

MINUTES
BOARD OF PUBLIC WORKS MEETING
October 15, 2009 (Special)
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 6:03 PM.

Members Present: Alderman Ament, Alderman Seidl arrived at 6:30, Alderman Wysocki and John Graber; Mayor Jack Chiovarero was excused.

Staff Present: J. P. Walker, City Engineer and Tammy Simonson, Transportation Senior Civil Engineer.

Guest: David Tapia, Bloom Companies.

Privilege of the Floor: There was no one wishing to speak.

OLD BUSINESS

ITEM 01-09 Approval of Minutes from the September 17th, 2009 meeting.

Motion by Alderman Wysocki to approve the minutes from the September 17th, 2009 Special Meeting. 2nd by John Graber.

Upon voting the motion passed unanimously.

ITEM 22-09 Update, Discussion & Possible Action on Calhoun Road Alternative 2009-A.

David Tapia went over the project schedule and indicated that the design for Alternative 2009-A is pretty much on schedule. He indicated that they are going to separate the frontage road designs from the Calhoun Road design so he had added those items related to that in blue text in the schedule. Their plan is for the Calhoun Road design to be completed within the existing right-of-way. A Public Information Meeting was held on October 6th and Bloom has received the comments to date. Most of the comments were regarding the four-lane. Some were general concerns about the by-pass lanes. The point that Bloom is at now is to finalize some of the details so they can move into the final design element of the project. From a design standpoint there are two outstanding issues that the Board needs to make decisions on. The first one is the frontage road. Should the frontage road be separated from the Calhoun Road rehabilitation?

John Graber asked do you mean a separate stand alone, it means going along with the adjoining side streets?

David Tapia replied no, separate stand along project. We will continue to design the frontage road components as we are doing currently and when they get to the point where everything is established then the real estate, the appraisals, the negotiations, the acquisition phase can start. Because that can take a considerable amount of time we don't want to have that hold up the milling and overlaying of Calhoun Road which we would be able to start in the Spring 2010.

Alderman Ament stated that he assumes that includes the Lincoln Avenue intersection as well.

David Tapia replied correct.

JP Walker corrected something that David said and that had to do with timing of the right-of-way acquisition. Staff has looked at tacking the actual right-of-way acquisition onto the separate projects Glendale Drive, Lincoln Avenue and Rogers Drive. By looking at the CIP request over the next five years there are two ways we can go. We can do it all now, have the right-of-way acquisition completed, have that as part of the 2010 budget and then we just wait until those other projects go to realign the frontage road connections or we do it the year before construction is scheduled on each of the other three projects. That's an option the Board can discuss and give us direction on. We should discuss it preliminarily tonight because it will be a topic of discussion at Monday's regular Board meeting as far as amending the CIP budget request.

Alderman Wysocki stated that we have this amended five-year plan as you have alluded to and I like what I see here. I noticed that what you are recommending is switching Calhoun Road from 2011 to 2010 and moving the STP projects, Lincoln, Coffee & 124th Street from 2010 to 2011. You are shifting things around in view of the fact that Lincoln Avenue has environmental issues requiring WDNR approval.

JP Walker replied that it is not just Lincoln Avenue, but also 124th Street and Coffee Road and, all three STP projects. We have been advised by DAAR engineering, who works for the WisDOT that we won't be seeing environmental document approvals until the end of the year.

Alderman Wysocki stated that then explains why in your amendment you have actually shifted the basic STP projects into 2011.

JP Walker responded correct.

Alderman Wysocki asked are those approved STP funds at all of concern in regards to arbitrage?

JP Walker responded that WisDOT will contract the work. We don't have the money, and we won't get the money. We will pay our local share, which is 20% of the construction costs.

Alderman Wysocki stated as you have explained it would be advisable in 2010 to go ahead with the rehabilitation of Calhoun Road because we can't do these other projects in 2010. We should bring that forward and the issue of concern that we have had all along in regards to right-of-way acquisition could be identified with the individual side road projects. The numbers that you have shown us, the focus being on Calhoun Road, it appears to me that as we go forward we spread out our costs from 2010-14 especially in 2012, 2013 & 2014 in a much more uniform way in terms of numbers. Going back to 2010, other than Roadway rehab projects there essentially doesn't appear to be much going on in terms of construction based on our current schedule project. Bringing this in is a good thing for a couple of reasons; number one being we move forward, number two the irony of our economic situation is these are the best of times to get the best kinds of contracts. We wouldn't want to loose this year of potential construction in view of the low amount of interest that we have to pay to borrow, plus there is a lot of competition out there in roadway construction. I like the ability to move Calhoun Road into 2010 followed in 2011 with the issues dealing with the necessary right-of-way acquisitions or at least two of them that gives us plenty of time to go through the legal process of acquiring right-of-way. I strongly recommend that the component dealing with Calhoun Road based on the numbers that you presented here and the way the schedules fit in over the five year plan that we go ahead and approve that portion of the amended five year plan that deals with Calhoun Road. I would recommend that the Board on October 19th when it deals with the amended five-year plan for roadway capitol improvements accept the Calhoun Road portion of that amended as described.

