

Minutes

BOARD OF PUBLIC WORKS MEETING

March 4, 2002

New Berlin City Hall Common Council Chambers, 3805 S. Casper Drive

Meeting was called to order at 8:00 a.m.

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

Staff Present: Ronald Schildt, Division Engineer

ITEM 01-02 Approval of Minutes

Motion by Mayor Wysocki to approve the February 4, 2002 minutes. Second by Alderman Ament. Upon voting, motion passes unanimously.

ITEM 04-02 Greenfield Avenue Reconstruction - Cost Sharing and

Lead Agency Agreement

Mayor Wysocki:

- Conveyed his concerns about the City's contribution to a state highway project in view of the fact that our shared revenues are in jeopardy and state budget revisions include a possible cap on municipal spending. The money needed to complete our internal road projects is very critical. New Berlin is expected to contribute approximately \$2.5 million toward this state highway over the next three years and this money will be difficult to come up with. We have to have a strategic plan for our own infrastructure regarding our own road projects. Our debt service is also an issue.
- He feels there's a number of areas in S.T.H. 59 that should be done, specifically, the Springdale Rd. and Davidson Rd. intersections -- possible resurfacing and passing lanes.
- The City's contribution to this four-lane project is not a strategic decision that can be made in light of the loss of revenue and potential capping.

J.P. Walker requested Ron Schildt's expertise at the meeting, in light of the budget issues. He feels the Springdale Rd. revisions are still necessary and important because of safety factors.

Ron Schildt:

- Stated he reviewed the amount of crashes at intersections along Greenfield Ave. The Johnson Road intersection was redone in 2000 and crashes have been greatly reduced since.
- Because of the high amount of crashes on Springdale Rd. at Greenfield (about 31 accidents over the last 3 years) this intersection needs to be done for safety reasons. There are problems with Greenfield Ave., but Springdale has a pretty steep slope approaching Greenfield. Present plans include relocating the north leg of Springdale farther east and leaving the south leg where it is. This particular plan included lowering Greenfield Ave but if project changes they might be able to modify the plans.

J.P. Walker :

- Looking at the project from a regional perspective there is some merit to it and benefit for New Berlin.
- He agreed with Mayor on budget situation – we should make sure we put funds towards the proper project. He is not sure a State project, at this time, is in our best interests in light of the budget impacts we're up against. There is benefit to having the road go through regionally; locally, many citizens don't want this project. There are areas on Greenfield that need attention, and as soon as possible. He is afraid State will take their money, go elsewhere and we won't have anything to say about it. He wants everyone to keep in mind as they go through discussion of this, that it may be 10 – 20 years before anything happens if we decide not to do project.

Alderman Scheuble:

- He voted against this project at Council because of our responsibility in collecting the monies to pay the State. The residents feel some improvements would be helpful but the project envisioned by the State is too costly and not appropriate for the character of that area. He hopes that we don't take the lead or the responsibility for collecting money for the project and be able to maintain the position of withholding our financing from the project so that we have more control over the actual design.

J.P. Walker:

- Not sure we could go the route Scheuble suggested because two or three things need to take place first. Cost sharing agreements would have to be put in place first. Then execution of the lead agency agreement with the State. He doesn't think we can enter into cost sharing agreements with the other municipalities if we aren't willing to pay our share. This is the way we would have to go if there is interest in the project. With the proper wording, no additional financial pressure will be placed upon the City, but it has to be worded carefully in the agreement. Since there is interest in certain things but not the entire project we would have to meet with the WisDOT to discuss options, and do that in the near future.
- Alderman Ament wanted to know the time table on being lead agency. J.P. Walker stated they have to save 12 –18 months for design, with a construction start scheduled for 2004 – 2005. Final design would have to start in June or July of this year. WisDOT had requested we make a decision by March 31st, which means execution of the contracts, etc. Ament concerned we cannot get this done by then. Walker stated there is consensus for 50/50 , 50% frontage, 50% traffic within the project area, and percentages were laid out by the State. He believes most of the communities have brought it to their elected officials to make the decisions but is not sure all decisions have been made yet. The intent was to have a letter of understanding from each of the communities stating they were agreeable to the percentage breakdown, and there would be a separate agreement with each municipality. This would have to be done before we enter into any agreement with the State.

