



Public Works Committee Meeting

Cravath Lakefront Room, 2nd floor
312 W. Whitewater St.
Whitewater, WI, 53190
*In Person and Virtual

Tuesday, July 09, 2024 - 5:00 PM

MINUTES

CALL TO ORDER

The Public Works Committee Meeting was called to order by Smith at 5:00 p.m.

ROLL CALL

Present: Smith, Majkrzak

Absent: Hicks

Others: Marquardt

APPROVAL OF AGENDA

It was moved by Majkrzak and seconded by Smith to approve the agenda.

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

APPROVAL OF MINUTES

1. Approval of minutes from June 11, 2024.

It was moved by Majkrzak and seconded by Smith to approve the Public Works Committee minutes from June 11, 2024.

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

HEARING OF CITIZEN COMMENTS

None

NEW BUSINESS

2. **Discussion and Possible Action regarding Resolution authorizing Public Works Director to approve payments for Walworth Avenue real estate purchases.**

Marquardt stated there are ten easements from eight different property owners that need to be acquired for pedestrian ramp improvements. They range in size from 25 square feet to 675 square feet. CORRE Inc., who is Strand's subconsultant, will be preparing a sales study to determine a square foot price for easement interests. Once this price is determined, it will be used to determine the purchase offering price. Since these easements are all small in nature and to help expediate the easement purchases, it is being asked that the Public Works Director have authority to approve the purchases instead of bringing each one to the Common Council for approval.

The City Council entered into a State Municipal Agreement to proceed with the Walworth Avenue improvements on January 17, 2023. The City Council approved the Relocation Order for the purchase of the easements at their June 4, 2024, meeting.

Most properties will be offered the \$500 Nominal Payment Offer. The Whitewater School District has the two largest easements, which more than likely will be over the \$500 offering. Staff is asking the Public Works Director have authority to approve all easement offers up to \$2,000.

Staff recommended a motion to approve the Resolution authorizing governmental responsibility for temporary limited easement purchases and forward to Council.

It was moved by Majkrzak and seconded by Smith to approve the Resolution for the Walworth Avenue TLE Resolution and forward to Council.

AYES: Majkrzak, Smith. NOES: None. ABSENT: Hicks

3. Discussion and Possible Action regarding parking/pedestrians on Elizabeth Street in front of the Whitewater Middle School.

Marquardt stated the school district inquired last year about trying to improve visibility of students who are crossing Elizabeth Street at Laurel Street and Court Street. Discussions were had about adding crosswalks or an ordinance change to the parking limitations to try and eliminate motorists from parking on Elizabeth Street to pick up kids. Through discussions it was determined to try a temporary solution. Parking areas were blocked off on the east side of Elizabeth Street at Laurel Street and Court Streets. Barricades were used to delineate these areas in hopes that students would have better vision of vehicles on Elizabeth Street and motorists would have better vision of students trying to cross at these two locations. At the end of the school year, school officials determined they did not see any safety benefit from this temporary solution. Motorists were double parking on the east side of Elizabeth Street creating a traffic hazard with vehicles trying to maneuver around the barricades, and some students were still darting across the street in between vehicles.

The Public Works Committee recommended to council an ordinance for No Stopping, Standing or Parking from Walworth Avenue to the north property line of the school property. Council approved the first reading but asked staff to work with the school district before acting on the second reading.

Staff met with the school district after the school year to discuss potential alternatives. The school district indicated they are looking at forming a transportation committee to look at traffic safety issues at all of their schools, in particular the student pick up/drop off on Elizabeth Street. The school district asked Marquardt if anyone from the Public Works Committee was interested in serving on this committee. Marquardt stated he reached out to the school district stating there is interest in one of our committee members serving on the school district's transportation committee. Once the school district determines the date and time of the meetings, Marquardt will reach out to Hicks and Majkrzak to see who will serve on this committee. Smith had no interest in serving on this committee, due to lack of experience.

Marquardt stated this was an update and no action was needed on this item.

4. Discussion and Possible Action regarding updates to the sidewalk replacement ordinance.

Marquardt stated at the October 10, 2023, Public Works Committee meeting, the committee voted 2-1 to approve the updates to Chapter 12.22. This included special assessing the property owners 50% of the cost of repair/replacement, unless the repair/replacement is the result of a City terrace tree. Then, the City would pay 100% of the repair/replacement. The dissenting vote was not in favor of special assessing the property owners. At the December 5, 2023, Council meeting the Council approved the first reading of the new ordinance, which included assessing property owners 50% of the cost, unless the damage was caused by a terrace tree. At the March 12, 2024, Public Works Committee meeting, it was recommended the proposed ordinance not be approved at the second reading at the March 19, 2024, Council meeting. Instead, staff was directed to work on establishing a Sidewalk Utility. At the Council meeting on March 19, 2024, Council did not approve the second

reading and directed staff to investigate a Sidewalk Utility. Staff reached out to the League of Municipalities attorney for guidance on the Sidewalk Utility. The attorney informed staff there is currently a legal battle with the formation of Transportation Utilities and recommended the City tread lightly in the formation of a Sidewalk Utility.

