

**MINUTES
BOARD OF PUBLIC WORKS MEETING
May 2, 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 8:00 A. M.

Members Present: Mayor Chiovatero, City Engineer J.P. Walker, Alderman Ament and Alderman Augustine.
Alderman Moore was also in attendance.

Staff Present: Ron Schildt, Transportation Engineer, Nikki Jones, Planning Director, Eric Nitschke, Division Engineer, Greg Kessler, Director of Community Development.

Guests Present: Dennis Kasian, KASCO.

OLD BUSINESS

ITEM 01-05 Approval of Minutes from the April 4th, 2005 meeting.

Alderman Augustine made a motion to approve the minutes.

JP Walker 2nd the motion.

Upon voting the motion passed unanimously.

NEW BUSINESS

ITEM 10-05 Development Agreement for KASCO PUD South Phase Condominiums was tabled on April 12th and referred back to the Board of Public Works by Common Council on April 26th, 2005.

JP Walker: This was requested to be referred back to the Board by the owner Dennis Kasian. He is in the audience. I have communication from Mr. Kasian dated April 28th that I will read into the record.

The letter is addressed to me:

“Dear JP:

I have attached the last language I saw in regards to traffic. Upon review of the traffic study it appears that the increase in traffic on Sunnyslope Road from all points is what is going to create an issue in the future. Mr. Farrell, Mr. Honeyager and I do not believe that our properties should have to bear the responsibility and costs of a traffic light on Sunnyslope Road. Is the development south of Jewel-Osco being assessed any responsibility for increased traffic onto Sunnyslope Road?

I am not quite sure how to approach this issue and I cannot speak for my neighbors in terms of financial responsibility. For ourselves, I'm thinking about putting up a bank letter-of-credit in the amount of \$15,000.00 for a period of three or four years after we complete the first lift. The City could draw that amount should a light be put in anywhere between Beloit Road and National Avenue.

Please review and let me know your and Ron Schildt thoughts. We should have some language to work with before public works.”

Attached to the letter are the special conditions that were listed in the development agreement. That is the topic of discussion for this morning.

Dennis Kasian: As you recall at the last meeting we had a reference made that we should add something to address in the developers agreement some legal formal language. The wording that we received from the Council

meeting said that we would be subject to a review and recommendation for signal lights at the intersection of Howard and Sunny Slope and the property owner shall make appropriate cost contributions to the City, and that cost will be indicated by the amount of traffic generated by the new development. My main concern is wording like that encumbers the property to the point that there is no sunset line, basically it is being encumbered until this is resolved and also there is no reference to dollar costs. It is quite possible I could set up a bank letter-of-credit to handle this and let it get recorded with the property, which it will anyway. It could deter selling the property and the buyers could get into a situation where they have no idea when it will be resolved and/or how much it's going to cost. My review states: There is a level of service leaving Howard Avenue going East and turning left that is slow now due to traffic on Sunny Slope and that should be readdressed after our development is complete. I think the report bears out that the problem is there now and it's from the traffic on Sunny Slope Road. I find it ironic that Mr. Honeyager, Mr. Farrell and I should have to bear total cost of the lights,. I propose I set up a letter-of-credit and the City could use that should there be a light needed anywhere on Sunny Slope Road.

Mayor Chioverato: Was a traffic study done?

Dennis Kasian: Yes, a study was done.

Ron Schildt: There was a traffic study done for this development as well as the Church across the street. In either case it didn't show that anything more than a few extra improvements such as bypass lanes and that type of thing could be put in there. The natural way things would progress is typically you would have a two-way stop which is there now to a four-way stop, if the traffic flow is even on both streets. If the four-way stop wouldn't work then it would go to a signal light

Mayor Chioverato: My concern is that it was identified that no other traffic signal was to go in at that time. I know we have tried unsuccessfully to get a traffic light in on Beloit & Sunny Slope.

Ron Schildt: Waukesha County only budgets for two traffic signals County wide in a year. In the budget they have a plan. A signal light for that intersection probably will be in their budget next year.

Mayor Chioverato: Based on the entire overview of this project, there are going to be two exits out of this development, correct?

Ron Schildt: Yes.

