

**MINUTES**  
**BOARD OF PUBLIC WORKS MEETING**  
**January 10, 2005**  
**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 at 8:05 A.M.

Members Present: Mayor Wysocki, City Engineer J.P. Walker, Alderman Chiovatero, Alderman Ament and Alderman Augustine.

Staff Present: Ray Grzys, Director of Streets & Utilities, Ron Schildt, Transportation Engineer, Greg Kessler, Director of Community Development was excused.

**OLD BUSINESS**

**ITEM 01-05 Approval of Minutes from December 6<sup>th</sup>, 2004 meeting**

**JP Walker made a motion to approve the minutes.**

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

**Upon voting the motion passed unanimously**

**ITEM 27-04 Development Agreement for Deer Creek Parkway Condominiums**

Alderman Chiovatero: Recommend to the Common Council approval of the Development Agreement for Deer Creek Parkway Condominiums subject to final review as to form by the City Attorney.

JP Walker: The City Attorney has reviewed the Developers Agreement as to form and has approved it. This development consists of 118 Condominium units in 4 buildings. The first building will be built as part of phase 1 which includes an installation of a portion of the infrastructure as listed in the document. Phase 2 completes the portion of the public infrastructure and Phase 3 will complete the building of buildings 3 and 4.

Alderman Chiovatero: Developer shall not be required for stabilization of Deer Creek or other existing conditions.

JP Walker: This is part of the Chapter 30 permit. There are specific locations where there is work to be done and it clearly shows on the plans. The developer has to make sure that they do not disturb more than 10,000 square feet, because then another Chapter 30 permit would be required.

Alderman Chiovatero: The creek is currently stabilized then?

JP Walker: Yes, that is correct.

Alderman Chiovatero: Page 7 talks about wet basements. Why would the basements be wet?

JP Walker: There was concern by the staff that when you look at the relative elevation of the normal water surface elevation of the pond and the close proximity of the basements in the buildings, there is potential that there could be wet basements. However, the developer has taken care of this with the design of the buildings, with sump pump duplicity, more than one-sump pump per basement. No way will the City be considered part of that issue if it became an issue. This concerns their building and theirs alone.

Mayor Wysocki: The letter of credit will cover the estimated cost of the whole development correct?

JP Walker: The letter of credit will cover 115% of the total cost of the public improvements, because this is a phased project. This is going to be phased over a number of years, and this is a procedure that we are bringing

forth. From this point forward for phased projects we are going to exceed the 100% coverage by the standard 15% contingency to cover any additional costs, should the developer decide that he wasn't going to pursue phases 2 and 3, we want to make sure we have enough funds available to complete the installation of the public improvements at no cost to the city.

Alderman Chiovatero: Is this language specific enough that you feel comfortable with what part of the roads are the City's responsibility?

JP Walker: Yes and the City Attorney is also satisfied with it.

Mayor Wysocki: On page 14 they have added two things under Occupancy Permits. Item #8 –will allow personal affects to be moved into the Condominiums as long as the property does not inhibit inspections.

JP Walker: This came about from the Steepleview project where there were requirements for the citizens to move in and there was a delay in getting the inspections, yet personal effects had to be moved in. The inspection and engineering staff are okay with this as long as the personal effects delivered do not inhibit our final inspections.

JP Walker: Bob Sigrist suggested that we put this into the developer's agreement.

Mayor Wysocki: On Page 16 – Item D-pavement treatments resulting from technology improvements shall be acceptable to the City as approved by the City Engineer. Can I have an example of what that would mean?

JP Walker: In the overall City Center development we have the requirement of the colored pavement when the final pavement goes down, crosswalks, intersections etc. Since the final surface will not be put down for a couple of years there might be technology that might be developed between now and then, that were not anticipated at this time. If this technology would occur it still has to be approved by the City Engineer. We will still have the requirement for the different colored pavements as we do now.

**Alderman Chiovatero: Motion to recommend to the Common Council to approve the Development Agreement for Deer Creek Parkway Condominiums subject to final review as to form by the City Attorney.**

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

**Upon voting the friendly amendment passed unanimously.**

**ITEM 28-04 Approval for Using Turf Reinforcing Material in Place of Concrete Invert in Ditches with Flow Lines having Slopes Greater than 4% at Biltmore Estates.**

Alderman Chiovatero: Request the Board of Public Works Approve the Use of Turf Reinforcing Material instead of Concrete Invert in Ditches with Flow Lines with Slopes Greater than 4% at Biltmore Estates.

JP Walker: This request came to us by the developer. As you know his development is right next door to Rolling Meadows and that subdivision has similar slopes as to what's going to exist at Biltmore Estates. We allowed Rolling Meadows, as a pilot study, to install reinforcement materials in place of concrete inverts. The developer came and asked us if we would allow it here. Staff took it under consideration and since we allowed it in Rolling Meadows, we should allow it in Biltmore Estates. So we are bringing it to the Board for approval.

