

MINUTES
BOARD OF PUBLIC WORKS MEETING
November 17, 2008
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 by Alderman Moore at 8:04AM.

Members Present: Mayor Jack Chiovero, John Graber, Alderman Moore, Alderman Ament, Alderman Seidl.

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

OLD BUSINESS

ITEM 01-08 Approval of the Minutes from the October 20, 2008 meeting

Motion by Alderman Ament to approve the minutes.

2nd by John Graber.

Upon voting the motion passed unanimously with Alderman Seidl voting present.

ITEM 15-08 – Calhoun Road Design Alternatives 2008-A (Tabled)

Mayor Chiovero made the motion to take ITEM 15-08 off the table.

John Graber 2nd the motion.

Upon voting the motion to take ITEM 15-08 off the table passed unanimously.

Alderman Moore: I had made a motion last time to add sidepaths to the full length of Calhoun Road except for the area where there are frontage roads and were there any trees removed because of construction that trees would be replaced on those properties at the location and convenience of the owners. I make that motion as an amendment to 2008-A, is there a second?

John Graber 2nd the motion for discussion.

John Graber: Would the trees that are being replaced be in the existing right-of-way? So, technically, they are our trees now so they are there for the convenience of the property owner. We could at any time for any reason come in and clear the right-of-way, so I guess I would ask what would that cost for that element of the tree replacement?

JP Walker: The trees that are in the right-of-way right now are huge trees. We would not be replacing huge trees; we would be replacing start-up trees. They are a couple hundred dollars each. I know part of the discussion at the last meeting where we did discuss this item was to perhaps give the property owners the option of moving those trees onto their personal property if they so desired, and we would be talking about start-up trees.

Mayor Chiovatero: We don't know how many trees are going to be removed, it depends on the design that we finally agree on, correct?

JP Walker: Correct. Obviously that would be a topic for further discussion later if the decision is made to go forth with this design. That would be one element that we would have to take a look at and clarify and it would be a cost item in the project budget.

Mayor Chiovatero: I think what we need to do is remember that right now we are discussing a design alternative in order for the engineers to continue and to complete the design. Then when that design is done it would have to come back here for approval and items like this would be discussed. Then that would go to Council for design approval. Then the design would be done and when the design comes back then we would put it out for bid and then we would have to do the approval for the bid process.

JP Walker: Prior to that, once you have Council approval on the design then we move into the right-of-way acquisition phase which takes possibly a year depending on how much right-of-way acquisition is required per this alternative. Once that phase is completed and all the land acquisition has been secured then we are ready to move into the construction phase. That's when it becomes a CIP budget item. If you assume that the design will be completed in early 2009, if that's what the Council ultimately decides, we are into 2010 for construction. Then it comes into how we fit this into our yearly budget knowing that we have three construction projects with STP funds already earmarked for 2010. It really is a timing issue and a budget issue throughout. At that time when it becomes a budget discussion as far as the detailed cost estimates would be part of that packet that would be reviewed by Council.

Alderman Moore: In relation to the trees and to the sidepaths I just wanted to clarify that the sidepaths would be within the present right-of-way. Is that correct?

JP Walker: That's correct, but I do want to clarify that there are a few locations within the areas where the frontage road is where the sidepath would be connected to the frontage road.

Alderman Moore: I was mostly indicating where, especially the northern section, where there would be that sidepath but it would be in the City owned right-of-way. Also, one of the problems that residents often have when you newly construct a road is they have a problem with their screening between the house and the street because of trees, because of construction, because of road widening and this is one of the things that I want to try and alleviate. I'm talking about trees that are removed because of construction or because of a sidepath.

JP Walker: I don't believe we are talking about a large number of trees, there are some bushes on the west side that will have some impact and those definitely were installed for screening purposes so we would have to take that into account.

Alderman Moore: I'm also talking about those that are not invasive species, the ones that are natives and those that are more than those that are just more than small. I don't know if it's most appropriate to include a size in the motion. I think normally as I use the word trees rather than bushes, that can take care of that question.

John Graber: In the past has the City ever gone through and compensated the people? I use compensation not necessarily in a dollar term but in a replacement-in-kind type of thing, where we are taking out trees in the existing right-of-way that we are somehow compensating those people in any fashion when we have done any other road reconstruction within an existing right-of-way.

JP Walker: The key point you just made is trees in the existing right-of-way. I'm not aware of any time where we have compensated or replaced trees that were in the right of way. We have done it when they have been taken out from the private property within areas that we have purchased.

John Graber: That's the reason I asked the question was because my experience prior to yours is that if it's in the right-of-way its fair game. That's a terrible way to say it but it's our tree.

Alderman Moore: That's true; I think we have an obligation to replace our tree because we are taking away one of the City's trees that the City has enjoyed beyond the property owner. Trees have a value in themselves.

Alderman Ament: You are talking about sidewalks on both sides except for the stretch where the service roads are?