John Graber asked are we going to be talking about the Roadway rehab projects for \$2 million each of those years? Is that going to change or is that going to be part of our changed capitol improvement program?

JP Walker responded if the Board desires that will be part of the discussion on Monday.

Alderman Ament stated that he thought Alderman Wysocki is hoping that this recommendation starts the conversation on Monday and then we can fit all the rest of changes into that discussion.

Alderman Wysocki stated that he would like a consensus recommendation.

John Graber indicated that he would support that.

Alderman Ament stated that there was some discussion about the bio-swales, which were originally part of the RAS. He asked what recommendations are we looking at for that now?

JP Walker responded that based discussions that he has had with Nicole Hewitt, our Storm Water Division Engineer, we have some concerns about if we are getting a big enough bang for the bucks that we would have to spend on the bio-swales. It's close to \$400,000 based on preliminary cost estimates. I don't think we are going to see the water quality improvements that equate to that dollar amount. My recommendation is that we go with the Gatewood technique and forgo the bio-swales. Let's see how the bio-swales work on Lincoln Avenue, Glendale, Rogers and Ryerson, and perhaps in the future there could be some introduction of bio-swales somewhere along the frontage road area on Calhoun Road as a future stormwater project.

Alderman Ament asked we would look at that more when we get to the service roads is that what you're saying?

JP Walker responded that's not what I said but that's a possibility. What I said is a future project. It could be a stand alone project or it could be toggled onto the frontage road improvements.

Alderman Ament stated that we are looking at \$2 million for 2010 for just the Calhoun Road part of this project. What is the remainder of it less the bio-swales, basically for the service roads?

JP Walker responded that if we take the bio-swales out that is \$400,000, the frontage road ranges between \$325,000 and \$360,000.

Alderman Ament stated that if we are looking at \$2 million for that we are looking at about another roughly \$800,000, so we are at \$2.8 approximately on this whole project?

JP Walker reminded the Board that if you include bio-swales, you are also including frontage road. If you include the frontage road, you can't do Calhoun Road in 2010 because you need the right-of-way acquisition.

Alderman Ament stated that he was just looking at how the dollars stacks up, so if we did the bio-swales and assuming this other stuff didn't happen and we were still going to do Calhoun the way we planned it, we were still going to do the service roads, and the bio-swales, what number would we have been at approximately?

JP Walker replied without right-of-way it would be \$2.8 million.

Alderman Ament asked what were we estimating for right-of-way?

JP Walker replied \$550,000.

Alderman Ament stated for the whole project, once it's all done at some point roughly we would be looking at \$3.8 to \$3.9 million.

JP Walker replied \$3.4 million.

Alderman Ament stated that his question is, seeing as we are really shifting quite a bit of the borrowing dollars that we were going to do in 2010 to 2011 due to things out of our control are we better off putting that entire

\$3.4 million for Calhoun Road to remain in there? Let's say we are going to keep going with the land acquisition, let's say everything fell into place and we could possibly do it all next year are we better off having that available so we don't have to go hunting for the money.

Alderman Wysocki stated that the STP funds won't be available, I think that's why we had to shift some of the stuff around, right?

JP Walker replied that the STP funds will become available for use on July 1st, 2010. But our project will not start before that, so we will be using those funds in 2011. The issue that I have with what you are bringing up right now, Alderman Ament is arbitrage. Is there potential for arbitrage in the way you are describing it right now in the way you are describing it and I believe there is. We had committed to not going for construction funding until we were sure that our land acquisition and design were all completed. By following this amendment we are meeting that requirement.

Alderman Ament asked without the bio-swales, if we don't go that route, we are looking at about \$3 million total?

JP Walker replied if you include right-of-way acquisition.

Alderman Ament stated that he knows these are trying times, but on the other hand the cost of doing these projects is not likely to go down in the future, nor is the cost of borrowing the money to do them. He is trying to prepare for what we are going to discuss on Monday without going there.

