

MINUTES
BOARD OF PUBLIC WORKS MEETING
February 13, 2006
New Berlin City Hall Common Council Chambers
3805 S Casper Drive

Please note: Minutes are unofficial until approved by the Board of Public Works at their next regular scheduled meeting.

The meeting was called to order at 8:00 A. M.

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

Staff Present: Ron Schildt, Division Transportation Engineer, Nikki Jones, Planning Services Manager, Ray Grzys, Director of Streets & Utilities; Tammy Simonson, Civil Engineer; Eric Nitschke, Stormwater Engineer, Greg Kessler, Director of Community Development.

Guest: Darryl Berry & Rachel de Sombre from Bloom Consultants

OLD BUSINESS

ITEM 01- 06 Approval of Minutes from the January 9, 2006 meeting.

Alderman Ament made a motion to approve the minutes.

Alderman Moore 2nd the motion.

Upon voting the motion passed unanimously.

ITEM 45- 06 Adoption by the Board of the First Revision to the Developers Handbook.

Alderman Moore made a motion to adopt the Developers Handbook.

Mayor Chiovatero 2nd the motion.

After a lengthy discussion and text revisions being made, **Mayor Chiovatero made a motion to accept the Developers Handbook as amended.**

Alderman Moore 2nd the motion.

Upon voting the motion passed unanimously.

ITEM 46-06 Discussion on Changing Board Meeting Dates

After a short discussion the decision was made to keep the meetings on the third Monday of each month.

NEW BUSINESS

ITEM 05- 06 Amend Municipal Code Chapter 230-3.E (1) for Side Paths

JP Walker: The Requested Action is to request the Common Council approve the request to amend the Municipal Code Chapter 230-3.E (1) to include repair of existing side paths with the Financial Guarantee required with the building permit. Recommended Financial Guarantee is \$25 per lineal foot.

This issue has come up where side paths are constructed, as part of a development and is part of the infrastructure. There comes a point in time where the City has to accept the infrastructure. Subsequent to

that acceptance, building construction takes place and heavy equipment rolls across the side path, causing potential damage. We are looking for a way for the new property owner to pay for the cost of repairing those damages. Right now we have no mechanism for doing that, so the intent is to amend the existing Municipal Code by adding the financial guarantee and the red language that was added to Attachment A on the back of the Issue Paper. Otherwise we have no method to require the property owner to pay for repairs caused by their contractor. And I so move.

Mayor Chiovero: We are being proactive not reactive in this correct?

JP Walker: Yes. It's not a problem yet. Nothing has been brought to my attention. It could become an issue.

Alderman Moore: Do we need to use any other terminology to include trails, bike paths, side walks or anything like that?

JP Walker: Right now we are talking about side paths where driveways cross or equipment goes across a side path in front of a house being built. We are not referring to trails. We are required to maintain trails once they are constructed. If there were to be some kind of damage occurring on a trail, we would have a hard time determining who or what caused the damage. In this case, it would be quite evident to us, what caused the damage because it's right in front of the building being constructed.

Alderman Moore: This has to do with the Building Permit correct?

JP Walker: It does, but the current Building Permit doesn't have any requirement that requires that the Property Owner pay the City to have these damages repaired.

Alderman Moore: If the construction on their property damages a trail then I wonder if we should include it.

JP Walker: Most trails are not near a building.

Alderman Augustine: I guess should have a motion on the floor, if you wish to amend it Alderman Moore to include trails we can do that.

Alderman Augustine: At this time there is a motion on the floor to approve the language in red and the financial guarantee.

JP Walker: I will reword the motion. The motion is **to request the Common Council to approve the request to amend the Municipal Code chapter 230-3.E (1) to include repair of existing side paths with the Financial Guarantee required with the Building Permit. The recommended Financial Guarantee is \$25 per lineal foot.**

Alderman Moore: 2nd the motion.

Alderman Ament: What's the trigger on this and where in the process does this come in? Is it when the side path is in and the homeowner's contractor comes in with, for example, a load of shingles and crushes the side path?

JP Walker: It's tied to Building Permit rather than the Development Agreement.

