

Minutes

BOARD OF PUBLIC WORKS MEETING

August 5, 2002

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

Meeting was called to order at 8:02 a.m.

Members Present: Mayor Wysocki, City Engineer J.P. Walker, Alderman Chiovatero, Alderman Harenda, Alderman Ament was excused.

Staff Present: Division Engineer John Graber

Others Present: Don Kitten of TVNBLLC and Dean Frederick of the Thomson Corporation.

ITEM 01-02 Approval of Minutes

Motion by Mayor Wysocki to approve the June 3, 2002 minutes. Second by J.P. Walker. Upon voting, motion passed unanimously.

ITEM 13-02 Developer Agreement – The Victorians of New Berlin

J.P. Walker stated the requested action: Recommend to the Common Council approval of the Development Agreement subject to final review as to form by the City Attorney.

- John Graber stated this project was approved by Council as a PUD - the first phase will have two-8 unit buildings, the second phase an 8 unit and a 4 unit. It is located at the southeast corner of Calhoun Rd. and National Ave.
- Mayor questioned why certain items in the agreement were in red. J.P. Walker said Alderman Wilkens requested new items be in red to save review time, the rest of the document is a boiler plate that is put in all agreements.
- Mayor questioned who was responsible for lighting on the project. Graber responded that a street light is normally required at the entrance to a development.
- Alderman Harenda asked if there was landscape plan already approved for this project. Walker stated that issue is a requirement in the new erosion control permit.
- Chiovatero was concerned about sidepaths in this area surrounding this development. Graber stated side paths along Calhoun Rd. were a required condition from Plan Commission and/or Council. The main entrance to this development is on National Ave. Mayor stated extending the sidepath on Calhoun closer to Hearthside Acres subdivision will enable folks to walk through and around the subdivision.
- Don Kitten, Developer of this project, suggested a special assessment be levied at the time needed to extend the sidepath.
- Mayor suggested the City Attorney look at possibility of that type of arrangement if Staff is comfortable. Chiovatero stated it showed a lot of good faith on Developer's behalf. Graber suggested an alternative in lieu of having it installed - have the Developer provide financial assurance, that at such time that the path is extended require payment at that time. He did not recommend a special assessment and the public hearings, notices, etc. that go along with that. Financially committing the Developer is the easiest way to accomplish goals.
- Walker said sidepaths are part of road projects and are generally not assessed. He was concerned about the time limit on financial assurance. Graber stated time frames on other developments are one year, which is renewable. The first phase of this project is moving forward this year, the second phase was indicated to be three years from Don Kitten.

Motion by Mayor Wysocki to recommend Common Council approval of developer agreement subject to final review as to form by the City Attorney, and under Item 9C, addition of a form of surety instrument obligating the Developer to complete the sidepath if required, within one year of completion of Phase II. Second by J.P. Walker. Upon voting motion passed unanimously.

ITEM 14-02 Award of Contract R-1-02 Pulverizing and Base Patch Repair Project

J.P. Walker stated the requested action: Recommend to Council to approve award of Construction Contract for the 2002 Pulverizing and Base Patch Repair Project to the lowest responsive, responsible bidder, Payne & Dolan, Inc., in the amount of \$374,565.45 for Project No. R-01-02. The estimated project costs are \$566,476.00.

Motion by Mayor Wysocki, Second by J.P. Walker.

- Harenda asked when the work would take place. Walker stated construction would be starting as they speak and was anticipated to be done in October; working as long as weather allows. Chiovero pointed out that this is part of the annual roadway maintenance program. Walker stated they received three bids and that there was a pretty good spread on the bids.

Upon voting on the above stated motion it passed unanimously.

ITEM 15-02 Cost Sharing Agreement – Kelly Point Lift Station

- Chiovero stated requested action is to recommend the Common Council approval of the Cost Sharing Agreement subject to final review as to form by the City Attorney.

Motion by Mayor Wysocki recommend the Common Council approval of the Cost Sharing Agreement of \$20,000.00, funds to come from the sewer impact fee account, subject to final approval as to form by the City Attorney. Second by Alderman Chiovero.

- Mayor stated the Developer's initial request was for \$62,000.00 and credited Council and Staff for bringing this figure down to \$20,000. Graber stated there had been significant difficulties with this project, both by the City and the Developer, relative to the contractor that was doing the work. Extensive negotiations were held - eligible and non-eligible costs were discussed in meetings to resolve all the issues.

Upon voting on the above stated motion it passed unanimously.

ITEM 16-02 First Amendment to Preserve at Weatherstone Meadows Development Agreement

- Chiovero stated requested action is recommend the Common Council approval of the First Amendment to the Development Agreement subject to final review as to form by the City Attorney.

Motion by J.P. Walker, Second by Alderman Chiovero.

- Graber stated the project changed significantly due to wetland issues on the site, so a second agreement was prepared, in effect not executing the first one. Mayor asked if the developer was aware of amendments, Graber said yes.
- Dean Frederick responded to Chiovero's question about building sizes, stating building foot print was slightly larger on some buildings because the sunroom was increased in size by 2'8".

Upon voting on the above stated motion it passed unanimously.

ITEM 33-01 Tess Corners Creek Pond

J.P. Walker stated there would be an update on this at the next Board meeting.

Motion by Mayor Wysocki to adjourn. Second by Alderman Harenda. Upon voting motion passed unanimously.

Meeting adjourned at 8:30 a.m.