flashing warning signal be placed where the sidepath is proposed to cross 124<sup>th</sup> Street near Holmes Avenue?

Mayor Chiovero: I'm assuming this is a flashing yellow light. If someone came up to it would they push a button to start the flashing or would it be flashing all the time.

Sue Barker: Typically they are flashing all the time.

Mayor Chiovero: I know I have tried to get these near our High Schools and trails and they didn't go because of the cost and restraints. I know we don't have them on our bike trails going across Moorland Road and Calhoun Road. Though I like the idea I just don't think it would not be practical in this situation. I would have a hard time supporting at this time. What kind of costs are we talking about?

Sue Barker - \$7,000 to 10,000 plus electricity. One on either side, one facing northbound and one southbound.

Alderman Ament: According to a letter from Crisper-Snyder signed by Jessica Lewis it says under #3, "Alderman Moore requested that a flashing light be installed at Holmes Avenue" so I didn't say it, they did.

Alderman Moore: I didn't recall.

Alderman Ament: Another colossal waste of money, these road projects are becoming a black hole. A lot of nice things that we can't afford, we need to show restraint, but that's a Council issue.

John Graber: At this point you are looking for a motion as to what the consensus of the Board is relative to the flashing yellow signals and then that would be followed by a second motion to summarize all the items and consolidate all these consensus issues and that is being a recommendation to the Common Council

**John Graber made the motion that flashing yellow signals are not necessary, just pavement markings and signs are to be used.**

**Mayor Chiovero 2<sup>nd</sup> the motion.**

**Upon voting the motion passed unanimously.**

**Alderman Moore made the motion to move the project to the Common Council based upon the design and motions already made.**

**2<sup>nd</sup> by Mayor Chiovero.**

Alderman Ament: When we voted on, whether the wider paved shoulders, sidewalks/sidepaths should be included in the project, you had extracted the sidewalk/sidepath part of that correct?

Alderman Moore: Yes, that's correct.

Alderman Ament: I'm not going to support that. I'm going to be against the additional items in here except for the retaining walls and curb and gutter. I'm not even sure if we need those in there if we were to remove the sidewalk/sidepaths and reducing the width of the road, I don't think we need the additional shoulder paths on both sides. I know I voted for it before, but I don't know if I would have to go back and reconsider that but on top of the sidewalk issue I don't think we need the additional shoulder paths on each side of the road.

John Graber: There are three bullet items, the second dash is in regard to the landscaping and we didn't really take a vote on that so we are really voting on one, two, three and five were all included in that motion is that correct?

Alderman Moore: One, yes. Two as the wider paved shoulders, three will include the location and that the sidepaths will be there and five that there will not be any flashing warning signal. The motion includes not only all of those but also the construction of the road as a whole.

Mayor Chiovero: Though we are the managing municipality in this project there are two others that have also made recommendations and motions to follow through on this design as shown.

Alderman Moore; I appreciate their staff and our staff on their work on this project.

**Upon voting the motion passed with Alderman Ament and Alderman Seidl voting no.**

**ITEM 26-08 Discussion on pedestrian street lighting on National Avenue from Calhoun Road to 124<sup>th</sup> Street and determination on the return of three Letters of Credit.**

JP Walker: Just after the turn of the century there was forecasting that there was a need for street lighting along National Avenue. There was a plan put together and a line item put in the CIP budget starting in 2002 and each subsequent year after that. Each subsequent year the Council did not approve funding for that sidepath project. In 2007 the DCD dropped it from the CIP request because of no action by the Council on providing funding. We have three developers that have come to the City and say, "why are you still hanging onto our Letters of Credit that we were required to submit to support pedestrian lighting along National Avenue for the sidepaths?" A very valid question. I need a discussion whether there is interest in resurrecting that project in the future, if there is, do we hang onto the sureties. They total about \$31,000. During these hard economic times, every entity that has financial liability out there is trying to tighten their belt. This is my opinion as to why these requests are coming in.

Mayor Chiovarero: Don't these letters of credit automatically expire.