Alderman Ament: Our intent was never for the three developers to pay the full amount. We were waiting for some kind of breakdown as to what would be a fair amount, but obviously it would not be that there would be a recommendation for them to pay the total cost for a light if they add to traffic, just a percentage if the light was something that was going to be required in the future. If we were talking about bypass lanes, they would be included as part of the improvements. The percentage that Staff would come up with if they thought that was the right amount, that's what we would be looking for. As far as a sunset clause, I don't have a problem doing this. From 3 – 5 years after the project was completed. As far as things happening in the past, that is one of the problems that we have had. As developments accumulate we have been trying to get more in position where we are looking to that where we don't have the position like we have at Beloit and Sunny Slope. I will be looking for this in the future for all developments. Some kind of evaluation from Staff as to whether they think that this along with other developments that are coming, we know for a fact that more than likely there will be a Church there. How much traffic that will add at peak times is probably not going to affect this intersection. I hear from a lot of residents in that area that it is very difficult to try to get in and out of that intersection, especially from the left and turning left. A sunset time is something we should look at in these developments.

Alderman Chioverato: I think that the fact that there was an impact study done at one time and it was determined this was not going to affect the traffic on that road, it's not right that we should be coming back now at the end and require him to pay for the lights. Have we determined that Sunny Slope and Wilbur is a place for the light, I know we have talked about that based on the project going on at City Center?

Ron Schildt: The study did show that traffic signals were not warranted at any location on Sunny Slope Road between National Avenue and Beloit Road in the vicinity of this project based on the anticipated traffic problems. It said that maybe we should look at the lane configuration and that is included in the project for these two developments.

Mayor Chiovero: We may come to a point where an all-way stop is needed at this intersection. I know there is a stop on Howard Avenue going East and West currently. That's why I had the issue with coming back now to the developer on this.

Alderman Augustine: What is the 2nd outlet for this subdivision?

Ron Schildt: The second outlet is at Farrell Drive – South of Howard.

Alderman Augustine: I know the people on the North who were concerned about the connectedness and the idea of putting a stop light on Wilbur and Sunny Slope and I know the people are already concerned about the traffic coming through from the City Center thru Wilbur.

Mayor Chiovero: My concern would be if there was a light put in on Sunny Slope around the Wilbur area, then we have two large subdivisions converging on there and that would cause more need for traffic control, for the people in the neighborhoods to get onto Sunny Slope Road.

JP Walker: I would like to make a motion to modify Special Condition “M” at the end of the Development Agreement subject to final review and recommendation to signal lights at the intersection of Howard Avenue and Sunnyslope Road, the Property Owner shall submit a letter-of-credit in the amount of \$15,000.00 with an expiration date of October 31st, 2010. Following acceptance of public infrastructure for the developers listed below, which are KASCO PUD South Phase, Honeyager Fields Subdivision, Honeyager/Farrell development, Woodridge Community Church and any developments that are created along Sunny Slope Road, such as in Section 35 which we know will occur prior to 2010. The City can draw on the amount of the letter-of-credit, should any public improvements, whether it be lights or bypass lanes be put in anywhere between Beloit Road and National Avenue.

Alderman Ament: 2nd the motion.

Ron Schildt: Just for your information the typical cost of installing a traffic signal is \$150,000.

Mayor Chiovero: I'm comfortable with the \$15,000.00 amount.

Upon voting the motion passed unanimously.

NEW BUSINESS

ITEM 16-05 Acceptance of Public Improvements and Dedication of Public Infrastructure in the Jacobs Ridge Multi-Family Area

JP Walker: The requested action is to request the Common Council to accept the public improvements constructed in the Jacobs Ridge Multi-Family Area, accept the dedication of the public infrastructure by Bodner Property Management, LLC and authorize the release of the Surety Instrument pertaining to the installation of the public infrastructure, and I so move.

Alderman Ament 2nd the motion.

Upon voting the motion passed unanimously.

ITEM 17-05 Award of Professional Services Contract for Consulting Services related to the Design of Alternative Transportation Facilities

JP Walker: The requested action is to recommend to the Common Council the awarding of a Professional Services Contract to Bonestroo Rosene Anderlik & Associates for consulting services related to the design of five (5) bike & pedestrian trail segments that were included in the approved 2005 CIP budget. The amount of the Contract is not to exceed \$81,000.00. The source of funds is the alternative transportation facilities account 04251100 63700 C2005, and I so move.

Alderman Augustine 2nd the motion.

Alderman Augustine: If there is no land acquisition then Task #6 would not be necessary. Are there any other tasks that would be affected by this?

JP Walker: Task #6 has to do with Easement Documents and land acquisition. The two trail segments that are authorized to be constructed, as part of the approved 2005 CIP budget may not require any land acquisition. If that is the case, then Task 6 is not required and those funds will not be used. That's why the \$81,000.00 that Bonestroo proposed is a not to exceed number. So if we don't need to do Task 6, those funds will remain in there.