Based on the current unknown status of the Transportation Utilities, staff recommended not moving forward with implementing a Sidewalk Utility. As mentioned in the memo dated March 19, 2024, approximately half the properties in the City do not have sidewalks, yet those residents get to utilize sidewalks where they do exist without the maintenance cost. Staff recommended updating the sidewalk ordinance, but eliminating the special assessment to the property owners.

Under a current adopted Resolution from 2017, property owners are paying nothing toward sidewalks that are being replaced either by City crews or as part of a street reconstruction project.

Majkrzak commented he was never in favor of the 50% owner responsibility. It's an incredibly complex thing to manage for a little bit of revenue for the City.

Marquardt stated he will be putting forth a good effort on the sidewalk replacement program in the future. He wants to get out in the community and take care of some of the trip hazards.

Majkrzak asked if this has to go to Council to keep the 2017 sidewalk ordinance in place. Marquardt stated it should go to Council to update the red-line version of the ordinance and take out the part about owner responsibility. It should state the City is responsible for the sidewalk maintenance.

Smith agreed with the City taking over the cost of the maintenance of the sidewalks.

It was moved by Majkrzak and seconded by Smith to forward the red-lined version of the sidewalk ordinance to Council. In addition, remove the owner responsibility to follow the 2017 Resolution of no assessments.

AYES: Smith, Majkrzak, Smith. NOES: None. ABSENT: Hicks.

Marquardt stated he will bring the sidewalk ordinance to the August Council meeting.

5. Discussion and Possible Action regarding a mandatory Lead Service Line (LSL) replacement ordinance.

Marquardt stated The Environmental Protection Agency is mandating all lead service lines (LSL) for water be replaced. To comply with this, Water Department staff inventoried the water lateral material on the public and private side. Staff is looking at replacing these LSL in 2025 and has submitted a Safe Drinking Water Loan application to receive below market interest rate funds to help pay for the project. On the private side, staff is anticipating receiving up to 100% principal forgiveness, meaning the property owners will not have to pay for their private side LSL replacement. One of the categories in the application that is helping the City receive up to 100% principal forgiveness is the project is replacing all the LSL as part of one project. To help comply with this initiative, it is imperative that all property owners work with the City to replace their LSL. To help ensure this, the City should adopt a mandatory LSL replacement ordinance. Many communities across the state are doing, or have done a mandatory LSL replacement ordinance.

The financial impact is tied to the principal forgiveness the City will be receiving with compliance of all LSL being replaced as part of the project. The estimated principal forgiveness is \$1,350,000.

In order to ensure all LSL are replaced as part of the project, staff believes that a mandatory replacement ordinance is needed. Property owners who are reluctant to allow city staff, contractors and/or inspectors into their building as part of the LSL replacement project would be responsible for 100% of the replacement costs and possible additional penalties. Staff recommended the committee to direct staff to formulate a mandatory LSL replacement ordinance and bring it back to the committee for review.

Marquardt stated he found an ordinance from Cedarburg, which he really liked. Majkrzak and Smith both said they would be interested in seeing a draft of the Cedarburg ordinance. Majkrzak said there would be more interaction with Council regarding this ordinance. Majkrzak said this item coming through the Public Works Committee and getting more interaction from Council, along with getting it out to the public would be good. Majkrzak and Smith both agreed an ordinance was the right thing to do.

Majkrzak and Smith directed Marquardt to proceed with pursuing the ordinance with Marquardt bringing back the City of Cedarburg sample ordinance for review. Marquardt stated he would bring a draft of the Cedarburg ordinance to the August Public Works meeting before taking it to Council.

FUTURE AGENDA ITEMS

6. Turning radius at Franklin St. and W. Main St. - Marquardt

Majkrzak and Smith did not have any future agenda items.

ADJOURNMENT

It was moved by Majkrzak and seconded by Smith to adjourn the Public Works Committee Meeting at 5:26 p.m.

AYES: All by via Voice Vote (2). NOES: None. ABSENT: Hicks.

Respectfully submitted,

Alison Stoll

Alison Stoll, Administrative Assistant
Department of Public Works