

MINUTES  
BOARD OF PUBLIC WORKS MEETING  
September 17, 2007  
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.

Members Present: Mayor Jack Chiovatero, City Engineer J.P. Walker, Alderman Moore & Alderman Augustine; Alderman Ament was excused.

Staff Present: Ron Schildt, Transportation Engineer, Greg Kessler, Director of Community Development, Eric Nitschke, Stormwater Engineer

Guest: Jim Morrissey and Curt Flierl from the Wisconsin Department of Transportation (WisDOT)  
Matt Yentz and Jon Lindert from Strand & Associates

## **OLD BUSINESS**

ITEM 01-07 Approval of the Minutes from the August 20, 2007 meeting.

The Board elected to deviate from the Agenda to allow representatives from WisDOT to present information on the I-43 & Racine Avenue Interchange Project.

## **NEW BUSINESS**

### **ITEM 22-07 Presentation by Representatives of the Wisconsin Department of Transportation on the Proposed I-43 & Racine Avenue Interchange Project (Discussion Only)**

Jim Morrissey and Curt Flierl from the WisDOT presented a presentation of the construction of roundabouts that are being proposed for the I-43 & Racine Avenue interchange. The roundabout alternative was just over \$1 million dollars less in cost. The roundabout alternative is safer with regards to the intersection. Signals are safe also, but WisDOT is required to look at roundabouts at any new signalized intersection. The interchange is an existing signalized intersection and WisDOT could have left the signals in place, but based upon the impacts and the increase in the footprint of the interchange, it's more feasible to go with the roundabout alternative. WisDOT reviewed over four and a half years of accident information and there were over 50 accidents combined at the northbound and southbound ramp intersections. One of the accidents did involve a fatality. WisDOT showed a video that depicted a 65-foot wheel base semi maneuvering through the roundabout.

Alderman Augustine: You indicated there was a roundabout in Michigan that may be comparable; are there any in Wisconsin that would be similar to this one that you are proposing?

Curt Flierl: There is one on the east side of Madison on Thompson Road.

Alderman Moore: How is it that pedestrians are safer with roundabouts then with stoplights?

Curt Flierl: There are slower speeds in a roundabout in addition to the pedestrian only have to look for traffic coming from one direction at a time, rather than both directions before he crosses the road.

Mayor Chiovatero: A concern that I have on the roundabout that is being constructed on Moorland Road is, is there enough diameter for truck traffic to get through there?

Jim Morrissey: The truck apron hadn't been installed yet, but when it is the truck can ride up on it as it goes through the roundabout. It will probably be stamped rough to keep the cars off of it so as the trailer follows around it will potentially ride up on the apron. It is designed for the truck to make a U-turn all the way through and stay on the pavement.

JP Walker: You indicate in your flyer that when the design is completed you are looking at coordinating this project with the other project on Racine at National Avenue. Do you have the details of that coordination, what's going to come first and so forth?

Curt Flierl: We have to work through the staging. We know that we have to leave the interchange open and maintain access through our project.

JP Walker: This will be in early spring of 2009 correct?

Curt Flier: Yes, that is correct.

Alderman Augustine: What is the timing on how well and how fast citizens adapt to this type of change?

Curt Flier: I haven't been involved in the implementation or the results. In Wisconsin we haven't seen the results. One thing to consider is that the majority of traffic travels through here daily and they adapt quite well. In time everyone gets used to it. We have no statistics in regards to how the public gets used to it. We do have accident reports and they are definitely reduced.

Upon completion of the presentation, the Board shifted back to the remaining item under Old Business.

