

1. **CALL TO ORDER:** Chair Jon Lourigan called the regular Public Works & Utility Committee meeting to order at 5:00 p.m. on Monday, November 26, 2007.
2. **ROLLCALL:** Present: Jon Lourigan, Phil Harms and Randy Way. Also present: Village Administrator Mike Gracz, Public Works Director Mark Below, Assistant Public Works Director Gary Disch, Village Engineer Joe Eberle, Board President Steve Staton, Trustee Eric Poole and Clerk Georgia Johnson, with Trustee Groenier arriving later.
3. **APPROVAL OF MINUTES:**
 - a) Regular meeting 9/26/07. Harms moved to approve the minutes of the regular meeting of September 26, 2007. Second by Way. Motion carried.
 - b) Regular meeting 10/22/07. Harms moved to approve the minutes of the regular meeting of October 26, 2007. Second by Way. Motion carried.
4. **PUBLIC APPEARANCES.** None.
5. **COMMUNICATIONS AND MISCELLANEOUS BUSINESS.**
 - a) Discussion and Possible Recommendation to Village Board re: status of the completion for the WWTP Lab building and extension of the substantial completion date of 11/9/07 and Status of Change Order. Below stated this is to bring the Committee up to date on the status of this project. The substantial completion date has passed by almost 2 weeks and they are still not done. It is hoped they are done in another week. There is a penalty clause in the contract of \$250 per day and that will be on the December agenda for discussion and recommendation. Below stated he has not talked to Town & Country Engineering regarding the project but there are other issues with some things that got damaged from storage, etc. There was discussion including when the next Public Works meeting will be held (December 17th), if the project will be done by the 17th, the fact that the windows have still not arrived, they are aware of the \$250/day fine, what is left to do, there have been scratches on the flooring that will have to be replaced, some nicks and scrapes on the walls that will need to be repaired and so forth. It was noted the contractor is from Holmen, Wisconsin. Discussion continued. Below stated the lab furniture is coming December 13th and the SCADA system will be installed in late January. There was further discussion.
 - b) Discussion and Possible Recommendation to the Village Board re: Update and discussion of storm water issues in the Bergamont Subdivision regarding the property at 347 Riviera Street and Meeting with Phil Peterson. Josh Sebrnaek, property owner at 347 Riviera Street, stated at the meeting with Mr. Peterson it was clear that he is not willing to allow significant changes on his property in order to help resolve the drainage issues on this property. The Village Engineer has been asked to come up with plans as to how best to deal with the water issue while staying off of Peterson's property. Sebrnaek stated he just met with the Village Engineer (just prior to the meeting) on his findings and Sebrnaek would like some time to review the plans and provide an opinion later. Eberle referred to the sketch noting that they tried to come up with different options to try to divert stormwater from the back of the house by working on Sebrnaek's property and the two neighbors to the north. They are looking at putting a berm across the back of the property to divert the water to the north. The blue pencil line on the drawing represents the approximate location of a berm across the property—about 2' x 6'-10' wide with a gentle slope—something that could be mowed on both sides. Eberle pointed out that this type of berm would not stop water from a 3-4" rainfall—because there is too much of a drainage area to the west. Historically (with a 1" to 1.5" rain) this should work depending on the intensity. There are some obstacles that will need to be considered including a large tree in the yard, utilities (shown on the drawing), and there is an electric transformer and in the process of fixing the problem they will have to be sure to keep the water away from the transformer and so forth. Eberle stated if the Village wants a more formalized plan this type of information would have to be obtained. There

