



Public Works Committee Meeting

Tuesday, September 12, 2023

6:00 p.m.

Cravath Conference Room

Municipal Building - 2nd Floor

312 W. Whitewater St.

Whitewater, WI 53190

AGENDA

1. Call To Order And Roll Call
2. Approval Of Minutes From August 8, 2023

Documents:

[AUGUST 2023.PDF](#)

3. Hearing Of Citizen Comments
No formal Public Works Committee action will be taken during this meeting although issues raised may become a part of a future agenda. Participants are allotted a three minute speaking period. Specific items listed on the agenda may not be discussed at this time; however citizens are invited to speak to those specific issues at the time the Public Works Committee discusses that particular item.

4. New Business

- 4.a. Discussion And Possible Action Regarding Renaming Hyer Lane To Peggy Lane.

Documents:

[ITEM 4A.PDF](#)
[NAME CHANGE REQUEST.PDF](#)

- 4.b. Discussion And Possible Action Regarding Johns Disposal Rate Increase Request For 2024.

Documents:

[ITEM 4B.PDF](#)
[2024 JOHNS RATE INCREASE.PDF](#)

- 4.c. Discussion And Possible Action Regarding Deferred Assessments For Wisconsin Street Sanitary Sewer And Water Main.

Documents:

ITEM 4C.PDF
MAY 4 AND 18 2004 COUNCIL MINUTES.PDF

- 4.d. Discussion And Possible Action Regarding Amendment No. 1 To Task Order No. 23-04 For Construction Related Services For The North Side Water Main Extension.

Documents:

ITEM 4D.PDF
AMENDMENT NO. 1 TO TASK ORDER NO. 23-04.PDF

- 4.e. Discussion And Possible Action Regarding Sidewalk Replacement Program.

Documents:

ITEM 4E.PDF
CHAPTER 12.22 SIDEWALK.PDF
SIDEWALK ASSESSMENTS.PDF

5. Future Agenda Items

6. Adjournment

It is possible that members of, and possibly a quorum of members of, other governmental bodies of the municipality may be in attendance at the above-stated meeting to gather information over which they may have decision-making responsibility; no action will be taken by any governmental body at the above-stated meeting other than the governmental body specifically referred to above in this notice. Anyone requiring special arrangements is asked to call the Office of the City Manager / City Clerk at least 72 hours prior to the meeting.



Public Works Committee
Tuesday, August 8, 2023
6:00 p.m.
Cravath Conference Room
Municipal Building - 2nd Floor
312 W. Whitewater St
Whitewater, WI 53190

MINUTES

1. Call to order and roll call.

The meeting was called to order by Stone at 6:00 p.m. The meeting was held at the Municipal Building in the Cravath Conference Room - 2nd floor.

Present: Gerber, Allen, Stone
Others: Brad Marquardt

2. Approval of minutes from July 11, 2023

It was moved by Stone and seconded by Gerber to approve the Public Works Committee minutes from July 11, 2023.

AYES: All by via voice vote (3). NOES: None. ABSENT: None

3. Hearing of Citizen Comments

No citizens comments at that time.

4. New Business

Since there was a resident in the audience, Item I. – Discussion and Possible Action regarding On-Street Permit Parking on 2nd Street between Center Street and Whitewater Street was moved to the first discussion.

i. Discussion and Possible Action regarding On-Street Permit Parking on 2nd Street between Center Street and Whitewater Street.

A request was received from a business owner on 2nd Street, Dr. Peg Linneman of Whitewater Chiropractic, asking for the review of where on-street permit parking is allowed. Currently, all of the west side of 2nd Street between Center Street and Whitewater Street is signed for either 2 hr. parking or on-street permit parking. However, the ordinance reads that on-street permit parking should only be allowed on the west side from the south curb line of Whitewater Street north for 120 feet. Additionally, the ordinance indicates it should be 4 hr. parking, not 2 hr. Since there is confliction between the ordinance and the signage, a review of the parking should take place including if on-street permit parking should be moved to the east side of 2nd Street.

Dr. Peggy Linneman, 214 S. 2nd St., spoke regarding the issues of the ordinance and permitted parking.

Allen said it's a tough situation with parking.

Marquardt stated there are three stalls in front of 202 W. Whitewater Street. Those stalls could be dedicated as 2 hr. parking or on-street permit parking. There are also three stalls in front of the doctor's office that could be marked as 2 hr. parking. In addition, the east side could be designated as 2 hr. parking or on-street permit parking. There are six more stalls in the area that could also be designated as 2 hr. parking or on-street permit parking. The way it exists today there are 12 spots that are posted for on-street permit parking. The new arrangement would have 13 spots for on-street permit parking.

Marquardt stated new signs will be installed per the updated ordinance and noted it will take a while to change. It will have to go to Council and since it is an ordinance, it will take two readings to change. It was suggested that Dr. Linneman attend the next Council meeting in August.

Allen made a motion to approve the recommendations allowing administrative changes to the language to clean up the ordinance and seconded by Gerber.

AYES: Allen, Gerber, Stone. None: None. ABSENT: None.

a. Discussion and Possible Action awarding project for the Northside Water Main Extension.

Marquardt stated the City opened bids on August 2, 2023, for the Northside Water Main Extension project, which extends water to Johns Disposal and the Wastewater Facility. Seven bids were received with the base bid for ductile iron pipe and the alternate bid for PVC pipe:

The estimated cost for this project was \$360,000. It was noted that money was not specifically budgeted for this project in the 2022-2023 CIP. A budget amendment will need to be approved at the August 15, 2023, Council meeting switching already borrowed revenue bonds from the Vanderlip Pumping Station project to the Northside Water Main Extension Project.

Staff recommended accepting the low bid from Wondra Construction of Iron Ridge, Wisconsin, for ductile iron pipe in the amount of \$352,251.48 and forwarding to Council for awarding the bid.

Stone asked if the City has worked with Wondra Construction before and Marquardt said, no. Marquardt stated they did submit a prequalification statement, which stated they have done similar construction work in nearby areas. He did not have any issues with their past experience.

Allen moved to approve the Northside Water Main Extension and awarding Wondra Construction and seconded by Stone.

AYES: Stone, Allen. NOES: None. ABSENT: Gerber.

b. Update on Vanderlip Pump Station Timeline.