Alderman Moore: I just want to clarify. Do you feel that there is a need to have any other language?

JP Walker: No, I do not. The Building Permit will include the requirement, that if there is damage to the side path the homeowner will be required to pay for the repair of the damages at the Financial Guarantee of \$25 per lineal foot. What that means is that we will be taking a deposit from the homeowner when they take out the Building Permit that will be based on the lineal front footage of his property. For example: if the property is 100 feet wide, they're going to make a deposit of \$2500. If there is damage to the side path, we will take the repair cost out of that deposit. If there is no damage, all of the deposit goes back to the homeowner after the side path is inspected.

Alderman Moore: JP said that not only moved to add the sentence to E-1 but also the Financial Guarantee of \$25 per lineal foot, but I don't see that in the language except in the requested action.

JP Walker: I will put that in there and have it ready by the time it goes to Council.

Mayor Chiovero: We are asking the homeowner to put another \$2500 down. We are asking them to put a lot of money down for all types of protections. Chances are the area that the trucks are going to cross is going to have a gravel driveway in.

JP Walker: The cement trucks, the trucks bringing in the joists, all of the heavy equipment doesn't have driveways to drive on. They go right across the curb and the sidewalk, if there is one there.

Mayor Chiovero: Isn't there a gravel pad where the trucks drive when they put the foundation in?

JP Walker: Not always. They don't cut the curb or a driveway approach in until the house is pretty much built.

Mayor Chiovero: I've been to a lot of homes being built and they all have the gravel pads already there for the trucks to drive on. I feel that we should make the cost 50% of that because chances are they are not going to break apart the whole sidewalk. I feel that this is going to discourage people from building in New Berlin because of all the deposit costs.

Alderman Augustine: Would we like to make an amendment to this.

Mayor Chiovero: The amendment I would like to see would be 50% of that.

Alderman Moore: This isn't just for side path sections this is also for curb and gutter proper installation of water "curb stop" and proper erosion control measures. Construction of either the building or driveway could cause \$2500 worth of damage.

Mayor Chiovero: They already have a curb and ditch deposit that has to be put down. This looks like this would be in addition to that.

Alderman Augustine: Are you saying change \$25 to \$12.50?

JP Walker: Right now, we have one subdivision that the Developer put the side paths in, Victoria Estates on Sunny Slope Road. The City did not require it. The Developer chose to put the side paths in, so technically are they private side paths or are they part of the City infrastructure? That's where this issue came about, because those properties owners are getting ready to build homes and we have a side path there. Normally in a subdivision we do not have side paths. But there may become more subdivisions that have side paths go in as part of the development. We have no mechanism in Chapter 230 of the Municipal Code that allows us to recoup for the damages. That's why we wanted to add it.

Alderman Augustine: I think what the Mayor is saying is that the cost could be divided in half.

Mayor Chiovero: I know the particular case of Victoria Estates has been an issue. We don't accept the infrastructure until the final lift goes in. I think the requirement we should have made is that the side path went in at the time of the final lift, we aren't accepting infrastructure until the final lift is in. That way 70% of the houses would be in before the side path goes in. This particular developer wanted these side paths in. Then he should take the risk of that and that should be tied in with his final lift. Why burden the homeowner?

JP Walker: Because it's the homeowner's contractor that is causing the damage, not the developer's contractor.

Alderman Ament: The City didn't require him to put it in. It's not in any agreement with the City, so I don't know how we can control it, if we don't have it in any of our requirements to start with.

Mayor Chiovero: JP is saying that he doesn't want to accept a side path that is cracked.

Alderman Ament: I agree with that, but at the point that you are talking about, I don't know how we can do that if it's not already in the Developer's Agreement?

JP Walker: There is language in the Developers Agreement that says the Developer is responsible for the installation of public infrastructure. In this case, since he chose to put it in, it's not part of the public infrastructure up to the point where City accepts the public infrastructure. If you are a homeowner there, and you didn't cause any damage to your sidewalk, but you saw that your neighbor's contractor did, are you going to be happy that the City is paying for those damages? We are looking for a means to go after the property owner to pay for the repairs that are going to be needed, and the only way that we see to do it is to tie them to a deposit up front.