was considerable discussion regarding the problems, the building of a berm such as presented by Eberle, whether the Village could purchase property from Peterson for an easement, the general consensus of staff is that Peterson would not be interested in that, the fact that staff could certainly approach Peterson regarding an easement or purchase of property, the fact that the water back there normally wants to flow to the northeast—that is just historically the path, need to create a berm that does not pond water on the Peterson property, would need to do some grading on the property to continue with a positive slope to the north up to Drumlin, this is only a short term fix and once all phases are completed this drainage will not be an issue, the fact that Peterson has concerns regarding his runway, the need to get the County involved since it required a Urban Service Area amendment in 2003 as well as the fact that water is draining from Village annexed property onto Township and so forth. It was concluded that the Committee needs to make a recommendation to the Board and get a proposal from Ruckert Mielke to come up with an official layout so it would be known how much property and could also authorize staff to approach Peterson about doing it. Discussion continued. Way said he feels staff should be given a wide latitude to negotiate whatever it takes to make it happen—give staff the discretion whether to buy outright or buy an easement or what the boundaries need to be and so forth. Gracz stated staff could approach Peterson but the first thing he is going to want to know is how much acreage so the Village needs to have Ruckert Mielke do more work on it. It was noted there are no houses on Lots 13 or 14 and Eberle stated they would have to look at the whole picture which could mean some minor ditching and clean up north of Drumlin. **Way moved to proceed with obtaining a proposal from Ruckert Mielke to look into possible options to resolve the storm water issues at 347 Riviera Street and to authorize staff to negotiate with Phil Peterson to either purchase property or obtain an easement for stormwater purposes** Second by Harms. **Motion carried.**

6. **NEW BUSINESS.**

- a) Review and Possible Recommendation to Village Board re: Snow and Ice Control Program for 2007/2008. Below stated this is done every year and is brought to the Committee for review. The map is amended to include any additional streets and such. There was some discussion. **Way moved, second by Harms, to recommend the Village Board to approve the Snow and Ice Control Program for 2007/2008. Motion carried.**
- b) Review and Possible Recommendation to Village Board re: non-compliance of the sanitary sewer hook up at 221 Wolfe Street. This is the second senior housing complex behind the Stop 'N Go. There was no sewer so a grinder pump was put in and it was agreed that when gravity sewer became available they would hook up to it. Although they have been contacted to take the necessary steps to hook up, the property owner has not complied. It was noted the two complexes have different owners and the other property owner has complied. Below stated he is working with the attorney on how to proceed. There was discussion. **Way moved to recommend the Village Board authorize the Public Works Director to work with the Village Attorney to get compliance on the sanitary sewer hookup from the property owner at Wolfe Street. Second by Harms. Motion carried.**
- c) Review and Possible Recommendation to Village Board re: Ruckert Mielke's Engineering Proposal for Designing and Constructing Alpine Business Park Regional Storm Water Pond. Below stated this was talked about previously as an incentive for the business park for potential businesses coming in there—that the Village do a regional stormwater pond opposed to each business owner having to do a separate pond and this is the proposal from Ruckert Mielke for that. Gracz stated it is also felt that a regional pond in the area will do a better job than each individual company having a pond. There was some discussion including whether the businesses would have to reimburse the Village for the cost of the pond (that is not the proposal—rather it is a TIF incentive for businesses to come into the Village), the sidewalk, curb and gutter and storm water would already be done, would the capacity of the pond be more, the problem out there is at

the northeast corner of Cusick Parkway next to the wetland because it is down hill from there, with stormwater going in there the Village would have to meet a separation distance by code, it may be a larger pond but shallower, it would be more efficient to have one regional pond than a series of smaller ones, would need to look at the zoning of the area and determine the roof area and asphalt area, this was discussed during the budget when reviewing TIF #2 that there is a cost for designing and constructing the pond and purchasing the property from Lycon (“acquisition of property plus design and construction of the pond” is in the budget), businesses have approached the Village but have expressed the concern of having to buy property to fill Village stormwater requirements, how many years of increment would it take to pay for it—depends on budget and future TIF projects, it is projected to have \$730,000 fund balance by the end of the year, items included in the TIF are the new Braun Road, upgrading the Netherwood crossing, Netherwood Road, the traffic signals, business park signs and so forth. Following discussion of putting both projects together and the cost for scope of services including design and construction, **Harms moved to accept Ruekert Mielke’s Scope of Services for the Alpine Business Park Regional Storm Water Pond in an amount not to exceed \$67,800.00. Second by Way. Motion carried.**

