

Minutes

BOARD OF PUBLIC WORKS MEETING

May 6, 2002

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

Meeting was called to order at 8:04 a.m.

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

Staff Present: Ronald Schildt, Division Engineer

ITEM 01-02 Approval of Minutes

Motion by Mayor Wysocki to approve the March 4, 2002 minutes. Second by J.P. Walker. Upon voting, motion passes unanimously.

ITEM 05-02 Erosion Control Permit

- J.P. Walker stated this issue was brought before the Board in March but was deferred so Engineering could put together the proper documents for a new erosion control permit. Requested action is discussion by the Board to prepare a permit which puts the responsibility for erosion control on developers and respective landowners. Direct Staff to prepare erosion control requirements, fee schedule and permit form. Walker stated Staff has accomplished this and they are ready to move forward.

Motion by J.P. Walker for discussion, second by Mayor Wysocki. Upon voting, motion passes unanimously.

- Walker stated one of the largest issues he sees during construction seasons is lack of erosion control, especially in subdivisions. Staff has analyzed this for the last six months. Staff is attempting to get the attention of the appropriate people – developers and prospective landowners, once they take ownership of new lots. A permit application was drafted consisting of:

Page 1: First part of the application is for the developer – requiring him to pay a \$150.00 fee per lot and a deposit of \$1,000.00 per lot. The deposit most likely will be some type of surety instrument. The deposit will be held by the City and used in case there's lack of erosion control maintenance.

Page 2: When new landowners take ownership, this document will be signed by seller and buyer, indicating an understanding of the transfer of responsibility for erosion control.

Page 3: The landowner will be required to pay a \$100.00 fee and a \$500.00 deposit. The deposit will be held by the City and used in case there's lack of erosion control maintenance; until the time of the first grass mowing.

Page 4: The document needs to be signed by the landowner and all prospective contractors—any entity that would do work on property that could damage the established erosion control system. With this information, there should be no lack of knowledge about responsibilities and

consequences covered by Chapter 110, our Erosion Control Ordinance.

Page 5: The last sheet is a refund mechanism, once the new property owner has met all City requirements for erosion control.

- Mayor requested clarification that these documents insure our engineered elevations are maintained as approved when development was first proposed and after all improvements are made to lot.
- Walker responded that it's not specifically stated in these documents, but is stated in the zoning code that all grades have to be re-certified at the time of closing on the lot. A provision could be added that the developer is responsible for restoring the right-of-way and any swales, side-yard, back yard, etc. His vision is sod, protected with an erosion control silt fence; that would mark the limits of disturbance. It would also clearly indicate areas that could not be touched. Developer would then be required to coordinate installation of all private utilities through those areas so that private utilities would not tear up those areas. This problem has been out of control in the past few years. By this mechanism we can gain control over that. Mayor questioned if there was something in this document providing that protection, Walker stated no, it's already provided for in the land division and zoning codes.
- Mayor would like the Board to look beyond the developer's sign off to when transfer takes place to the private owner, that we modify these documents also. When construction starts owners and contractors change topography of lots, which significantly changes engineered grades and creates run-off to adjoining areas. We should put something in this document that alerts new homeowners of their responsibilities in maintaining grades designed for their lot. Staff will re-inspect when that is done.
- Walker stated we could add that information to page 2 (Transfer of Ownership & Responsibility). This information could also be added to Page 4 – to inform contractors or anyone else doing business on the lot. Bold and italicized print could be used to catch their attention that this is serious and they will be held accountable. Chiovatero agreed that it's an excellent addition. Ament suggested this item be deferred or tabled until said changes are made. He has received several calls over the past year about this issue.
- Walker said this Permit application was modeled after neighboring communities. Franklin and Germantown have had great success in getting the proper attention and maintenance for erosion control by developers and landowners. He thinks the financial burden placed on them is what's getting their attention. His only concern is how property owners deal with contractors; we as a City should not be involved in that, other than raising the level of understanding and consequences thereof.
- Mayor requested another paragraph be added on page 2 in bold that this agreement includes attention to appropriate grading of original lot and cite the appropriate statute. Page 4 (permit application) should also have that same information. By putting that clear notice to the landowner and contractor they then have to be aware of the applicable code, follow through and make the appropriate inquiries of Engineering as to what the grades are. Walker agreed with Mayor and said he will have documents completed before the next Board meeting.
- Chiovatero then questioned the document fees. Walker said the fees could be paid by check. Because the deposit would be for multiple lots, some kind of surety instrument could be used. Chiovatero asked if fee was per lot or per development and Walker said per lot.
- Chiovatero was concerned about both fees being passed on to property owners. Walker said that Staff talked about this at length and are concerned about it. Most of the lapses taking place in erosion control are *after* ownership takes place. He has had several discussions with citizens in High Grove after sending them letters because erosion control is not being maintained and felt it was a lack of attention.
- Chiovatero asked about time lines for these documents, citing the 6-month time line for refund on our existing curb and gutter fee. Walker said on page four it states the City