Alderman Moore: Yes, I am.

Alderman Ament: That would mean that the maintenance of those sidewalks would be the responsibility of the homeowner or businesses. You are talking about the full length?

Alderman Moore: I'm talking about the same length that was included in 3A.

Alderman Ament: Which was up to Cleveland I believe.

Alderman Moore: Yes.

Mayor Chiovero: As far as the trees go, if we cut a tree down in the City's right-of-way, I would be concerned about replanting it on a private property for the simple reason we may be responsible then to take care of those trees on private property and may or may not be able to get access to them. I'm in full agreement in replacing those trees if they can be replaced within a City right-of-way. I would be worried about replacing trees on private property because I think that would open a door that we do not want to through. As far as the sidewalks go, all the people that I have talked to along the northern end of Calhoun, their biggest issue is the issue of the encroachment of the road and other items that would encroach on their property taking away some of their front lawns and bringing their homes closer. One of the reasons we went through this exercise on this design and the public hearing was to try and relieve some of those concerns. I know we have surveys here and I have talked to some of the people along the east side of the road that do want sidewalks because they feel that they need it. I'm having a problem because we tried to relieve some of the concerns of the residents and if we weren't able to work out a bike path through the neighborhood, Tammy was able to find a way to route the bike path through the neighborhood then we could relieve some of those sidewalks. I guess I would be for sidewalks along Calhoun but if there are areas that we can bring it in through the neighborhood it doesn't relieve the walking public from those homes that may be between those side streets. I don't know about that, because of the people I talked to and make this something they can accept and still maintain the traffic flows that we predict in the future. I'm on the fence when it comes to sidewalks in these areas. If you are using them for bike paths areas we can use the road infrastructure that in routing that the Staff has gone through the work to find but at the same time, there are two or three people along there that would like to see sidewalks so that when they come out of the home they can walk down Calhoun, but I don't know if that's the majority. I know we went through the design alternatives and the surveys came back more than not that people are in favor of sidepaths. Those are my two concerns.

Alderman Moore: On the 2008-A plan the on-road bike paths are not included in the north section, is that correct?

JP Walker: They stop at Roosevelt and that's where the routing through the subdivision was planned to occur.

Alderman Moore: So you have people that are riding the bike paths and they all of sudden have to take a left if they are going north, they will have to take a left across traffic and wind their way through the subdivision. If their objective was to turn right on Greenfield they're not going to get off that road. All we are doing is creating a dangerous situation.

Mayor Chiovarero: I was under the impression that on both the east and west sides we found an alternative through the neighborhood, right? So they would not have to cross Calhoun.

JP Walker: That's correct. The only place they would cross Calhoun would be at Greenfield at a signalized intersection if they were planning on going west on Greenfield.

Alderman Moore: If they were planning on continuing going north on Calhoun the chances of them actually leaving Calhoun and winding their way through the neighborhood would be like about 1%. If there's a bike sign saying turn here to continue to go north, they aren't going to do it. Again we are creating a dangerous situation for those bicyclists. What we need to do is create a safe situation for the bicyclists and that would be to bring them up on a sidepath in order to separate them from the vehicle traffic. Also, in relation to the tree ownership or maintenance care of it we could have a release from the owners to make sure that if the tree goes on private property they are responsible for it. If it were in the interest of this Board we could state that the trees would be replaced in the terrace area or within so many feet if that would be a concern of the Board.

Alderman Seidl: So what you're saying is we would be responsible for maintaining that tree?

Alderman Moore: No, we would have the owners sign a release if it went on private property.

Alderman Moore: If there is no further discussion we can vote on the amendment.

Upon voting the motion failed with John Graber and Alderman Moore voting yes and Mayor Chiovarero, Alderman Ament & Alderman Seidl voting no.

JP Walker: The active motion from June 16, 2008 is, to request the Board of Public Works to recommend approval to the Common Council of design Alternative 2008-A for the reconstruction of Calhoun Road. It was originally seconded by Mayor Chiovarero.

Mayor Chiovarero: This was only the design; we were going to work with the business that had the issues with the median, right?

JP Walker: We have committed to taking out the median areas where we need the crossings for traffic turning left. There are a couple areas that I think the median will be required and that has to do with the Lincoln Avenue intersection. We have a good listing of where the concerns are for the crossings and we would take that into account.

Mayor Chiovarero: The other question I had is, I know we were going to contact the resident Bundy. Did we talk to him about his parking issues?

JP Walker: We have tried to contact without success. I have been in his building, every door was locked inside but you can hear people talking but I didn't know who was who. There is a concern and obviously we would have to take a look at it. One of the issues is that he's talking about a parking area in front of his building that is in the existing right-of-way. That is an issue, but when I look at the parcel from an aerial view there is plenty of area to create parking spots. One area that comes to mind is the north side along Roosevelt. That's something we would have to discuss with that property owner, that's part of the negotiating process that would take place during the right-of-way acquisition phase. That is the area where I think we need to purchase 5 feet.

