



Public Works Committee Meeting

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

Tuesday, March 12, 2024 - 6:00 PM

Citizens are welcome (and encouraged) to join our webinar via computer, smart phone, or telephone.
Citizen participation is welcome during topic discussion periods.

Please click the link below to join:

<https://us06web.zoom.us/j/83590485366?wd=RqGpLFFjuIPRtxLrIfyVslbPiQ4ow.6DI24eXApOEyZLBB>

Telephone: +1 (312) 626-6799 US

Webinar ID: 835 9048 5366

Passcode: 266460

Please note that although every effort will be made to provide for virtual participation, unforeseen technical difficulties may prevent this, in which case the meeting may still proceed as long as there is a quorum. Should you wish to make a comment in this situation, you are welcome to call this number: (262) 473-0107.

AGENDA

CALL TO ORDER

ROLL CALL

ELECTION OF CHAIRPERSON/VICE CHAIRPERSON

APPROVAL OF MINUTES

1. Approval of minutes from February 13, 2024

HEARING OF CITIZEN COMMENTS

No formal 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 Committee discusses that particular item.

To make a comment during this period, or during any agenda item: On a computer or handheld device, locate the controls on your computer to raise your hand. You may need to move your mouse to see these controls. On a traditional telephone, dial *6 to unmute your phone and dial *9 to raise your hand.

NEW BUSINESS

- [2.](#) Discussion and Possible Action regarding Amendment No. 1 to the Emergency Communications Radio System Site Improvement and Use Agreement Between Walworth County and the City of Whitewater
- [3.](#) Discussion and Possible Action regarding wastewater maintenance quotes for televising (CCTV), Cured in Place Pipe (CIPP) – Spot Repairs, and CIPP – Manhole to Manhole
- [4.](#) Discussion and Possible Action approving Responsibility Resolution for Urban Non-Point Source and Stormwater Construction Grant
- [5.](#) Discussion and Possible Action regarding Strand Associate’s Scope of Services proposal for Lead Service Line Replacement
- [6.](#) Discussion and Possible Action regarding sidewalk replacement costs and assessments to property owners under Chapter 12.22-Construction Standards Adopted

FUTURE AGENDA ITEMS**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 (262-473-0102) at least 72 hours prior to the meeting.



Public Works Committee Meeting

Cravath Lakefront Room, 2nd Floor
312 W. Whitewater Street
Whitewater, WI, 53190
*In Person

Tuesday, February 13, 2024 - 6:00 PM

MINUTES

CALL TO ORDER

The Public Works Committee Meeting was called to order by Marquardt at 6:00 p.m.

ROLL CALL

Present: Hicks, Gerber, Dawsey-Smith

Others: Marquardt

ELECTION OF CHAIRPERSON/VICE CHAIRPERSON

Gerber nominated Dawsey-Smith as chairperson. Dawsey-Smith then nominated Gerber. Hicks seconded Gerber and Gerber did not accept. Gerber then nominated Dawsey-Smith, nomination accepted by Dawsey-Smith. Dawsey-Smith will now serve as Chairperson of the Public Works Committee.

AYES: Gerber, Hicks, Dawsey-Smith. NOES: None. ABSENT: None

SET DAY AND TIME FOR REGULARLY SCHEDULED MONTHLY MEETINGS

Marquardt stated he put this item on for discussion, if needed. However, this meeting time has always been the second Tuesday of each month at 6:00 p.m. Meeting day and time will remain status quo. There was no further need for discussion.

APPROVAL OF MINUTES

1. Approval of minutes from December 12, 2023

It was moved by Gerber and seconded by Hicks to approve the Public Works Committee minutes from December 12, 2023.