- Engineer may extend the permit one or more times for up to an additional 180 days for each extension.
- Chiovatero questioned the responsibility of private utility companies and if they're covered under contractor's application. Walker said it would be covered in two ways. If the private utilities have to be extended beyond the right of way area it's under the control of the developer because the developer has to restore the right of way area. Working within a lot is covered on page four; that would be the contractors that are working with the property owner, signing off on that sheet. Chiovatero referenced the Mayor's remarks about front ditches being torn up by developers and private utilities and asked if this would fall under contractor responsibility. Walker affirmed that the developer is responsible to insure everything is coordinated with the private utilities and to have their work completed at least to the right of way line before right of way restoration.
 - Ament asked if the apparent double fee could be adjusted on one end or the other and if 90 days was left up to whim of engineers or should it be extended to 180. Walker thought this could be added to page 2 as that's the first area where there's a transfer of responsibility.
 - Chiovatero was concerned that the homeowner will end up paying the \$100.00 fee because the developer will pass the cost along. Walker stated there are a number of fees currently being considered, i.e. for landscaping and that these are legitimate fees other communities are charging. Mayor said these (fees) are for new developments coming into the City and we will be vigilant in Staff enforcing them. He hopes the general tax liability will be somewhat dampened by these fees.
 - Chiovatero still concerned about new homeowners and the expensive accumulative fees. Ament agreed with developers helping pay fees since it's their project, but is concerned about revenue being generated just for revenue's sake; that's what we have taxes for. Hopes this fee offsets future taxes. Mayor stated budgets have revenues and costs and doesn't want public to think we're looking to make money, we're looking to meet the costs.

Motion by Mayor Wysocki to defer Erosion Control Permit to the next Board of Public Works meeting in order to amend documents as per discussion. Second by Alderman Chiovatero. Upon voting, motion passes unanimously.

ITEM 06-02 Reallocation of \$700,000 in 2001 CIP Roadway Account

Motion by J.P. Walker to recommend to Common Council that a portion of the \$700,000 originally reallocated from the proposed Coffee Road Extension be reallocated to cover the design in 2003 and necessary Right-of-Way acquisitions in 2004 for the redesign and future reconstruction of Coffee Road between Moorland Road and National Ave. Second by Mayor Wysocki.

Discussion

- Ament was originally in favor of taking this off the Coffee Rd. extension but doesn't know if we're putting it in the right place doing this, especially considering timing. This project was moved up considerably from where it was on last year's CIP list. Thinks other projects more urgent than this one and prefers to see money go to one of the other projects.
- Walker said priorities were changed somewhat but the years in which budget impact took place did not change on Coffee Rd. from Moorland Rd. to National Ave. He looked at when the actual construction was to occur and that's how he prioritized projects. Engineering's intentions are to be involved in one road projects per year. If budget is approved through Council to do multiple projects and some of work is out-sourced it's a

whole different issue. We are now looking at projects we can do in house, one per year. There's a lot of projects to be done in the next four years and we cannot do it all in-house, so budgets will need to be approved to allow consultants to do some of the work.

- Ament thought it would make more sense to move Grange up instead of Coffee Rd. Mayor thinks this type of discussion on CIP budget is for the full Council involvement. Capital discussions and the costs of borrowing needs to be discussed first because it involves strategic spending with revenues and tax dollars. This issue today is not only related to the City Center, which will be moving forward shortly, but also the revitalization of the Kohl's Plaza. We are working aggressively with the owners of the Kohl's Plaza. A lot of planning was done involving this area in the past. Coordination of the design in that road segment must be done because of the City Center and Kohl's Plaza.
- Chiovatero also said this requires full Council involvement. He thinks roads are very important to the infrastructure of our city. If this money can be assigned to a specific project that makes sense, he's in favor, otherwise he's very concerned because of the budget restraints, but doesn't want to delay anything any further.
- Walker reminded Board members of the upcoming issues of arbitrage after 2004 on the \$700,000; because it was originally in the 2001 CIP budget. \$700,000 is a lot of money, but looking at the magnitude of upcoming projects it's peanuts. It will adequately give us the start we need to use the funds available before arbitrage sets in. This is why he brought forth the motion to look at design and any right-of-way acquisition. Chiovatero stated this area is the downtown of New Berlin and Kohl's Plaza is starting to look pretty blighted, especially after Walgreen's leaves; he's very concerned about that area.