## **OLD BUSINESS**

### **ITEM 19-07 Amendment No. 3 to the Development Agreement for Hickory Hills Condominiums**

**Alderman Moore made the motion to remove the item from the table.**

**JP Walker 2<sup>nd</sup> the motion.**

**JP Walker: The requested action is to request the Common Council to approve the request to amend the existing Development Agreement for Hickory Hills Condominiums to allow occupancy permits to be issued to individual condominium units instead of having to wait until all condominium units within a building pass their final building inspection, and I so move.**

**The motion was 2<sup>nd</sup> by Mayor Chiovero.**

**After seeing that no one was present from the Developer, JP Walker moved to retable the item.**

**The motion was 2<sup>nd</sup> by Alderman Moore.**

**Upon voting the motion to retable passed unanimously.**

## **NEW BUSINESS**

### **ITEM 23-07 Ryerson Road Design Components**

**JP Walker: The Board of Public Works request the Common Council to approve the design components for the reconstruction of Ryerson Road, so that the Consultant can complete the design for the Project to determine if Right-Of-Way Acquisition will be required for the Project and issue a Relocation Order if needed, and I so move.**

**The motion was 2<sup>nd</sup> by Alderman Moore.**

JP Walker: The purpose of this issue is to introduce the Ryerson Road design components to the Board of Public Works so that we can ask questions and be informed about what is being studied. You may recall that this is a follow-up to the Industrial Park Revitalization Plan that was approved by Council in 2006. In January of this year the Board and Common Council approved the first three proposed roadway projects associated with the Revitalization Plan. Ryerson Road is one of the three roads that are currently being designed. We are here this morning to learn a little bit more about the designs for the project.

Matt Yentz: About a week ago we met with JP and Staff with three questions that we needed to address before we could continue on with the design of Ryerson Road. He suggested at that time that we come before you and let you know what we are looking for. The first question was what do we want for a typical section out there? The second question dealt with the storm water alternative and the third question was on the pavement structure or the depth of pavement. The section width and depth are engineering solutions. We have some flexibility with the storm water alternatives and I will let John Lindert talk about those.

In regards to the pavement section I hope that you have the drawings in your packets. The proposed section is 50 feet in width. The existing section is two 12-foot wide travel lanes, one in each direction, and two 10-foot gravel shoulders. Those are proposed to be paved and then have a ribbon of concrete curb and gutter or rumble strip on the outside which would actually widen the section just slightly. The traffic volumes don't require those 10-foot wide auxiliary lanes to be

placed in each direction and due to cost restraints we had suggested that you consider at least a narrower section and that is shown in the middle and bottom section of the drawing in your packet. The one in the middle calls for the auxiliary lane to be placed in just one direction. Primarily for the westbound traffic. The center line would actually be shifted to accommodate the auxiliary lane just for the west bound traffic.

The bottom section puts the auxiliary lane in the middle and shares that auxiliary lane with both directions of travel. The question becomes how many trucks are going to be parked along Ryerson Road, so you need that additional width. You definitely don't need four lanes of traffic out there now or in the near future. It is our recommendation that the bottom alternative be the one that is considered where you go with the two 17 foot travel lanes and the outside rumble strip of three feet, providing you about 40 feet of pavement surface.

The other sheet that was included shows a design with a curb and gutter if you would choose to go that way, right now we are just proposing a rumble strip to facility the drainage into the bio-retention swales, so there will still be a swale or shallow ditch on both sides of the roadway. The design that just shows the curb and gutter would be more of a traditional roadway with storm sewer. We could still put the swale or ditch behind the curb and gutter but I would say if we went with the curb and gutter that would not be required.

The second question dealt with the pavement structure. Alternative 1 is 6" of HMA or hot mix asphalt over 17" of base, the second one is 6.5" of HMA over 15" of base and the third is 8" of Portland cement concrete over 6" of base. Our cost estimates indicate that the concrete alternative is slightly cheaper. Given the parameters of the program that is used, I would consider all of these to be equal. I would not say that one is better then the other. The one thing they do not take into consider is the excavation and the concrete option has a total thickness of only 14" verses the alternative 1 has a total overall thickness of 23". You would have to excavate almost an additional foot of material for the full length of the project or consider raising the road profile to make those two equal. I would recommend that you go with the concrete, but if your crews are already set up to maintain asphalt that is the standard section in the City of New Berlin. It usually weighs very heavily in the decision as to what type of pavement they go with. In summary, we would recommend the narrower roadway typical section and we would also recommend that concrete be considered as the pavement choice.