- d) Review and Possible Recommendation to Village Board re: Amended Engineering Agreement for the extension of Braun Road from Market Street to Cusick Parkway in Alpine Business Parkway. Gracz referred to the note on page 3 indicating the original agreement was for \$53,454 and went from Market Street to the railroad tracks. Eberle stated this amendment would extend the project to Cusick Parkway. The engineers will utilize as much of the preliminary work that has been done as they can. There was discussion regarding whether the retention pond just discussed in Alpine Business Park on the west side of the railroad tracks could be used somehow to deal with the retention pond on the east side and Eberle stated it could not—Wisco’s pond would have to be incorporated into the east side because it drains down the railroad tracks and crosses just north of the wetlands and goes into a pond down there, the original plan was to eliminate that pond but it is not hydraulically possible, the fact that this means 3 property owners will need to be dealt with, will need crossing approval from the State and so forth. It was noted this is an increase from \$53,454 to \$140,000 and includes everything except what CSM’s that will be needed for acquiring the street, appraiser services are included as needed for property acquisition, and the project would be done in two phases—first the west part and then the east part. Discussion continued. Gracz stated the west side would be done first because there is an interested business owner that will be appearing before the Planning Commission in December. Way asked what the timeline would be between the two phases. Lourigan asked if the Village is negotiating with the property owners now and if not could it be done in the first quarter in 2008? Gracz stated staff would try to accomplish that. **Harms moved to approve Ruekert Mielke’s amended Engineering Agreement for the extension of Braun Road from Market Street to Cusick Parkway in an amount not to exceed \$140,000. (This included the original contract amount of \$53,454 which was for extending Braun Road from Market Street to the Railroad tracks.) Second by Way. Motion carried.**
- e) Review and Possible Recommendation to Village Board re: street opening of Drumlin Drive in the Drumlin Addition to Alpine Meadows Subdivision. Below stated the street is installed, sidewalk is in and the street is ready to open. **Harms moved to accept the street opening of Drumlin Drive in the Drumlin Addition to Alpine Meadows Subdivision. Second by Way. Motion carried.**

7. **UNFINISHED BUSINESS.** None.

8. **INSURANCE CLAIMS.**

- a) Discussion and Possible Action re: Claim for damages at 201 E. Lincoln Street (Eileen Olson). Johnson referred to the materials in the packet which indicate that the Village’s insurance carrier,

Midwest Claims Service, sent notice to Ms. Olson they are recommending denial of the claim and Ms. Olson is asking the Board to review the claim and to pay the claim in the amount of \$190.00. This was filed as a sanitary sewer backup. When asked what the past practice has been, Below stated the Village generally follows the insurance company's recommendation. There was discussion regarding the issue including whether it was a sewer backup or a storm water problem, the sewer backed up because of the flooding on Lincoln Street, what the consequence is if the Village chooses not to follow the carrier's recommendation, the fact that the sewer backup at Mulligan's was a different circumstances entirely, where the monies would come from depends on what the claim was for—sewer or storm water, the fact that Ms. Olson was told by someone from the Village that they would be back but didn't come back, the concern that other claims by people who had sewer backups during the flood have all been denied—what makes this one different, whether to take action tonight or could it be tabled, relating to a storm what has to happen that causes the sanitary sewer to back up, it is not a sealed system in the older section of town so when an intersection floods it runs through and infiltrates the sanitary sewer, is there a way to seal the manholes, older residences do not have check valves, the need for those to be maintained if they are installed and the fact that Midwest Claim's letter indicates they found no negligence on behalf of the Village. Way stated he feels no need to table the issue and **Way moved to recommend the Village Board deny the claim of Eileen Olson. Motion died for lack of a second. Lourigan moved to recommend the Village Board accept the claim of Eileen Olson and direct the staff to find the funds to pay the damages. Second by Harms.** Bollig asked how many of these types of claims has the Village denied, and Johnson stated 4 or 5. Gracz stated if the Board accepts this the Village will need documentation on the cost. **Lourigan amended the motion to request documentation from the property owner and Harms seconded. Motion carried 2-1 with Way opposed.**

b) Discussion and Possible Action re: Claim for damages at 1015 N. Main Street, Ste. F (Audio Contractors). Below asked to have this tabled to the December meeting.

9. **STAFF REPORT.**

a) Status of Developments and Public Works Projects. As listed on the agenda. No discussion.

10. **FUTURE ASSIGNMENTS.** As listed on the agenda.

11. **ADJOURNMENT.** At 6:10 p.m., Way moved, second by Harms, to adjourn the meeting. Motion carried.

Submitted by
Georgia Johnson,
Village Clerk