Marquardt stated the City bid out the Vanderlip Pumping Station Project in May 2022. Two bids were received and both were well over the anticipated budgeted amount. Since that time, staff has applied for Clean Water Funding through the DNR. The project has ranked high among other projects submitted Statewide. The actual application for the funding is due September 30. As part of the application, the City should be eligible for Principal Forgiveness for 50% of the loan up to \$2 million. Staff anticipates advertising the project September 7, and 14, 2023, with a bid opening on October 4. The bids will be reviewed at the Public Works Committee meeting on October 10, with a hopeful award at the October 17, Council meeting. Staff is hoping a contractor will start construction over winter on the cross-country portion of the project.

Stone asked if this project is funded through the Wastewater account and Marquardt stated yes.

Allen asked why the lift station was being moved. Marquardt stated it is moving to higher ground and will shorten the force main.

Gerber stated with what is left in the CIP budgeted amount they are still going to be short to pay for the project. Marquardt stated he is hoping to ask for \$3,000,000, through the Clean Water Fund, of which \$1,500,000 is forgivable. The remainder \$1,700,00 is what they borrowed and that would need to be used by June 1, 2024. Allen asked about why not ask for the total of \$4,000,000. Marquardt stated he is still working through all of the details. He will be bringing forward, at a later date, a budget amendment after he talks with the Finance Department about the best option.

Marquardt also stated there will be a resolution at the Tuesday's Council meeting regarding the intent to reimburse public funds from the borrowed funds. It basically says we have money available to pay for the projects costs before we get the Clean Water Fund.

c. Discussion and Possible Action regarding City property to be disposed of.

Marquardt stated each year City departments try to clear out items that are no longer being used and put them up for auction before disposing of them. The following is a list of items that are being considered for auction later this year.

Police

- 2013 Hyundai Sonata GLS with VIN 5NPEB4AC7DH675868
- 2015 Ford Explorer with VIN 1FM5K8AR4FGC66631

Park & Rec

- Pottery Kiln (Not sure if it works)
- Old Cravath Lakefront Stage Backdrop

Water

- 2002 F250 4x2 with 123,000 with a lift gate

Wastewater

- small set of lockers

Streets

- 1999 Chevrolet S-10 pickup
- 2011 Toro 4000 D bat wing mower
- Street lights from replacement project
- 7 -100# LP Cylinders
- 10- Overhead light fixtures removed from back shop
- Curtis snowplow from Kubota RTV
- Pallet of concrete anchor rods
- 2- street painters
- 9- 8'-4"x4" composite material

Allen moved to approve the property to be disposed of at an auction, later this year, and seconded by Stone.

AYES: Allen, Stone. NOES: None. ABSENT: Gerber

d. Discussion and Possible Action regarding installation of "No Stopping, Standing or Parking" areas along the east side of Elizabeth Street across from Laurel and Court Streets.

Marquardt stated representatives from the Whitewater School District reached out to staff about the possibility of painting crosswalks on Elizabeth Street at Laurel Street and Court Street. The intention would be to provide a designated area for students to cross. The issue with adding crosswalks at these locations is that there is no sidewalk on the west side of Elizabeth Street. At a minimum, staff believes there should be a landing area, if a crosswalk was painted. An alternative suggested by staff is to install “No Stopping, Standing or Parking” signs at each curb ramp location. The signs at each location would encompass the area of the curb ramp and include the area occupied by existing hydrants. This would provide a larger area for students to better see approaching vehicles and vice versa when students cross at these intersections. The Police Department was consulted on the additional signage and are in favor of it.

Allen discussed the congestion from the southern entrance of the middle school to Walworth after school. A suggestion was made to add the no stopping, standing or parking to that area as well. Stone liked that idea.

Marquardt stated the ordinance would then say “No Stopping, Standing or Parking” on the east side of Elizabeth from north of Melrose Street (northern property edge of the middle school) to the southern entrance of the middle school. If approved, signs would then be added to this area.

In addition, another ordinance would be created stating “No Stopping, Standing or Parking” on the east side of Elizabeth Street from the southern school property line (south entrance to middle school) south extending to Walworth Avenue. If approved, signs would then be added to this area.

Stone moved to approve Marquardt’s changes to the two different ordinances changes and seconded by Allen.

Marquardt stated he will send an email to the Whitewater Unified School District so they are aware of the changes. Marquardt will also send a letter to the property owners on Elizabeth Street who will be affected by these changes. Allen suggested Marquardt speak with Chief Meyer as well.

AYES: Stone, Allen. NOES: None. ABSENT: Gerber.

This recommendation will be brought to the August 15, Council meeting.

e. Discussion and Possible Action regarding sidewalk replacement program.

Marquardt stated at the July 2023 Public Works meeting, the committee and staff discussed changes to the sidewalk repair program and ordinance. Before decisions were made, there were questions about how much it would cost to repair sidewalk and how much sidewalk is there in a Ward to be replaced. To determine this, staff walked the streets located in Ward 4, namely, Fremont St, Park St, Franklin Street, Esterly Avenue, Prairie Street, Starin Road, North Street and W. Main Street and noted how many sections of sidewalk would be marked for replacement. This also included curb ramps which would need to be updated to current ADA guidelines.

In the meantime, Marquardt stated the City Clerk sent out a questionnaire to other communities to see if they had a plan as to handling sidewalk replacements. The City Clerk only received a few back prior to the meeting date. The procedure varies from community to community. Marquardt stated this was going to be a work in progress. He stated no decisions need to be made tonight. He could also send out a message to his public works group and see what responses he receives.

Gerber stated the City cannot afford to fund the sidewalk repairs anymore. Looking at the number of repairs needed, something else needs to be done. She is thinking the City is probably going to have to

assess the property owner, with a five-year installment. She would like to have more information from Marquardt and anticipates the citizens needing this information as well. Gerber asked if the Council will have to vote on this? Marquardt stated, yes because it's an ordinance and resolution change.

Stone commented that it's a good thing to look at the cost. He said he would probably vote against a special assessment. He thinks it went away because so many people complained about it because of the cost associated with construction projects.

Allen said he is in between Stone and Gerber. He feels we need to charge something.

Discussion item only, no motion made.

Marquardt noted Gerber left the meeting at 6:30 p.m.

f. Discussion and Possible Action regarding Municipal Code, Chapter 14.05 – Building Maintenance and Repair Standards.

Marquardt stated at the July Public Works meeting, the Committee discussed issues in the City with houses having no siding. As part of that discussion a question was asked if a permit is needed for siding. The answer is no.

In discussing this item with Neighborhood Services Director, Chris Bennett, he mentioned he was working with a firm called Municipal Code Enforcement to rewrite a portion of the Building and Maintenance Code and plans bringing this item to the August 15, 2023, Council meeting for discussion.