JP Walker: They have automatic annual renewals. What I want to point out areas where we have lights that have already been installed, I believe between Stigler and Casper Drive by the Public Safety Building is one of those areas. Overall there are 57 lights that have been installed on National Avenue. The Plan called for 500 lights. There has been discussion about where the lights should be concentrated around the City Center, but there has been no further discussion. The project has languished and has been taken off the CIP request. So we have three entities that are asking that their sureties be returned if the City is not going to go forth with this project.

Alderman Ament: Are there other people that have the same letters of credit?

JP Walker: These are the only ones that are out there.

Alderman Ament: If we do this and somewhere in the future the lights are decided to go in, where would we stand then? We wouldn't have the money available to us. These lights are for sidewalks and decoration. In the City Center area there is no lack of light. I don't think they are necessary. I would have no trouble releasing this money and not installing any more of them. On the third one you have a Stitchwave; there is a tax key but no location, where is that?

Tammy Simonson: I think that is where the old shoe store used to be on the corner of Sunny Slope and National, it's down below and underneath that location.

Alderman Ament: Just west of Sunny Slope on the south side?

Tammy: Correct.

Mayor Chiovarero: We do have the difficulty that the lights along National Avenue are timed to go on and off by the business that's there. It would be good to have them go on and off at the same time. The cost of these lights is expensive to maintain. It think it would be right to return the letters of credit.

JP Walker: Back in 2002 it was listed at \$3.6 million. These plans were prepared before Michelle Wittmer was designed.

Alderman Moore: Is there any way to tie in a few of them, rather than have them look hopscotch?

JP Walker: There has been discussion about concentrating in the City Center area. There is an opportunity, obviously if the northern end of the City Center would be developed that would be the responsibility of the developer to install street lights. That would take it all the way to Deer Creek Parkway on the south side if and when it's constructed.

Alderman Moore: Are any of these checks in that area? Is that Marek Management? I'm just asking if any of these sureties in the area you're talking about.

JP Walker: No.

Alderman Moore: If we do return these, could we still consider these three sureties?

JP Walker: If any development were to occur along National Avenue we have these requirements for street lights to be installed.

Alderman Moore: We could still return these and still have the lights in these prime areas, is that correct?

JP Walker: Yes.

**Mayor Chiovaturo made the motion to return the sureties as noted.**

**John Graber 2<sup>nd</sup> the motion.**

**Upon voting the motion passed unanimously.**

**ITEM 27-08 Updated Board of Public Works By-Laws and Draft Ordinance Repealing and Recreating Section 6.1(A) of the Municipal Code Regarding the Composition of the Board of Public Works**

JP Walker: On July 8, 2008 the Council made the decision to replace the City Engineer with a citizen member appointed by the Mayor and an ordinance was drafted and subsequently approved by Council to do so. That leaves us with the need to update the by-laws for the Board of Public Works. I had discussions with the City Attorney; he requested that the format be similar to what has already been adopted by the Plan Commission and other entities. What you have before you is a draft of the by-laws with that format. Going through that draft I just want to point out to you that the first part of the by-laws is a chronological summary where there has been action taken that has affected the by-laws since they were created in 1959. The count is 9 revisions, since 1959 with the latest being August 12, 2008.

Alderman Moore: On the back of the first page it includes the old by-laws which are extremely out of date, there is nothing in there that is within date. Would the history be part of the new by-laws or is that just for ratification?

JP Walker: That's part of the by-laws. This is the format that was approved and adopted for the Plan Commission and as suggested by the City Attorney to be followed.

Alderman Ament: There have been some other changes that we've made. One is Privilege of the Floor is that in there?

Alderman Moore: Article 5, Order of Business, Privilege of the Floor.

Alderman Ament: The discussion we had at the last meeting about getting our binders five days in advance, does that need to be in here?

JP Walker: Article 4, Section 1 spells that out.