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

HEARING OF CITIZENS COMMENTS

None

NEW BUSINESS

2. Discussion and Possible Action regarding awarding Contract 1-2024, Ann Street and Fremont Street Reconstruction

Marquardt stated the reconstruction of Ann Street, from Trippe Street to Fremont Street, and Fremont Street, from Ann Street to Whitewater Street, was recently advertised. Three bids were received and opened on February 6, 2024. The lowest bid was from Rock Road Companies at \$1,195,335.51 with an alternative bid of \$33,654.94. The alternative bid was for the cleaning of the detention pond that is located at the corner of James Street and Fremont Street.

Marquardt stated the City budgeted for these three projects and the total of all three projects falls within the budgeted amount.

Staff recommended forwarding approval, including the alternative bid, of award to Rock Road Companies to the full Council.

It was moved by Hicks and seconded by Gerber to approve awarding Contract 1-2024, Ann Street and Fremont Street Reconstruction to Rock Road Companies.

AYES: Dawsey-Smith, Hicks, Gerber. NOES: None. ABSENT: None.

3. Discussion and Possible Action regarding awarding Contract 2-2024, Forest Avenue Reconstruction

Marquardt stated the reconstruction of Forest Avenue, from 4th Street to Church Street, was recently advertised. Three bids were received and opened on February 6, 2024. The lowest bid was from BKS Excavating, Inc. (Edgerton) at \$427,900.

Marquardt stated he did have a meeting with the City Attorney yesterday (Monday, February 12) regarding BKS Excavating not notarizing their corporation for their bid. It should be noted the bid was signed by their president and attested to. There are four different signature line, depending on the type: sole person, corporation, liability, or partnership. Our City Attorney did not feel the lack of notarizing was an issue on this bid.

The City budgeted money for all three projects (Ann/Fremont, Forest, and Fremont) totaling \$3,322,295. The total of all three bids equals \$3,179,064.45, which included the bid from BKS Excavating for \$427,900.

Therefore, staff recommended forwarding approval of award to BKS excavating, Inc. to the full Council.

It was moved by Hicks and seconded by Dawsey-Smith to approve awarding Contract 2-2024, Forest Avenue Reconstruction to BKS Excavating, Inc.

AYES: Gerber, Hick, Dawsey-Smith. NOES: None. ABSENT: None.

4. Discussion and Possible Action regarding awarding Contract 3-2024, North Fremont Street Reconstruction

Marquardt stated reconstruction of Fremont Street, from Starin Road to Lauderdale Drive, and the pulverization and paving from Lauderdale Drive to Whitewater Creek was recently advertised. Three bids were received and opened on February 8, 2024. The lowest bid was from RR Walton & Company LTD at \$1,522,177.

The Task Order for design was approved in August 2022. The Reconstruction Project was approved as part of the 2024 CIP in the 2024-2025 budget approved by Council in November 2023.

Staff recommended forwarding approval of award to RR Walton & Company LTD.

It was moved by Gerber and seconded by Lisa Dawsey-Smith to approve awarding Contract 3-2024, North Fremont Street Reconstruction to RR Walton & Company LTD.

AYES: Dawsey-Smith, Gerber, Hicks. NOES: None. ABSENT: None.

5. Discussion and Possible Action regarding Strand Task Order 24-03, Vanderlip Pumping Station and Force Main Construction

Marquardt stated the Vanderlip Pumping Station is the big project for 2024, and is located at the end of Carriage Drive. This project also covers the force main, sanitary sewer, the removal of the lift station at Fraternity Lane and Florence Street. It also includes some sanitary work on Fraternity Lane and Carriage Drive and Tratt Street along with some water mains, in a few locations, and sidewalk ramps in those areas. The project was awarded to Fischer Excavating in October 2023. The contractor will soon be starting construction. Task Order 24-03 will cover inspection services, staking, construction administration, funding assistance, pumping station start-up and record drawings. The cost estimate, based on an hourly rate basis plus expenses, is \$400,000. The Task Order includes approximately \$21,000 for work performed over the original design Task Order amount and is already paid. This work entailed revising the plans, CWF application, preconstruction meeting, shop drawing review and project coordination. The remaining \$379,000 is broken out below:

<u>Task</u>	<u>Revised Cost</u>
RPR Services (1,550 hours)	\$222,000
Construction Staking (15 trips)	\$30,000
Project Management/Construction Administration/Site Visits (560 hours)	\$113,000
Funding Assistance (42 hours)	\$7,000
Pumping Station Start-Up/Punchlist (18 hours)	\$4,000
Record Drawings (16 hours)	<u>\$3,000</u>
Totals	\$379,000

Staff worked with Strand to reduce the original amount of \$469,000 down to the current amount. This is a long construction project starting in February and going into October/November, with Strand’s duties going into spring of 2025.

Staff recommended forwarding approval of the task order to the full Council.

It was moved by Hicks and seconded by Dawsey-Smith to approve Strand Task Order 24-03, Vanderlip Pumping Station and Force Main Construction.

AYES: Hick, Gerber, Dawsey-Smith. NOES: None. ABSENT: None.

6. Discussion and Possible Action regarding WE Energies easement at Cravath Lakefront Park

Marquardt stated in conjunction with the Ann Street/Fremont Street reconstruction project, WE Energies needs to upgrade and relocate a gas main located within Cravath Lakefront Park. They are requesting an easement from the City to do this work.

Staff recommended forwarding approval to full Council.

It was moved by Lisa Dawsey-Smith and seconded by Hicks to approve the WE Energies easement at Cravath Lakefront park.

AYES: Dawsey-Smith, Gerber, Hicks. NOES: None. ABSENT: None.

7. Discussion and Possible Action regarding Final Starin Road Right-of-Way Plat and associated Certified Survey Map

Marquardt stated this is just for information as it was at the Plan Commission meeting the night before to approve the Starin Road Right-of-Way. When the property was acquired to extend Starin Road from Whitewater Creek to Newcomb Street, it was all acquired as right of way. In order to define the true road right of way for Starin Road, a right-of-way plat needs to be completed. The Certified Survey Map defines the remaining area outside the Starin Road right of way into Lots 1, 2 and 3 and an Outlot 1. Since all the land was originally acquired as right of way, a correction affidavit will be submitted stipulating the City did not intend to use or dedicate all of the land for public road purposes, but rather the actual public road portion has been dedicated via a right of way plat and the remainder of said land was not dedicated for public road purposes and is not intended to be used for public road purposes. By defining the ROW and creating lots, the City can sell the lots with the proceeds going to the Fire Department.

8. Discussion and Possible Action regarding water main easement across City owned property

Marquardt stated a water main exists within the lots created by the Starin Road Certified Survey Map. If the City ever sells these lots, a water main easement should be in place that would outline what the easement is for, and the rights of the new property owner and the City. In order to have the easement in place, the City must grant an easement to itself.

Staff recommended forwarding approve to full Council.

It was moved by Dawsey-Smith and seconded by Hicks to approve the water main easement across City owned property.

AYES: Gerber, Hick, Dawsey-Smith. NOES: None. ABSENT: None.

FUTURE AGENDA ITEMS

Gerber asked Marquardt if the sidewalk discussion was coming back. Marquardt stated it will be back on the agenda for March.

ADJOURNMENT

It was moved by Hicks and seconded by Gerber to adjourn the Public Works Committee meeting at 6:14 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



Public Works Agenda Item

Meeting Date:	March 12, 2024
Agenda Item:	Walworth County Communication Tower
Staff Contact (name, email, phone):	Brad Marquardt, bmarguardt@whitewater-wi.gov , 262-473-0139

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

The City entered in an Agreement with Walworth County in October 2022 to allow construction of a communication tower at the Wastewater Facility property. The County looked at various options to route a signal back to City Hall for 911 redundancy. Options included another “tower” with a receiving antenna at City Hall, putting an antenna on the new water tower, and using fiber. After much investigating with City staff, the County would like to move forward using fiber. There is an unused fiber line that runs from City Hall to UWW to Water to Streets to Wastewater. The County is asking to use this line. The County would then run a fiber line through existing conduit from the Wastewater Main Building to the tower site. In addition, the County would like to run fiber from Franklin Street into City Hall to provide additional redundancy. The attached Amendment outlines this approach.