JP Walker stated that by taking that route, that provides us with more flexibility. We have Bloom Companies under contract right now, so there would be funding needed for the appraisals we are talking about three or four properties. Whereas, the way I've laid it out we are looking at specific years for the right-of-way acquisition as it applies to other projects. The way you are suggesting, we have that acquisition done, we have acquired the land and we are just waiting for the other construction projects to go, so that could be an advantage. As you have indicated especially with the interest rates we are seeing right now.

Alderman Ament stated that he doesn't expect the economy to flip around and do a 180 on us in the next year or maybe two. Right now, if we were planning on putting about three million dollars in 2010 for Calhoun Road, if it's appropriate to leave \$2 million in there rather than any more for land acquisition or anything else, then maybe on Monday we can look at maybe moving a few other things up to fill in that space and that will also leave us more room in 2011 for Calhoun Road.

Alderman Wysocki stated it may be to our advantage to include all the right-of-way costs in there because as you said if it takes a year. First of all arbitrage would only apply to the right-of-way project and that we would be doing right away so I'm not worried about that. It's already in the contract with our consultant who is familiar with all this that that is expected to happen and it still can happen as pointed out in this schedule that we have. If I am hearing Alderman Ament correctly it is a good discussion to have on Monday relative to Calhoun Road that perhaps we should move ahead with the costs of right-of-way but we can start construction without the right-of-way issues being involved immediately.

JP Walker responded that we are able to do that by separating out the frontage road out as a separate project.

Alderman Ament stated that he sees the value in separating them so we can still get Calhoun Road done, but he was wondering about the dollars. It would be nice to have those available should the right-of-way acquisition fall into place we have it. If we don't we may be stuck trying to come up with a way to have that or putting it off for another year. If there is a way it would still be better if we could do Calhoun Road all at once. We are taking out some funds for Calhoun Road for the service roads, kind of separating it, but having it available. If not we have these other projects we can use that money for. It's going to be a while before we get caught up with the major projects, not to mention the roadway rehab.

Alderman Wysocki stated that Calhoun Road is a legitimate topic. We have a new schedule, estimate and a new plan for it. As you can see now it looks like we can do Calhoun construction in 2010, we would not be doing the right-of-way acquisitions, the service roads would be a separate project as you can see identified on the schedule. We all agreed to this point that we would like to see this go ahead and we will discuss it and vote on it Monday in the entirety of this entire amendment. The other item brought up by Alderman Ament is to move the right-of-way acquisition in the time line to go ahead with it as a separate issue or separate project so that we could have that right-of-way as soon as possible, certainly by 2011 or by 2013 then we can move ahead on those other projects.

Alderman Ament asked where are we with the design?

David Tapia responded that we are primarily at 60% completion. We have laid out the genesis of the plans, basically mill and overlay, we have some by-pass lanes going in and for the most part the comments received at the PIM the understanding that it serves the purpose and needs and it should be taken forward. Now with the frontage roads being on a separate path it makes sense. We can now go into the final design to get all the final details put into the plans, tighten up the estimation of quantities and construction costs over the next couple of months. Going back to the earlier discussion, the two directions that I was looking for, one being the frontage roads the other is how to handle the West Elmwood Road two connection points, on that small service drive. We had provided four options at the PIM. The first option was just closing off both access points and having the four property owners needing to take Elmwood west to the first sideroad to Roosevelt and access Calhoun Road from Roosevelt. The second option was to close those two access points off and extend Elmwood Road directly to Calhoun Road. A third option was to have a 90 degree connection north of West Elmwood and then extend that service road out directly to Roosevelt of which we had two options. One option brought the service road close to the intersection at Calhoun and the other moved it further away but it impacted the nearest house. That last option has right-of-way implications and I believe that one falls out. The option with taking the service road out to Roosevelt close to the intersection doesn't solve the problem; all we would be doing is moving it too close to the intersection. I had received comments prior to and at the meeting were that people were concerned about losing a couple of majestic trees that were a focal point of that sub-division with the option of extending Elmwood to Calhoun. They didn't want to see that just for an extension of a road and access point. Taking that into consideration and how these side roads operate, how unsafe the angled connection are, the southern connection being too close to intersection of Roosevelt and Calhoun, poor visibility, and being that the property owners would only have to travel about 0.3 of a mile to go around and come out on Roosevelt, my recommendation is to just close those two points off; don't make a connection to Calhoun. What you do, whether you make those private drives or keep it as a City street, that's up to you at a later time. For design plans that would be my recommendation moving forward.

Alderman Ament: It would be nice to make a decision on it tonight yet. Some of the feedback that I heard that night was, I think that the option with the 90 degree connection on the north and the connection nearest the intersection of Roosevelt and Calhoun was the most preferable, but I guess I would lean heavily on what Alderman Seidl's responses have been.