Alderman Ament: That would be included in the new version of the by-laws. I think that is always addressed under Section II, Matters of Business. "Matters of Business to be considered at the regular Board of Public Works meeting(s) shall be presented to the City Engineer for review and comment by the 1<sup>st</sup> of the month prior to the meeting at which such business is to be considered." So those kind of go together. In other words you need to have the information by the 1<sup>st</sup> of the month and then that gives you time to have it prepared and to us five working days before the meeting.

JP Walker: Obviously the more complicated the issue is the longer it takes us to review it and prepare the Staff Reports. Our deadline is to get the packets and the agenda completed to you five working days in advance of the meeting. That's why we have the request for interested parties to bring something to the Board by the 1<sup>st</sup> of the month.

Alderman Ament: Does this need to go to Council?

Alderman Moore: No, this is internal.

Alderman Ament: The requested actions says "request that the Board recommend approval to the Common Council". Could you double check with the City Attorney?

Alderman Moore: My understanding is that it does not have to go to Council.

John Graber: I agree, this is a Board issue, not something that has to go to Council.

Alderman Ament: I don't remember it going to the Council.

Mayor Chiovarero: None of the by-laws go to the Council?

JP Walker: There is a draft ordinance.

Mayor Chiovarero: That is for the Membership of the Board.

JP Walker: If you take a look at Ordinance 2388, which is the one that did the recent amendment having us add a citizen member and removing the City Engineer as a voting member from the Board, this one has additional information here and basically if I may read it: The citizen shall be appointed for a period of three (3) years, however, the term of the first appointee shall run from the date of approval to 3 years after the succeeding May 1." That is all new language. The secretary of the Board or his designee whom shall not be a voting member of the Board of Public Works... That has to go to Council.

Alderman Moore: That already came from the Council, we are just adding this language to it.

JP Walker: Ordinance 2388 does not have this language in it. I will check with the City Attorney. I would suggest that however you decide to make your motion on this you should include the draft ordinance as part of your approval with the contingency that it doesn't go to Council.

Alderman Moore: That is what's already been passed.

JP Walker: There is new language in here that is not part of Ordinance 2388.

Mayor Chiovarero: We can approve the by-laws, all this is, is a term limitation.

JP Walker: The new language that is in this ordinance is language that would have to be added to the Municipal Code and you do that by ordinance.

Alderman Seidl: The original ordinance did not state the expiration for the citizen member. That's one difference, I would suggest that the new ordinance would have to go before the Council.

John Graber: Since I'm the citizen member and I'm the one affected by it. I can tell you that the Credential Certificate that was issued by the Clerk's office was dated October 14, 2008. The expiration date of my term is August 21<sup>st</sup>, 2011. The way it is worded now sets it as a three year term using the May 1<sup>st</sup> date. Many of the Boards and Commissions of New Berlin that have appointments made by the Mayor come due on May 1<sup>st</sup>.

JP Walker: That is one of the discussion points I had with the City Attorney and he suggested that we be similar to the Plan Commission and that was the date he suggested, May 1<sup>st</sup>.

Alderman Ament: If that's the case his appointment technically is a replacement and the term expires would be the first of May in 2009. We are looking at two issues here. If his card shows that it expires in 2011, that's only two years. We should be looking at filling the term till May 1<sup>st</sup> and then fill it from May 1<sup>st</sup> 2009 till 2011.

Alderman Moore: My suggestion is we vote on passing the ordinance and passing it on to the Council and then include with the language whatever the City Attorney says needs to be passed on to the City Council.

JP Walker: I believe two motions are correct, one for the by-laws and one for the ordinance.

Alderman Moore: Once this is adopted he can go to the City Clerk and get this changed.

**Mayor Chiovero made the motion to approve the by-laws.**

**John Graber 2<sup>nd</sup> the motion.**

**Upon voting the motion passed unanimously.**

**Mayor Chiovero made the motion to forward the draft ordinance as written to the Common Council.**

**Alderman Seidl 2<sup>nd</sup> the motion.**

John Graber: Even though it could be considered a conflict of interest, since the meat of that particular ordinance affects my term of office I am going, to abstain from voting on it.