Right now we are proposing bio-retention swales along all of the Industrial Park roads as is laid out in the Revitalization Plan. The concept of bio-retention swales is relatively new. The true maintenance costs are unknown to the City of New Berlin. The City is under some stringent guidelines as far as removal of their Total Suspended Solids (TSS) and that is why these bio-retention swales are being proposed. In an existing developed area, they are often proposed because there isn't a lot of open land where you can construct a retention basin.

Alderman Moore: Why was the wider proposal given in the first place? Was it because of the possibility of the parked trucks?

Matt Yentz: Yes, I believe it was because of the possibility of the staging or parked trucks and that was very similar to what they had out there. There was a desire to not modify what existed as far as impervious surfaces. Those were gravel shoulders verses asphalt or concrete which would certainly change the look and feel of the roadway. But it was very comparable to what existed. If we built what we are recommending we would be narrowing the usable roadway.

Alderman Moore: Would that include bike lanes?

Matt Yentz: There are no bike or pedestrian trails proposed along the corridor.

Alderman Moore: But it's 12 feet plus 5 foot section.

Matt Yentz: The 17-foot wide lane width is considered a shared use lane width. If you allow parking then you would preclude that lane.

Alderman Moore: How much parking is along there now?

Ron Schildt: There is no parking allowed on the streets anywhere in the Industrial Park. The only time it happens is when there is a truck waiting to get into a loading dock.

Alderman Moore: What is your recommendation as to whether or not we need those parking areas?

Ron Schildt: I think we need to first go into the stormwater part of it. The other roads we are looking at, Lincoln Avenue and Glendale Drive, we have already come to the conclusion that the bio-retention swales may not be the best idea to work with on those. We will probably go with the curb and gutter section which we can use our standard 44-foot face to face pavement width that we have for our typical industrial cross section. Here if we want to be able to still do the bio-

swales and stick with the 44 feet of pavement that means some part of that back sloping or even right up to the bio-swales is going to be at the edge of the right-of-way and we will either have to get an easement or work with property owners to obtain additional right-of-way. It would be another budget cost because at this time we are trying to not acquire any right-of-way for these projects.

John Lindert: The bio-retention swales result in a cost of about \$1.5 million for Option #1. Option # 2 would be a little higher which would route water from roof drains to the storm sewer. We need to do more investigation into that before we could estimate a cost. Option #3, which is a detention pond only with no bio-retention swales, basically would represent a curb and gutter section throughout and conveying water to the proposed detention basin. The cost would also include storm sewer throughout the entire section at a cost of \$2.1 million. Option #4 will cost about \$2 million. The cost-effectiveness factor is based on how many pounds of TSS are removed. In Option #1 approximately 21,000 pounds will be removed on an annual basis. In Option #3 approximately 41,000 pounds will be removed yearly and in Option #4 approximately 61,000 pounds will be removed yearly. If you divide the cost by the pounds removed per year, you get the cost-effectiveness factor. The cost-effectiveness for the bio-retention swales is about \$72.00 per pound removed, which is Option #1. Option #3 with the smaller detention pond is about \$52.00 per pound removed, and then Option #4 with the larger detention pond would be about \$33.00 per pound removed. Option #4 is the most cost-effective option that we have looked at and treats the largest area. Based on purely a cost-effectiveness aspect, Option #4 is our recommendation.

Alderman Moore: Do you have the sheet of costs for us?

Matt Lentz: We can update this and get it to you. The new ones are still relatively the same.

Alderman Moore: We would need that before we make any decision. Also, you mentioned about roof runoff, I didn't hear any other information about that.

John Lindert: Basically, with the bio-retention swales, roof water is considered clean water so we would not like to dose the bio-retention basins with more water than they need to have and they are intended to clean up dirtier water. We would have to investigate how the downspouts come off of these buildings in order to route them into the storm sewer rather than the bio-retention swale.

Alderman Moore: Why would they go into either, when they should just go out onto green space within the properties?

John Lindert: That is considered a storm water best management practice. In many cases they come right out to the swales right now. We could look into it if there is an opportunity to do that. It's definitely a good idea if we are trying to reduce the amount of water coming to the bio-retention swales from a flooding aspect and things like that.

Alderman Moore: Are you saying bio-retention swales are not as effective as retention ponds.

John Lindert: They are effective for smaller areas. There has to be a substantially larger bio-retention facility to get what a detention basin will get you for TSS reduction.