Alderman Ament: Do we have to accept any responsibility for the side paths because we aren't requiring it. That would be the responsibility of the homeowner or the subdivision association, which would also take us off the hook for any maintenance in the future.

Ron Schildt: If the side path is in the City right-of-way, then the City would be responsible for that.

Alderman Ament: Do we want them to even put it in the right-of-way? If we aren't requiring them then maybe the developer shouldn't even put them in our right-of-way.

JP Walker: In general terms I agree with you. This is a case where the Developer wanted them in. I still consider it to be a private side path but in the public right-of-way. The property owners are going to consider it as a public side path, and if damage is going to occur somebody has to be responsible during the construction phase of the home to repair those damages. We are looking for a means to make the property owner responsible.

Alderman Ament: Do we want them in our right-of-way. If we do, are we better off then putting them in the requirements of the homeowners association. Let them deal with the individual situation.

JP Walker: How do you add it to a homeowners association after the fact?

Mayor Chiovarero: How about if we tie it to the occupancy permit. When we do the final inspection on the home, we will need to inspect the side path for damages. We should not issue the occupancy permit until they give us \$25 per lineal foot of damage at that time.

Alderman Moore: This goes with the application for the Building Permit itself, so that takes care of that issue. Whoever wants this to occur, they are going to put it in the Building Permit. It might be the property owner that pays or it might be somebody else making the payment. As soon as all the work is done and there isn't any damage the property owner can request their deposit back.

Mayor Chiovarero: In order to build a house here you are going to have a total deposit of about \$8,000.

Alderman Moore: When a person is building a home that is worth \$250,000 they should be expected to be put out that much cash for a deposit, especially when it is coming back to them if there is no damage.

Mayor Chiovarero: I understand there is a lot of extra expense when they start building a home. I don't like all the rules but I know that's the way it is.

Alderman Augustine: How would you word your motion to tie it to the Building Permit.

Mayor Chiovarero: When the Building Permit is issued the property owner is responsible for \$25 per lineal foot of damages that are done during the construction process to the side path.

JP Walker: For the curb and ditch deposit that inspection isn't even done until they are in the building and they already have occupancy. I don't see this being able to be tied to occupancy, because the inspection occurs after the fact.

Alderman Moore: Is it appropriate at all to have a comprise here where the \$25 would apply to all of these items rather than just the side path sections. In other words instead of the \$1000 plus the \$25 per lineal foot, just make it \$2500 for everything?

JP Walker: I don't see any negative to it. Greg are we allowed to do that? The current ditch deposit is \$1050.00, \$50.00 of that is an administration fee. Alderman Moore is suggesting that we just make it \$2500.00 and that would include any repair to the side paths that might be necessary.

Greg Kessler: I think it is possible. What we could do as part of the building permit application when they sign it, they are signing to the effect that if there is any damage to the side paths, they agree that the City will use part of their deposit to repair the side path. This isn't going to be very prevalent in the City of New Berlin. I think we can handle it in several ways. We can have the Building Inspectors inspection the side path when they do the Occupancy inspection. Or, we can look at a special assessment that if there is any damage the City has the right to add the repair costs to their tax bill at the end of the year as a special assessment for the repair of that side path.

Alderman Augustine: Do we need to table this to add this language?

Mayor Chiovero made a motion to table this issue.

Alderman Moore 2nd the motion.

Upon voting the motion passed unanimously.

ITEM 06-06 Discussion of the Ramifications of Not Receiving Grant Funding for Calhoun Road Reconstruction

JP Walker: The City did not receive the funding from the STP Grand Funding for the 2007-2009 Biennium for Calhoun Road. Attached is the spreadsheet that we received that shows the ranking of projects that applied for the grant funds. Staff is requesting that the Board discuss various options and alternatives for Calhoun Road and provide direction as to where do we go from here. And then as part of the discussion on alternatives having to do with remaining approved funding and what we want to do that. We will be discussing when the next Grant cycle occurs. We will be presenting six (6) alternatives that Staff has come up with to give you an idea of what we are thinking.