Stone commented he would like to see City staff review some of these codes and take them apart piece by piece. He really wants to make sure we are getting what we need in the code rather than some firm writing what their values are. It makes it easy for the Council to approve and then later on find out that people complain because it doesn't do whatever the locals wanted anyway. Allen stated instead of spending a whole lot of money, we could contact surrounding communities to see what they are doing. Marquardt stated he can agree with some things; however, some of the codes are a lot more intricate like the building and maintenance codes. Having someone much more familiar with those standards makes more sense.

Since this Code is being rewritten, staff recommended no action be taken at that meeting.

g. Discussion and Possible Action regarding amending Municipal Code, Chapter 11.16.040 – Forty-eight Hour on Street Parking Limit.

Marquardt stated at the July Public Works meeting, the Committee discussed the ordinance pertaining to forty-eight-hour parking limits for on-street parking. The motion was made to add wording to refer to the adjacent lot. The change is noted in red.

It is unlawful to park any vehicle for a period longer than forty-eight hours **in front of the same property address** or on any street, alley or in any public parking lot not otherwise restricted as to parking time.

There was discussion amongst members about the wording, and Marquardt stated he put in a phone call to the City Attorney and is waiting for a response as to the definition of the word "Park." Therefore, no decision was made regarding the change.

h. Discussion and Possible Action regarding amending Municipal Code, Chapter 19.51.180 – Truck, trailer, mobile home and equipment parking restrictions.

Marquardt stated at the July Public Works meeting, the Committee discussed the ordinance pertaining to parking restrictions for trucks, trailers, mobile homes and equipment. The committee discussed amending the ordinance by eliminating side yards and adding hard surface to Paragraphs B and D of Municipal Code 16.51.180. The ordinance below is the amended ordinance for review.

No truck, commercial trailer, house or camper trailer, motor home, boat trailer, trailers for all terrain vehicles (ATVs) or snowmobiles, or other vehicular equipment or implements of a commercial, agricultural or industrial nature, shall be parked regularly in any zoning district other than B-1, B-3, M-1 and AT districts, except as hereinafter specifically provided for as follows:

- A. One panel or pickup truck, exceeding three-quarter ton but not exceeding one and one-half tons, shall be permitted;
- B. The unenclosed parking of either one unoccupied house trailer, motor home, or one unoccupied camp trailer in the **side and** rear yard **on a hard surface**, provided that the motor home, house trailer or camp trailer is parked at least five feet from the lot lines; motor homes shall also abide by all restrictions relating to motor vehicle parking;
- C. Camper trailers and boats shall be permitted to park in front yards for the purposes of loading, unloading and servicing for a period of three days;
- D. Boat trailers, trailers for all terrain vehicles (ATVs) or snowmobiles, and all other private residential-type trailers shall be permitted to park in the **side and** rear yard only **on a hard surface**.
- E. The neighborhood services manager may issue a permit to a person with a disability allowing a boat (twenty-five feet or less in length) and a boat trailer to be parked in the front yard driveway of their residence from April through November. A person shall be considered a person with a disability if they have been issued a current disabled parking identification permit by the Wisconsin Department of Transportation. In addition, an individual shall be considered a person with a disability if they provide the neighborhood services manager with a statement by a health care specialist verifying that the party needs a front yard boat parking permit, for a stated period of time, to allow that person reasonable access to their boat and trailer.

Marquardt stated this will have to go to the Council because it's an ordinance change.

Stone asked to have a definition of hard surface available by the Council meeting.

Stone moved to approve the changes to (B) and (D) of the Municipal Code, Chapter 19.51.180, Truck, trailer, mobile home and equipment parking restrictions with the removal of side yard and the addition of a hard surface and seconded by Allen.

AYES: Allen, Stone. NOEES: None. ABSENT: Gerber.

Marquardt stated this will be taken the Council meeting in September.

I. Discussion and Possible Action regarding Public Works submitted Capital Improvement Projects.

Marquardt stated Chairperson Stone asked for a list of projects that were submitted to Finance for the Capital Improvement Plan (CIP). Committee members received a list which covered projects for DPW from 2024 – 2028. The projects were sorted by year and then by Department. Marquardt reminded members that the list was not a set list of what will happen. Every department was asked to submit anything they could think of that they may need to do in the next five years. Marquardt stated the City is not lacking projects and Allen commented just the funding.

5. Future Agenda Items

Allen stated regarding the letters that went out to residents on Wisconsin St. and their water laterals. The 20-year special assessment is coming due in 2024.

6. Adjournment

It was moved by Stone and seconded by Allen to adjourn the Public Works Committee meeting at 7:23 p.m.

AYES: All by via voice vote (2). NOES: None. ABSENT: Gerber.

Respectfully submitted,

Alison Stoll

Alison Stoll, Administrative Assistant
Department of Public Works

DRAFT



Public Works Agenda Item

Meeting Date:	September 12, 2023
Agenda Item:	4a. Renaming Hyer Lane
Staff Contact (name, email, phone):	Brad Marquardt, bmarguardt@whitewater-wi.gov , 262-473-0139

BACKGROUND

(Enter the who, what when, where, why)

The City received a request from Joseph Schraeder asking for Hyer Lane, from Salisbury Lane to Florence Street, be renamed to Penny Lane in recognition of Leslie Penny. See attached request.

The City currently does not have a procedure in the Municipal Code for renaming streets. However, according to Wisconsin Statutes section 236.295, streets renamed within a recorded subdivision must be accomplished by the recording of an affidavit of correction with the office of the register of deeds. Prior to the recording, the governing body of the municipality must approve of the renaming.

PREVIOUS ACTIONS – COMMITTEE RECOMMENDATIONS

(Dates, committees, action taken)

N/A

FINANCIAL IMPACT

(If none, state N/A)

There would be some minimal costs associated with new street name signs and recording of the affidavit if Hyer Lane is renamed.

STAFF RECOMMENDATION

Hyer Lane was named as part of the 1st Addition to the Rose Crest Addition. Therefore, if the Council approves of the renaming, an affidavit of correction needs to be sent to the office of the register of deeds. However, staff does not recommend a name change for the following reasons:

1. Changing an existing “named” street may remove a historical name already tied to Whitewater.
2. This request could open the door for anybody to request a name change to any street at any time. If Hyer Lane was changed to Penny Lane, somebody could come in next month and request a change to a different name.
3. Everyone with a Hyer address would unwillingly need to update all their documents to reflect a new address.