PREVIOUS ACTIONS – COMMITTEE RECOMMENDATIONS
(Dates, committees, action taken)

The Common Council approved the initial Agreement in October 2022.

FINANCIAL IMPACT
(If none, state N/A)

As outlined in the Amendment, the County is paying for all work associated with getting the fiber viable for use from City Hall to Wastewater, installation of fiber from Wastewater to the Tower, and the redundant fiber connection from Franklin Street. Per the Amendment, the City is not charging the County for the use of the existing fiber.

STAFF RECOMMENDATION

Staff would recommend a motion to recommend approval of Amendment No. 1 to the full Council.

ATTACHMENT(S) INCLUDED
(If none, state N/A)

1. Amendment No. 1

**EMERGENCY COMMUNICATIONS RADIO SYSTEM SITE
IMPROVEMENT AND USE AGREEMENT BETWEEN WALWORTH COUNTY
AND THE CITY OF WHITEWATER**

AMENDMENT NO. 1

RECITALS

WHEREAS, the CITY OF WHITEWATER (City) and WALWORTH COUNTY (County) entered into a mutually beneficial agreement dated October 31, 2022 for the purpose of constructing a radio tower located at the Whitewater Wastewater Treatment Plant located at 109 County Highway U, Whitewater, WI and such tower is scheduled to be constructed in 2024.

WHEREAS, the County is replacing its Emergency Radio Communications System in which the City intends to participate in order to facilitate interoperable communications between police, fire and public works users throughout Walworth County.

WHEREAS, the City currently owns a fiber optic pathway between the Whitewater City Hall located at 312 W. Whitewater Street, Whitewater, WI and the Whitewater Wastewater Treatment Plant main building that has additional capacity to support connectivity between the Whitewater City Hall and the radio tower site.

NOW, THEREFORE, THE COUNTY AND THE CITY AGREE TO THE FOLLOWING AMENDMENT:

ADDITIONAL AGREEMENT TERMS OF AMENDMENT NO. 1

Section 1, Grant of Use, on Page 1 of 7, is amended to add as follows.

1. Grant of Use.

- A. Use of City Owned Fiber. The City hereby grants County the use of a dark fiber pair within the City's existing fiber network, which provides a fiber pathway between the Whitewater City Hall and the Whitewater Wastewater Treatment Plant main building. The purpose of this grant of use is to facilitate connectivity between the Whitewater Police Department Radio Dispatch Consoles, the City/County Joint 911 system and the Radio Tower located at the Whitewater Wastewater Treatment Plant.
- B. Access within Whitewater Treatment Plant. The City grants the County access to install fiber from Whitewater Wastewater Treatment Plant main building to the Tower location using existing utility ducting on the grounds of the Whitewater Wastewater Treatment Plant. County, with City's permission, has already verified a viable pathway using this utility ducting.
- C. Access for Installation of Redundant Fiber. City agrees to allow County to install a redundant fiber connection provided by Edge Broadband into the Whitewater City Hall. The purpose of

the redundant fiber connection is to protect both the City and the County from loss of connectivity of the emergency communications systems.

D. Costs.

- i. County agrees to pay all costs associated with making the City-owned fiber path designated for use for this project viable from City Hall to the Wastewater Treatment Plant Main Building. This includes known connections that need to be made at the Water Plant, repair of fiber at City Street Dept Garage and making connections available at City Hall and the Wastewater Treatment Plant main building.
- ii. County is responsible for installation costs of fiber in existing ducting on the Wastewater Treatment Plant grounds from the main building to the tower site. County will be responsible for costs associated with installation of redundant fiber connection.
- iii. City agrees that County may use the designated fiber resources at no cost to county once the County bears the cost of making the necessary repairs and connections.