Ron Schildt gave his presentation, which is attached as a pdf file.



Alderman Ament: We have had discussion on this in the past and when we look at the sheet under rationale the two options that I have some questions. In the alternative for reconstruction of Calhoun Road just in the vicinity of the intersection of Calhoun and Cleveland and then north to Glendale, do we have a rough idea of what those two items, first the intersection and then secondly the mill and overlay of the remaining 1.3 miles will cost?

Rachel de Sombre (Bloom Consultants): A very rough estimate for the intersection where we would be adding additional lanes and adding lighting, we would be looking at \$1.5 million, which is a very rough estimate. It could go up from there depending on the number of lanes. In terms of doing the mill and overlay, that would be roughly \$250,000 to \$300,000 per mile, for a two lane road.

Alderman Ament: So roughly \$500,000 for that stretch? As far as the intersection goes, is there any possibility of the County getting involved seeing as that it goes thru Cleveland Avenue, which is a County road and the lights, are theirs? We are going to be putting in turn lanes on Cleveland Avenue as well.

Rachel De Sombre: That is something that we would need to discuss with the County to see what participation they would want in that.

Ron Schildt: Being that this is not in there 5 to 10 year programs that they have right now, they would want to be involved but we would have to wait 10 years down the road before we could get any funding for it.

Alderman Ament: The \$1.5M that we have in the budget this year for right-of-way acquisition, how much of that is still left? Have we got any of that yet?

Ron Schildt: None has been spent to date. There will be some areas around the intersection the will have to be purchased as right-of-way.

Alderman Ament: Some of that \$1.5M would be used up in that intersection then?

Ron Schildt: Yes.

Alderman Ament: We have three Alderman up here, and I'm not asking for their aldermanic opinion, but the first option was to do nothing, the second option was trying to get the whole thing done. I just don't see that amount going thru the Council. I would like to see this continue on, but I do think we would have a much better chance of getting the intersection and the overlay done and that would relieve a lot of the congestion and relieve the problems we have with the road surface.

JP Walker: In the previous discussions that we have had, we did not factor in stormwater management. The area of that intersection flows south to Poplar Creek. We did a quick analysis. We will be exceeding the half-acre of increased impervious area in that green area which requires detention. We would have to figure out a way, as part of the analysis, to meet the detention requirements. There is no room for a pond. Can it be done with oversized storm sewer similar as to what was done on Greenfield Avenue? It would have to be analyzed. That's adding cost that would be above and beyond the estimate that Rachel gave us. The number you are talking about just for that intersection will exceed \$2 million.

Alderman Ament: We would run into that issue if we did the whole thing though, correct?

JP Walker: Yes, so it's part of the overall package that we are going to have to budget for.

Alderman Augustine: If we were to mill and overlay, how much time would that buy us in the sense that the road would be resurfaced? How long would that resurfacing last?

Ron Schildt: It depends on the current surface of the road. If we were to mill and overlay it would probably last 7 – 10 years for a normal road. Usually roads are done before they get this bad and they can put a 1 ½" overlay over it and will stand up quite well. But this is a very heavily traveled road with heavy trucks from the industrial park and a substantial amount of traffic; in this case it would only last 5 –6 years.

Alderman Moore: Where were we on the last list?

Ron Schildt: We were in the same position, actually we were one of the top alternate projects, and were probably the next one in line.

Alderman Moore: The ones that got funded this time, did they come from the bottom of the pack or were they new?

Ron Schildt: I would have to re-look at the ones that were in there before. I'm not sure how many of these are in there for the second time around.

Alderman Moore: Just trying to determine what chances we have.

Ron Schildt: It is all done by ranking base on the formula I described in the presentation. It doesn't matter how long you are on the list, whether you are first on the list or brand new to the list. You have a grant application and it is ranked based on the formula.

Alderman Moore: If we do mill and overlay and reconstruct the intersection that will probably take us out of the running for another ten years.

Ron Schildt: This does not have to be done as an STP project. If we were going to hold off and apply again, we have to apply in April 2007 to get funds to use in 2010 and 2011.