Upon voting on original motion it passed unanimously.

ITEM 08-02 Sears "Kit" Barn, owned by Don & Camille Teffer (Referred from Landmarks Commission)

Motion by Mayor Wysocki to drop this item from agenda. Second by Alderman Chiovatero. Upon voting, motion passed unanimously.

ITEM 09-02 Pilot Study for Trying a Flex-Seal Slurry on Streets In Meadowmere Subdivision

Motion by J.P. Walker to recommend to the Common Council that as part of the 2002 Roadway Maintenance Project a Pilot Study Program be approved for applying a new slurry seal product on 2.2 miles of streets in the Meadowmere Subdivision. Second by Mayor Wysocki.

Discussion:

- Walker said that we have not had good luck in attempts at applying new coatings to subdivision streets. This is a new product that is being tried in a number of communities like North Prairie, Town of Merton and Milwaukee. All Board members are well aware of the negative feedback from the citizens in Weatherstone Subdivision. This product will cost \$40,000 to cover 2.2 miles and is a huge savings over other options. He thinks it's well worth the money to see how it works out because if it meets our needs and adds 5 - 7 years life to existing streets it may be a huge bang for the buck.
- Ament applauded the Engineering Department for coming up with some way of salvaging City streets and extending their life. Thought perhaps they should wait until feedback comes from communities already using it before spending the \$40,000 and put this money towards things we know that do work. Questioned if there's any track record with this product.
- Walker stated the product is being used at airports and parking lots in California. This application would require some assistance by our Streets Department – they have to fill in

cracks beforehand because this is not a crack seal, it is for resurfacing. The Streets Department is willing to have a crew out there the week before to fill cracks, so if approval is obtained we are ready to go. The best time to do this is in July. The curing time takes 1-1/2 to 3 hours. All the citizens in that subdivision could be notified not to use their driveways between 9am & 3pm, and the work would be done by the time they got home from work. We would direct the contractor to schedule application so there is minimal or no impact to citizens.

- Mayor stated this product has been used in Michigan since 1996 and has been successful. He was looking for a cold weather state to see if the product held up. Although this is a new product it's more new to us than other areas of the country. He thought it has an environmental plus because this product uses recycled tires. It stays black for a long time, has higher skid resistance than typical asphalt and the striping stays brighter longer. If this product works well it can be a substantial cost savings and could be used in many other traffic areas. Walker echoed the Mayor's sentiments and stated the actual cost effectiveness of this product compared to typical preventive maintenance programs is 6 to 1.
- Ament has been on roads with slurry and thinks they are substantially quieter so it would be nicer for people living nearby.
- Walker said that Dresser Trap Rock is the aggregate used in this product and it is the hardest known rock in North America. This is different than previously used sealing products and sees a lot of pluses for using this product.
- Chiovatero thought the product very cost effective considering the amount of area covered for the price, but is still skeptical because of the problems experienced in Weatherstone Subdivision. He is encouraged by the use of it in airport runways, and the fact that it's holding up because a very tight surface is needed in airports so that fragments are not deflected. Airplane engines are very expensive and don't tolerate any matter going into them. Because this material is so dark, after snowplowing the roads are clear and dry in a few hours. He was concerned about people falling on this material because of the roughness of it. Weatherstone had problems with that road surface eating up rollerblades, etc.
- Walker said there are 220 miles of streets in the City. Completing 10-1/4 miles BY doing other types of milling and resurfacing costs \$750,000.00 – that's for 5% of the total miles of streets in the City. This project is 1% of the roads for \$40,000.
- Chiovatero thought this subdivision was about 45 years old and questioned if resurfacing had ever been done. Walker was not sure but said it is currently rated a 6 on PASER rating, which is in the category for resurfacing. If we wait another year or two it would be in the area where it needs reconstruction.
- Mayor said sewers were installed in this area in 1984, so the road is about 17 years old. We're on the cusp of being able to save the base by doing the resurfacing. If we wait any length of time the entire road will need reconstruction.
- Walker stated other communities are using a combination of chipseal and then a week later, slurry. He thinks we owe it to constituents to be pro-active and not re-active and look at products that might be beneficial to the City.