Alderman Moore: What if the water off the roofs were to spread on to the green space on the properties, would that make bio-retention swales better?

John Lindert: What we are trying to do from a regulatory standpoint is model a situation. We could look into that.

Matt Yentz: If the water were to stay onsite and they were to treat their roof water onsite and it never made it to the swale that would definitely help the bio-retention swales. If it's just dumped off onto green space that would very quickly run to the swale, you are still going to inundate the swale with a bunch of relatively clean water. What John is trying to do by connecting it to the storm sewer is not treat already clean water, the roof top water is already clean. If we could convince the land owners to keep it on their site in a large rain garden or something to that effect it would work very well. If it's just dumped out onto the ground and run to the swale, I don't think you would get the benefit that you are hoping for.

Alderman Moore: If it's possible to look into how much green space there is along there and what the potential is to have the property owners retain the water onsite, I think that would be worthwhile to look into before we move ahead. I would also like to have personal diagrams of each of these plans.

Eric Nitschke: What you are looking at is a very good suggestion. The business owners are under no obligation to work with us for stormwater management. We have no requirements that will make them pay into or grant green space or anything else for our Wisconsin Pollutant Discharge Elimination System Permit. If they come in separately with expansions, parking lot additions, things like that, we have controls in place. For this project, the business owners are

under no obligation to work with us. It could drag on for quite a while trying to get multiple owners to agree to something. Strand Associates was directed to look at bio-retention swales for the roadway themselves. That is something that the Water Resource Utility looks at very seriously. If it's required by the roadway project then it should be paid for by the roadway project, but there is a separation right now as to how things are handled and when you start getting outside of the roadway project, expanding the bio-retention swales to address portions of the Industrial Park that may be drained to the road but may not be part of the roadway reconstruction project then you are talking about the City taking on costs. That may need to be looked at by the Water Resource Committee instead of here at the Board. The most important point is what is our ultimate goal? The ultimate goal is not only water quality and quantity control, but also how does this inter-relate to all of the projects going on in the area and what is going to be the most cost-effective option that we use. Ryerson Road is one project, working with the Industrial Park is a second component and we can't forget that the reconstruction of Calhoun Road and Cleveland Avenue is a third and fourth component. We have discussed that by reconstructing Calhoun Road at Cleveland Avenue you are increasing the pavement and by increasing the pavement you add in components that are not addressed right now. That is one thing Strand Associates is looking at right here. By keeping the pavement at 42' to 44', we aren't increasing pavement so we don't have to follow MMSD Chapter 13 requirements. But, you would have to do that by increasing the intersection at Cleveland Avenue and Calhoun Road.

Alderman Moore: I appreciate the fact that when you are talking cost analysis you include relationship to how many solids are taken out. I also think that with best management practices, putting as much of the water onto green space as possible, while it may take some time, I think it's appropriate to talk with the owners along there, if there is enough green space along there to take the water.

Eric Nitschke: My recommendation would be to use the fourth option because you have the bio-swales and you have the pond so you have a larger regional water quality component. When you talk about green space, that is one thing that by doing the bio-swales and by working with the business owners right along the corridor to gain more right-of-way or to gain easements, the bio-swales in essence are increasing green space. The green space that the businesses have out there because the park has been around close to 50 years is compacted clay and a little bit of topsoil and parking lot and buildings. The bio-retention swales in the right use can really improve that situation, but when you try to overload them and take larger areas it doesn't work.

JP Walker: We need to have a similar presentation with the Water Resources Management Committee which will be on the second Tuesday of October. We will be bringing this issue back to the Board in October. We will have more of an idea of where the Water Resources Management Committee stands from the stormwater aspect. We wanted to introduce the design components to the Board today, fully expecting it to be further discussed at the next Board meeting before any action or requested motion is sent to the Council. What I intend to see in October is we will have more of a tightening down of the costs we can present to you. I didn't think it was necessary to have that paperwork in front of you this morning because there are too many unanswered questions that we have to wait for the Water Resources Management Committee to chime in on.