Ron Schildt: This could be done as a non-STP project, then it doesn't have to strictly follow the requirements of the traffic study when deciding what type of improvements need to be made. If you are talking about trying to use STP funds, the design requirements are more strict. If you are still talking about the next application in 2007, then we could use the in their fiscal year 2010 -2011 which starts in July 2009 and construction would be in 2010.

Greg Kessler: Correct me if I'm wrong, but I think it's critically important that we look at all the facts of the grant and what effect the grant formula has on us. It is unlikely that we are going to get the grant in the next round considering the cost of the proposal. We aren't adding additional lane miles for arterials, in fact our biannual contribution is going down, and the costs of the projects are most likely going to go up. The snowball effect of this is if we decide to go it alone, we are reserving \$6 million in STP funds in the next biennium.

Ron Schildt: Our current biannual funding is approximately \$800,000.

Greg Kessler: You could use our "banked funds" for other projects. You are still going to have to look at Calhoun Road for its capacity needs. At that point you are looking at reconstruction needs and the grant funds might not be available at that point. What I'm looking for, as well as Staff, is what direction are we going to go because I don't want to sit here and all of a sudden we have to reshuffle the deck in two years and say let's put this one aside and let's do this. It would be nice to have a game plan laid out. Because if we go it alone, everything stays the same. We can take our "banked" STP funds and do other arterial projects in the City that need to be done, recognizing that we still need to do Calhoun Road. The snowball effect is that everything gets put off and costs keep rising.

Alderman Augustine: The formula that is currently being used could change, couldn't it? Secondly, could the Federal STP funds go down and thirdly when you talk about 20,000 vehicles per day by 2020 are you including the I-94 exit or is that just the normal increase in traffic?

Ron Schildt: This is the same formula that they have been using for many years, going back to the 70's. Yes, the federal funds could fluctuate. 20,000 vehicles per day by 2020, I believe that did not include the interchange.

Rachel de Sombre: With the interchange that adds more traffic. It was 20,000 vehicles per day. We looked at both with an interchange and without. The number added with the interchange doesn't result in any change in the recommended design. With the interchange, you still need to go to the four lanes with the median thru the industrial park and the two lanes with the turn lanes in the residential area. That doesn't have that much of an impact as to what the final design would be.

Alderman Ament: Greg, when you were talking about using the STP funds, just resurfacing would not go towards that. What about the intersection itself? If it would meet the standards, that would cost approximately \$2 million, would that then be able to be applied to our portion of that?

Ron Schildt: I believe that it would but, we couldn't reconstruct it until 2010 and we would have to reapply next year as a new project. Then we would find out in early 2008 if we are eligible. The funds wouldn't be available until 2009-2010. We could not get reimbursed.

Mayor Chiovatero: Obviously my opinion would be to continue on with this, but I'm in agreement with Alderman Ament. I think that the Council would have a tough time swallowing it at this time. I think that as a minimum, we should do the intersection of Calhoun and Cleveland and then do a mill and overlay for the rest of the road. I know that the County has the Cleveland improvements scheduled down the road a bit, I'd be willing to see if they would be willing to help us out a little bit. I would be willing to go forth and put some pressure on that. We could be successful in using the STP funds somewhere else, if we free up the STP funds and go ahead with the intersection.

JP Walker: In our current contract with Bloom Consultants we also have an agreement with the County that they will design the intersection signals with Cleveland and tie them in with the signals at Lincoln. That is one thing that they have agreed to help with at this point. Their schedule is sometime around 2011 for start of design for their Cleveland Avenue project. Which means probably 2014 or later for actual construction. It will be from 124th Street west. We are talking close to 10 years down the road. I know from a budgeting standpoint, you have to schedule construction dollars in the first year of construction. What happens if we break this down into separate projects, not phases, but projects? Yes, we would pay a little more because there would be multiple mobilizations, but they are smaller projects. I have a question for Eric. From a stormwater aspect and considering where the stormwater has

to go, are there logical break points in that 1.7-mile stretch that would be conducive to creating separate projects that would not be impacting other projects where we have to have stormwater control?