**Upon voting the motion passed unanimously with John Graber abstaining.**

**ITEM 28-08 Discussion on Calhoun Road Improvements and Direction from the Board of Public Works on making the Improvements.**

JP Walker: At the November 17<sup>th</sup>, 2008 Board of Public Works the Board denied design Alternative 2008-A which was a design that took into consideration concerns that were raised in previous discussions at public informational meetings, the public hearing, BPW meetings and Council meetings. At that same meeting the Board instructed Staff to include the discussion on Calhoun Road on the next agenda, that's why it's on this agenda. We are back to Step 1 and Staff is looking to the Board for direction as to what improvements should be made on Calhoun Road. There is a general agreement that the road is in very bad shape and something needs to be done, but to this point 11 alternatives have been presented and discussed and denied, there is no consensus as to how Calhoun Road should be improved. I would like to have it done the same way we did on the previous items and that is when you have specific components that you want included there should be separate motions and votes on each one for the record.

Alderman Moore: After the last meeting I spoke with JP and the Mayor about Calhoun Road. We are all concerned that the Staff no longer had any direction from the Board on the road that is deteriorating. As you can see from JP's statements, he is concerned that we don't have the next steps planned. The Board of Public Works has a responsibility to its citizens to maintain the infrastructure of the City. We can not simply take it off the agenda because we can't agree on how to proceed. The citizens have had their chance to have their say, now it is our time for us to do our duty. With that in mind I expected it to be on the agenda, when I saw that it

was not I contacted JP and the Mayor and JP constructed his statement and put it on the agenda as quickly as he could per my direction as Chairman. Normally we operate with a motion before us, I don't expect that we will emerge from this meeting with a motion, but maybe we can get there in the near future. If this doesn't work I'm willing to listen to suggestions as to ways we can accomplish the goal of properly serving the citizens. With the circumstances before us I suggest that we look into ways that we can move on in a positive manner. First let's try to explore areas that we can agree on. Let's verbalize areas that we can all agree on and then move on from there. As an example the first question could be: Does the road need to be reconstructed, rehabilitated or repaired? Let's try to move ahead with a positive outlook, let's take a few minutes to see what we agree on and with the idea that we need to do something, because we all agree that we need to do something.

Alderman Ament: I have several concerns, not the least is the timing of this being put on the agenda. It is in violation of the very by-laws that we were just discussing. It wasn't put on the agenda at the proper time and nor were we given the five days to look at it. Beyond that the amount of information over the years that we have been given, this is worded to say we are to look at all the alternatives, There is a lot of documentation to go through that we got on a Thursday evening, with no supporting documentation other than a one page executive report that has three major errors in it, and for us to sit here and try to do that is one issue. This has gone beyond the Board of Public Works, this is not a Board of Public Works issue that we are trying to do here; we are trying to force something to happen time and time again. We are wasting our time, Staff's time and the consultant's time. This has become a political issue, and the Common Council needs to decide if they want certain items in there or not, what plans they want to approve and modify. This is going back and forth here and is involving the Staff and the Board in a political issue and it's against the by-laws. We are just spinning our wheels here. I think it is best addressed by the Council and the Mayor. If you recall correctly this had originally gone back and forth to the Board here and then to the Council and then back to the Board and back and forth to the Council and then in the end the Board had approved option 3-A. The Council did not, they passed 1-A, which was vetoed by the Mayor. I'm not pointing fingers at any one here, the Mayor, the Council or anyone else. What I'm saying is the decision here as to how the overall look of this thing, no matter what we send the Council or the Mayor has different ideas. I don't think it's our idea to force this in here. The Council needs to do something.

Alderman Moore: This is a Board of Public Works item and I would hope that everybody would move forward and trying to find out a solution to this. This is the appropriate area to do that. Let's find some common areas that we agree on.

JP Walker: It was my mistake that it wasn't on the original agenda that came out. We were asked by the Board last month to include it on this agenda. When it was brought to my attention, we amended the agenda to include it. How that isn't following the by-laws I don't know what is?