Alderman Ament:

- Feels we may be putting the "cart before the horse" by not having agreements in place so others know where we stand in designing and constructing this road. Walker stated he has not seen anything in writing from the other communities but believes they are all aware of our position. The state asked New Berlin to be the lead agency because we have the majority of the frontage and interest. He feels this is cut and dry -- either we go through with the project with modifications or we don't. It's obvious there is no consensus

to do the entire project because we don't have the budget to pay for our share, and that may be true of the other communities involved. Ament thinks we should possibly meet with the communities and tell them our position.

Mayor Wysocki:

- Stated there has been one meeting with the municipalities and different ways of sharing the cost for the road were discussed. He felt there would be another meeting in light of loss of shared revenues and potential cap on municipal government budgets. He thinks the first and most important item on the agenda at this meeting is if all communities will still be resolved to participate in this project. He is not sure these communities will now be in a position to make a strategic spending commitment when they are unsure of their revenues.

Alderman Ament:

- Suggested tabling this item temporarily until we get needed information from other municipalities. After that is done a special Board meeting could be held to determine who would be lead agency, and the Board should get this accomplished to fit within the March 31st deadline.

Alderman Chiovaturo:

- Stated he believes being lead agency is beneficial to New Berlin. His understanding of lead agency role is that we are not obligated to pay if the other municipalities decide not to pay the State. J.P. Walker stated this was discussed at Council and our City Attorney would not let a contract go through that would put us out on a limb, there are protections that can be put into the contract. The existing generic contract language regarding this does not cover that, as it reads now the lead agency would be responsible. Chiovaturo said we definitely need to get that fixed. There are many concerns about the design, construction and size of this project and it would be a plus to be lead agency.
- Alderman Chiovaturo wanted to know if the WisDOT had been approached on revising plans in light of the budget cuts. Walker did not know but stated the funds for this project have been set aside for quite some time. If this project is not done, there may be safety and traffic problems.

Mayor Wysocki:

- Agreed with Chiovaturo but pointed out there had been a variety of design alternatives to the one currently being proposed and at the cost being proposed. Some designs maintained that corridor with a 2-lane highway, resurfaced, with acceleration/deceleration turn lanes and the reconstruction of the Springdale intersection. He suggested a less costly one that we may be able to afford and also the City's master plan should be considered. This area is not planned to be an intensive use area, it is residential and rural, not commercial. He suggested that the character of that segment, as compared to the area east of Calhoun is significantly different. We should look at alternative design plans with the other communities; that might be more acceptable, in terms of fiscal impact. If the State does anything out there certainly they can revisit it in 10-12 years. We need to be extremely careful at this point because of the State fiscal decisions impacting our financial planning over the next 3 – 5 years.

Alderman Scheuble:

Agreed with Mayor, that was his position at Council, that we take lead agency subject to design change with 2-lane, resurfacing, with improvements for acceleration/deceleration at intersections.

Motion by Alderman Scheuble to recommend to Common Council that New Berlin be lead agency in the S.T.H. 59 Greenfield Avenue Project, subject to design revisions of a 2-lane segment, resurfacing, with improvements for acceleration/deceleration at intersections. Second by Alderman Ament for discussion.

Alderman Chiovaturo:

Agreed, but concerned if we don't get our changes we won't get lead agency and consequently will have less bargaining power.

Alderman Ament:

Understands all the concerns but again feels we're putting the cart before the horse. The decision is whether we want to be lead agency, and then we have a time table to make that decision. Doesn't feel anyone is comfortable making that decision with the information they have right now and wants to find out from other municipalities where they sit before making this decision. Doesn't want to go back to State and say we want to be lead agency, but only with conditions. Doesn't think we're alone in our financial concerns, other communities are feeling it too. Feels Brookfield may take lead if we don't. Regarding cost sharing—even though the city attorney would not let us get into bad situation we may anyway with the terms of the cost sharing agreement. BPW may have to look at whether city attorney is comfortable with way BPW does cost sharing agreement. Thinks we need more information from a couple different angles before we make this decision. Preferred we table and come back in two weeks with all the information.

JP Walker:

Stated we could schedule a meeting with the communities and WisDOT to discuss these issues and find out definitively where they stand, perhaps a separate meeting with WisDOT. Suggested scheduling meeting within the next week and having a special Board to discuss results of those meetings.

