

MINUTES
BOARD OF PUBLIC WORKS MEETING
September 12, 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 8:03 A. M.

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

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

OLD BUSINESS

ITEM 01-05 Approval of Minutes from the August 1, 2005 meeting.

JP Walker made a motion to approve the minutes.

Mayor Chiovatero 2nd the motion.

Alderman Moore: On page 7 where it starts out saying: It looks to me that.... I think that was said by Alderman Augustine and not by me.

Mayor Chiovatero 2nd the motion as amended.

Upon voting the motion passed unanimously.

ITEM 32-05 Construction of Cul-de-Sac(s) on Small Road (Tabled from 8/01/05 Meeting)

Alderman Augustine kept this item on the table until the October 3, 2005 meeting.

NEW BUSINESS

ITEM 33-05 Development Agreement for The Sanctuary at Poplar Creek

Motion by JP Walker to request the Common Council to approve the Development Agreement subject to final review as to form by the City Attorney.

JP Walker: The proposed Sanctuary at Poplar Creek is a 21 – Lot Conservation Subdivision located on approximately 109.5 acres at 3095 and 3111 So. Calhoun Road, west of where Victor Road and Ryerson Road come out onto Calhoun Road. The Development is located outside of the Ultimate MMSD Sewerage District and will be served with private wells and sanitary septic systems.

Mayor Chiovatero 2nd the motion.

Mayor Chiovatero: I want to make sure that the wording for the Home Owners Association is correct. In a subdivision like this it is very important that a Home Owners Association is formed.

Alderman Moore: On page 14, it does talk about what the Home Owners Association is responsible for but it doesn't say one will be formed.

JP Walker: The answer to that is on page 10, paragraph F. In accordance with Section 235.33 of the City's Municipal Code, DEVELOPER shall establish a Homeowners Association.

Alderman Moore: Under the rationale it says that it is going to be a Conservation Subdivision. Where does it say in the developer's agreement that they are going to follow the Conservation Subdivision Ordinance?

Mayor Chiovatero: I think it is done because this also talks about the construction plans that are on file and that is what holds them to that.

Alderman Moore: It seems to me that it should be in the Developers Agreement that they have to follow the subdivision ordinance.

JP Walker: The Plan Commission Approval was for a Conservation Subdivision occurred on July 11, 2005. I believe the statement in the Development Agreement that refers to that approval on Page 2 infers that they have to meet the Plan Commissions requirements. I will check with the City Attorney today.

Mayor Chiovatero: I believe that it is also covered on page 2 under A where it states: "The DEVELOPER shall prepare plans for a residential development for the lands, plans for public improvements and all other items in accordance with all applicable State laws and CITY ordinances and nothing in this Agreement shall be construed to waive the requirements of the State laws of City ordinances."

Alderman Moore: My understanding is that Conservation subdivisions can be chosen rather than required. This would allow them to not choose it, the way it is written.

Mayor Chiovatero: Under C it states "A Subdivision Plat substantially in conformity to the approved preliminary plat and meeting the criteria of State Statues and City Ordinances shall be recorded at DEVELOPER'S sole expense." This wording right here is what has always held them to the developers agreement."

Alderman Moore: Since Conservation Subdivisions are new, maybe we need to make sure that the wording is correct in further Developer's Agreements.

Alderman Augustine: You mentioned that you would speak to the City Attorney to see if this respective wording will make sure that the Developers follow their agreement. Is this something that we would need to defer until the next Public Works meeting?

JP Walker: This is already on the agenda for Council tomorrow night. I suggest we approve it contingent on the City Attorneys opinion, and then it can be added as a change by the Council or recommended by the Board. I will contact the City Attorney today and get his opinion.

Alderman Moore: Are their bike trails planned?

JP Walker: I'm not aware of any bike trails being planned in the subdivision.

Ron Schildt: We do have some facilities that are planned for Calhoun Road and that is the wider shoulders. I don't remember anything that was planned to go through the subdivision specifically.

Alderman Moore: Why does the road not come out to Stigler Road instead of making a whole long road that doesn't have houses on it coming in from Calhoun Road? Just put a few feet of road at the end, it would probably get rid of one property, and then it would be possible to put a property where that road comes in?

Mayor Chiovatero: The original plan for Poplar Creek had traffic going on to Stigler Road. The neighbors in the area and Alderman Ament worked very hard with the developer to eliminate that because they did not want the additional traffic on Stigler Road.

Alderman Moore: The people on Stigler Road were worried about the traffic from 21 homes. They don't want the traffic on Stigler Road but it's OK to push it off to Calhoun Road?

Mayor Chiovatero: Alderman Ament worked hard with Staff and the people to eliminate their concerns.

Alderman Moore: The Transportation Engineer is here. Maybe he can speak to the issue of bike lanes and so forth.

Ron Schildt: As far as the Alternative Transportation Plan is concerned there are no mapped facilities for this area. We already have wider shoulders on Calhoun Road, Cleveland Road and going down on Stigler Road.

Alderman Moore: Was it discussed to connect the subdivisions with bike trails?

Ron Schildt: Usually what we are looking at is when we have a sidewalk system that we want to connect with an adjacent facility, even when we have a wider shoulder, we try to use the road pavement that is in there.