Mayor Chiovarero: How many spots would he be losing?

JP Walker: I think there are less than 6 in front of that building.

Mayor Chiovarero: We could relocate them along Roosevelt?

JP Walker: Preliminary analysis indicates that the area on the north is equal in area to the current parking area, and there is no ditch along Roosevelt. That is something we would have to look at and be part of the design requirements.

Mayor Chiovero: It looks like that parking would be in the right-of-way on Roosevelt Road, right? We would be transferring right-of-way to right-of-way. At least it would help out the owner.

JP Walker: Yes. That lot is a legal non-conforming lot right now, so I believe there is room on that site to create 6 new parking spots. They just wouldn't be right in front of that building.

Mayor Chiovero: As far as sidepaths go, we are talking about sidepaths starting at Cleveland along the west side all the way down to where?

JP Walker: The limits are from north of Cleveland to Roosevelt.

Mayor Chiovero: And then on the east side it's not going to be where the frontage road would be, except for areas near intersections where we have to put in some connecting sidepaths. What about down by the fire station?

JP Walker: No sidepaths, the only area that was proposed was the small sections to get across Lincoln Avenue and then reconnect to the frontage road and then at north end by the County trail.

Mayor Chiovero: The County is going to do the intersection using their STP funding, do you know?

JP Walker: I'm not aware of them using STP funding.

Mayor Chiovero: That's the impression I got, do you remember that Dave?

Alderman Ament: I don't know if it is STP funds, they said it would be federal. The County would be responsible for 20% and they would split that 20% with us. That's the way they explained it to us.

JP Walker: That was back when we were considering that the Cleveland intersection would be part of our project. We took that out. Now it would be all on their shoulders.

Alderman Ament: They did say that they would include the timing of the lights. I'm not sure if they said they would be responsible for the lights on Lincoln.

JP Walker: They had committed in writing way back when this project started that they would design the signals on Cleveland and time them to be in sequence with the lights on Lincoln and that would be part of their charge.

Mayor Chiovero: I would hope they would sequence them with the lights on Greenfield too.

JP Walker: They said they can't because the distance is too far between the signals to do that.

Alderman Ament: We are talking sidepaths going from Cleveland to Roosevelt and then ending?

JP Walker: Correct, that's what was called for in this design.

Alderman Ament: What would the cost of the design be on this estimate?

JP Walker: The cost would be \$8.25 million.

Alderman Ament: That would be the entire project; I'm talking just the design work.

JP Walker: That's still within the original contract. The consultant has only spent about 50% to 60% of the contract. They have done no work on this project since it was tabled earlier this year.

John Graber: Does that contract have a not to exceed figure for design?

JP Walker: I would have to look at it, typically our contracts do have a not to exceed figure but having come from the consulting world we have had quite a delay here and the contract time and phasing of the design was 2004 to 2006 and now we are into 2008 and they are still using the same unit rates, and they haven't asked for anything different, but I wouldn't be surprised if a request came for an amendment.

John Graber: You had mentioned previously that our motion here is going to be a recommendation to the Council and if it's included in the design in this recommendation it can always be dropped out a lot easier than it can be added back on later. If we say we are going to include it in this plan now we always have the opportunity when we get into the final design and final approval to say it's too expensive or whatever, for any part of it.

Mayor Chiovarero: Right now I want to see this goes forward. When we construct the road north of Roosevelt, right now there are no sidepaths but it will be graded that if sidepaths were decided on it could be put on as an added feature at a later date?

JP Walker: Yes, this area north of Roosevelt is intended to be an urban cross section, curb and gutter so there is no ditching or anything like that. It can be graded for a sidepath to be added in the future, if that is the desire.

Alderman Moore: Based upon what the plans are in relation to the urban construction, will there be a clearing of trees outside of the curb?

JP Walker: Yes.

Alderman Moore: How far in will that clearing be?

JP Walker: Typically I believe we want to see a 10' clear zone.

Alderman Moore: How far is the right-of-way in that section now?

JP Walker: I believe it's about 15 ½ feet.

Alderman Moore: So two-thirds of that area would be cleared in any case whether there is a sidepath there or not. And the way the motion stands right now we will not be replacing those trees is that correct?

JP Walker: That's correct.

Mayor Chiovarero: If we were ABC Contractor and cutting trees down we would be forced to replace like trees, would we not?

JP Walker: On private property, yes. But on public lands, we have never done that in the past.

Mayor Chiovarero: We never include the calculation in the plan for tree replacement, is that correct?

JP Walker: The Plan Commission requires that there is a tree replacement schedule, that's part of the Zoning Code and that applies to private development. I'm not aware that it's ever been applied to removing trees and having to replace them in the right-of-way.

Alderman Moore: Just to clarify for everybody, my proposal would have been to put the sidepaths in the area that would have already been cleared, so there would not have been any additional clearing for the sidepaths.