Alderman Ament: If you go back to the minutes, they specifically state that there was a motion by Mr. Graber made the motion to....

Alderman Moore: As I indicated Dave, there was a discussion that we had after the meeting at which JP was concerned the Staff had no direction, I'm concerned that the Staff had no direction, Mr. Graber was concerned that the Staff had no direction, the Mayor was concerned that the Staff had no direction and we need to move ahead and give them direction. I took it upon myself to put it on the agenda which is normal to do this. I see that you are trying not to discuss it. I feel that we need to discuss it.

Alderman Ament: There was a motion by John Graber to remove Item 15-08 from the agenda and add a new business item to discuss all alternatives for Calhoun Road. That motion not only didn't get approved it didn't even get a second. If you guys had some discussion after that you should have gotten it straightened out and put it on the agenda in time. If not then it should have gone on the January agenda. We had no such discussion other than that motion.

Alderman Moore: I have had a separate discussion with the City Attorney and he said that it is within the privilege of the Chairman to set the agenda and to add items as long as it's legal within the law.

Alderman Ament: That may be true, however you are asking us to look at all of this and all of the alternatives on a Thursday afternoon without any time to look at it. I did not have time to go through this. I guarantee you that by the time we get through with this conversation we will have gotten nowhere.

Alderman Moore: With those kind of comments that's probably true. This has been a point of discussion for years and I see no reason for you to have an extended time to look at this when you have had years to look this over.

Mayor Chiovatero: The only thing I wanted to comment on is Alderman Ament is correct this has become a very political issue. It keeps bouncing back between the Board of Public Works and the Council, back and forth. For Dave's sake and for Ron and for John, I got a phone call of concern from Bill Moore that, "didn't we promise or didn't we say we were going to put this on for discussion?" I said yes, we did have some comments like that. He said "well, it's not on there, and I want to move it forward." The discussion we had was let's find the positives, let's find all the good things that everybody can agree upon so we could start moving this forward a little bit. That's what I thought this was about, not to be negative that there is no time. As far as the by-laws go Dave, we just approved the by-laws a half-hour ago. The current by-laws did not state about the timing and stuff, but I think in general Alderman Moore wanted to just discuss the positives about what we do agree on that has to be done about Calhoun and move forward. And then maybe we can start formulating something that can be brought to Council. It is the responsibility of the Board of Public Works to look at these items and to bring what they feel is the best options. What the Council does with it is a whole different deal, which we have found in the past, especially on this particular subject. So I just wanted to try and calm everybody down and understand why it's here and let's find some positives. The one positive that we all agree on is Monday morning, that's good. We aren't going to approve any kind of design today, we aren't going to make any motions to go ahead with any kind of design, this is nothing more than the intent of the Chairman to try to move it somewhere, rather than letting it sit here. It's even been brought to my attention that this was going to be brought up on purpose in January and February by a Council member to make this a political issue and make it part of a political campaign. That's the wrong thing. I heard it through the grapevine. It's been brought to my attention by several people. I told Alderman Moore if you want to go forward and try to move it in a positive manner, I thought it was a great idea. It was just a discussion. Let's find some positives on this. We got the railroad tracks fixed, now I'm getting complaints that the speeding is way too high on Calhoun Road because the railroad tracks are fixed. I think the road is hurting all over rather than just the railroad tracks, that was the worst part of the road, but I've been working with the residents on Calhoun to try and come up with something. I thought last time we had something. There is disagreement about the sidewalk issue, whether we need to include them in certain areas or not, and that's why it fell on its face again. Let's talk about some positives.

Alderman Moore: One area I thought we could agree on is does the road need to be reconstructed, rehabilitated, or repaired?