ATTACHMENT(S) INCLUDED

(If none, state N/A)

1. Name Change Request

8/30/23

JOHN WEIDL
CITY MANAGER
WHITEWATER, WI.

DEAR JOHN,

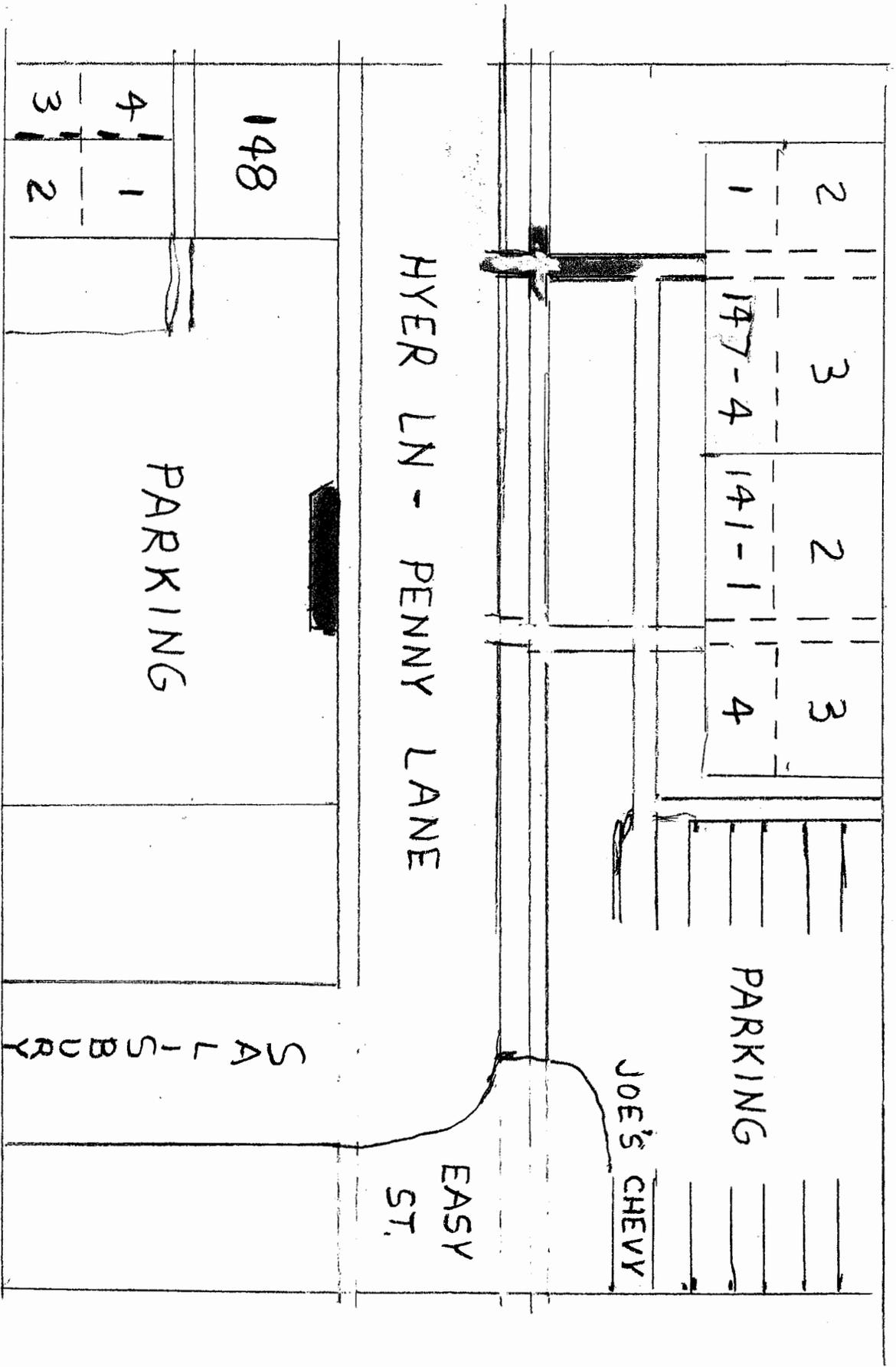
I WOULD LIKE TO REQUEST A NAME CHANGE FOR HYER LANE IN WHITEWATER TO PENNY LANE. LESLIE PENNY WAS MANAGER OF WHITEWATER COURT APTS. FOR EIGHT YEARS. THE APTS. ARE NOW MEADOW RIDGE. LESLIE WAS BORN ON OCTOBER 28, 1957, AN IMMIGRANT FROM LONDON, ENGLAND, ON BILL GATE'S SECOND BIRTHDAY AND THE DEDICATION OF THE STATUE OF LIBERTY IN 1886.

SINCERELY,

Joseph G. Schraeder

JOSEPH G. SCHRAEDER

MEADOW RIDGE APARTMENTS



8/30/23

Joseph D. Schneider



Public Works Agenda Item

Meeting Date:	September 12, 2023
Agenda Item:	4b. Johns Disposal Rate Increase
Staff Contact (name, email, phone):	Brad Marquardt, bmarquardt@whitewater-wi.gov , 262-473-0139

BACKGROUND

(Enter the who, what when, where, why)

Staff received a request from Johns Disposal asking for a \$0.42 (2.8%) per unit monthly increase as outlined below. According to the contract, Johns may request an annual adjustment up to the Consumer Price Index (CPI). The CPI as indicated in their letter is 2.8%.

	<u>2023</u>	<u>2024</u>	<u>Increase</u>
Garbage	\$9.00	\$9.25	\$0.25
Recycle	\$4.15	\$4.27	\$0.12
Bulk	<u>\$2.00</u>	<u>\$2.06</u>	<u>\$0.06</u>
	\$15.15	\$15.57	\$0.42

PREVIOUS ACTIONS – COMMITTEE RECOMMENDATIONS

(Dates, committees, action taken)

In September of 2019, Johns Disposal was approved for a recycling rate increase from \$2.59 to \$3.59 for 2020. In October 2020, Johns Disposal was approved for a recycling rate increase from \$3.59 to \$3.84 for 2021. In September 2021, Johns Disposal was approved for rate increases for garbage from \$8.29 to \$8.70, recycling from \$3.84 to \$3.85, and bulk from \$1.66 to \$1.85 for 2022. In October 2022, Johns Disposal was approved for rate increases for garbage from \$8.70 to \$9.00, recycling from \$3.85 to \$4.15, and bulk from \$1.85 to \$2.00 for calendar year 2023.