Alderman Ament: JP does that \$8.25 million include the land acquisition?

JP Walker: No, that is just the construction costs.

Alderman Ament: Do we have an estimate on the land acquisition cost?

JP Walker: I think it's down to about a half a million. We don't have a detailed estimate because we have to wait until the design is completed and the consultant completes the plat work for the Relocation Order before we know that.

Mayor Chiovarero: The reason I asked about the areas being cleared down by Roosevelt and north, I talked to a couple individuals that wanted sidepaths in front of their home. But I have also talked to quite a few individuals who said they like this design, it's less intrusive on their property, they feel that it's an acceptable compromise but I really would want to get a feeling for the sidepaths in that area while the design process is going on. That's my concern now.

JP Walker: When you look at the survey results the even numbers are on the east side, the odd numbers on the west side. The issue about the sidepath is pretty well split across the board. Sidepaths on your side for the addresses on the east side, it's eight against, three for. On the west side, just for the residential portions it's 8 against and 5 for. When you factor in the overall the entire project that's where the percent changed. It's 50 – 50 if it were to be on the other side of the road. You have to look at the addresses to get the true flavor for those that did respond.

Alderman Moore: There are several things that were not discussed with the owners. My guess is that if nobody said "If 2008-A was constructed you're going to get a 10 foot clearway and the sidepath would not impact the trees at all." In other words there might be some of those no votes that are there because they think the sidepaths are going to take away their trees, which is not the case.

JP Walker: We were very concerned about responding to questions because of biases that might be built into answers, so our policy was that we would respond to general questions that were asked at the time that we provided them the paperwork for the survey. As far as specific questions that could slant their response one way or the other we were very careful not to respond to those types of questions.

Alderman Moore: Mayor, you said that you wanted to acknowledge that the sidepaths could be put in later, but we have done surveys, we have done all sorts of fact finding as much as we can. I would be concerned that is there something that you want to delay this project in order to find to make a decision here? I think we need to either accept or reject this proposal and move on.

Mayor Chiovarero: I agree. I don't think we need to delay this anymore; we have been delaying it and waiting and waiting and have to move on. The reason I asked that question is because when we came up with this design it was because I had the support of the neighborhood on the north end that said they were worried about how intrusive it was and we sat there with this design alternative. I sat with several individuals and showed them where their ditch line was to where the road was going to be and that's where they got that sense of comfort. Along with the fact that they would be able to get in and out of their driveways a little bit easier. Sidepaths were being talked about but to me it seemed like they were more worried about the intrusiveness of this project onto their land. I had one individual that said it was going to be 15 feet away from their front porch. I would be afraid to take away the conversations I had. The conversations I had with them did not include the sidepath, and that is why I would like to see the design go forward. We are still probably 1 ½ years away from construction and at that time when we get a final design I can go out there with a stick put it in the ground and

tell them this is the edge of the street and this is the edge of the sidepath and maybe we can get some more buy-in on the sidepath.

Alderman Moore: I'm concerned that we are looking to gain an increased number of people on the sidepaths or not and I think we need to make the decision here. To say to them, that there may or may not be a sidepath is not giving them the full truth, and I feel we need the full truth out of this.

Mayor Chiovarero: The full truth is to find out exactly where this design is going to land the road. We have done estimates; we've tried to draw them. Like I said, the problem I had was the fact that they were complaining about the intrusiveness of the road into their property, taking away their front yards, putting their homes closer to the traffic and as we worked through this and came up with this design if you are going with a two lane design it would only be a few feet different.

JP Walker: We have already done that, as part of the survey. We took measuring tapes out there and we marked on their driveway exactly where the back of the curb was going to be and if there was a sidewalk where that would be. We have already answered those questions.

Mayor Chiovarero: I have a proponent of sidepaths in areas that we need to have them. But the fact that we could serve the bike area off of Calhoun through the neighborhood gives me a comfort level. It doesn't help the people there on Calhoun. I know there has been concern about that but again I told them when we designed this we had made reference that we were going to try our hardest to make this at least intrusive as we can and I think we have achieved that. I really hate to put sidewalks in and then have them say "No, I'm not going to support this now".

Alderman Moore: The agenda Item is Alternative 2008-A. If it passes that's one thing, if it doesn't pass, is it legal to talk about Calhoun or are we stuck until we put new business on to discuss other items on Calhoun because it says 2008-A only.

JP Walker: My opinion is the Board is going to send a recommendation to the Council whether it's to approve or deny 2008-A. If there is denial going to Council then it should open up discussion at the Council because I think I've heard very clearly that something has to be done to Calhoun Road. If the Board is not able to approve this, what we have always determined as a compromised design based on what we have heard at the various meetings, the Public Informational meetings, Public Hearings and so forth, then I believe the responsibility falls on the Council, because the Board hasn't been able to come to a decision.

Alderman Moore: It wasn't able to come to a decision on 2008-A but that doesn't mean that our work would be done here.