**JP Walker moved to table this item until the October Board meeting.**

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

**Upon voting the motion to table passed unanimously.**

**ITEM 24-07 Development Agreement Associated with a Three-Lot Land Division at 3461 Long Acre Drive**

**JP Walker: The requested action is to recommend to the Common Council approval of the Development Agreement associated with a three-Lot Land Division at 3461 Long Acre Drive, subject to final review as to form by the City Attorney. That review has already occurred, and I so move.**

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

JP Walker: This is very similar to a Development Agreement that we had with a property owner on Moorland Road. The reason why there is a Development Agreement required is that there is some public infrastructure improvements that have to take place associated with the three-lot land division. The three-lot land division has already been approved by the Plan Commission and Council. There is a need to install storm sewer and extend sanitary sewer as shown on the exhibit that precedes the Development Agreement. These are public improvements and we need to establish the Agreement in order to bind the property owner into meeting certain obligations that are required by the City.

Alderman Moore: On page 5 under components of the storm drainage, I was wondering if all of their roof water is going into the storm system? What are our requirements now as far as roof water going out onto the property?

JP Walker: The requirements are if there is a storm sewer available they are required to connect to the storm sewer.

Alderman Moore: It seems to me that is just opposite of what would be best management practices.

JP Walker: It is except when you look at existing conditions out there. The existing conditions have a rather steep ravine extending from Long Acre Drive. In order to make this parcel developable as approved by the Plan Commission we have to change how the storm water is conveyed through the property. It will be still conveyed to the same wetland area and to the drainage ditch where it is currently conveyed. There is limited space between the proposed building pads thereby precluding the ability to discharge the roof water directly onto the property without having impacts to the two new buildings that would be proposed.

Alderman Moore: How much of this has already been started?

JP Walker: None of this has been started.

Alderman Moore: The reason I ask because I had a concern from a resident in the area that said some construction was actually occurring in the wetlands.

JP Walker: I'm not aware of any construction out there. There won't be any construction until Council has approved this Development Agreement.

JP Walker: Is there potential for draining the roof tops onto land before discharging to the storm sewer? I have related that there is a relatively short distance between the two proposed buildings, that and the combination of what has to go in there may make it very difficult.

Eric Nitschke: Between the two buildings it will be very difficult. There is a potential that the downspouts will affect drainage to each other of the two buildings. It's something that Staff can look at. In the past, we have required connecting to the conveyance system in the road on one side of the building just to keep drainage from impacting adjacent neighbors. However, on the off side where there is much more space for downspouts to drain to grade we require it at that location. When Staff was looking at this we were concerned about the proximity of the buildings and them impacting each other drainagewise, that's where the connection to the conveyance system came from. I do know that there were sides of the buildings that could drain to grade. We may want require that when the building permit application comes in.

Alderman Moore: It seems to me that if we aren't providing enough green space for the drainage of water from roofs, maybe we aren't requiring enough green space.

Eric Nitschke: Infield development is a very tricky thing. We do our best to work with the homeowners so we aren't restricting them from developing on property that they have or doing what they would like to as allowed by law on their property. In working with them we also look very closely at extenuating circumstances, one of them being drainage. In many cases it works out fine to just allow half of a roof to go to the storm sewer and then out. In this case we actually don't mind it because it drains to a wetland and we want to keep the wetland hydrated. The connection goes to the conveyance system, but the conveyance system discharges to the wetland before it goes to the navigable waterway. In storm water management, there is not one set thing that works for every site.

**Upon voting the motion passed unanimously.**

**ITEM 25-07 Development Agreement for the Deer Creek Inn & Conference Center**

**JP Walker: The requested action is to recommend to the Common Council approval of the Development Agreement for the Deer Creek Inn & Conference Center subject to final review as to form by the City Attorney. That review has been completed and I so move.**

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

JP Walker: Under Rationale the address is 1401 South Moorland Road, on the southwest corner of Greenfield Avenue and Moorland Road. The proposed hotel is required to install water main to complete a loop, sidepath and driveway improvements and turning lane improvements through an existing median area on Moorland and storm water management improvements, thus requiring the Development Agreement. This proposed development is located within the MMSD sewer district and will be served by both municipal water and sanitary sewer. One of the key components to this proposed development is the stormwater management system. This hotel is proposed to have a green roof, the majority of which will be a stormwater best management practice. In addition to that, there is a constructed wetland that is

proposed in the northwest corner of the site that also will allow this development to handle all of its storm water needs on site.