Mayor Chiovatero: Can we repair it? Yes. I know Alderman Ament has come a couple times, why don't we just mill it and repave it and clean it up and Engineering has looked at those. They have some alternatives that way but I think we really need, in my opinion, as long as we are doing it, lets do it right. And then let's take a look at the facts and let's look at what should be done. I know we have this disagreement about two lanes or four lanes and the traffic and all that. Now we have a four lane road coming into the north end of the City. I don't know if that's going to have any affect. I personally think that the effect of Greenfield being improved may have some issues with some of the traffic that might come onto Calhoun now south of Greenfield. My personal opinion is we have been making some repairs to Calhoun, but doing a major repair might buy us a couple years, but it would be throwing good money after bad. That's the other reason I'm pushing for four lanes. The other reason I think four lanes is good is because we all know when we put roads in they are planned for a twenty year life. They are there for thirty years, because of the fact that we have other needs and other roads and other issues in the City that have to get done. I'm really concerned that as long as we are doing it, lets make sure we take care of the storm water, the safety issues that are incorporated on it. I think the efforts to get the County to pay for a portion of the intersections, I think we all agreed that the intersections that have been proposed on all the plans have been pretty much the same.

Alderman Moore: Pretty much with left and right turn lanes and through lanes.

JP Walker: The intersection you are really referring to is Lincoln Avenue because Cleveland Avenue has been taken out of our projects. There was one concern and that had to do with whether or not there was a need for two through lanes in each direction or one in each direction. That's the only concern that I recall from the Lincoln intersection.

Alderman Moore: In relation to reconstruction versus anything else, you are saying you are in favor of reconstruction.

Mayor Chiovatero: I feel reconstruction is the right way to go. We have delayed this for a couple of years. If I knew that we could rebuild it and make it a more drivable road I wouldn't have a problem with that except that it's throwing good money after bad.

Alderman Moore: It's Staff's recommendation to do full reconstruction, is that correct?

JP Walker: With the myriad of issues on Calhoun Road, poor subgrade, storm water issues, safety issues, yes, and it is Staff's recommendation that a total reconstruction be considered.

Alderman Moore: Ok, is there anybody that disagrees with the word reconstruction for Calhoun?

Alderman Ament: Yes.

Alderman Moore: So your recommendation other than reconstruction is what?

Alderman Ament: I think you can go back and look at the minutes of a lot of meetings and you will see what my positions are if you don't remember. I think your statement was we should all remember we have been doing this for years. I don't think anybody doesn't understand what the other person's position is up here, so I think we are again spinning our wheels.

Alderman Seidl: Doesn't your term "reconstruct", refer to a four-lane road? I thought that was an issue that was actually brought up that you considered rehabilitation being the two-lane road and just repairing is just doing some minor repairs. I believe that was a point that has been brought up in the past, so based on passed things that have been said, reconstruction would be a four-lane road, correct?

JP Walker: No, what I had said is reconstruction means taking care of the sub-grade and whatever that entails, putting in all the storm water improvements, what that entails, putting in the capacity issues and there have been discussions about improving the additional turning lanes and those type of things at intersections, incorporate the capacity concerns especially with the County taking care of the Cleveland Avenue intersection which is one of the major issues, taking care of the railroad crossing, which has already been completed, that is all part of reconstruction. Now if you are talking about repairs and rehab you are really just talking about a resurfacing project. Major differences because you aren't talking about storm water improvements, capacity improvements, like extra turning lanes at the intersections and those type of things.

Alderman Seidl: I do have to agree with what Alderman Ament said, everyone up here knows where everyone else stands. I guess I don't have much else to say about it.

Alderman Moore: Since we have a disagreement on this area, put this on the agenda for January for further discussion to see if we can come to some sort of agreement or at least have a motion to send on to Council with disagreement if necessary. Putting it up further on the agenda and try to spend more time on it.

**ITEM 29-08 Amendment to the "The City of New Berlin Sidepath and Trail Inspection and Maintenance Policy"**

Alderman Moore: Recommend to amend the last sentence only to the City of New Berlin Code Section 230-2 (A) per attached adopted which would eliminate some words and basically read “however the City would continue to clear ice and snow from the side paths that the City had cleared prior to the enactment of Ordinance #2367”. The previous language was “However, single family homeowners shall not be required to clear ice and snow from the side paths that abut their property lines if they pre-existed.”

Alderman Seidl: Don’t we have pending Council action on this tomorrow night?