JP Walker: How long are we going to carry this out; it's already been four years? We have looked at ten alternatives.

Alderman Moore: But it's also come back to us from the Council.

JP Walker: This agenda item is 2008-A. I believe the City Attorney would say if the Board decides to vote against this, then I think you have to bring a new agenda item back to the Board. Plus Staff would need direction. What alternative? What item?

Mayor Chiovarero: If this was design alternatives on Calhoun Road I think we would be more comfortable going on different designs. It is listed here as Calhoun Road Alternative 2008-A. I know we all know the intention is to find a design and move this on.

Alderman Moore: I don't want to move this out of here without a positive action one way or the other to the City Council. That abrogates our responsibilities.

JP Walker: You are within your rights to amend the motion to make that happen.

Alderman Moore: I made an attempt but I failed in that particular attempt. I think it would be advisable to get a poll from the Board and talk about whether we are going to vote for or against the proposal as it stands and if not, then let's work on something that would pass.

Alderman Ament: I don't think you can do that; I would not participate in that. The City Attorney would not approve of us taking a poll, we either vote on it or we don't.

Mayor Chiovarero: I'm looking at the request from June, the DCD recommendation was for the Board of Public Works to recommend approval to the Common Council for the design Alternative 2008-A for the reconstruction of Calhoun Road. I know we are splitting hairs here, but I really would hate to make a motion that was not correct. I think we are eye or nay on it. We can modify it based on what you tried to modify earlier, Alderman Moore, I think that's acceptable.

Alderman Moore: In other words, reintroduce the same amendment; is that what you are suggesting?

Mayor Chiovarero: We can't do that because that failed already.

Alderman Moore: Unless someone wants to change their vote, which we can do right now.

Mayor Chiovarero: I do have the same concerns that you do Alderman Moore but in this case I have had conversations and I just don't feel comfortable with making that decision at this time. That's why I asked if we can add the surveys. JP said that the survey included the markings but I wasn't there to get the reaction of the individuals when they saw that.

JP Walker: What you are talking about is north of Roosevelt. That's already been voted down. But the sidepaths that are shown on this design south of Roosevelt on the west side and those small connector locations on the east side are part of the 2008-A design.

Mayor Chiovarero: I'm very comfortable with those.

Alderman Moore: Is there any modification to my motion that would maintain some of it or most of it but remove whatever you are uncomfortable with?

Mayor Chiovarero: Your motion included trees and sidepaths so maybe if you made a motion just to include sidepaths, if that's your concern, or just include trees that may be appropriate, but if it's for the sidepaths I will just make it clear that I'm uncomfortable right now encroaching onto these people's property without knowing their reaction to it. Right now I feel we have sufficient buy-in from these residents based on this design. Everybody understands the concerns we have here. At least we took out the median; we narrowed the roadway several feet.

Alderman Moore: Would you be interested in communicating to them that there is going to be a ten foot clearway and if there is going to be a sidepath that it would be within that clearway and to discuss that with the residents along there. The alternative I think is coming out of this with no clear directive, we would be holding off on a vote.

Mayor Chiovarero: It took two months to get the first surveys done. Tammy went out there daily; she went out there on weekends. JP the same. I would like to see the design go forward and we can always put the sidewalks in later. As far as the clear path, it is going to be there anyway because we have to do some grading in some areas, driveway repairs, and everything like that. The ten foot clearway is a given. We are going to be

disturbing more curb to curb because of the construction, plus the installation of the storm sewers and everything.

Alderman Moore: True, it's a given, but because of that, the trees are going to be removed.

Mayor Chiovero: The people that have concerns are the ones that have planted trees or bushes for traffic reasons. There is one home with a fence that has an issue, but the fence is in the right-of-way anyhow.

Alderman Moore: Remember, the road is going to be widened because of the extra lanes in the first place and possibly changed a little bit because we are going along the section line. You have the addition of the lane, the addition of the curb and then the ten foot clearway; we are going to be encroaching about 40 feet from what it originally was to the edge of the clearway. We are going 40 feet in from the edge of the old road.

JP Walker: No, 40 feet from the center line in both directions. The road is 22 feet – 24 feet, plus the shoulder equals about 30 feet and we are going another 10 feet from the edge of the shoulders right now.

Alderman Moore: So you are saying the extra lane is going to be within what the edge of the road is right now?

JP Walker: No, the back of curb is about where the ditch line is. It is 10 feet from the ditch line closer to the homes will be the clear zone. If you use that as a rule of thumb, the back of curb, the way it's designed is almost where the ditch line is. So it would be 10 feet further out from that. I don't think there are that many trees on the east side, on the west side there are bushes and things like that which would have to be taken into consideration. We aren't talking a large clearing here.

Alderman Moore: On that basis there wouldn't be a huge cost replacing trees.

JP Walker: I didn't say there was going to be a large cost replacing trees. I said we would be replacing with start-up trees at a cost of couple hundred dollars each.

