



Public Works Committee  
Wednesday April 12, 2023  
5:30 p.m.

Cravath Conference Room  
Municipal Building - 2<sup>nd</sup> Floor  
312 W Whitewater St  
Whitewater, WI 53190

### MINUTES

**1. Call to order and roll call.**

The meeting was called to order by Allen at 5:30 p.m. The meeting was held at the Municipal Building in the Cravath Conference Room - 2<sup>nd</sup> floor.

Present: Allen, McCormick, Gerber  
Others: Brad Marquardt

**2. Approval of minutes from March 14, 2023**

It was moved by McCormick and seconded by Gerber to approve the Public Works Committee minutes from March 14, 2023.

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

**3. Hearing of Citizen Comments**

There were no hearing of citizens comments at that time.

**4. New Business**

**a. Discussion and Possible Action regarding design elements with the N. Fremont Street reconstruction project.**

Marquardt stated during a review meeting between Strand and City staff, it was noted that now would be the time to relocate or abandon the sanitary sewer and water main that runs under Treyton Field.

Sanitary Sewer: There is an 18-inch sanitary sewer than runs from Lauderdale Drive south under Treyton Field (with a manhole behind second base). It then turns east to Fremont Street where it runs south to Starin Road and under the street. The relocation would involve installing a new sanitary line north of Treyton Field. That would run east to Fremont Street and then south under Fremont Street to Starin Road. The lateral from the concession stand would need to be extended to Fremont Street. The relocation would require all new 18-inch pipe, including additional 18-inch pipe along the north side of Treyton Field compared to replacing the 8-inch and 18-inch pipes, respectively, that currently exist in Fremont Street if the sewer is not relocated. To replace the sanitary sewer as is would cost about \$220,000. The enhanced version of relocating the sanitary sewer is estimated at \$342,000. Marquardt stated one option to the 18-inch, which is under Treyton Field, is to do what is called cured in place pipe (CIPP). The cost of that would be \$150,000. This would also involve bypassing the sanitary sewer while the pipe is curing. This would consist of extra pumps and piping to put that in place. Those costs estimates are at today's costs, which will more than likely increase in the future. Worst case scenario of keeping it where it is today is that we could have a break where we would have to go out and dig. There could be a blockage or

a potential backup that comes up and out of the manhole cover. The backup out of a manhole cover would be less likely as we would probably get notice someplace else that it is backing up before it would come up out of the manhole cover on to the field. The likelihood would be more that there would be a collapse or blockage (from grease or rags) that we would have to dig and repair. Marquardt stated if we wanted to remove the piping from under Treyton Field; now would be the time to do it. He stated, do we have to do it, no. He said that's why he brought this up to the committee to see what kind of questions they had.

Gerber asked how old it was now. Marquardt stated he could not find records of when it was installed. He said it was a clay pipe from the inspection that was done. Allen asked the depth of the clay pipe. Marquardt thought it was about 10-feet deep, but didn't have the plan in front of him. Allen stated if there was a collapse they wouldn't see anything on the surface and Marquardt agreed. Gerber asked where this money was coming from and Marquardt stated the CIP project fund. He also noted it will be a proposed budget item for 2024. Allen stated the piping should be capped off and left in place.

Marquardt asked the committee if their consensus was to relocate the sanitary sewer from underneath Treyton Field to Fremont St. Gerber stated it seems to make sense and she agreed. Allen and McCormick agreed with Gerber.

Marquardt stated the second part of Fremont is the water main. There is a 12-inch water main running from Lauderdale Drive south to Starin Road that goes under Treyton Field. There is also an 8-inch water main in Fremont Street currently proposed to be replaced with an 8-inch pipe. If the 8-inch water main in Fremont was upsized to 12-inch, the 12-inch water main under Treyton Field could be abandoned resulting in negligible differences in volume and pressure in the watermain continuing north on Fremont Street. The water lateral from the concession stand would also need to be extended to Fremont Street. The cost of upsizing from an 8-inch to 12-inch main and abandoning the line under Treyton Field would be \$58,000. Marquardt asked if the committee was all in agreement with the proposed item and the committee members (Gerber, Allen and McCormick) said yes.

Marquardt stated he will move forward with abandoning the sanitary sewer and water main under Treyton Field.

**b. Discussion and Possible Action regarding design elements with the Ann Street/Fremont Street reconstruction project.**

Marquardt stated he was looking for direction to have things incorporated into the design, of which they will have a public information meeting with residents regarding this proposed street project. Residents will be invited to come and give their thoughts on yes or no to some of the items. Those comments would then be brought back to the Public Works Committee for a final decision on what should be included or not included in this project.

Marquardt noted that currently on Ann Street there is sidewalk extending on the south side from Franklin Street to Trippe Street (that was replaced about four years ago) and then east of Trippe Street approximately 270 feet where the sidewalk empties onto the pavement of Ann Street. Staff is considering extending the sidewalk further east to tie into existing sidewalk on Fremont Street. To accommodate the sidewalk extension, it is being proposed to move the sidewalk closer to the curb to minimize impacts to private properties. This would leave a 4-foot terrace width for snow storage. Existing trees and brush in the terrace area would need to be removed, though some trees are marked for removal already and others are not in the best of condition.