Alderman Chiovatero: I was the one to put it on the table at the last meeting because I had some concerns. I talked to the developer and he was able to satisfy my concerns with the answers he gave me.

JP Walker: The improvements that I have seen in the materials that are now being used and the techniques being used by the supplier, makes me believe that past problems that have occurred have been resolved.

JP Walker: I called Geosynthetics and they gave me a number of developments and WisDOT projects that use this material.

Alderman Chiovatero: Also I have seen the material used in the Park Central Ponds and it seems to be holding up very well.

Mayor Wysocki: Is there anything we can put in just in case this doesn't work?

JP Walker: Had the discussion with the developer, he is more than willing to put in the concrete invert in the event that this material would not work. I have no problem with adding something to the motion.

Alderman Chiovatero: I would also like to add something to give us an out if it doesn't work.

Mayor Wysocki: We should put in a friendly amendment to state that it would be subject to final approval by the City Engineer.

**Motion by Alderman Chiovatero to make a friendly amendment to the Requested Action to state the it would be subject to final approval by the City Engineer.**

**Mayor Wysocki: 2<sup>nd</sup> the motion.**

**Upon voting the friendly amendment passed unanimously.**

Ray Grzys: It has been used around 124th and Sunnyslope and it works quite well. There already is grass growing in some of the areas.

Alderman Augustine: WisDOT requires different types of materials. Is it more the degree of slopes or the types of projects that affect the effectiveness of the material?

JP Walker: In this case it is the slopes. There are two ranges of slopes along the flow line of the ditches at Biltmore. One is 4% to 6% slope and the other one is less than 1.5% slope.

Alderman Ament: Does it specify which type they are using?

JP Walker: It is decided by the Supplier on a case-by-case project.

Alderman Ament: Do we have allowances in our code for this type of material or do we have to change our code to allow for this?

JP Walker: The Developers Handbook currently calls for concrete inverts when the slope is greater than 4% or less than 1.5%. That's why this issue is coming to the Board. That's one of the upcoming revisions to the Developer's Handbook that will be coming to the Board in the spring.

Alderman Ament: Does this involve the storm water committee? Where do they fit in on this part of the project?

JP Walker: Since this is public infrastructure this is under the Board's jurisdiction.

Mayor Wysocki: Ray is the Director of the Utilities. He is aware of the impact that this would have on any storm water issues, and since what he has said, he seems to be in favor of this.

Alderman Ament: Do they need to be aware of it?

Ray Grzys: They are already aware of it.

Mayor Wysocki: When Eric gives us the overall storm water overview we can mention this material at that time.

Alderman Chiovatero: What is the cost of this material?

JP Walker: Approximately \$1.00 per square yard.

Alderman Chiovatero: Possibly the Utility can look into using these in some of the places where we stabilize ditches.

Ray Grzys: Our Utility Department has already looked into different products for ditches.

Alderman Augustine: Are some fabrics more durable than other? Can people walk on the material?

JP Walker: Yes, you can walk on the material. As the material is being installed it is being walked on.

Alderman Chiovatero: It was a newer product in Rolling Meadows and the installer was following the manufacturer's instructions. The problem that occurred was when the private utilities and sub-contractors would come in they would tear up the materials and not re-install it correctly. If there is a problem the developer has stated that if there is a problem he will repair it.

**JP Walker: Made a motion to Approve the Use of Turf Reinforcing Material instead of Concrete Invert in Ditches with Flow Lines with Slopes Greater than 4% at Biltmore Estates subject to final approval by the City Engineer.**

**Alderman Ament: 2<sup>nd</sup> the motion.**

**Upon voting the motion passed unanimously.**

## **NEW BUSINESS**

### **ITEM 02-05**

**Alderman Chiovatero: Made a motion to request the Common Council to accept the public improvements constructed at the Preserve at Deer Creek – Phase I, accept the dedication of the public infrastructure by KASCO of Wisconsin, LLP, and authorize the release of the Surety Instrument pertaining to the installation of the public infrastructure.**

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

JP Walker: This is the second series of dedications I'm bringing to the Board as the requests come in from the developers. Attached to the Issue Paper is a letter from Dennis Kasian requesting the dedication. This dedication covers South 147th Street and part of Wilbur Drive east of Deer Creek, approximately 1,340 lineal feet of sanitary sewer, 2,091 lineal feet of water main, 1,359 lineal feet of storm sewer, a 0.46 mile extension of So. 147th Street and a 0.18-mile extension of Wilbur Drive.

Mayor Wysocki: Has everything been completed with his obligation?

JP Walker: The curbing is complete; there is a question with the sidepath on the North side of Wilbur Drive. I am working with City Attorney in the dispute as to which developer is responsible for the completion of the sidepath.

Mayor Wysocki: Will this jeopardize the completion of the sidepath?

Alderman Chiovatero: Motion should mention the sidepath.