Mayor Chiovero: As long as trees end up in the right-of-way of the City, I would have no problem replacing those trees.

JP Walker: That was already voted down.

Mayor Chiovero: No, what was voted down was replacing trees on private property.

JP Walker: Part of the discussion was, "has there ever been a precedence in the City where we have replaced trees within the public right-of-way, and the answer was no." The motion talked about tree replacement.

Mayor Chiovero: My concern is putting city trees on private property and then having to maintain them down the road and not being able to get access to them.

Alderman Moore: I'm happy to change the motion as long as it includes the sidepath to replace the trees within the right-of-way.

Mayor Chiovero: I'm just having a real hard time with the sidepaths in this area because when I talk to the individuals, they are worried about the encroachment and people being in their front yards that close to their homes. There are some that want them because of young children. The 8-3 and 8-5 right now. I never talked to people about sidepaths in this area it was more about the encroachment onto their property and I made promises that if I can get the road in within your ditch line would you support this and they said that makes sense and if you can do that then we would feel more comfortable with that. Now if we go beyond that ditch line issue with a terrace and a sidewalk I don't think I would have that same feeling that's why I asked if we can continue on with the design and go back and work with these individuals on the sidewalk issue and decide that

when the construction time comes or not. Every road design we are doing, even the ones that we aren't putting sidepaths on currently everything has been graded for sidewalks whether we put them in or not. I think this would fall the same way. If one day we decide to put the sidewalks in, they can be put in.

Alderman Moore: But it's cheaper to put it in when you are constructing the road.

Mayor Chiovero: I agree, but if it's going to compromise the road even going it, that's what I'm concerned about.

Alderman Moore: I'm uncomfortable with 2008-A without safety for the bicyclists and pedestrians. I would oppose it in its present form. Sending this on to Council, we don't normally send something on that's been defeated at a Board or Committee. We need to come back and try to work it out with a positive motion.

Mayor Chiovero: That's what the City Attorney would advise.

Alderman Ament: I think that if it would fail it wouldn't go to Council.

Mayor Chiovero: Anything that goes to Council has to have a positive vote.

Alderman Moore: If it does fail, I think we need to put something else on the next agenda.

Alderman Moore: JP made a recommendation and it's not on the agenda so we can't discuss it.

John Graber: Made a motion to remove ITEM 15-08 from the agenda and put on the next agenda a new business item to discuss all alternatives for Calhoun Road. That gets rid of the clarification of getting rid of two alternatives on the agenda.

This motion died for lack of a second.

JP Walker: Why don't you just vote on this up or down and then Staff can bring the action that you're asking about for Calhoun Road as a new item.

Alderman Ament: Could you read the motion again so we can remember what it was.

JP Walker: Recommend approval to the Common Council of design alternative 2008-A for the reconstruction of Calhoun Road.

Upon voting the motion failed with Mayor Chiovero voting yes and the rest of the Board voting no.

ITEM 20-08 Discussion on referral from the Council regarding changing the time and date for the Board of Public Works Meetings

Alderman Ament: I was basically looking to change these meetings. Initially my thought was the first Wednesday of each month at 6:00PM. My main objective is to have it in the evening whatever day it is so that people can attend or watch it easier. With some of this discussion I hear from a lot of people that they didn't know anything about it, they want updates on it. I just think it would represent our government better if these things were in the evening. I suggested the third Wednesday at the time because it looked to me at the time that would be the most open area for the Council Chambers, however something to consider is communication is also once a month on the third Wednesday at 5:00 PM.

Mayor Chiovero: We have to take this off the table first.

John Graber made the motion to remove this item from the table.

2nd by Alderman Seidl.

Upon voting the motion to remove from the table passed unanimously.

Mayor Chiovero: I understand Alderman Ament's concern. I looked through calendars; right now currently many of these Wednesdays are filled with the Comp 2020 Plan which would prohibit me and probably Alderman Ament from coming to this meeting at this time. Also, I looked at the schedules, when Greg was trying to get the chambers to get this room for the Comp 2020 Plan there were no Wednesdays available. Then I had to look at the Staff, bringing them in for the evening, which is comp time. I look at my own schedule, I have a meeting usually every night of the week, Monday thru Thursday, sometimes now on Fridays because that's the only time I can get out. To bring another meeting into the evening is going to be tough. The only thing I'm looking at, anything with action has to come to Council anyway so it could be discussed at that time. I would like to see the AM meetings continue, I think it's best for the type of work we do here. The ten years I have been on the Board of Public Works it has been in the mornings and would recommend that it stay on weekdays. I would not support this.

John Graber: One of the major things that comes to Staff is discussion with developers and developers agreements and that's part of their regular work day. To have them come in for an evening, especially for a long evening that has an agenda such as a long discussion on Calhoun Road is an imposition on them out of their own personal time. There have been meetings in the evening in the long ago past that I am aware of and Monday morning, bright and early is not exactly an ideal time to be up and at 'em but it's a good way to start the week. I would be in favor of keeping the meeting the way they are at this time.