Additionally, on the south side of James Street the sidewalk ends about 100 feet short of Fremont Street. Staff is considering installing sidewalk in this stretch to complete the connectivity.

Other sidewalk considerations include the removal of sidewalk extending from the depot to Fremont Street within the railroad right of way and the corresponding curb ramps on each side, adding new sidewalk on the north side of the depot connecting Fremont Street to the depot, removing the curb ramp on the west side of Fremont across from the access point to Lot B, and adding curb ramps and a cross-walk on the south side of James Street.

Allen stated there was a guest in the audience that lives on Ann St. Beverly Stone, 303 W. Ann St., read the following letter. Please note this letter was copied and pasted from the original letter.

To: Jim Allen, Jill Gerber, Carol McCormick, Public Works Committee via Express Mail

Re: City of Whitewater Public Works Committee Meeting on April 12, 2023  
Agenda Item 4b. Discussion and possible Action Regarding Design Elements With The Ann Street/Fremont Street Reconstruction Project.

Date: April 10, 2023

I am writing this letter to request that you postpone action for the sidewalk project for Ann / and Fremont Street.

I wrote a letter on September 30, 2022 to the Public Works Director regarding the Ann / Fremont Street project I am **still waiting for a response** from the Director.

I wrote a another letter to Brad Marquart regarding the Fremont Street reconstruction (March 28, 2023). **No Response** was given to me. Instead, I observed that a sidewalk was proposed on the Public Works Committee Agenda that involves my property. I request that the Public Works Committee postpone this agenda item. If the committee takes action on this sidewalk tonight, April 12, 2023, then I perceive it that the elected officials are enabling the director to possibly create a pattern of not responding to other citizen comments on other projects such as Walworth Avenue reconstruction design. It concerns me as to why a member of upper management would completely ignore my correspondence.

I have received no information from the director of public works regarding the proposed sidewalk on my property on Fremont Street and on the terrace along Ann Street.

What the director of public works is proposing is a taking of my property on Fremont Street, without any notification to me, and would be in violation of Wisconsin Statute 62.22

(1) (b), and also in violation of Wisconsin Statute 32.015

Some years ago a professional land surveyor indicated the right of way along Fremont and Ann Street. It appears to me that the proposed extension of a pedestrian way by the public works director is on my property near my garage on Fremont Street I will resist the inclusion of my private property in the Ann/ Fremont Street reconstruction project.

At the time the corner of Ann and So. Fremont Street was widened during a former street surfacing project, the then city manager, Paul Weber, informed me, *that to create that street widening, the city had used all of its right - of- way, but would not trespass or take any of my property.*

The extension of a pedestrian way as proposed is on my property along Fremont Street near my garage as I understand the right of way.

As I believe this proposed sidewalk is on my property, not right-of-way, I am waiting for a report from my professional land surveyor in this sidewalk matter and a review of any street reconstruction maps of the city.

Wisconsin Statutes 62.22 (1) (b) states in part, "**The governing body of any city may not use the power of condemnation to acquire property for the purpose of establishing or extending ... a pedestrian way, as defined s. 346.02 (8) (a)**"

Wisconsin Statutes 32.015 States in part, "**Property may not be acquired by condemnation to establish or extend...a pedestrian way, as defined in s.346.02(8)(a)**"

346.02 (8) Applicability to pedestrian ways. (a) All of the applicable provisions of this chapter pertaining to highways, streets, alleys, roadways and sidewalks also apply to pedestrian ways. **A pedestrian way means a walk designated for the use of pedestrian travel.**

According to:

- (1) The agenda item 4b.pdf, and
- (1) the written text, "**sidewalk extension**" in the public works packet; and
- (2) depiction in diagrams in the public works packet;  
Ann Street sidewalk.pdf,  
Fremont Street sidewalk considerations.pdf

that the intent of this sidewalk proposal is **to establish or to extend a pedestrian way** in violation of the above cited statutes.

I would prefer to not have a sidewalk along my property at 303 Ann Street and Fremont Street.

Again, I request that this sidewalk project and the allocating of funds for it be postponed until I receive the professional land surveyors report and can take any legal steps necessary to protect and preserve my property.

Thank you for your consideration of this request,

Sincerely,

Beverly Stone  
303 W. Ann Street  
P.O. Box 291  
Whitewater, WI 53190

References:

- Letter from former city manager Kevin Brunner.
- Letter From former Director of Public Works Dean Fisher

Marquardt stated Ms. Stone was correct that the City cannot use condemnation. That was just upheld in a State Supreme Court case. The City is not looking at any kind of commendation. They are looking at installing the sidewalk on what they believe is public right-of-way. This would consist of moving the sidewalk on Ann St. about 4-feet off the property line toward the street. A couple of reason for that is they would like to get it away from the property line and the second reason is that it misses some trees; however, it does create a smaller terrace for snow storage. There is a 90° area where Ann St. and Fremont St. meet where Marquardt described as public right-of-way. He stated it does get very tight as you are heading north on Fremont St. They did narrow the terrace up to keep the sidewalk on public right-of-way and then on to park land.