Upon voting the motion passed with Alderman Ament opposing.

ITEM 18-05 Reallocation of Design Funds from 124th Street and Coffee Road

JP Walker: The requested action is to request the Common Council to approve the transfer of approved funds from the following Account to the Cold Spring Road Reconstruction Account 04251100 63008 C2004:

- Coffee Road Account 04251100 63004 C2001 (\$455,001);
- 124th Street Reconstruction Account 04251100 63005 C2001 (\$195,600); and
- An unallocated Account 04251100 C2001 (\$17,400)

The total amount requested to be reallocated to the Cold Spring Road Reconstruction project is \$688,001, and that makes the amended construction budget to be \$2,508.001, and I so move.

Mayor Chiovaturo: 2nd the motion.

JP Walker: This issue goes hand in hand with the next issue on the agenda. We only received 3 bids. The contractors are already booked up for this year. There was only a difference of \$12,000.00 between the low and bid and the second. This reallocation fund is needed to award the contract for the reconstruction of Cold Spring Road. This is the first in-house design of a major project. It has taken thousand of hours of dedicated Staff time to get this project designed, and the next step now is to reallocate these funds and move on to the awarding of the Construction Contract.

Mayor Chiovaturo: I would like to compliment the Staff for the work that they have done with the residents. There was a lot of input put in from the residents at some of the meetings. This is the first project of this kind and we had very close contact with the residents who live on this road and businesses in the area. Staff did a great job looking at all the different aspects and concerns that the residents had, and still maintain the safety and integrity of the road as well as the fact that the reconstruction had to be done for long term use. Also, I appreciate the residents hard work and input. When this project came to the Board, there were dramatic savings by the design being done in-house.

JP Walker: We saved close to \$500,00.00 by designing in-house. When we set proposed budget for these types of projects we actually use guidelines that are established by the WisDOT. Back in 2001 their guidelines indicated to reconstruct 1 mile of road it would cost \$1.6 million. The cost projection is now up to \$1.9 million. We are right in line with that increase plus we are adding to the cost \$90,000 in storm sewer along Sunny Slope and through a drainage easement where there is a history of drainage problems. This work will reduce those problems in that area and add benefits to all the property owners.

Mayor Chiovaturo: There are a lot of storm water issues here that are being taken care of.

Alderman Ament: Referring to the 3rd paragraph on page 2. That amount is going to be pulled out of here to ease the cost on this thing, is part of the reason. In the future when that storage facility is put in, is that going to come out of the general budget or is that going to come out of storm water?

JP Walker: That will come from the Storm Water Utility.

Alderman Ament: So we are shifting the cost here from what we were originally looking at for this road to storm water, do we know what that amount is approximately?

JP Walker: The amount that we had received as a quote from Storm Trap was \$350,000.00, was an installed cost. This was significantly under the bid amounts that we had received from the three bidders, to the point where it is almost half of the two highest Bids.

Alderman Ament: Is this going to affect the Storm Water Utility? We know that their budget is tight and I see that this has to do with reallocation from the Coffee Road account. The people on the north side of Coffee Road have had a drainage problem on that side of the road since the City redid Calhoun Road, and redesigned where that water flow supposed to go. They have had this problem for several years. The problem is we are told that storm water doesn't have the budget to do this, they don't have enough time. The only way they would have enough time is if we increase the storm water budget, yet we are taking money out of it for all of these projects for rebuilding roads in different areas. These people were told that this year they would finally get this repaired so they don't have the drainage problem. I'm looking at another \$350,000 that we are taking out of the Storm Water Utility.

JP Walker: The area that you are talking about is actually west of the area that would be included in the Coffee Road Reconstruction project. In that area there were repairs made to the ditch along the north side across the front of all the properties. The water is correctly flowing to the west. Where we have the problem is the vacant field on the northeast corner of Coffee and Calhoun. It is an area that has a tremendous amount of wetlands. The ditch along Coffee Road is at a lower elevation than the conveyance way into a drainage swale on that property. In order for that drainage swale to be updated, a Chapter 30 permit is required from the WDNR. The property owner is unwilling to spend the funds needed to get that Chapter 30 permit, so water is flowing to the west and is hitting a low pocket. Staff is looking at drainage improvements along that entire stretch of Coffee Road all the way to Calhoun Road. It's on the list of work to be done. As you are well aware we have a list that has as many as 84 entries in any given year. As it works it's way to the top that's when the work will be done. We have a topographic survey done of the area. That was step one. Step two is the analysis: what can we do to make the drainage work, and step three is to do the work.