Alderman Moore: I appreciate the green roof and the plan thereof. I also don't like the yellow, I would like to see something less gaudy, but I don't suppose that is something that we can deal with here.

JP Walker: This has been looked at through the architectural review process by the Plan Commission. We only deal with infrastructure here at the Board.

Alderman Augustine: Are we are waiving a \$1 million contribution towards the storm water and retention and flood abatement because of the green roof?

Greg Kessler: On pages 12 and 13 of the Development Agreement there is a provision that we put under the Special Conditions. Technically, we have **not** waived the \$1 million, it **never** existed. There is no formal written agreement, there was never a condition placed by the Council at the time that the PUD was extended, the expiration dates were extended for the PUD requiring the \$1 million. There was the initial letter by the applicant, Don Kitten, regarding the \$1 million, but there was a sunset date on that. What Staff did under that provision is they brought back the \$1 million in the form of a recorded agreement, whereby the Hotel itself, if there should be any future storm water projects or flood mitigation projects that are required, to protect the development or the site, the applicant or the property owners or their successors may not request of the City dollars to fix the problem.

JP Walker: There is a very clear statement in here that has to be read. "The City clearly states in this Agreement that to the extent that the DEVELOPER concludes now or in the future that regional storm water issues are adversely impacting the DEVELOPMENT, that the DEVELOPER is responsible for his own mitigation of those issues up to the amount of the original amount of the proposed contribution."

Eric Nitschke: It's not being put in the Agreement that we were expecting an additional amount would need to be done. This is just over and above to protect the City and it's interest and also to protect the Developer and any future owners of this parcel and their interest, as well. Everything that we have and that we are working with the Developer as far as the design goes, flood plain, storm water conveyance, the requirements of the site and also any potential impacts by Deer Creek are all being worked into the design of the Hotel. It is being protected per our standards.

Mayor Chiovaturo: Just to clarify, this is basically for the water main, the sewer main and the sidewalks?

JP Walker: Not sewer main, 12" water main, a sidepath along Moorland Road and then there are median improvements on Moorland Road, as well as storm water Best Management Practices. Those are the public improvements that require this Development Agreement.

Mayor Chiovaturo: Regarding the median improvements, isn't that a County road?

JP Walker: It is a County road, but there are public improvements so what it says in the Development Agreement is that they have to meet the requirements of the County permit.

**Upon voting the motion passed unanimously.**

**ITEM 26-07 Sidepath and Trail Inspection and Maintenance Policy**

**JP Walker: The requested action is to request the Common Council to approve the Sidepath and Trail Inspection and Maintenance Policy and I so move.**

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

JP Walker: This topic was introduced back in 2006. There was a request by the Board that we take another look at the draft Policy. This included reviews by Alderman Moore, Alderman Harenda, Staff and Mark Schroeder from the Parks, Recreation & Forestry Department. The Parks, Recreation & Forestry Commission had approved a Trail Maintenance Policy associate with the parks. We have combined what that Commission had approved and what Staff was trying to achieve in sidepath maintenance. It was a question that had never really been answered before. There have been a few Aldermen that made statements in public forum that before we can approve any more sidepaths in the City, we need to have a maintenance policy. I agree with that 100%. Staff has looked at a number of sidepath maintenance ordinances and policies that other municipalities have across the nation. What is in front of you is the result of all that research in combining the maintenance of our trail system. The policy that is in your packet is what we are bringing forth for discussion.

Alderman Augustine: It says all repairs will be done at no cost to the property owners, so if some sidepath needs to be replaced, is it typically the City's responsibility to replace that?