Allen said David Stone, 303 W. Ann St., had a question about the 90° angle area. David stated they are alleging that based on previous reports from surveyors that the area is considered a difference of opinion on the right-of-way. That is why Ms. Stone would like to wait for the report to come back from her professional land surveyor as to his findings. He stated, there is no concern on Ann St. at the corner in front of the building, by the asphalt sidewalk, it's Fremont St. The area they would resist the sidewalk is the area where Ms. Stone references the statutes. Therefore, the Stones are asking for a postponement until they get the report back from the surveyor. Allen stated if they City is looking at going that way, they could certainly hold off on any construction until the report is received. Gerber asked Ms. Stone why she doesn't want the sidewalk. Is it the land you don't want to give up or is it the maintenance? David Stone stated she doesn't want to give up any property. Mr. Stone stated the report is in the works

but does not have any timeline at this time. Marquardt confirmed Allen's question that it would be a new sidewalk in that area. Gerber asked if it turns out to be Stone's property would he pursue condemnation or drop the sidewalk. Marquardt stated he would drop the sidewalk. Gerber asked if all of the sidewalk would be dropped. Marquardt stated there is a possibility it could be extended on Ann St., cross over to the west side of Fremont St. next to the detention pond and up to James St. Gerber stated the sidewalk would cross over before getting to Stone's property and Marquardt said yes. The consensus with the committee was to remove the sidewalk along Ann St. from consideration, including removing the existing sidewalk east of Trippe St. Marquardt will talk with Strand to have that portion of sidewalk removed from the project. There will be a public information meeting to review the project with residents.

Marquardt commented about a few other items on Ann St. and Fremont St. The sidewalk ends on James St. at the last property. There is no sidewalk from Fremont St., along the detention pond area, to the first house. As part of this project and connectivity, they are looking to see if that should be included as part of the project. If the City is not going to have a sidewalk on the side of Ann St., and have pedestrians cross at Tripp St. to the James St. sidewalk he would highly recommend this portion be included as part of the project. David Stone commented that he thought it was all City property and Marquardt agreed.

Marquardt stated there are some exiting cross ramps within the safety zone of the railroad, particularly by the depot on the north side of the tracks, where the stop bar is located and on the east side as well within the fenced area. They are looking at removing the cross-walk ramps just on the north side of the tracks. In addition, they are also looking at removing the little piece of sidewalk that goes from the depot to Fremont St, just north of the tracks. The plan would include new sidewalk on the north side of the depot and connecting that to Fremont St. for connection to the depot. There is also an existing ramp on the south side of the tracks that lines up with the entrance to the parking lot on the east side. Therefore, they are looking at moving that cross-walk, adding a crossing at James St., and having the pedestrian ramps on the south side of James St. for that connection. Allen said he gets it but nobody is going to use it. Marquardt stated at least they are not sending people where they shouldn't be going. He understands that people are going to walk where they want to walk, but he doesn't feel we should encourage them to do that. Marquardt stated this is his recommendation. This recommendation will also be presented at the public information meeting.

**c. Discussion and Possible Action regarding design elements with the Putnam Street reconstruction project.**

Marquardt stated when this this was brought forward as a possible street project, Mr. Allen asked what other possibilities there were instead of installing curb and gutter on this street. When the Task Order was approved for Strand to do the design work for Putnam Street, the Public Works Committee asked Strand to investigate options other than the installation of curb and gutter. Putnam Street is approximately 600 feet in length. Currently, there is approximately 264 feet of curb and gutter on the east/south side and 108 feet on the west side. After reviewing the existing conditions, the layout of the street and the use of the surrounding properties, Strand is recommending the installation of curb and gutter for the following reasons:

1. Curb and gutter defines and delineates the vehicle travel way. This is important due to the large private parking areas along the east side of Putnam Street.
2. Curb and gutter prevents vehicles from pulling off of the street at random locations which can cause damage to the edge of pavement and rutting of turf areas.
3. Curb and gutter provides support for the edge of pavement which helps prevent cracking. If curb and gutter is not installed, regularly maintained gravel shoulders would be recommended.
4. Curb and gutter controls and directs stormwater. This is particularly important on Putnam Street where longitudinal slopes are verity flat in some areas. If curb and gutter is not installed, ditches and driveway culverts would be recommended to control drainage and protect the pavement structure. Properly constructed ditches can be very disruptive to private

property. (It also should be noted that Putnam Street is very narrow with the street taking up nearly all of the right-of-way. Any ditches/culverts would be on private property.)

5. Curb and gutter are generally considered part of standard street infrastructure in most urban areas. The investment in curb and gutter tends to enhance property values over time.

All committee members agreed to continue the design with curb and gutter.

#### **5. Future Agenda Items**

Gerber stated she would like to see information regarding maintenance on the sidewalk replacement program at a future meeting.

#### **6. Adjournment**

It was moved by McCormick and seconded by Gerber to adjourn the Public Works Committee meeting at 6:42 p.m.

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

Respectfully submitted,

*Alison Stoll*

Alison Stoll, Administrative Assistant  
Department of Public Works