

## PUBLIC WORKS & HIGHWAY COMMITTEE MEETING MINUTES

May 8, 2019  
Village Hall Board Room

**CALL:** Chm. Kaminski called the meeting to order at 6:00 p.m.

**ROLL CALL:** Chm. Kaminski, Trustee Members Hughes, Warren (absent & excused) and Zabel. Also present were Dir. Ratayczak, Engr. Nitschke, and Secretary Wick.

**APPROVAL OF MINUTES:** **MOTION made by Zabel, seconded by Hughes to approve the Minutes of April 3, 2019 and April 15, 2019.**

**Motion carried unanimously.**

**PUBLIC COMMENT:** None

### **FLUORIDE TREATMENT – VILLAGE’S WATER SYSTEM – INFORMATIONAL:**

Dir. Ratayczak was requested to prepare a summary of pros and cons of fluoride in the Village’s water system. Staff had provided information on the topic and looked to the Committee for further direction.

Chm. Kaminski had completed her own research on the topic and found every health organization from the American Dental Association, American Academy of Pediatrics, and National Cancer Institute all agreed fluoride was beneficial in the Village’s water system. As a Village we have to do what all the major organizations say is the right thing to do.

**MOTION made by Kaminski, seconded by Warren to table discussion indefinitely regarding fluoride treatment in the Village’s water system.**

**Motion carried 2-1 (Hughes)**

**MAIN STREET SHOULDERING:** Engr. Nitschke was requested by the Committee at its April 3<sup>rd</sup>, 2019 meeting to provide cost estimates on the proposed Main Street shouldering. In order to address resident concerns, staff requested Committee approval to create a curb and gutter section on the north side of Main Street between Western Avenue and Squire Drive. Further research found parking was allowed on the north side of the road. The estimated cost for curb and gutter on the north side of the road from Western Avenue to Squire Drive was approximately \$60,000. The south side of the road would be re-shouldered at an estimated cost of \$15,000. The curb and gutter section would be marked with “No Parking” signs and the Village Sign Map would be updated.

Engr. Nitschke suggested completing this work in 2019 or look at other ways to stabilize this area. This work would not reduce the production of the 2019 Roads project and funding was available.

Trustee Zabel suggested posting “No Parking” signs as he did not believe there was any reason to place curb and gutter along the north side of the street. He agreed to continuing the sidewalk from Park Avenue to the lumber yard for pedestrian traffic. Engr. Nitschke noted the suggestion of curb & gutter was to clean up and finalize the appearance of Main Street. Staff priorities would include no parking on the north side of Main Street, shouldering on the south side and then address how to safely move pedestrian traffic. Discussion continued with suggestions to give the surface time to dry out; placement of traffic bond to alleviate the soft areas; if curbing was installed Trustee Zabel suggested moving curbing out 2 feet beyond the white line and put a sidewalk on the backside to match to the east of what existed; To help remedy the current

conditions, the Committee suggested the shouldering work and no parking. Sidewalk upgrades were suggested for next year.

**MOTION made by Zabel, seconded by Hughes to forward to the Village Board with a positive recommendation authorizing Engineering staff to work with current contractors for the Park Avenue Improvement Project and Roadway CIP to spend up to \$15,000 to improve Main Street by re-shouldering the south side of Main Street from Western Avenue to Squire Drive and propose an Ordinance to change “No Parking” to the Village maps for the north side of Main Street between Western Avenue and Squire Drive.**

**Motion carried unanimously.**

**SEWER CONNECTION FEES – THE PRECINCT RESTAURANT:** Dir. Ratayczak explained all new establishments or additions to existing establishments are required to submit data for a utility connection calculation of possible fees. The Precinct Restaurant is an approved establishment occupying an existing building on Church Avenue. Calculations were completed by staff and based on the proposed use, an additional \$8,048.64 in fees were due. The business owner approached the Village Administrator and an agreement was reached to allow the owner to pay 25% of the total due in order to obtain their Building Permit with the balance due at the time of occupancy. Since that time, the new owner submitted a request to the Village to waive or reduce the connection fees based on facts presented in a memo from the Village Administrator.