Eric Nitschke: There really is one break point, that is in the proximity of Glendale, for the most part it drains south to the Poplar Creek and north to the Deer Creek watershed. There is a small section on the far north that drains to the Poplar Creek watershed, but it is so small that you would have trouble breaking it into a third section. So as far as stormwater goes, there are really three watersheds, one being very minor on the northern section and then the two major ones. One cuts over just north of Lincoln Avenue and the other drains south through Cleveland Avenue and then onto Poplar Creek.

JP Walker: The reason I brought this up is can we break this down into projects to lesson the cost in the annual budget?

Eric Nitschke: I think that this is a good thing that this has happened because it causes us to deal with some issues that we haven't had an answer to this point. One of them being how are we going to fund the infrastructure improvements in the industrial park and this just highlights that question. One of the concerns that we have regarding doing a partial reconstruction and then the overlay and then banking on the possibility that STP funds will be available in 2010, we may be setting ourselves up for disappointment. If other municipalities decide to fund projects or projects become more of a priority to them and they decide to use a smaller portion of their STP funds, we may have the same problem on our hands. One of the things that we have seen is that we are not guaranteed a project, but your guarantee moves up as your ratio moves up. I believe we need to make the ratio zero if we are really set on doing Calhoun Road. The overlay may puts us out 4 - 6 years and we don't get the funding in 2010 where does that leave us? We will be back at this table again, and we will have a traffic accident, so to speak, in that we will be rear-ending projects and that's where we are going to end up being stuck. The reason that I'm involved in this is that the Water Resource Management Utility has a Water Quality Management Plan that is approved for the industrial park. It's in conjunction with the CDA's plan for infrastructure improvements. In 2013 we have a major requirement for the City to meet a 40% solids removal from the surface water. What the Utility has done is to determine the impact that some of our sediment loads have on the system. You saw the number of 450,000 pounds of sediment a year listed in that Plan. That is a substantial amount and that is one of the areas that the Utility has identified as needing immediate work. Working with the CDA, the Water Quality Management Plan for the industrial park was completed. One of the big things is that Lincoln, Glendale and Rogers are scheduled to be completed by 2013. They can't be completed in 2013, they have to be done by 2013 to meet the water quality requirements. The water quality portion isn't even added into the infrastructure costs listed for the CDA but they are required for the infrastructure because of the detention that the bio-retention swales provide. So, in essence, if we delay Calhoun Road and it causes us to delay CDA projects, it will cause us to delay Water Resource Management projects. It also will cause us to look in another direction for our water quality requirements by 2013. I'm not even mentioning our 2008 requirements when our WPDES Permit is scheduled for renewal. We don't know if there are going to be any new rules at that time. There probably won't be but you never know. The Calhoun Road reconstruction really is supposed to be the kickoff to the industrial park improvements and if that gets delayed does that mean Lincoln will get delayed? Does that mean Glendale is going to get delayed? Does that mean Grange Avenue is going to get delayed because we don't want to borrow \$6 million annually for roadway projects? It really emphasizes that, to this point, we have put roadway projects on the back burner to a certain point and it really is coming to a head at this point. The Water Resource Management Utility is going through their 5-year plan right now to come up with a plan for the industrial parks. The funding goes into these roadway improvement projects. Ultimately all three have to work together; BPW, CDA and Water Resource Management Utility, because the funding is coming from three different areas. I know that the question has been raised several times because the Water Resource Management Utility feels very strongly in assisting with the industrial parks plan because at this point we haven't done anything with water quality, conveyance, flooding. That is an issue they are going to be bringing up. If Calhoun Road is delayed and if we don't get our STP funds, we are basically left at the intersection with the cars piling up, so to speak.

JP Walker: You are getting a feel for the discussions and issues that Staff is dealing with. That's why we included in your packets the spreadsheet that shows the requirements that are needed for the industrial park and other CIP improvements that have been earmarked. I put these projects out to 2013 so you could get a feel. In our budget each year we look at a 5-year window. The roadway improvements that are scheduled between now and 2013 in our viewpoint are the major roadway improvements that is required in the City in the next 10 years. After that, we are hoping to be in position where it is covered by a type of roadway maintenance if the budget becomes the million dollars a year whether its CIP or whatever it is. That is the reason why the spreadsheets are here, because there

are going to be some major decisions that need to be made. One of the major directions that I would like to talk about is what do we have the consultants do? Staff believes they need to continue with the design because that is how the approved funding was set up to allow construction to be able to start construction in 2007. We are only requesting direction today.