JP Walker: Our research indicates that most communities require the abutting property owner to pay for repairs to the sidepath that crosses in front of their property. Madison requires it for sure. The majority of municipalities that Staff has researched are very similar in that requirement. Here in New Berlin, we do not have an ordinance that has that requirement. Staff has taken the approach that although there isn't a whole lot of maintenance required, we don't have a lot of sidepaths in the City. Over time there will be maintenance requirements. What we have set up is similar to what we have for roadway evaluation, the PASER evaluation. We do that on a bi-annual basis. We are proposing that we do a sidepath evaluation on a bi-annual basis, but on the alternate years. It would be the even number years because the roadway evaluations are done in the odd number years. We will be inspecting the sidepaths as laid out in this Policy, rank them and make a decision as to where repairs are needed. At that time we will have a compilation of the necessary repairs and will request that the repairs be made as part of our budget requests for future years. That would be part of our roadway maintenance budget request.

Alderman Moore: I appreciate Staff and Alderman Harenda meeting to simplify this. One of the things we did was try to have as few terminologies as possible and that's why all you see here are off road facilities which are side paths or trails. A clear definition between them is a sidepath is a pathway within a highway right-of-way, which includes use by pedestrians, bicyclists and all other non-motorized users. Trails are those that are not in the highway right-of-way. Then on-road facilities which would essentially be like a bike lane. It also clarifies that snow removal is going to be handled by the owner of the property unless there is not a clear owner and then it will be handled by the City and then it is only on sidepaths. There are some sidepaths that will possibly not be cleared and that will be done by a list of side paths. My recollection is that the information for that list would be included in this packet.

JP Walker: At this time it's not included because it is a fluent situation as more sidepaths are created. We would have to always update that list. We fully intend to have it included once it goes to Council.

Alderman Moore: My question is not the list itself but a reference to it.

JP Walker: We can add it here; I would suggest we add it under the caption, facility types.

Alderman Moore: I just want Staff to find an appropriate location. Just a reference to that list and that it would be the defining list as to whether a sidepath is to be plowed or not.

JP Walker: We will have that added.

Alderman Moore: I thought that we wanted to change the ordinance to where it would read property owner rather than if your driveway crossed the sidepath. It would be that the property owner would be required to clear the snow. Under A it says "and whose vehicle access (driveway) crosses a sidewalk..." the word sidewalk is taken out of everything except here and it says paved sidepath. We had decided that it was just going to be sidepath in the first place and in the second place that it would be property owner.

Mayor Chiovatero: I think that comes back to where our current policy is. I know that right now we do not say the sidepath. For example, the sidepath on National Avenue across from the Safety Building, there are no driveways that cross the sidepath, but it does abut properties. The property owners are not benefiting from the sidepath at all so are we going to make them go out and shovel it?

Alderman Moore: Does that area actually include their property?

JP Walker: No, that is in the right-of-way.

Alderman Moore: Was our final decision to leave it as it is or whether we were talking about property owners?

JP Walker: I think the answer is right under the italicized section D where it says "...all other sidepaths not covered in the above code will have snow removed by the City Streets or Parks Department on a priority basis and only be cleared after all streets have been cleared of snow and ice and in accordance with State Statute 893.83.

Alderman Moore: What about the property owner question?

JP Walker: Per our existing ordinance the property owner comes into play when there is a driveway that crosses the sidepath. If a driveway does not cross a sidepath as the Mayor pointed out, like across the street from the Safety Building then the City is responsible and that's what this paragraph says.

Alderman Moore: I understand that. My question is whether in the Staff meetings with Alderman Harenda whether we wanted to include all property owners or not?

Ron Schildt: I know that we had comments and were going back and forth on how we were going to do it and I thought we decided to leave it the way was because it required us changing that section of the Ordinance and that the Streets Department was already doing certain areas. Our decision was to leave it as is.

**Upon voting the motion passed unanimously.**

**ITEM 27-07 Reallocation of Funds from the Ryerson Road & Lincoln Avenue Design Accounts to the Greenfield Avenue Reconstruction Account.**

**JP Walker: The requested action is to request the Common Council to approve the transfer of \$50,000 of approved funds from the Ryerson Road Design Account 04251100 63012 C2007 and the transfer of an additional \$50,000 of approved funds from the Lincoln Avenue Design Account 04251100 63014 C2007 to the Greenfield Avenue Reconstruction Account 04251100 63002 C2006 to complete the reconstruction of Greenfield Avenue from 882 feet east of Westwood Road (600 feet east of Baythorn Way in Brookfield) to just east of Johnson Road and I so move.**