FINANCIAL IMPACT

(If none, state N/A)

The City is estimating a total count of 2,770 units for the 2024 budget. The overall increase of \$0.42 results in an overall increase of \$13,961 for 2024.

STAFF RECOMMENDATION

Since the requested increase is in line with the CPI, staff's recommendation is for the Committee to recommend approval of the rate increase for 2024 to the full Council and include the new rates in the 2024 budget.

ATTACHMENT(S) INCLUDED

(If none, state N/A)

1. 2024 Johns Rate Increase



P.O. BOX 329
 WHITEWATER, WI 53190
 262-473-4700 • Fax: 262-473-6775
 www.johnsdisposal.com
 email: office@johnsdisposal.com

DISPOSAL SERVICE, INC.

August 28, 2023

The City of Whitewater
 Attn: Brad Marquardt – Public Works Director
 312 W. Whitewater St.
 Whitewater, WI 53190

Re: 2024 Rates

Dear Brad & City Council,

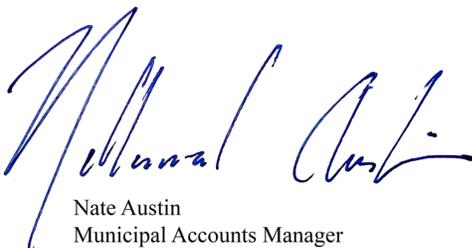
Collection in the City has continued with very few issues. Residents continue to take advantage of the bulk items collection program with nearly 390 tons collected in 2022! Unfortunately recycling values have remained at historic lows.

CPI is currently 2.8%. For 2024, we are requesting a \$0.42 / 2.8% per unit monthly increase as outlined in the table below:

SERVICE	2023	2024	\$ INCREASE
GARBAGE	\$9.00	\$9.25	\$0.25
RECYCLE	\$4.15	\$4.27	\$0.12
BULK	\$2.00	\$2.06	\$0.06
TOTAL	\$15.15	\$15.57	\$0.42

Please do not hesitate to reach out to me directly at 262-473-4700 ext. 224 if you have any questions about this proposal or would like to schedule a meeting.

Sincerely,



Nate Austin
 Municipal Accounts Manager



Public Works Agenda Item

Meeting Date:	September 12, 2023
Agenda Item:	4c. Wisconsin Street Assessments
Staff Contact (name, email, phone):	Brad Marquardt, bmarquardt@whitewater-wi.gov , 262-473-0139

BACKGROUND

(Enter the who, what when, where, why)

Councilperson Allen asked for this item to be on the agenda. Sanitary sewer and water main were extended on Wisconsin Street in 2004 to serve the development to the east of Wisconsin Street, namely the Waters Edge Subdivision. A public hearing was held to levy special assessments to the properties lying to the west of Wisconsin Street since the sanitary sewer and water mains would be abutting their properties. A preliminary and final resolution was passed by Council deferring the sanitary sewer and water assessments to 2024 or upon hook up, whichever occurs sooner. Staff sent out letters earlier this year to the property owners reminding them the special assessment will be due in 2024.

PREVIOUS ACTIONS – COMMITTEE RECOMMENDATIONS

(Dates, committees, action taken)

May 4, 2004, Council passed the preliminary resolution to assess for sanitary sewer and water and to defer the assessment to 2024. May 18, 2004 the Council passed the final resolution charging special assessments of \$7,522.17 to each of seven property owners along the west side of Wisconsin Street with the assessment deferred, interest free, until 2024 or upon hook up by the property owner, whichever occurs first.

FINANCIAL IMPACT

(If none, state N/A)

Each property owes \$3,996.16 for the water assessment and \$3,526.01 for the sanitary sewer assessment. Altogether, the Water Utility would collect \$23,976.96 and the Wastewater Utility would collect \$21,156.06.

STAFF RECOMMENDATION

Staff recommends these special assessments be kept in place and collected in 2024 per the 2004 resolution.

ATTACHMENT(S) INCLUDED

(If none, state N/A)

1. May 4 and 18, 2004 Council minutes

5/4/04 Council Minutes and Preliminary Resolution:

RESOLUTION INDICATING INTENT TO LEVY SPECIAL ASSESSMENTS FOR PROPERTIES ON WISCONSIN STREET. Upon closing of the public hearing held earlier, Dean Fischer explained that the developer agreement entered into between the City and Teronomy indicated that sewer costs would be borne by the developer and whenever assessments were collected, the developer would get paid back. That is to be decided by council. Water will be borne by the water utility.

Lengthy discussion ensued about cost impacts and repayment options. Stewart wondered whether this was a unique or unusual situation.

It was moved by Bilgen and seconded by Kienbaum to approve the resolution, deferring assessments to 2024 or upon hook up by property owner, whichever occurs sooner.

It was then moved by Allen and seconded by Uselman to amend the motion to include that assessments be paid or transferred at 2024 or sale of property or failure of one or both of the systems. A motion was taken on the amendment: AYES: Uselman, Allen, Stewart. NOES: Scott, Bilgen, Hixson, Kienbaum. ABSENT: None. Amendment to motion fails.

It was then moved by Allen and seconded by Stewart to amend the motion to approve the resolution, deferring payment for the assessment until 2024 or hookup by property owner, whichever occurs sooner, at which time the assessment will be paid in full. A vote was taken on the amendment. AYES: Scott, Uselman, Bilgen, Hixson, Allen, Kienbaum, Stewart. NOES: None. ABSENT: None. Amendment carries.

A final vote was then taken on the amended motion, which is to defer assessments to year 2024 or upon hook up by property owner, whichever occurs sooner. AYES: Scott, Uselman, Bilgen, Hixson, Allen, Kienbaum, Stewart. NOES: None. ABSENT: None.

PRELIMINARY RESOLUTION DECLARING INTENT TO LEVY SPECIAL ASSESSMENTS UNDER MUNICIPAL POLICE POWER PURSUANT TO SECTION 66.60, WISCONSIN STATUTES.

(Wisconsin Street Sewer & Water Assessments)

RESOLVED, by the governing body of the CITY OF WHITEWATER, Walworth and Jefferson Counties, Wisconsin:

1. The governing body hereby declares its intention to exercise its police power under Section 66.60, Stats., to levy special assessments upon property in the assessment district hereafter described for benefits conferred upon such property by reason of the following public work and improvements:

Installation of sanitary sewer and water main installed on Wisconsin Street.