Alderman Ament: Ten years ago the City decision on Calhoun Road is what created this issue. About two years ago the City said they would fix their ditches out in front and to get that flooding issue taken care of. If you talk to anybody along there it has actually gotten worse. Some of the ditches in that area can't even be maintained. Why if this wasn't done properly why are they back at the bottom of the list again? When I ask the question, I get told there isn't enough money in the Storm Water Utility, yet we are taking money from the Utility for the Cold Spring Road reconstruction.

JP Walker: What do we have on our books in regard to this?

Eric Nitschke: The reallocation of the Coffee Road funds is not going to affect the timeline that we have on the ditching project for that area. The time frame that we are sitting on right now is really based on what's been happening with the WDNR and what we have in the road right-of-way in that area. The street crews did ditch out the northern section of the ditch line, but ran into a dead end where the easternmost cross culvert is located. Staff did some research as to what used to be in that area, and found from some old maps that the water used to drain to the north onto the Collier property. We have to work with the WDNR to see if we could ditch through that area. WDNR has asked for an impact analysis on that area and basically what we have discovered is that they won't let us go through those wetlands unless it's the last resort. The analysis that Staff is currently going through is to see if we can get the water to flow to the south side of the road. Working with the WDNR takes time. Now we have the survey done along the road, so we can see if we can redirect it to the south and drain it in that direction. We are not delaying and dragging our feet. It is not our intent to hold up the ditching project.

Alderman Ament: Then this won't affect the timeline?

Eric Nitschke: No, this is part of our yearly drainage maintenance program, and we have funding for this type of work. Because we are dealing with wetlands and old drainage areas that have not been taken care of in 40 or 50 years, we have gotten into a snag with our impact analysis. We are talking about a half-mile of ditch that we are looking at relaying. It is not delayed. It is still on the books.

Alderman Ament: In the past I had been told that this was linked with the repairs on Coffee Road from National to St. Francis. I saw this coming through as being put off until 2008 along with the costs. I just don't want this delayed any longer.

Eric Nitschke: If Coffee Road doesn't go through, the Storm Water Utility will be working independently to address these problems.

Mayor Chiovatero: So I understand that Alderman Ament's concerns are still a priority.

Eric Nitschke: Yes that is correct.

JP Walker: What might help clarify this issue is that the 59060 Account or the old 0825 Account is really part of the Utility's Operating Budget.

Alderman Augustine: On page 2 – There really would be no need for funds or costs for doing in-house design?

JP Walker: We have already paid for the survey work to be done by consultants. The next phase after the design is completed would be land acquisition. That is a future budget request, as is the construction costs. That would probably be in the 2007 budget request

Alderman Augustine: Then the design won't cost anything?

JP Walker: There is a great cost for Staff time and effort. If you look at Staff salaries, but it is not a direct cost that you would see on the budget.

Mayor Chiovatero: Are some of the reasons that the underground facilities came in over was we couldn't add the storm sewer:

JP Walker: That's a separate bid item. I don't know why the bids came in as high as they did. We will re-bid that this fall

Alderman Moore: In regards to the 2nd paragraph, there were added water drainage from private properties to the new storm sewer. Is that from the impervious surfaces on the private properties, or just to allow the drainage from the land?

JP Walker: There are a number of areas where there is ponding water. We will be installing storm water laterals to the property line and then allowing the property owners to connect to their drainage issues. In some locations we are installing field inlets to drain low pockets. These are areas on private property that with the reconstruction of Cold Spring Road, the water would not be able to get to the storm sewer system unless we install laterals to the property lines.

Alderman Moore: So we are increasing the flow into the storm sewer, correct?

JP Walker: No, when we size the storm sewer we look at total area. That takes into account the drainage that is taking place on private properties. We look at the entire area that would be generating natural flow that would come towards Cold Spring Road and size the storm sewer accordingly.

Alderman Moore: We aren't draining wetlands are we?

JP Walker: No we are not draining wetlands. That would be a violation of the WDNR requirements. What we are draining are the low pockets on private property in the vicinity of the right-of-way. We are not taking drains from the long North/South lots and piping it out to the drain to Cold Spring Road. The intent is to take care of the nuisance pockets that are in the immediate vicinity of the homes that currently are not draining anywhere.

Alderman Moore: Doesn't that decrease the amount of water that gets down to the water table?

Eric Nitschke: No, in areas like that, the water stands there until it evaporates. We are eliminating nuisance water and a mosquito problem.

Alderman Moore: Where does the water eventually go?