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

Mayor Chiovatero: This is a request that I got from the State. In fact, I got this before the last Board of Public Works meeting and it just never got on the agenda. I got a call from the Wisconsin Department of Transportation that they are getting prepared to mobilize equipment out of the area on the western end of Greenfield Avenue. They are looking at the bottleneck that was created by the Town of Brookfield and us between Westwood Road and Johnson Road and they aren't comfortable with it because of safety reasons. The reason the bottleneck exists is because even though we have an agreement, the Town of Brookfield decided that their cost share which was calculated at about \$750,000 was too large. They decided to hold the project hostage for several reasons, for improvements along Bluemound Road and things that they wanted to get done. The State is working with them on a few of those items. I don't know where they stand. They did say they would commit about \$275,000, which they feel is their fair share of their construction in the bottleneck area. We have said we would consider going up approximately \$1.9 million, which have passed through Council, and was bonded for so we already have the money sitting there. Dwayne Johnson from the WisDOT came to me and said "we are getting out of the area, we really hate to leave the area without correcting this problem with the bottleneck and we are going to be talking to the Town of Brookfield, we talked to the City of Brookfield, and now we are asking you what you think." I expressed my concerns. I expressed that we have not given them any of the \$1.9 Million, I expressed as they remember this was very controversial in our City and it was already worked on in several aspects in order to keep the costs down with their agreement to do sidepaths for us, in which they have agreed to do. I said I would consider looking and seeing if there are any other monies that we may be able to apply to this but I couldn't guarantee anything. In the meantime the City of Brookfield contacted me. They are doing the same thing we are doing; they are looking at and considering possibly giving up to \$100,000. I told Dwayne that we aren't here to bail out the Town of Brookfield. He understood that perfectly clear. As of Friday afternoon, I did get a call from Dwayne Johnson saying they have talked to the Town of Brookfield, and the Town of Brookfield is reconsidering their position. They are going to poll some of their officials and take a look at the current situation and see if they would be willing to put forth any extra funds. Right now their commitment is \$275,000. I told him that if we were to give \$100,000 and Brookfield were to give \$100,000 that they would have to at least give \$200,000 more onto theirs which would bring their total up to about \$475,000 to half a million, with our \$100,000 on each side it would make around \$700,000. It would still be \$50,000 short of what the Town of Brookfield requirement was. He felt that because of the mobilization, he said that they might have to minimize on some areas but would still be able to get the lanes of traffic done correctly. He feels that maybe if he gets a commitment from all the communities with this extra funding that they can get the job done and correct this bottleneck. All I'm doing here is bringing this forth for discussion and possible approval to move forward. I know that Alderman Ament did have concerns. He also had concerns about some sidewalk issues that are not being taken care of on the west end of Greenfield and then he brought up some concerns about sidewalks not being done down by 124<sup>th</sup> street and Elm Grove. I will address those issues with the WisDOT this week.

Alderman Moore: They said they were going to extend the sidepaths even if they had the bottlenecks.

JP Walker: The answer I was given last Friday was that if the bottleneck were reconstructed to create the four lanes the sidepaths would go in.

Alderman Moore: They said they were going to do that anyway.

JP Walker: I can only comment on what they said to me on Friday. As far as the eastern end that was done in 2000-2001, it has to do with the steep slopes that exist east of Elmwood and down by 124<sup>th</sup> Street where the frontage road exists. To get a better answer, WisDOT is trying to find someone to answer the question that was associated with the Project. Unfortunately, they have moved on, but they are trying to get a more definitive answer. I recall it had to do with the steep slopes.

Alderman Moore: I need to leave at this time, but if you are going to have a vote I will vote against this.

Alderman Augustine: I agree with Alderman Moore on not spending more then what we have committed.

Mayor Chiovero: OK, I will pass this on to the WisDOT.

**JP Walker made the motion to table this issue.**

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

**Upon voting the motion passed unanimously.**

**JP Walker made the motion to adjourn**

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

**Upon voting the motion passed unanimously.**

**The meeting was adjourned at 10:00 AM.**