2. The property to be assessed lies within the following described assessment district:

ASSESSMENT DISTRICT

Properties located on the west side of Wisconsin Street, commencing at the Hillside Cemetery property, thence southerly to the southeast corner of Tax Parcel No. /WUP-288 (Catherine Bigelow).

3. Before the improvements are made, the municipality shall cause water and sewer service pipes to be laid in the street from the mains to the curb line of each lot fronting on such street and keep an accurate account of the expenses incurred in front of each lot and shall report these costs to the municipal clerk

who shall cause the amount charged to each lot to be entered on the tax roll as a special tax against the lot.

4. The total amount assessed against the properties in the described assessment district shall not exceed the total cost of the improvements.
5. The governing body determines that the improvements constitute an exercise of the police power for the health, safety and general welfare of the municipality and its inhabitants.
6. The municipal Director of Public Works has prepared a report which shall consist of:
 - a. A Final plan and specifications for the improvements.
 - b. An estimate of the entire cost of the proposed street and curb and gutter improvements.
 - c. Schedule of proposed assessments.
7. The Director of Public Works has filed a copy of the report with the municipal clerk for public inspection and, if state property is to be assessed, shall mail a copy of the report to the responsible state agency and, for assessments of \$50,000 or more, to the Wisconsin state building commission.
8. Upon receiving the report of the responsible officer or body, the clerk shall cause notice to be given stating the nature of the proposed improvements, the general boundary lines of the proposed Assessment District, (including a small map thereof), the time and place at which the report may be inspected, preliminary resolution and the report. This notice shall be published as a class 1 notice under ch. 985, Stats. and a copy shall be mailed, at least 10 days before the hearing, to every interested party whose address is known or can be ascertained with reasonable diligence.
9. The hearing shall be held in the Community Room of the City of Whitewater Municipal Building at 312 W. Whitewater Street, Whitewater, Wisconsin 53190 at a time set by the clerk in accordance with Section 66.60(7), Stats.
(Scheduled for Tuesday, May 4, 2004 at 6:30 p.m.).
10. The assessment against any parcel may be paid in cash or in annual installments, the number of which shall be determined at the public hearing on the proposed assessments.

Resolution introduced by Councilmember Bilgen, who moved its adoption. Seconded by Councilmember Kienbaum. AYES: Scott, Uselman, Bilgen, Hixson, Allen, Kienbaum, Stewart. NOES: None. ABSENT: None. Adopted: May 4, 2004. Assessment Amounts: Bigelow - \$7,522.17 Quast - \$7,522.17 Channing - \$7,522.17 Parker - \$7,522.17 Bigelow - \$7,522.17 Hillside Cemetery - \$7,522.17

Gary W. Boden, City Manager

Michele R. Smith, City Clerk

Council Minutes of 5/18/04 with Final Resolution:

FINAL RESOLUTION REGARDING SPECIAL ASSESSMENTS ON WISCONSIN STREET. Per Common Council direction given on May 4, 2004, the resolution establishes a 20-year balloon payment, without interest, for the water and sanitary sewer improvements for six properties on the west side of South Wisconsin. As discussed during the last Council meeting each property would be charged \$7,522.17. The amount individually assessed against any of the properties would be due the city prior to the 20-year deadline or upon hook up of the property to water or sewer.

FINAL RESOLUTION AUTHORIZING PUBLIC IMPROVEMENT AND LEVYING SPECIAL ASSESSMENTS AGAINST BENEFITTED PROPERTY ON WISCONSIN STREET, CITY OF WHITEWATER, WALWORTH AND JEFFERSON COUNTIES, WISCONSIN.

WHEREAS, the governing body of THE CITY OF WHITEWATER, Walworth and Jefferson Counties, Wisconsin, held a public hearing at the City of Whitewater Municipal Building Community Room at 6:30 p.m. on May 4, 2004 for the purpose of hearing

all interested persons concerning the preliminary resolution and report of the Director of Public Works on the proposed public improvements consisting of installation of sewer and water improvements on Wisconsin Street, and preliminary assessments against benefited property, and heard all persons who desired to speak at the hearing;

NOW THEREFORE, BE IT RESOLVED, the governing body of The City of Whitewater, Walworth and Jefferson Counties, Wisconsin, determines as follows:

1. The report of the Director of Public Works, a copy of which is attached hereto and incorporated herein as if fully set forth herein, including the plans and specifications and assessments set forth therein, is adopted and approved.

2. The Director of Public Works has supervised the construction of the improvements in accordance with the report hereby adopted.

3. Payment for the improvements shall be made by assessing \$7,522.17 of the cost to the property benefited as indicated in the report.

4. Assessments shown on the report represent an exercise of the police power and have been determined on a reasonable basis and are hereby confirmed.

5. Assessments for all projects included in the report are hereby combined as a single assessment but any interested property owner may object to each assessment separately or all assessments jointly for any purpose.

6. Assessments will be deferred, interest free, until 2024, or upon hook up by property owner, whichever occurs earlier. Assessments must be paid in cash to the municipal clerk. Assessments shall be placed on the next tax roll after the due date for collection. Assessments not paid when due shall bear interest on the amount due at the rate of 12% per annum.

7. The municipal clerk shall publish this resolution as a class 1 notice under ch. 985 Stats., in the assessment district and mail a copy of this resolution and a statement of the final assessment against the benefited property together with notice of payment privileges to every property owner whose name appears on the assessment roll whose post office address is known or can with reasonable diligence be ascertained.

Resolution introduced by Councilmember Bilgen, who moved its adoption. Seconded by Councilmember Kienbaum.

AYES: Scott, Uselman, Bilgen, Hixson, Allen, Kienbaum, Stewart. NOES: None. ABSENT: None. ADOPTED: May 18, 2004.

Gary W. Boden, City Manager

Michele R. Smith, City Clerk



Public Works Agenda Item

Meeting Date:	September 12, 2023
Agenda Item:	4d. Strand Amendment for Northside Water Inspection
Staff Contact (name, email, phone):	Brad Marquardt, bmarguardt@whitewater-wi.gov , 262-473-0139

BACKGROUND

(Enter the who, what when, where, why)

Wondra Construction was awarded the contract to install water main from the WE Energies property east to serve Johns Disposal and the Wastewater Facility. The project is expected to start in October. The attached Amendment is for Strand Associates to perform Construction Related Services, such as shop drawing review, review of pay requests, construction staking, and construction observation.