By signature below. The parties agree to the terms of the amendment above.

Susie Pike
County Clerk, Walworth County

Date:

John Widell
City Manager, City of Whitewater

Date:

Michael Cotter (approval as to form)
Corporation Counsel

Date:

Wallace McDonell (approval as to form)
City Attorney

Date:



Public Works Agenda Item

Meeting Date:	March 12, 2024
Agenda Item:	Sanitary Collection System Maintenance Items – 2024
Staff Contact (name, email, phone):	Ben Mielke, bmielke@whitewater-wi.gov , 262-458-2811

BACKGROUND

As part of our ongoing efforts in 2024, the Wastewater Utility will be contracting for several different services to maintain our sanitary sewer collection system. Those services include televising (CCTV), installation of cured in place pipe (CIPP) spot repairs, and CIPP manhole to manhole repairs. As in the past, quotes have been obtained from qualified contractors who have routinely provided quality services at the lowest per unit price. Of note, the cost per lineal foot has increased significantly from years past due to material availability, resin, and labor cost increases.

	Great Lakes TV Seal, Inc.	Aqualis (formerly Northern Pipe, Inc.)	Visu-Sewer
CCTV (41,143 ft.)	\$19,807.21	\$20,650.07	N/A
CIPP-Spot Repairs	N/A	\$16,000	\$17,750
CIPP- MH to MH (1,201 ft.)	N/A	N/A	\$54,945.75

- We will be conducting 41,143 of televising (CCTV) as part of a nine-year rotation for televising the collection system.
- Spot repairs (CIPP) will include six (6) sectional liners in four (4) lines.
- Additionally, 1,201 feet of 8” repairs will be done using cured in place pipe (CIPP).

Based on the amount of work we are looking to complete; the proposal is within the current market range. The total proposal cost is \$90,752.85.

PREVIOUS ACTIONS – COMMITTEE RECOMMENDATIONS

N/A

FINANCIAL IMPACT

These maintenance expenditures are funded annually through the Wastewater Utility Sanitary Sewer Repair/Replacement Fund (SRRF). This year’s amount of \$125,000 was allocated to maintain our sanitary infrastructure.

STAFF RECOMMENDATION

Staff recommends the CCTV project, for 2024, be awarded to Great Lake TV Seal, Inc. in the amount of \$19,807.21. Staff recommends the CIPP-Spot repair project, for 2024, be awarded to Aqualis in the amount of \$16,000. Staff recommend the CIPP-MH to MH repair project, for 2024, be awarded to Visu-Sewer in the amount of \$54,945.75.

ATTACHMENT(S) INCLUDED

(If none, state N/A)

1. Great Lakes TV Seal, Inc. Quote
2. Aqualis (formerly Northern Pipe, Inc. Quote
3. Visu-Sewer Quote



3600 Kewaunee Road
 Green Bay, WI 54311
 Phone: (920) 863-3663
 Fax: (920) 863-3662

Quote Number
21526

Quote Date
Jan 6, 2024

Quoted to:

CITY OF WHITEWATER
 P.O. Box 178
 312 W. Whitewater Street
 Whitewater, WI 53190

Quote Good Thru	Payment Terms	Sales Rep
2/5/24	Net 30 Days	

Description	Unit of Measure	Quantity	Unit Price	Extension
2024 SANITARY SEWER TELEVISIONING	.			
8" PIPE INSPECTION	FOOT	38,115.00	0.470	17,914.05
10" PIPE INSPECTION	FOOT	2,067.00	0.470	971.49
12" PIPE INSPECTION	FOOT	1,458.00	0.470	685.26
15" PIPE INSPECTION	FOOT	503.00	0.470	236.41
QUANTITIES ARE ESTIMATED, ACTUAL QUANTITIES WILL BE INVOICED	.			
INCLUDES BOUND REPORTS AND HARD DRIVE CONTAINING VIDEO WITH SYNCHRONIZED DIGITAL REPORTS.	.			

