

Minutes

BOARD OF PUBLIC WORKS MEETING

JUNE 3, 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, Alderman Hardena and Alderman Ament

Staff Present: Ronald Schildt, Division Engineer & John Graber, Division Engineer

Others Present: Bill Bodner of Bodner Property Management, LLC

ITEM 01-02 Approval of Minutes

Motion by JP Walker to approve the May 6, 2002 minutes. Second by Mayor Wysocki. Upon voting, motion passes unanimously with Alderman Harena voting present.

ITEM 03-02 Intergovernmental Agreement with West Allis to Design & Reconstruct 124th Street from National Avenue to Morgan Avenue (West Allis)

Motion by JP Walker to recommend to Common Council to approve the Intergovernmental Agreement with West Allis for the Design & Reconstruction of 124th Street from National Avenue to Morgan Avenue in West Allis and approve an additional \$195,600 in funding for the Project by reallocating \$195,600 from Roadway CIP Account #4-252-370. Second by Mayor Wysocki.

- Alderman Chiovatero comments that this project has been in progress for a long while now. The City of West Allis Engineering, along with City of New Berlin's Engineering Department have done a great job in design and coordination of this project. West Allis had a public hearing and there were no comments from their citizens. City of New Berlin had a public information meeting on May 30 and there were no negative comments.
- JP recommends that Ron Schildt come to the podium and answer any questions on behalf of this project in regards to substantial increase to cost. The increase is all related to storm sewer due to extensive work that needs to be done.
- Alderman Harena asked about the increase. The increase is more of a storm sewer estimate, not a bottom end cost on contingencies?
- Ron responds that the original cost was based on 675 feet of storm sewer between Euclid and National Avenue. Now we are looking to put in additional storm sewer and a cross-culvert between Ohio and Morgan and that increases the footage by approximately 700.
- Alderman Ament inquired about the cost of the side-path?
- JP stated the cost is on the last page of the Agreement in the amount of \$13,530

Upon voting, motion passes unanimously.

ITEM 05-02 Erosion Control Permit

- J.P. Walker stated this issue is a follow-up from the previous Board, where some language needed to be revised. He pointed out to the members that the new language that was added is in red ink. The Agreement requires that three separate plans be submitted to City Engineer for review, 1) Grading Plan 2) Landscaping Plan and once those are finished 3) a Recertification Plan. With this language in the Agreement, it gives the City a guarantee that the grades that were developed by the Developer will not be touched, which is on Page 2. Summary language has been added to Page 4 for a more general description. Everyone is required to sign Page 4 with names, addresses and so forth. City Attorney asked us to clarify which permit form belongs to which party. Note in title of Page 1, that we added the word DEVELOPER and in the title of Page 3, we have added PROPERTY OWNER.
- Chiovero asked as far as development goes, when does the process start?
- JP expressed the first step in the process is Council approval. When a Development already has its approval, prior to Council approval of this permit, then the Development is exempt.
- Alderman Ament acknowledged JP and the Engineering Department along with Plan Commission member Brian Teclaw in doing a good job in getting this information and putting the permit together.

Motion by Alderman Chiovero recommending that the Erosion Control Permit and Agreement as written with the changes that may be needed in the Erosion Control Ordinance by the City Attorney be brought to Council to approve and recommend adoption by the Council. Second by Mayor Wysocki. Upon voting, motion passes unanimously.

ITEM 12-02 Development Agreement for Jacob's Ridge Condominiums

Multi-Family

- JP points out a number of things regarding this Agreement. In keeping with our policy, it is the developer's responsibility to get the utilities to the development. Outside of this property, there will be a lift station (sanitary). The Developer will bring sanitary sewer to this lift station. There will be a contract by the City to include installing sanitary sewer and water main on South 179th Street and possibly part of Liberty Lane, that is now on holding tanks. There will be assessments associated with that. A survey was passed out about four months ago to all parcels that will be affected and they came back greatly wanting sanitary sewer and water main.
- Ament asked if the assessments will cover the costs of water and sewer on 179th & Liberty or will the balance come out of utilities?
- John Graber, Division Engineer, gave a brief overview of the cost sharing responsibility. He stated that this item has come before the Council previously as far as the cost sharing on the lift station. A determination was made that the developer is responsible for a certain percentage (it is outlined in the Agreement). Remaining part is the City's responsibility. When the project gets started on 179th & Liberty Lane, that capacity in the Lift Station could be allocated, which is for the needs of those people, and we could include that in the computations for the special assessments. Whether that would cover 100% of the cost of the Lift Station, would depend on how we work out the individual cost. Water would be benefiting. It is a Developer driven project and the Developer is responsible for installing the water main on Lincoln Avenue. If any resident connects to that water main from the south side of Lincoln, the City would collect connection charges or assessments and turn that proportionate share back to the Developer.
- Ament asked about if the sanitary sewer would have adequate capacity?
- Graber responds yes.
- Ament asked if we have it in writing from MMSD?
- Graber responds that the plans have been currently submitted to them for review. Project

- will not proceed with construction until those plans are approved by MMSD.
- JP had a meeting with the owner of the land where the lift station would go John Spitz, and is currently working on obtaining the necessary easement documents.
- JP points out the Special Conditions, Section XIII paragraph A, it states that “this Agreement shall be executed and recorded prior to any further clearing, grubbing, grading and/or utility infrastructure work.” Wants it stated for the record that there have been concerns in the single-family Agreement. This clarifies what needs to be done before the project is started and it will be followed closely.
- Ament asked if there was a Developer Agreement approved for the single-family section?
- JP responds yes. The Developers Agreement was approved by Common Council a few months ago.
- Ament wanted to make sure, that even though this is getting approved, that the Developer still can not do any construction until the plans are approved by MMSD?
- JP expressed that is correct.

Motion by Mayor Wysocki recommend to Common Council approval of the Developers Agreement for Jacob’s Ridge Condominiums Multi- Family with the requirements that all regulatory approvals are in-place before the Agreement is executed by the City. Second by JP Walker.

- Mayor Wysocki recommends that JP contact the Alderman of the district and give the Alderman an executive summary of what is going on with this project.
- Division Engineer John Graber states that this document was sent to the Attorney for approval as to form and approval was given. He received a communication from the Developer’s Attorney requesting to change the language on bottom of page 13 (Special Conditions paragraph G). Does not know the effect, but it has been forwarded to the City Attorney for his review.
- **Recommend by Mayor Wysocki that this change be pointed out at the Common Council meeting by City Attorney.**
- Bill Bodner of Bodner Investments LLC, asked about the amount of water from Lincoln Avenue. Is it from property line to property?
- JP responds that is incorrect. It goes from south side of The Willows all the way to his western property.
- Mr. Bodner, asked if the plans are done?
- JP responded that the plans were designed by himself, and they were given to Mr. Bodner’s engineer six months ago. They were to be included in the plans.
- Mr. Bodner asked if it is customary that you extend water service or utility service that is required beyond the needs?
- JP responds it is normal and customary and part of the responsibility of the Developer is to bring in the utilities.

Upon voting, motion passes unanimously.

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

Meeting adjourned at 8:40 a.m.