PREVIOUS ACTIONS – COMMITTEE RECOMMENDATIONS

(Dates, committees, action taken)

The Council approved the water main project at their September 5, 2023 meeting. The original Task Order was approved at the March 21, 2023 Council meeting.

FINANCIAL IMPACT

(If none, state N/A)

The estimated cost to provide the Construction Related Services is \$43,000.

STAFF RECOMMENDATION

Staff recommends approval of the Amendment No. 1 to Task Order No. 23-04 and to send to the full Council for action.

ATTACHMENT(S) INCLUDED

(If none, state N/A)

1. Amendment No. 1 to Task Order No. 23-04



OWNER REVIEW

Strand Associates, Inc.[®]
910 West Wingra Drive
Madison, WI 53715
DRAFT
www.strand.com

Amendment No. 1 to Task Order No. 23-04
City of Whitewater, Wisconsin (OWNER)
and Strand Associates, Inc.[®] (ENGINEER)
Pursuant to Agreement for Technical Services dated December 30, 2020

This is Amendment No. 1 to the referenced Task Order.

Project Name: North Side Water Main Extension

Under **Project Information**, REPLACE Services Description in its entirety with the following:

“Design, Bidding-, and Construction-Related Services”

Under **Scope of Services**, ADD the following:

“Construction-Related Services”

1. Provide contract administration services including attendance at preconstruction conference, review of contractor’s shop drawing submittals, review of contractor’s periodic pay requests, periodic site visits, monthly construction progress meetings, and participation in project closeout.
2. Provide one iteration of construction staking for water main.
3. Provide resident project representative for up to 200 hours of full-time construction observation.
4. Prepare record drawings in electronic format from information compiled from contractor’s records. ENGINEER is providing drafting services only for record drawings based on the records presented to ENGINEER by contractor and OWNER. ENGINEER will not be liable for the accuracy of the record drawing information provided by contractor and OWNER.”

Under **Compensation**, CHANGE \$43,000 to “\$86,000.”

Under **Schedule**, CHANGE December 29, 2023, to “June 28, 2024.”

TASK ORDER AMENDMENT AUTHORIZATION AND ACCEPTANCE:

ENGINEER:

STRAND ASSOCIATES, INC.[®]

DRAFT

Joseph M. Bunker
Corporate Secretary

Date

OWNER:

CITY OF WHITEWATER

DRAFT

John Weidl
City Manager

Date



Public Works Agenda Item

Meeting Date:	September 12, 2023
Agenda Item:	4e. Sidewalk Replacement Program
Staff Contact (name, email, phone):	Brad Marquardt, bmarquardt@whitewater-wi.gov , 262-473-0139

BACKGROUND

(Enter the who, what when, where, why)

The Public Works Committee has been discussing changes to the sidewalk repair program at their July and August, 2023 meetings. Since the last meeting, staff reached out to a number of surrounding communities to gather information on what other communities do for assessing property owners. Attached is a list of communities that responded.

PREVIOUS ACTIONS – COMMITTEE RECOMMENDATIONS

(Dates, committees, action taken)

N/A

FINANCIAL IMPACT

(If none, state N/A)

Using \$5000 for curb ramp replacements at a quadrant and \$50 per foot for sidewalk replacement, the following are estimated totals:

- | | | | |
|----------------|----------|--------------|-----------------|
| • Fremont E/S | \$11,250 | Fremont W/S | \$8,250 |
| • Park E/S | \$24,250 | Park W/S | \$15,500 |
| • Franklin E/S | \$49,000 | Franklin W/S | \$64,750 |
| • Esterly E/S | \$41,500 | Esterly W/S | \$32,500 |
| • Prairie E/S | \$38,000 | | |
| • North N/S | \$8,250 | | |
| • Main St N/S | \$2,250 | | |
| • Starin N/S | \$55,500 | Starin S/S | <u>\$22,000</u> |

The estimated total to replace all tripping hazards, deteriorated surfaces and curb ramps is \$373,000.

STAFF RECOMMENDATION

This information is provided to help formulate a sidewalk repair program. There are 13 Wards in the City. Not all the streets in Wards have sidewalks and sidewalks in some Wards are much newer. Ward 4 has older streets (and sidewalks), bigger terrace trees and sidewalk on all streets. Some suggestions are:

- Try borrowing money to do the entire project as a one time catch up.
- Add additional money yearly to Fund 280
- Only replace sidewalk and not curb ramps.

-
- Only replace sidewalk that is a tripping hazard.
 - Adopt a new resolution where property owners once again pay a portion of the cost through assessments.

ATTACHMENT(S) INCLUDED

(If none, state N/A)

- | |
|---|
| <ol style="list-style-type: none">1. Chapter 12.22 Sidewalk2. Sidewalk Assessments |
|---|
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12.22.010 Appointment of administrator—Duties.

- (a) The building inspector shall be designated as the sidewalk administrator.
- (b) It shall be the responsibility of the sidewalk administrator to administer the provisions of this chapter. He shall determine that new sidewalks are laid where required, that existing sidewalks are repaired or replaced when required, and that all sidewalk construction is completed according to the requirements of this chapter.

(Ord. 1015 §2(part), 1983).

12.22.040 Sidewalk repair and replacement—When required.

- (a) The sidewalk administrator shall order any sidewalk which is unsafe, defective, or insufficient to be repaired or replaced so that said sidewalk meets the specifications set forth in this chapter.
- (b) During the calendar year 1983, the sidewalk administrator shall perform a comprehensive survey of the structural conditions of all sidewalks in the City of Whitewater and shall report to the council those sidewalks which are unsafe, defective or insufficient. Starting in the calendar year 1984, the sidewalk administrator shall annually review the sidewalks in one of the wards per year on a rotating basis.
- (c) Whenever the following sidewalk defects are found to exist by the sidewalk administrator, an appropriate order for the repair or replacement of the sidewalk shall be made:
 - (1) When a sidewalk has a three-quarter inch or greater height difference between blocks, it shall be required that the entire block which is out of alignment be replaced and realigned. Topping the lower slab with concrete or blacktop and/or using concrete or blacktop to ramp from the lower slab to the higher slab is not permitted.
 - (2) When a horizontal alignment variance of one inch per foot or greater exists the entire block which is out of alignment shall be required to be replaced or realigned.
 - (3) When one or more cracks exist in a block with openings which are of three-quarters of an inch or larger, it shall be required that the entire block be replaced.
 - (4) When the scaling or cracking of a block makes the block unsafe, the entire block shall be required to be replaced.
 - (5) When a block has a corner missing, and the size of the missing corner is less than six inches by six inches, the block may be repaired by patching unless the condition is repetitive on three or more blocks, in which case the blocks shall be replaced.
 - (6) When the height of a block causes isolated ponding of water, the entire block shall be required to be replaced or adjusted in elevation so that the ponding of water is eliminated.
 - (7) When the sidewalk has not been set to the required grade or line or does not comply with other specifications of this chapter, it shall be required to be repaired or replaced.
- (d) When a portion of an old sidewalk is repaired or replaced and the original width of said sidewalk was less than or greater than four feet, the original width of the sidewalk shall prevail, provided that the original width is uniform within the entire block and also that less than all of the sidewalk on the entire block will be replaced. In all other circumstances the four-foot width regulation shall be applicable.
- (e) Although minor streets are not required to install new sidewalk where none had previously existed, they are required to maintain existing walk and to install new sidewalk in blocks in which there is sidewalk along fifty