Greg Kessler: I think that there is a lot of information here that has to be gone over and I think that this should be tabled so you have time to think about everything.

Alderman Augustine: Since we have missed this opportunity twice how can we avoid it happening a third time?

JP Walker: One of the lessons that we have learned is that when we look at grant funding as a 80/20 split, maybe we have to reconsider a 70/30 split or even 60/40. I think the bottom line is the City has to be able to fund more of these projects to get a more favorable ratio.

Mayor Chiovatero: The ratio has nothing to do with the formula, that's just to help us lessen the cost to try to obtain some of these STP funds.

JP Walker: When you use the formula it moves us closer to zero. By funding some of the construction now it will move us closer to zero because it will reduce some of the remaining costs. Our consultants aren't even at the point where they can do the stormwater design. They have to be at 60% completion before they can even start the stormwater design.

Alderman Augustine: What circumstances could someone lose there funding?

Ron Schildt: The funding that just came out is for the start of construction in 2007. If WisDOT sees that construction is not going to happen, and money is left over, it's basically comes from the Federal Government, if there is any money left over, they have to send it back. So they try to make sure the projects get done. Sure there is a potential that if you have an alternate they will through it in at the end.

JP Walker: I want to make sure it's on the next agenda.

Eric Nitschke: On your comment JP, about whether we should move on with the design. In the design effort, you are going to need to get to a certain point where you are going to have to look at the storm water portion and I know that any delay in that will only delay in where we can go with the intersection construction. It would be beneficial to instruct the consultant to move forward to the point where they can start their storm water design, at least to give them some direction to go forward. They are going to have to get to that point anyway, if you decide to go ahead with the intersection reconstruction.

JP Walker: They have used up 48% of the design so far. Eric is right, we need to have some storm water management analysis to understand how we are going to control that. I would ask that the Board provide direction today as to what we want them to do.

JP Walker made a motion for the Consultants to continue on with the design as called for in our contract to get to the 60% level and to allow them to get started on the storm water management component of the design.

Alderman Moore 2nd the motion.

Rachel de Sombre: If you want us to proceed you have to let us know what kind of cross section you want us to design. The big issue is what do you want to do as far as side paths; bike paths and sidewalks. We need this information so we can continue because we really need to know that before we can start our storm water management design.

Mayor Chiovatero: We can't give her direction today because it's not agendized. I agree that we need to let them continue. I am concerned that we need to come up with decisions because they can design the best storm water management components there are but if we don't implement it, we would be throwing money away when you consider the potential for new storm water management rules.

Eric Nitschke: If the project is in-place and on-going then it shows that the project wasn't put on hold for future funding.

Mayor Chiovero: What happens if the funding isn't there till 2010?

Eric Nitschke: MMSD's view on it is if the project has a cycle and a plan and is scheduled then they will approve it, but if there are different phases, then the start would go under the new rules and regulations. They look to see if it was in the process of being worked on when the management plan was started. If you are waiting for the funding in 2010 you would still be on the old requirements. The longer it extends out there, the greater the possibility that they would not extend the funding.

Mayor Chiovero: This discussion was at the CDA last week, is going to the Water Resource Management Utility meeting tomorrow. I would like to collect all these minutes from the other committees at our next Board meeting. Let's keep this on the agenda and move it to old business next month.

JP Walker: I have to ask the consultants first. Are you on hold right now?

Rachel de Sombre: Yes, we are on hold right now. We can't move to the 60% level and start the storm water design until we get the cross sections completed.

JP Walker: Withdrew his motion to continue on with the design and will put it on the agenda that we have to make a decision on the design components.

Alderman Moore: 2nd the withdrawal.

JP Walker made a motion to adjourn.

Alderman Moore 2nd the motion.

The Meeting adjourned at 11:20 A.M.