Alderman Moore: You don't want to put sidewalks in here?

Ron Schildt: We don't put a sidewalk system in unless it is adjacent to another subdivision.

Alderman Moore: I'm surprised to see just a single map. So often these include more detailed maps of Conservancy's.

JP Walker: The areas on the southern end and the areas on the eastern end are the Conservancy areas. Basically the areas that aren't being developed they are being reserved for Conservation land.

Alderman Moore: That includes where the road is going through from Calhoun Road?

JP Walker: Yes, that's correct.

Mayor Chiovaturo: The map you see is considered an exhibit for the Developers Agreement. We as the Board of Public Works are concerned with the infrastructure of the road, as far as the plant design, bike trails has to go through the Plan Commission.

Upon voting the motion passed with Alderman Moore opposing.

ITEM 34-05 Communiqué from Washington – The American Planning Associations Update on Legislative & Policy Issues.

JP Walker: This is sent to us by the American Planning Association and is an update on Legislative & Policy Issues. When you read this you will see the acronym SAFETEA-LU, this stands for Safe, Accountable, Flexible, Efficient Transportation Equity Act – a Legacy for Users. There is \$286.4 Billion that is associated with this new act. It covers a number of issues that may have impact on the City of New Berlin, such as trails, stormwater issues, and those types of things that are important to us. This is just for information purposes.

Alderman Moore: Does the Staff plan to apply for any money for the Safe Routes to School Program so we can advance our Alternative Transportation Program?

JP Walker: We have had no discussion on this, but any time there are funds that we can applied for, we would be amiss not to apply for them, especially where the Safe Routes to School Program is concerned.

Alderman Moore: I would highly suggest that. It would also be good to be part of the recreational trails programs.

Mayor Chiovaturo: It would be fantastic for the Staff to continue to look for these types of fundings.

Alderman Augustine: Is there a timetable to submit for these fundings?

JP Walker: We will be checking into this. This law is good through 2009.

Mayor Chiovero made a motion to direct the Staff to look for these funds that would benefit the Alternative Transportation Plan, the Safe Routes to School Program and the recreational plans.

Alderman Moore 2nd the motion.

Upon voting the motion passed unanimously.

ITEM 35-05 Revised Developer Name in the Development Agreement for Hickory Hills Condominiums

JP Walker: Made the motion to request the Common Council to approve the change in name only of the Developer for Hickory Hills Condominiums from Bouraxis Properties (New Berlin Project), LLC to New Berlin Investment Group L.L.C. This is the new owner buying that Development.

Alderman Moore: 2nd the motion.

Mayor Chiovero: This is just a matter of the name change.

Upon voting the motion passed unanimously.

ITEM 36-05 Removal of Road Reservation Between Spruce Road and Howard Avenue and Discussion City Plans for the Former Tesch Property

JP Walker: Recommend to the Common Council that the road reservation between Spruce Road and Howard Avenue be removed from the official City Map. The residents did approach me and they asked the following questions:

- 1) What can the taxpayers do make sure that Spruce Road will never go through to Howard Avenue?
- 2) What are the City plans for the former Tesch Property that the City now owns?

I'm not sure what the taxpayers can do, but by bringing it to our attention that is the first step. I know the previous administration made the decision that Spruce Road would not go through, but no formal action was taken to make sure that the would not happen in the future. The step that we are taking right now, if the Board decides to send this to the Common Council, is an important step in making the final determination. I believe that the action is warranted and I as the City Engineer do support it.

JP Walker: Made the motion to remove the Road Reservation between Spruce Road and Howard Avenue be removed from the official City Map.

Alderman Moore: 2nd the motion.

JP Walker: As far as the plans for the Tesch property, I have not been part of any formal discussions on what the City is deciding to do with the property. There were some informal discussions at the Staff level about can we make this into a park or can we make this into a rest stop for pedestrians or bicyclists. No

decisions have been made. There has been discussion as to if we can make a trail in that area connection Spruce Road to Howard Avenue.

Alderman Augustine: The residences in that, I'm sure, will support the idea of removing the road reservation.

Alderman Moore: Want to make sure that the language does not preclude that trail segment because I am in favor of the trail segment. Would that development be precluded and still remain under the City ownership?

JP Walker: The City owns that property. The City will own that easement area so it will remain under City ownership, subject to any request by anyone to purchase that property in the future.

Alderman Moore: The motion here would not deny a trail or something of that nature to go through there.

Alderman Augustine: It makes full sense to put a trail in there. It increases the safety for those people that live in the Glen Park Subdivision to get to Eisenhower High School and for those people south to get to Glen Park. I think that this is a well-needed trail.

JP Walker: I don't believe that this trail segment is spelled out at least on the schedule in the Alternative Transportation Plan. I think there is going to have to be a motion from the Alternative Transportation Committee to add this to the list. This is like any other trail that has to be budgeted at some point.

Upon voting the motion passed unanimously.

Motion by JP to adjourn the meeting.

Mayor Chiovaturo 2nd the motion.

Upon voting the motion passed unanimously.

The meeting was adjourned at 9:08 a.m.