The following comments were made:

- Trustee Zabel stated when the Reserve Capacity Fee was established years ago for the interceptor sewers and relining, the building on Church Street which was on municipal utilities was charged a Reserve Capacity fee. Trustee Zabel did not agree that a new use of the building should have to pay an additional fee. Pipes are sized for the building not the use;
- Dir. Ratayczak stated fees were for the oversizing and the continued improvements required due to the increased flow. There are lift stations that have to be increased in capacity as flow increased.
- Supt. Zimmerman clarified the Reserve Capacity/Connection fee is a charge levied to everyone Village wide based on loadings to the system. It was agreed the building paid 1 REC and paid an additional charge when the interceptor went into the ground. Those charges were for the existing use at the time. Interceptor pipes were sized to attract wet industries to the community and those costs were paid up front by the utility and are now recouped through connection fees. Initial costs will never be recouped due to continual operation and maintenance of those pipes.
- Chm. Kaminski – Did not agree with waiving the fee; It was felt others would want the same courtesy. The Village never had that policy before.
- Trustee Zabel believed the policy was to pay once, not multiple times by different uses of the building.
- Jodi Kanzenbach, Precinct Restaurant owner, worked with the Administrator to bring the vacant building on Church Street back to life and move their existing restaurant to Germantown. They were spending a lot of money renovating a building that had been vacant for 7+ years and are therefore looking to have the connection fee waived; Ms. Kanzenbach voiced concern that connection fees were never increased for the various

- previous owners of the building. She understood that Germantown was looking for more independently owned restaurants and that is what interested her.
- Pres. Walter noted the restaurant owner was taking a rundown building and invested a fair amount of money into it. The owner was investing in the downtown area bringing more interest to the area with other independently owned restaurants. He was not in favor of a blanket waive of fees and start that process where others may come forward, but each case should be looked at individually on a case by case basis and in this instance was in favor of waiving the connection fees.
- Dir. Ratayczak suggested guidelines be set for the potential of waiving connection fees;
- Chm. Kaminski recommended review the current Ordinance and discuss under what conditions would fees be waived;

**MOTION made by Zabel, seconded by Hughes to forward to the Village Board for discussion to waive the Sewer Connection Fee for the proposed Precinct Restaurant on Church Street and refund \$2,048.64 which was already paid by the owner.**

**Motion carried 2-1 (Kaminski)**

**DEVELOPER AGREEMENT – WOODLAND PONDS ESTATES:**

Dir. Ratayczak stated there was an element of the Developers Agreement (Section 1.05 – regarding the payment of \$47,000 for the future construction of Elm Lane) that had yet to be reached between the Village and the Developer. Dir. Ratayczak requested the Motion include language regarding the road funding. Trustee Zabel questioned if there was going to be a requirement for acceleration/deceleration and bypass lanes on Wasaukee Road and whether any of the funding put in place addressed the Wasaukee Road improvements. Dir. Ratayczak replied there were no requirements in place for road improvements on Wasaukee Road.

**MOTION made by Zabel, seconded by Hughes to forward to the Village Board with a positive recommendation to approve the Woodland Ponds Estates Development Agreement upon staff and Developer reaching a final agreement regarding funding to improve Elm Lane.**

**Motion carried unanimously.**

**EAB-RESPONSE TO COMMON QUESTIONS, SITUATION, & ORDINANCE ENFORCEMENT – DISCUSSION/DIRECTION – CLARIFICATION:**

Supt. Olszewski requested direction/clarification on the trees dying as a result of the Emerald Ash Borer and needed a clear and consistent handling of some gray areas to include roadway easements, etc. Supt. Olszewski noted there were a significant amount of properties who own to the center of the road in which there were a lot of dead ash trees that fall within the easement. Supt. Olszewski requested a clearer clarification from the Committee as to the removal of those trees within road easements and to remain consistent with the policies moving forward. Financially tree removal could run the Village tens of thousands of dollars and could significantly impact each resident if they were to contribute toward the tree removal. Currently the Village has maintenance rights of 33 feet for properties that own to the center of the road. Does the Village have the obligation to remove dead trees within the 33 feet or would the Village want to include tree removal as part of the maintenance rights?

Trustee Zabel stated properties who owned to the center of the road in which the Village had maintenance rights were what he considered "road reservations" even though they may be classified as easements. The land has been dedicated to the Village who reserves the right to use the owners land for the purposes of road, sidewalk, and utility installation or remove objects such as fencing, trees, etc. (not replace) at the expense of the Village.

Suggested was for the Village to find a Tree Service to help and possibly provide a cost savings with the removal of the numerous trees throughout the Village that have died due to the EAB disease.

Supt. Olszewski stated he currently had a budget for tree maintenance to include replacement, treatment, and removal. With the EAB infestation, tree removal could be a significant cost. Being consistent on how these situations are handled would allow staff to budget accordingly.

Chm. Kaminski suggested Supt. Olszewski contact surrounding communities to find out how they are handling tree removal and report this information back to the Committee.