Alderman Moore: It certainly is on the agenda although it’s on the agenda as an amendment and in discussion with the City Attorney we cannot amend something that has already been passed as an ordinance so that kind of motion is inappropriate. What we can do is within the time frame after something has been adopted we can reconsider but this is beyond the time of reconsideration. So it’s properly before the Board of Public Works. As a discussion item at least I was opposed to the way that the Ordinance was enacted in the first place and that we would have to do a lot of hop-scotching and that’s exactly what’s happened. When the Park and Rec Department is clearing the sidepaths along National Avenue they are having to figure out which is single family homeowners and which is businesses, and they leave businesses. It is becoming a problem for them and I can see why this has been brought forward because it certainly is a problem with plowing.

Mayor Chiovero: As far as the Staff goes, I consulted with Staff and nobody on Staff was asked about this or given any feedback on it. I have some concerns that if we were to go back to the way we were doing it, we would not have any basis to say that we are going to do this property and no this commercial property. Though I didn’t really agree with the way we set it up with the residents it was a direction that Mark and his group have taken and they are performing out there. I’m just worried that we were discriminating against some businesses. I’m really worried where this can go. Mark has commented to me already that it has been a lot less stressful and a lot less work though it’s still a little tedious to skip around with the residences, but he’s doing what the Council asked him to do, but he has also commented that it has been much easier on the Staff to just do the residences along those two highways that we talked about. If we could come up with a way with not discriminating against some business over others it might be more palatable. I know I haven’t talked to the City Attorney about this, but I’m sure he’s going to have some heartburn about how we choose which businesses get done and which ones don’t.

Alderman Moore: The City Attorney has always been concerned with this particular ordinance because of fairness in between the different businesses, homeowners and before and after the adoption of the ordinance.

Alderman Seidl: There are two ways I look at this. I have no problem with amending it, if that’s is the direction the City and this Board decide to go. I think we should just get out of the sidewalk business all-together. I completely supported moving forward with clearing the single family homeowners that we cleared prior to the enactment of this ordinance. I would think that it would be easier to just keep going down the road rather than not, meaning to just do the businesses, stop and then go over to the other side and keep going down on more residential property. At that point and time this only makes sense.

Alderman Moore: I would say that either the City should only plow the area that is the City’s responsibility to plow because it’s City land or and everybody else would plow theirs or else the City plows everything. I think there are a lot of problems with doing a lot of hop-scotching. Is there a recommendation as to how we should handle the plowing in the future?

**Alderman Moore made the motion to recommend to the City Council to not adopt the changes that are recommended by Alderman Ament and to put it on the next Board agenda to come up with a fair and equitable plan for sidepaths.**

**The motion failed with no second.**

John Graber: I don’t see why we have to make a motion to Council.

Mayor Chiovero: We have an Ordinance that has been adopted and passed, we can't amend. I think I know what Alderman Ament is trying to do. He wants to change the Ordinance to read differently. That would have to change the Ordinance which would have to go through public notice, readings, and the approval from Council. I think Dave understands that too. I know what his intentions are. As far as what we are doing here, I don't think we as a Board can stop or change the Council agenda.

Alderman Moore: That was not by motion. It was a motion to recommend that the City Council not move forward and that the Board of Public Works does.

John Graber: As a practical matter is the Council going to see this officially as a recommendation from the Board seeing as how there meeting tomorrow?

Alderman Moore: The answer is no.

John Graber: Let's just put it on the next agenda here.

Mayor Chiovero: There are a lot of actions that have to be taken on the Ordinance, so if there are some concerns that this Board brings up we can relay that back to the Council for final approval of the Ordinance.

Alderman Moore: I see there is no motion before the Board and we will put it on the next Board of Public Works agenda and with that I'll accept a motion to adjourn.

**Alderman Seidl made the motion to adjourn.**

**John Graber 2<sup>nd</sup> the motion to adjourn.**

**Upon voting the motion passed unanimously.**

**The meeting was adjourned at 10:34 AM.**