**Mayor Wysocki: to make a friendly amendment to the Requested Action to state, "accept the dedication of the public infrastructure with the exception of the sidepath on the north side Wilbur Dr."**

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

Alderman Ament: Are we jeopardizing any of our leverage to get this done by approving this.

Mayor Wysocki: By excluding this, that is still an issue that is out there.

**Upon voting the motion passed unanimously.**

**ITEM 03-05 Correct the *Established Street and Highway Width Map* information provided to Waukesha County to be consistent with the recently adopted Transportation Plan for the City of New Berlin**

Alderman Chiovatero: Requested action is to convey to Waukesha County the City's intention to increase the ultimate right-of-way for Calhoun Road (Small Road to Greenfield Avenue) from 100-feet/110-feet to 130-feet. This will then make the **Established Street and Highway Width Map** consistent with the recently adopted **Transportation Plan**.

Alderman Ament: I don't believe we ever received a final copy of the Plan. When we were going through the Width Map previously I was under the impression that we were only going as far as National Avenue, not all the way to Small Road as stated here. We don't need to go all the way down to Small Road.

Ron Schildt: There are two different things that were discussed. One map showed where we are actually talking about doing the widening and the other shows the ultimate Right-of-Way, so that if we decide to go further on down the road in the future we will have the right-of-way. We do not plan on going past National at this time.

Mayor Wysocki: The Plan was that we agreed to 130' wide Right-of-Way to National Avenue, and that would be the ultimate right-of-way. The necessary construction that we saw in the near future relative to the Industrial Parks was just to a little bit South of Cleveland.

Ron Schildt: The Right-of-Way width is 110' for most of the area and then goes down to 100' from National South to Small Road.

Mayor Wysocki: When I was looking at the Wildwood Subdivision there are going to be some easement taking off part of portions on the original platting to allow for a width, what width did that allow for?

Ron Schildt: We do have 55' feet on both sides of the centerline of the Right-of-Way. If we were to go to 130' width we would have to take more from their side.

Mayor Wysocki: In the overall future land use map and the issues that we are dealing with from the Plan Commission point of view, we don't see that the area certainly south of Beloit Road and currently south of National Avenue, don't want to have any greater width for Calhoun Road. I would be comfortable with making sure that the 130' width doesn't go any further than National Avenue. Is that currently on the Transportation Plan?

Ron Schildt: The current plan is that the ultimate right-of-way goes all the way down Calhoun Road

Mayor Wysocki: But as a result of our discussion, I believe what we talked about is that the 130' width would go to National Avenue and then south of National Avenue it would be 110' wide.

Ron Schildt: I don't think we talked about the ultimate right-of-way. We talked about the section that would eventually go to four lanes and that was to National Avenue, and then we discussed it further and decided we were going to stop it at Victor Road.

Mayor Wysocki: Does the Transportation Plan get reviewed every 5 years?

Ron Schildt: I'm not sure what the cycle is. This is a 2003 map and I'm not sure when it gets reviewed next.

Mayor Wysocki: I thought the Wildwood Development specifically said 110' width thru there.

Ron Schildt: I will verify that.

Mayor Wysocki: Currently the map showed based on our discussion when we passed the Transportation Plan it does show 130' width down to National Avenue. Am I correct Ron?

Ron Schildt: It shows all the way down to Small Road.

Mayor Wysocki: I thought we had a conversation on that, and discussed limits on how far we went.

Ron Schildt: There are two different maps, one shows the ultimate right-of-way and the other one shows the work that is actually going to be done.

Mayor Wysocki: Should they be consistent?

Ron Schildt: That's what the old map is for. It is to say that we don't have the plan to widen the road at this time, but we want to have the planned right-of-way in the case that we would need it in the future. I don't see a problem with any width change, we are just saying that we don't plan on doing any widening south of Victor Road right now.

Alderman Ament: I know we discussed it as a widening, but I can't remember if we discussed it as any future right-of-way then we discussed it as only going to National Avenue. If we only discussed what we actually planned on doing that was only to National Avenue. The April Roadway Plan showed 110' width and in September it changed.

Mayor Wysocki: Could we get a copy of the current Transportation Plan as it has been adopted?

**Mayor Wysocki: Made a motion to table this issue until the next meeting.**

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

Alderman Augustine: Does the widening of Calhoun Road affect any historic buildings, with the extra ten feet?

JP Walker: The reason that we brought this forward is because we have the Operational Plan Meeting for Calhoun on the 20<sup>th</sup> of January. However this turns out it won't affect that area. We just wanted to make sure the correct paperwork was in place. Tabling this will not affect that meeting.

Alderman Chiovero: Is the widening of the I-43 overpass over Calhoun affected by this?

Mayor Wysocki: The widening of the I-43 overpass does not go as far as Calhoun Road.

**Upon voting the motion passed unanimously.**

**Alderman Chiovero made a motion to adjourn.**

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

**Meeting adjourned at 8:57AM**