percent of the street frontage within the block. There are no provisions which allow removal of sidewalk unless a variance would be granted by the council.

(Ord. 1015 §2(part), 1983).

12.22.060 Owner responsibility for the construction of new sidewalk and for the replacement and repair of existing sidewalk—Noncompliance.

- (a) Whenever the sidewalk administrator determines that the provisions in this chapter require the construction of new sidewalk or the repair or replacement of existing sidewalk, he shall prepare an order requiring that new sidewalk be constructed or that existing sidewalk be repaired or replaced. A copy of the order directing such construction, replacement or repairs shall be served upon the owner of each lot or parcel of land. The sidewalk administrator shall serve such notice. Service of the notice may be made by personal delivery, by certified or registered mail, or by publication in the Whitewater Register as a Class I notice under Chapter 985 of the Wisconsin Statutes, together with mailing by first class mail if the name and mailing address of the owner can be readily ascertained.
- (b) Whenever any such property owner who has been notified shall neglect for a period of twenty days after such notification to lay, remove or replace, or repair any such sidewalk, the sidewalk administrator may cause such work to be done at the expense of such owner. All work for the construction of new sidewalks and the replacement or requiring of existing sidewalks shall annually be let by competitive bidding to the lowest responsible bidder, or done by public works personnel currently employed by the City of Whitewater.
- (c) The sidewalk administrator shall serve the order, which is discussed in subsection (a) of this section, along with a "Notice of Owner's Intent Form." Said form shall state the options for the property owner. The property owner shall return the "Notice of Owner's Intent Form" to the sidewalk administrator within twenty days of receiving the notice and shall indicate on the notice the method of repair or replacement desired.
- (d) Whenever a property owner elects to have the City of Whitewater personnel or contractor install, repair or replace their sidewalk, the property owner shall be required to sign a release form. The form shall be similar to the following:

CITY OF WHITEWATER

SIDEWALK CONSTRUCTION RELEASE FORM

OWNER:

ADDRESS:

Other description if required:

The undersigned in electing to utilize the City of Whitewater personnel and/or its contractor for required sidewalk repair or installation hereby releases the City of Whitewater from any obligation for repair of sidewalk due to minor cracking or other minor problems which frequently occur with concrete construction. Work done by the City of Whitewater personnel or its contractor will be done according to ordinance specifications. The phrase "minor problems" above is intended to mean problems which do not affect the sidewalk's performance.

Property Owner's Signature

-
- (e) The City of Whitewater shall be responsible for the costs incurred to reconstruct curbs and sidewalk to comply with Section 66.616 of the Wisconsin Statutes when possible (Reference Curb Ramping for Handicap Accessibility).
- (f) The cost of the sidewalk construction and/or repair may be paid by the abutting property owner as follows:
- (1) The abutting property owner may elect to reimburse the city by paying the cost of said repair or construction within thirty days of being billed. No interest will be charged if paid within thirty days of the billing. If the cost of construction or repair is not paid within thirty days, it shall be entered by the city clerk on the tax roll as a special tax against said lot or parcel of land, and the same shall be collected in all respects like taxes upon real estate. The amount so added to the tax roll shall include interest at the prevailing rate per month from the date that the individual was initially billed to December 31st of the year in which it is placed on the tax roll.
 - (2) Whenever the amount to be levied is in excess of one hundred dollars, the property owner may elect to pay over a five-year period and to have the city clerk enter said costs, together with interest at the prevailing interest rate on the tax roll, as a special assessment against such lot or a parcel of land.
 - (3) The city shall be responsible for the costs incurred to reconstruct curbs and sidewalks to comply with Section 66.616 of the Wisconsin Statutes, except where the sidewalk involved was determined to be unsafe, defective, or insufficient. In that case, the property owner shall be assessed on a square foot basis for the sidewalk replaced which is in the normal construction limits of a standard sidewalk, that is, one foot from property line, four feet in width.
 - (4) Where there is a replacement of sidewalk and there has been a previous assessment for sidewalk, a credit shall be given for the remaining useful life of the sidewalk. The useful life of the sidewalk for his purpose shall be ten years.

(Ord. 1015 §2(part), 1983).

Municipality	Program
Village of Eastman	50/50 with property having 5 years to pay equal installments
Village of Cambria	Project related, 100% homeowner if in poor condition, 100% Village if in good condition. Non project related, homeowner 100%
Village of Lena	Homeowner 75%, Village 25%
Edgerton	Used to assess, recently switched to Sidewalk Utility. Amount put on water bills. Set price for residential; commercial/industrial based on frontage. Actual repairs are paid 100% by City. Average resident pays \$2.75/quarter, city gets \$32,000 for repairs.
Village of Kewaskum	Homeowner 100%
Village of Theresa	Homeowner 100%, three years of equal installments
Village of Athens	50/50
City of Wautoma	City pays 100%
City of Brillion	They assess. Unclear in response if it is 100%
Village of East Troy	Residents assessed 50%
City of Lancaster	City pays 100%
Mount Horeb	50/50, if street tree causing damage city pays 100%
City of Stoughton	50/50
Village of Mukwonago	City pays 100%
City of Milton	City pays 100%
City of Monroe	Homeowner 100%
Village of Marshall	City pays 100%
City of Baraboo	City pays 100%
Village of Belleville	50/50
City Sun Prairie	City pays 100%
City of Middleton	Homeowner 100%, 50/50 if street tree causing damage
City of Watertown	Homeowner 100%, if tied to street reconstruction city pays 100%
City of Monona	City pays 100%
City of Madison	50/50
Village of DeForest	City pays 100%