- Scheuble willing to table the motion in order to have discussion with other municipalities.

Motion by Alderman Scheuble to table motions to discuss, to take lead agency, and to scale back project. Upon voting, motion fails for lack of a second.

Board recognized citizen:

Vernon Bentley, 3450 S. Johnson Rd:

If you take the lead agency like Brookfield did from 124th St. to Calhoun Rd. on Greenfield, he and his wife attended all those meetings, when you take the lead agency you do have the clout. There is a plan for resurfacing of a two lane road, it's not just a patchwork job, it's a plan. Also, when the State does a project like the one from 124th to Calhoun on Greenfield, they normally wait 6 years before they do the next segment. This one, due to our friend Mark Phelps, moved it back two years to 2004. So when you're talking about a time limit here they've already moved it back two years.

- Chiovaturo apologized for not studying the 2-lane proposal. If his concerns can be met with that proposal, he's in favor taking another look at it.

- Wysocki suggested withdrawal of motions. Have a meeting. Shortly after that meeting schedule another meeting. JP will give the report from other communities, raise lead agency issue and find what other communities position is on taking lead role and perhaps at that time show other proposals made on this project. Then have special BPW meeting to address everything.
- Chiovatero agreed with Mayor. Scheuble wanted to leave motions on the table for the people's knowledge. Then we can do whatever with it when we retake the motion, put the motion back on the table or take it off for discussion after this meeting. Go ahead with meeting as appropriate but maybe just tabling this item now and going ahead with the meeting.
- Ament: Thought it would be "cleaner" if we took all motions off because they might not be relevant depending on how they're worded. Then when the time is right the appropriate motion can be made. Mayor Wysocki then suggested we leave this item on agenda as is. After the meeting come back and give report -- this could be done if the person who moved the motion and 2nd it is willing to take it off (the agenda).
- Scheuble stated it would require a vote to do what Mayor recommended. He would rather leave this item on the table since it doesn't matter we can deal with it afterwards. He also stated there's sometimes an advantage to having something actually on the table as far as being able to speak to that issue. He preferred to go ahead have meeting, table this item, move on from there, no need to take it off the table. Alderman Chiovatero stated there was only one motion out there and that's the one to approve lead agency.
- Alderman Scheuble stated the motion being discussed was the 2 lane plan with some intersection and prior plans that have been addressed which he promoted ever since the first Greenfield meeting he attended 2 or 3 years ago. He thinks that's what the people want, that's what should happen, and we should let people know where we stand on it. Alderman Chiovatero did not think they had a motion. Scheuble stated they did have a motion, it was seconded, and they were discussing it. He also stated the motion was to go ahead with taking lead agency contingent upon approval of the 2-lane plan with acceleration and deceleration lanes. Chiovatero thought the motion died for lack of second. Scheuble stated Aldermen Ament made second for discussion.
- Mayor: Stated he would vote against what Scheuble recommended, not because he didn't agree with it but because he thought it was premature. He suggested first getting information from other municipalities. After obtaining that information the appropriate motions could be brought forth which are:

#1 If we want to be lead agency then we know what we're involved in.

#2 If there is cost sharing we'll have a better idea of what the formula is.

#3 We can then make a recommendation by resolution as to what alternative we would like to see.

Motion by Alderman Scheuble to table motions to discuss, take lead agency, and scale back project. Upon voting, motion fails with Alderman Scheuble voting yes.

ITEM 05-02 Establishing formal committee for developing the Erosion Control Permitting Process (Request by Alderman Scheuble)

- Alderman Scheuble: There's a number of problems in community, main one is enforcement, along with maintaining master drainage plans. He proposed establishment of committee with a member from streets, engineering, planning, inspection and the BPW, and those members chosen by a department head. He wants to represent BPW because of his involvement with the environmental health ad hoc committee. **Motion by Alderman Scheuble to address erosion control permitting process. Second by Alderman**

Chiovatero for discussion.