Alderman Ament: As far as imposing on developers time, I don't represent the developers I represent the residents and the residents would like to see this where they can participate. We are here to have them participate. We are talking about doing surveys, this Calhoun Road goes on during the day and then we have discussions on what we think they do and don't want, we have Staff, per the Mayor's discussion, has spent a lot of time doing surveys. I'm sure they did that during the day.

Mayor Chiovero: They did it on evenings and Saturdays.

Alderman Ament: It was a considerable time to do that and maybe we wouldn't have to do that if we would have it when people could come and talk to us. It would be nice if we didn't shut them off. Having it rebroadcast is good for information but once decisions are made they might as well read it in the paper, it doesn't matter at that point. When we talk about developers agreements there is stuff in those agreements that affect the residents of the developments. I think we should move it to an evening. I would be willing to look at any particular day. There has to be some evening that we could find available to do this.

Alderman Moore: I think public input is very important and should always be available. The one thing that most Committees and Boards know is when something is brought up there is a greater tendency for people who are opposed to a proposal to come and speak rather than those that are in favor. If you want to compare public input at a meeting versus surveys, surveys do a much better job of determining the public feeling compared to a public hearing or speaking before a Committee or Board.

Alderman Seidl: Currently there are Communications Committee at 5:00 PM on every third Wednesday. I believe as well this should be a night meeting. Surveys are helpful but so is hearing people speak. Is there a night that there are no meetings?

Mayor Chiovero: Everyone keeps saying what about Tuesday or Thursday, I have meetings every Tuesday and Thursdays or I am asked to go somewhere in the evening and I need to have that opportunity also. So we looked through the calendars and try to see if we could move it around. There is no consistent time and that's the problem, no consistent date.

Alderman Moore: JP what is your situation?

JP Walker: The only night that I am not available are Wednesdays because of long term commitments.

Alderman Seidl: I would like to amend the motion that we look at the third Tuesday at 6:00PM.

Alderman Ament: 2nd the motion.

Upon voting the motion failed 2 -3, Alderman Ament & Alderman Seidl voted yes, Alderman Moore, John Graber and the Mayor voted no.

Alderman Ament made the motion to have the meetings on the first Tuesday of the month at 6:00PM.

Alderman Seidl: 2nd the motion.

Upon voting the motion failed 2 -3, Alderman Ament & Alderman Seidl voted yes, Alderman Moore, John Graber and the Mayor voted no.

Mayor Chiovarero: I think after the Comp Plan is done it will free up quite a bit of time and we can revisit this at that time.

Upon voting the original motion to have the meetings on the third Wednesday at 6:00 pm failed 2 -3, Alderman Ament & Alderman Seidl voted yes, Alderman Moore, John Graber and the Mayor voted no.

The decision was made to keep the meeting at its current time which is the third Monday of the month at 8:00AM.

NEW BUSINESS

ITEM 23-08 Acceptance of Public Improvements and Dedication of Public Infrastructure at the Conservancy of New Berlin.

JP Walker: This is an item that used to come to the Board quite often but we haven't had any subdivisions in recent years that have gotten to the 70% build out which allows the streets to have the final surface of pavement put on and then allows the official dedication of the public infrastructure to the City. This is occurring at the Conservancy Subdivision of New Berlin. The work is completed and the developer, MLG Real Estate, has indicated they are ready to dedicate the public infrastructure to the City. Thus, the reason for this motion coming to the Board.

Alderman Moore: This is normal and has been in the past?

JP Walker: Yes, it is. They are dedicating 1.23 miles of public streets, approximately 6,644 lineal feet of sanitary sewer, 6,677 lineal of water main, and 6,624 of storm sewer within the public right-of-ways.

Mayor Chiovarero made the motion to accept the Public Improvements and the Dedication of Public Infrastructure at the Conservancy of New Berlin.

Alderman Ament 2nd the motion.

Alderman Ament: JP you said there was something different at the beginning of your discussion.

JP Walker: We haven't had a subdivision come forth with the public improvements since 2004, because subdivisions haven't been completed since then.

Alderman Seidl: The two year warranty: they are putting a two year warranty on the work that they have completed, or we are taking on a two year warranty on any improvements that might be needed.

JP Walker: The two year warranty is up, that is for workmanship and materials for work that they installed.

Alderman Moore: It says to commence the two year warranty period.

JP Walker: That's for the final surface of the roads. The sewer and water has already been in use for two years so the two year period is for the road itself.

Alderman Moore: That does not appear to be clear in their letter, is it clear in the motion?

JP Walker: The request is to accept the dedication of the Public Infrastructure and to authorize the release of the surety and we only authorize the release of the surety at the time that we are ready to accept, and that means that we have gone through that two year period for workmanship and materials.

Alderman Moore: That means what has been done in the past is what you are talking about with the warranty being up on the rest of it with the exception of the roads.