Upon voting on original motion, it passed unanimously.

ITEM 10-02 PASER Presentation

- Division Engineer Ron Schildt handed out graphics and gave a presentation on the status of City streets in regards to PASER ratings, an estimated budget for road maintenance and the need to get bids from contractors to complete the priority projects this year. All the projects discussed totaled approximately \$750,000.00. The streets discussed were only a small portion of what needs to be done Citywide.
- The average PASER rating in the City has been declining over the past seven years. Every other year the City is required to rate all City streets. 6.17 is the average rating this

- year.
- The main objective is to keep up with road maintenance so that streets do not have to be reconstructed. Use of new products such as the Flex-Seal Slurry may help a lot in that regard.
- Mayor wanted the Board to keep in mind:
 1. Acknowledge that our roads are the mass transportation system within our City and we need to pay attention.
 2. Views the budget costs as an investment over time that will provide payback because we will then be on the up side of PASER ratings and could then do more work with less money. He challenged Walker & Schildt to do strategic thinking about road infrastructure.
 3. With the new Gatsby rules for government and the way budget reporting is done, roads are now a dollar asset to the City; so how well we treat that asset, fiscally, will be very important in the necessary borrowing.
 4. He also stated that if we develop and invest in a good maintenance program this would pay off in the future.
- Walker said that part of his job is to envision 5 years into the future, having a 5-year plan, especially on roads. He thinks we can at some point put together a rotating 7 or 8-year maintenance schedule for all City roads. Wants ideally to impact multiple areas of the City at the same time. This should not be a political decision but a decision to benefit the largest number of citizens at one time. That's how the proposed schedule they are discussing was put together.

Motion by Mayor Wysocki to recommend to Common Council that the roadway segments identified in the attached 2002 road maintenance street list and estimating cost worksheet be approved and direct the Engineering Division to proceed with preparing the necessary contract documents to proceed with advertising the projects for bids. Second by Alderman Ament. Upon voting, motion passed unanimously.

ITEM 33-01 Tess Corners Creek Pond

- Walker stated there was no update at this time but would hopefully have one by the next Board meeting.

ITEM 07-02 Status Update of Cold Spring Road Redesign

- Walker stated a public information meeting was held on Saturday, April 20, 2002. 55 people attended and he felt it went well. The meeting was taped and minutes are being mailed out to about 600 affected residents. It was also put on our Web page. Information will be updated on a quarterly basis, as to where we are in design process and how we are taking citizen input and incorporating it into our analysis.
- Mayor complimented Aldermen Chiovarero and Wilkens for initiating the idea of getting public input when projects begin. The critical phase is design. Citizens came up with good suggestions that hadn't been thought of.
- Chiovarero stated he received positive feedback from the meeting. The residents were very happy it was held and that their input would be taken seriously. The people living *on* Cold Spring Road did not want the meandering pathway because it intruded upon their property. The people inside the subdivisions were more in favor of it. People thought the walkway would be paved but have since found out it is not. The bike lanes were going well.
- Walker is analyzing incoming questionnaires on this project. Residents were asked their preference on curb & gutter and storm sewer vs. keeping the open ditches, as well as burying utilities vs. relocating above ground installation. The consensus as of today's meeting is 50/50. The estimate given by WEPCO prior to this meeting for burying utilities

was approximately \$1,000,000.00, which did not include any of the other private utilities on those poles.

ITEM 11-02 Perpetual Pavement

- Walker stated information on this issue was included in today's packet for general knowledge as to the type of things that are coming down the road, (no pun intended). Payne & Dolan is one of the leaders in the industry for pavement and they are looking at a new design that consists of three layers. The lower layer would be asphalt and cement, which would help buffer the movement of the pavement and hopefully minimize cracking/alligatoring. The middle layer would be binder/aggregate and then the top surface. So instead of just two layers there would now be three.

Motion by Alderman Chiovatero to adjourn. Second by J.P. Walker. Upon voting, motion passed unanimously.

Meeting adjourned at 9:35 a.m.