Please notify Great Lakes within 30 days if the quotation is accepted and the above prices will be honored. This acknowledgment will enable us to schedule your work more efficiently. If prevailing wages apply - this quote will be adjusted accordingly. Bond fee and/or additional insurance requirements are not included in the quote amount. If applicable, add the amount(s) to this quote.

Subtotal	19,807.21
Sales Tax	
Total	19,807.21



3600 Kewaunee Road
 Green Bay, WI 54311
 Phone: (920) 863-3663
 Fax: (920) 863-3662

Quote Number
21526

Quote Date
Jan 6, 2024

Quoted to:

CITY OF WHITEWATER
 P.O. Box 178
 312 W. Whitewater Street
 Whitewater, WI 53190

Quote Good Thru	Payment Terms	Sales Rep
2/5/24	Net 30 Days	

Description	Unit of Measure	Quantity	Unit Price	Extension
2024 SANITARY SEWER TELEVISIONING	.			
8" PIPE INSPECTION	FOOT	38,115.00	0.470	17,914.05
10" PIPE INSPECTION	FOOT	2,067.00	0.470	971.49
12" PIPE INSPECTION	FOOT	1,458.00	0.470	685.26
15" PIPE INSPECTION	FOOT	503.00	0.470	236.41
QUANTITIES ARE ESTIMATED, ACTUAL QUANTITIES WILL BE INVOICED				
INCLUDES BOUND REPORTS AND HARD DRIVE CONTAINING VIDEO WITH SYNCHRONIZED DIGITAL REPORTS.				

Please notify Great Lakes within 30 days if the quotation is accepted and the above prices will be honored. This acknowledgment will enable us to schedule your work more efficiently. If prevailing wages apply - this quote will be adjusted accordingly. Bond fee and/or additional insurance requirements are not included in the quote amount. If applicable, add the amount(s) to this quote.

Subtotal	19,807.21
Sales Tax	
Total	19,807.21



Formerly Northern Pipe, Inc.

2094 County Road QQ
 Green Bay, WI 54311
 Phone (920) 655-8049
 atierney@aqualisco.com
 www.aqualisco.com

Quote

Date	Quote #
2/14/2024	1542

City of Whitewater
 150 E. Starin Rd.
 Whitewater, WI 53190

Quote Good Thru	Payment Terms	Sales Rep		
	Net 30	AWT		
Description	Unit of Measure	Quantity	Unit Price	Total
City of Whitewater 2024 Sewer Spot Repairs				
Mobilization and Demob of Equipment and Crew	No Charge			
S. Clark St. MH18-5 to 17-5 - install 4' x 8" spot repair over broken pipe at 36.5'	Each	1	2,350.00	2,350.00
N. Franklin St. MH12-9 to MH1-9 - install 4' x 8" spot repairs over broken pipe at 119.7' & 178.2'	Each	2	2,350.00	4,700.00
High St. MH30-7 to MH27-7 - install 4' x 8" spot repairs over broken pipe at 44.4' & 203.6' - lateral reinstatement required at 44.4' repair - included in price	Lump Sum	1	5,450.00	5,450.00
W. Blackhawk Dr. MH25-16 to MH24-16 - install 6' x 8" spot repair over broken pipe at 39'1 to 44' - protruding tap will need to be removed at 185.5' - included in price	Lump Sum	1	3,500.00	3,500.00
Total				\$16,000.00

Please notify Aqualis within thirty days if the quotation is accepted.
 All material is guaranteed to be specified. All work to be completed in a workmanlike manner according to standard practices. Any alteration or deviation from above specifications involving extra cost will be executed only upon written orders, and will become an extra charge over and above the estimate. If prevailing wage apply - this quote will be adjusted accordingly. Bond fee and/or additional insurance requirements are not included in the quote amount. If applicable, add the amount (s) to this quote.