JP Walker: If you recall the standard language in the developer's agreements as it applies to surety instruments is that there is a maintenance surety portion which is the 20% of the original surety. That's what we are talking about is the release of that final 20%.

Alderman Moore: In the southwest corner of the property there is a road that appears to be a private road but appears to be within the borders of the development. Although it's not named because it's not one of those four roads is it in fact publicly owned or owned by homeowners association? What is the deal with that road?

JP Walker: That is a private driveway - I have no idea. That has nothing to do with public infrastructure.

Alderman Moore: It almost appears in order for those people to get to their home back there they must have an agreement with the Conservancy to do that.

JP Walker: It has nothing to do with the developer's agreement.

Alderman Moore: If we are accepting all of the roads within the subdivision it would appear to be that we would be accepting that also.

Alderman Ament: Are you talking about section that's going straight north along the wooded area?

JP Walker: Where the property line jogs, I have no idea what that is.

Alderman Moore: We don't have to deal with it at this time? It's like any driveway that leads into any home.

JP Walker: No, it's not part of the infrastructure. I asked our GIS people to put this map together and honestly I never caught this. I just know it has nothing to do with Public Infrastructure.

John Graber: It's my speculation when the Developer of the Conservancy bought the parcel of land, he bought what was for sale and it included that strip of land. I'm sure the property that has those structures in that semi wooded area has some sort of easement or right of access to get to his property. I agree with JP that it has nothing to do with Public Infrastructure.

Mayor Chiovarero: Obviously we are satisfied with all of the improvements? I have heard of nothing on the utility side with issues in this area.

JP Walker: What we do when we get the request that they want to put the final surface of pavement on roads we do a walk-through inspection and look for the areas of the binder course that have to be repaired, curb and gutter, improving areas where the catch basins are, straightening up valve boxes and those types of things. All of that has been inspected and completed, prior to this motion coming to the Board.

Upon voting the motion passed unanimously.

ITEM 24-08 Communication from JP on the Redesign of Coffee Road

JP Walker: In your packet you have a memorandum that I prepared following a meeting on November 3rd. Alderman Ament, Alderman Wysocki and Mayor Chiovarero, the staff and consultants were all part of that meeting. In that meeting we talked about the design components for Coffee Road. We presented information from the Traffic Impact Analysis indicating where we had previously thought we would need four lanes between National Avenue and Moorland Road, the traffic analysis indicates that there are only 9,000 vehicles per day, which does not dictate the need to go to four lanes. The design has been modified as described in the memorandum as two lanes all the way from National to Calhoun Road. The hill west of St. Francis which currently has line of sight issues will be lowered somewhat. There are stormwater improvements, on-road bike lanes in both directions, no off road sidepaths west of Moorland Road. We are including the provisions for a sidepath, at least it will be graded out for a sidepath on the south side only between Moorland and National, but that would be a requirement for a developer to put in along with any pedestrian lights that would be required to be associated with that sidepath. Alderman Ament, if you can remember any key issues that I left out please let me know.

Alderman Moore: What is the next step as far as the Board is concerned.

JP Walker: If you go to the last paragraph on the 2nd page of the memo. Following the meeting this coming Saturday with Alderman Ament and Alderman Wysocki we will see if there are any design issues that come from that meeting that have to be included in the design plan. We did have a discussion with the City Attorney as to whether or not we can move forth with an appraisal of Mrs. Sippy's property prior to a Relocation Order. The answer came back no, we need to have a Relocation Order first before we can do that. There is a Public Information Meeting that will be scheduled in January and you can expect the Coffee Road design to come to the Board in February of 2009.

Alderman Moore: Has this body made a decision in regard to the design?

JP Walker: That's what will take place in February. Right now we are trying to get all the pieces in place for that design and then bring it forth to the Board at that time.

Alderman Moore: OK, I'm just questioning you on normal procedure in relation to when you are bringing something before the public at the Public Information Meeting then that's based upon Staff's recommendation and consultant's recommendations not anything that comes out of this body, right?

JP Walker: Right, we have gone down this path, we have gone in two different directions and we have gone nowhere. What we are trying to do that we as Staff and the consultants have a clear understanding as to what the public concerns are. We know what the public needs are as far as traffic based on design standards and those type of things. But, we need to get public input on what their thoughts are and see how they change. What needs to come to the Board is a consensus of design: Here's what we've heard, here's what the public is expecting to see, here's information that we have gotten from the Alderman of the District and that type of thing and then bring that to the Board as one complete package and let the Board vote on it. That way we don't have

these two year and three year delays of getting something done. We have a tight schedule here; keep in mind that Coffee Road is eligible for STP funding in 2010. That's why in discussions we have had with the Mayor and Greg Kessler this is what we are doing on Coffee Road.

Alderman Seidl made the motion to adjourn.

Mayor Chiovatero 2nd the motion.

The meeting was adjourned at 9:44 AM.