Alderman Seidl answered that the responses that he has had are basically the same. The Roosevelt connection would come out near the intersection with Calhoun but you would have about two or three people using that, the rest would go over to the 90 degree connection. I know the shared drive would not be acceptable with them if that is the direction we take.

John Graber asked there are three lots that are between Elmwood and Roosevelt, the northern of those, would they then have access off of Elmwood only?

David Tapia responded no, they would be able to come in off of the northernmost 90 degree connection if desired.

John Graber stated that it looks as if there could be the option to put the 90 degree bend in there and eliminating that access to Roosevelt.

David Tapia indicated that that is a possibility too.

JP Walker stated that the issue that would come into play is what we would do for snow plows; they would have to back up because there isn't room for a cul-de-sac at that south end. It would be a long distance for them to back up. So what I'm hearing is we are looking at the option that has the 90 degree connection at the north and the connection out to Roosevelt and that is the connection that is nearest Calhoun Road, so it does not have any property impact.

Alderman Seidl stated that that is the one that I got the general consensus from the meeting that we had.

Alderman Seidl: Made the motion to the Board to go with the alternative which connects the service drive at the northern most access point at a 90 degree angle to Calhoun Road and brings the service road out onto Roosevelt Avenue with the least amount of impact to the property on the southern end.

Alderman Ament stated that he would assume that would eliminate the need for or move that by-pass lane on the east side that we had in the drawings, if West Elmwood would have come straight out, there was a by-pass lane. Would that shift it then further north?

JP Walker responded yes.

Alderman Ament 2nd the motion.

Upon voting the motion passed unanimously.

Alderman Wysocki stated that we now actually have in place the actual plans for which you can now work and draw up for approval to Council and then go ahead and award contracts.

David Tapia stated that for the frontage roads there are a couple more things that Bloom wants to do. We want to make sure that we have verified all our trucking turning movements, we need to look at where some of the docks are located, there may be some additional construction on the frontage road to provide a little more paved space. Once we have gotten to that point we have identified what the geometry is going to look at and have our slope intercepts locked down. We will then prepare a preliminary plat for review. Once we get the final plat and legal descriptions approved and recorded then the firm that would do the appraisals would start negotiations.

Alderman Ament asked when do you think that will occur?

David Tapia responded that his hope is that we would start the plat work in about a month, it shouldn't take that long.

Alderman Ament asked the land acquisition could start either in December or January?

David Tapia responded that the schedule he laid out is on the conservative side and it would start the actual discussions in February.

Alderman Ament asked but we aren't at the point now where we can bid for a contract?

JP Walker responded that we need the relocation order in order to go out for a request for quotes and until we have that there is nothing a consultant to quote on as to what the services are going to be.

Alderman Seidl stated that we were looking at possibly moving this amount from the \$2 million to the \$3 million. I thought we were looking at around \$500,000 in land acquisition.

JP Walker responded \$550,000 is for land acquisition. What I did on this amended five-year plan was to break this out for Lincoln, Glendale and Rogers. This evening we talked about keeping it here with Calhoun Road and just increasing the amount of Calhoun Road up to the \$3 million mark and that way David can separate that out as a separate project and be working on the relocation order so that it has no impact on Calhoun Road.

Alderman Ament added the idea being that if things would fall into place we have the funding to just keep on rolling with this thing so we don't have to go hunting around for it or waiting for another year.

Alderman Wysocki stated that if you recall the discussion that the City Attorney gave us, we need a relocation order, map and project information given to the land owners, and then we need appraisals. After those three are done, only then can we start the negotiations process. If I understand you correctly we could at least have the relocation order and the map and project information by February. Then we can go out for our appraisals and then after those are done get into the actual negotiations.

JP Walker added that the property owners have a right for a second appraisal that the City also pays for. If you could turn to the plan sheet that shows Westward drive that shows some right-of-way acquisition needed but David and I have discussed that and we can eliminate that right-of-way acquisition by shifting the Westward connection to Calhoun Road a little bit closer to the north. By putting a storm sewer under the right turn lane that is being added we can do away with the right-of-way acquisition at that point. Everything would be located in the existing right-of-way. There is about fifteen feet of right-of-way that extends north of Westward Drive. What I'm talking about is only having to move it about 5 feet. Everything we need to accomplish will be accomplished in the right-of-way.

Motion by Alderman Wysocki to adjourn.

John Graber 2nd the motion.

Upon voting the motion passed unanimously.

Meeting was adjourned at 6:55 PM