- J.P. Walker: Noted many erosion control problems in the last few years mainly in subdivisions. Not as much of a problem with commercial/industrial development because there is already criteria in place governing what they need to do. The shortfall is in subdivisions. Developers put out their basic erosion control but when they close on a site it's not carried forth by the new owners. There has been major street cleaning issues to deal with. We're trying to come up with a way to keep the developer on the hook and be responsible for restoration of the right of way and side or back yard swales.
- He recommended a new fee structure and permit signed by the new lot owner before the site/lot is closed, stating that those areas will not be damaged. Thinks that will help control problems seen over last number of years. This needs to be a carefully worded document that makes it very clear to all parties concerned, including the City, what their responsibilities are when the transition takes place from developer to lot owner.
- Alderman Ament: Concerned that a formal committee is "overkill", could be duplication of work, and that there's no need to form a committee for one isolated issue. Stated it may be better handled through codes or developer agreements.
- Mayor: Thinks BPW should develop erosion control permitting process. This is a code and enforcement issue beyond the occupancy permit. Suggested a stipulated dollar amount within the permit until inspection was complete. Staff could come up with a type of code that's enforceable, meets objectives of erosion control, and also addresses storm water runoff issues.

• Alderman Chiovatero: Agreed with mayor. Has had discussions with inspections, engineering and citizens. Thinks BPW should address this issue and get information from those familiar with this.

• J.P. Walker: Stated DCD has very clear thoughts on this matter and has looked at approximately five other municipal erosion control permitting processes. The issues found in need of addressing are:

1. Better control needed over private utilities, because they do a lot of work along property lines and drainage swales are located there. Utility companies, at least electric companies, are now mandated to put their electrical boxes/underground wiring, at or near the front property line. That could have a major impact on drainage swales.

2. Better control and enforcement is needed, perhaps giving enforcement powers to a department. Presently it is the responsibility of the Inspection Dept. but they've made it very clear they do not have the manpower to do it.

3. The next step is then to get a document in place, get the enforcement in place, determine who needs to do the enforcement and man it appropriately.

- Alderman Scheuble said this issue had been brought to J.P. Walker in an informal group and the Mayor then wanted to have a formal group to deal with this so that is why he brought this motion forth. He feels Streets Dept. should be involved with this because they are out on the roads a lot and can be the eyes for potential problems. DCD should also be involved as well as Inspections.
- Alderman Ament did not agree to the need for a formal committee. Because Alderman Scheuble has had extensive contact with DCD staff regarding this issue he feels it can be handled by BPW.
- Alderman Chiovatero stated it would be more appropriate to direct DCD to move forward

- on putting something together for BPW review.
- Alderman Scheuble agreed with Chiovatero up to the point of enforcement, then he feels Inspection/Streets should be involved and coordinated with DCD.
- Alderman Chiovatero stated they should get the process down and in agreement, then get Streets or appropriate departments involved.

Motion by Alderman Chiovatero to form a formal committee for developing erosion control processing permit. Upon voting motion fails, with Alderman Scheuble voting in favor.

Motion by J.P. Walker to add a friendly amendment to the motion to direct the Department of Community Development to move forward in preparing an erosion control document to bring to the Board of Public Works for review and subsequent recommendation to the Common Council. Second by Alderman Chiovatero. Alderman Scheuble requested amendment to read: DCD to work in cooperation with Inspections, Road & Streets Dept. Mayor Wysocki will insure coordination occurs. Upon voting, motion passes unanimously.

- During voting process Alderman Scheuble expressed concern about the Calhoun & Beloit area regarding a previous existing orchard with subsequent open disturbed lands emptying into Calhoun Creek. He talked with a number of departments and no one knew how to deal with this when it was in opposition to agreed upon goals for erosion control. Some things were done but were totally inadequate. Scheuble concerned if this is put under just DCD that not all factors will be taken into consideration with equal balance. He wants a collaborative effort.
- Alderman Chiovatero reminded that this issue will come back to BPW for further determination.
- Alderman Scheuble again stated he wished this to be a coordinated effort and initially wanted the Mayor to choose who would be on the committee. He wants a balanced, comprehensive approach to this issue.
- Alderman Ament agrees with Alderman Scheuble on this issue. He feels we do need a mechanism in place to avoid Developers who try to circumvent our codes and ordinances.

Motion by Alderman Chiovatero to adjourn. Second by Alderman Ament. Upon voting, motion passes unanimously.

Meeting adjourned at 9:02 a.m.

-