**MOTION made by Zabel, seconded by Hughes to postpone action on the EAB-Response to common questions, situations, and Ordinance enforcement until further information can be provided by staff.**

**Motion carried unanimously.**

**CURED IN PLACE PIPE LINING - CONTRACT:**

**MOTION made by Zabel, seconded by Hughes to forward to the Village Board with a positive recommendation to approve a contract with Lanzo Trenchless Technologies North, Inc. in the amount of \$2,284,025.00 plus a 10% contingency or \$228,400 for a total of \$2,512,425.00 for the Cured-in-Place pipe lining of the 48 inch interceptor sewer.**

**Motion carried unanimously.**

**PP I&I (PRIVATE PROPERTY INFILTRATION AND INFLOW):** Engr. Nitschke requested authorization to utilize up to \$20,000 in Waste Water utility funds to obtain consulting services for the purpose of assisting in the writing of the specifications for going out to bid for the PP I/I Program. The work will include but not be limited to preparing plans and specifications, as well as bidding the project. Funding of these services could come out of the program but would require the Village to go back for a change in the contract with MMSD.

W.W. Supt. Zimmerman stated there was a retroactive provision in the PP I&I program where the Village could pay the consulting fees upfront this year using utility money which would keep the program and approved funding agreement in place without changes. When the Village goes out for next year's program, the Village can include the cost incurred locally for reimbursement.

Trustee Hughes questioned if the PP I&I specifications from another community could be shared if the Village helped fund a portion of the other community's consulting fees. Engr. Nitschke state specifications are written for the individual community and language is not always the same. He was unaware of any other community whose specifications were so similar that the Village could consider obtaining. Supt. Zimmerman noted MMSD views each municipality as an entity on its own. MMSD provided guidance but unfortunately changed their guidelines after the Village went out for bid the first time. Dir. Ratayczak stated once the specification is re-

written, it could be used for future Village PP I&I projects. PP I&I specifications can become a public document but, proprietary rights may come into play.

**MOTION made by Hughes, seconded by Zabel to forward to the Village Board with a positive recommendation authorizing staff to obtain consulting services in an amount not to exceed \$20,000, for the purpose of assisting staff with the PP I&I Program to include but not limited to preparing plans and specifications and bidding the project.**

**Motion carried unanimously.**

**PARK AVENUE CONSTRUCTION SERVICES CONTRACT:** Engr. Nitschke requested approval for construction inspection services from raSmith for the Park Avenue Improvement Project. With the expansion of utilities related to TID #8, it had become apparent that the Engineering Department's capacity to provide construction inspection services throughout the Village this year was limited. Staff will coordinate efforts to provide in-house construction inspection services for TID #8 and the 2019 Road Program however, construction inspection services were also required for the Park Avenue project. raSmith provided a proposal for construction inspection services at an estimated cost based on hours spent on the job to include pre-construction meetings, working with utilities, create notes, as-builts, pay requests, working with residents, etc..

Trustee Zabel requested total in-house control with speaking with Park Avenue residents and possibly exchanging inspection services with the TID #8 project. Engr. Nitschke noted the proposed construction services inspector was very qualified with 30+ years of experience. Village staff would be present at the meetings to speak with residents.

**MOTION made by Hughes, seconded by Zabel to forward to the Village Board with a positive recommendation to approve Construction Inspection Services for the Park Avenue Improvement Project to raSmith for an estimated cost of \$93,000.00. Funds to be allocated from the Water Utility, Wastewater Utility and General Capital borrowing.**

**Motion carried unanimously.**

**STORMWATER QUALITY MANAGEMENT PLAN UPDATE CONTRACT:**

**MOTION made by Zabel, seconded by Hughes to forward to the Village Board with a positive recommendation to award an increase of \$15,750 to GRAEF for additional modeling to the original Stormwater Quality Management Plan Update.**

**Motion carried unanimously.**

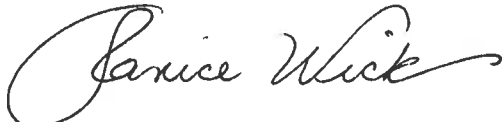
**PROJECTS UPDATE:**

Dir. Ratayczak provided the Committee with a list of Village projects with associated updates and answered questions.

**NEXT MEETING DATE:** The next Public Works and Highway Committee meeting will be held WEDNESDAY, June 5th, 2019 at 6:00 p.m.

**ANNOUNCEMENTS:** Engr. Nitschke requested a Special Public Works and Highway Committee Meeting on June 3<sup>rd</sup>, 2019 to discuss the illicit discharge at the Dept. of Public Works campus.

**ADJOURNMENT:** There being no further business, the meeting was adjourned at 7:35 p.m.

A handwritten signature in black ink that reads "Janice Wick". The signature is written in a cursive, flowing style with a large initial "J".

Janice Wick, Recording Secretary