Eric Nitschke: In some of the areas it goes to Weatherstone Boulevard. The whole project is split into three separate sub-basins; one section goes down Sunny Slope and through the easement, one through the Kelly Lakes region and ends up in the Root River. The middle section goes down Weatherstone Boulevard and crosses 124th further to the North, then the eastern section goes to 124th and then goes down to the crossing that matches up with the Weatherstone Boulevard drainage.

Alderman Moore: Then you are saying the middle section is the main one?

Eric Nitschke: They are all fairly even, as far as piping goes.

Alderman Moore: Then you are saying all the water that is going from the western edge of that center section is going to Weatherstone Boulevard?

Eric Nitschke: Yes

Alderman Moore: My concern is that Weatherstone Association had a meeting with JP some time ago and we were assured that water was going to be drained off and not all go down to the stream at Weatherstone Boulevard. That water would be directed off into several holding areas where it would drain off, rather than all to one place.

JP Walker: We did a very detailed analysis of stormwater management for this project and Eric has indicated that this is divided into three sub-basins. One of the things that we are looking at is the amount of water that is flowing through the Weatherstone median area.

Eric Nitschke: We have requests to upsize the culverts right at Weatherstone Boulevard to cross culvert. Not for your particular concern allowing more water to flow. On the south side of the property there are wetlands there that is a natural low spot that actually contained a fairly large amount of water. As far as the body of water that you are going to be looking down Weatherstone. There are some ins and outs to that, you will see approximately the same amount of water, but it will be gone faster. The ditches that you have now, you see a continuous flow. We don't think it is going to be a problem, but if it is we have already done a preliminary analysis to set up a ditch check system in the Weatherstone Boulevard section.

Alderman Moore: Our discussion had to do with bringing the water into the small wooded land behind the house and hope that it can stay as a nature area.

Eric Nitschke: The point is too that if we go to the ditches we will have to remove a lot more trees and cutting back a lot more right-of-way.

Alderman Moore: My second question refers to the statement that costs have risen because of the bike lanes. My understanding is that the original plan included the bike lanes and so why have the project cost risen?

JP Walker: That's in relationship to the guidelines that the WisDOT gave us. The bike lanes were not in when we requested the budget because the WisDOT guidelines don't include bike lanes. They have always been part of the whole budget plan, but not at the time of the original budget request, because it was unknown as to whether it was going to be on-road or off-road.

Upon having no further discussion the motion passed unanimously.

ITEM 19-05 Award of Construction Contract for the Reconstruction of Cold Spring Road

JP Walker: The requested action is to recommend to the Common Council the awarding of a Construct Contract to the lowest responsive, responsible bidder, Musson Brothers Inc. of Rhinelander, in the amount of \$2,238,164.07 for the Reconstruction of Cold Spring Road. Adding in inspection services and contingencies, the total request comes to \$2,508,001.00, which will come from Account 04251100 63008 C2004, and I so move.

Alderman Ament: 2nd the motion.

JP Walker: Three bids were received and they were all over our originally estimated budget. We just had the reallocation of funds recommended for approval by the Board to the Council. You will see that the amounts now match the \$2,508,001. We believe this will properly allow us to complete the project.

Upon voting the motion passed unanimously.

ITEM 20-05 Development Agreement for The Residences of City Center

JP Walker: The requested action is to recommend to Common Council approval of the Development Agreement subject to final review as to form by the City Attorney. The Residences of City Center include "The Townhomes of City Center", a condominium development with three 4-unit buildings and an apartment development "Library Lofts at City Center", consisting of one 16-unit building and one 56-unit building, for a total of 84 units. The Development is located within the MMSD Sewerage District and will be served with public wells and sanitary sewer systems, and I so move.

Alderman Augustine 2nd the motion.

Alderman Ament: On page 6, regarding stormwater drainage. When this drains, will the storm water eventually end up in the detention pond? This won't have any negative effects on the Library will it?

Eric Nitschke: This site will drain into Pond #1. The Library drains into Pond #2.

Alderman Ament: Is there going to be a requirement for a Condominium Association?

JP Walker: I missed putting it in there. But I do have a question. If it is in the Zoning Code, why is it necessary to put it in the Developer Agreement?

Alderman Ament: We discussed it; because we want to make sure that the developers make arrangements for a Condominium Association.

JP Walker: I will change the Developer's Agreement to make sure the proper language is included.

Upon voting the motion passed unanimously.

Mayor Chiovatero made a motion to adjourn.

Alderman Augustine 2nd the motion.

The meeting was adjourned at 9:10 AM.