Formerly Northern Pipe, Inc.

2094 County Road QQ
 Green Bay, WI 54311
 Phone (920) 655-8049
 atierney@aqualisco.com
 www.aqualisco.com

Quote

Date	Quote #
2/14/2024	1541

City of Whitewater
 150 E. Starin Rd.
 Whitewater, WI 53190

Quote Good Thru	Payment Terms	Sales Rep		
	Net 30	AWT		
Description	Unit of Measure	Quantity	Unit Price	Total
City of Whitewater 2024 Sanitary Sewer CCTV				
Mobilization and Demob of CCTV Truck and Crew	No Charge			
Sanitary Sewer CCTV	Foot	42,143	0.49	20,650.07
<p>If for some reason Aqualis is unable to televise any segment of pipe a \$275.00 per hour charge will go into effect until the crew resumes televising. A re-mobilization charge may also be charged. - dirt, deposits, roots, etc.</p> <p>Upon completion of the televising the customer will receive the CCTV reports and video via electronic link. The link will remain active for thirty days.</p> <p>Hard copy and flash drive will be sent only at the request of the customer. One copy is included in the quote. Each additional copy is \$35 dollars.</p> <p>A representative from Aqualis will review all cctv video in order to flag sewer repairs - including manholes.</p> <p>This proposal serves as an estimate for completion. If approved, please sign and return.</p>				

Total	\$20,650.07
--------------	--------------------

Please notify Aqualis within thirty days if the quotation is accepted. All material is guaranteed to be specified. All work to be completed in a workmanlike manner according to standard practices. Any alteration or deviation from above specifications involving extra cost will be executed only upon written orders, and will become an extra charge over and above the estimate. If prevailing wage apply - this quote will be adjusted accordingly. Bond fee and/or additional insurance requirements are not included in the quote amount. If applicable, add the amount (s) to this quote.



Proposal

To: Travis Zahn
City of Whitewater
109 CTH U
Whitewater, WI 53190
262-473-5920

From: Mike Olsen
Visu Sewer, LLC.
W230 N4855 Betker Dr.
Pewaukee, WI 53072
262-695-2340

Date: 2/13/2024

Project: Sectional Sewer CIPP Installation

Visu-Sewer is pleased to provide the following quotation for Sectional Sewer CIPP Installation:

Install four (4) 8" x 4' and two (2) 8" x 6' sectional liners in four (4) separate sanitary sewer lines for the City of Whitewater. Project includes one (1) pass with a jet for light cleaning prior to liner installations and reinstatement of up to three (3) sewer lateral connections. If needed, additional cleaning and removal of obstructions (e.g., roots, deposits, protruding laterals, etc.) will be completed at a T&M rate of \$395.00 per hour. Grouting to stop active leaks and heavy cleaning with a vactor will be quoted separately.

Price: \$2,925.00 per sectional liner **17,750⁰⁰**
(Minimum of six (6) sectional liners.)

Above price assumes the pipe sections can be lined in their current condition. If it is determined that the damaged pipe cannot be lined, mobilization and/ or setup time will be incurred at a T&M rate of \$395.00/hour. Bypass pumping is not included.

City of Whitewater will need to provide drivable access to all manholes, water from nearby hydrants without charge, a dump site for captured debris and traffic control beyond cones and signs. If you have any questions, please do not hesitate to call us at 800-876-8478.

All material is guaranteed to be as specified. All work to be completed in a substantial workmanlike manner according to specifications submitted, per standard practices. Any alteration or deviation from the above specifications involving extra costs will be executed only upon written orders and will become an extra charge over and above the estimate. All agreements contingent upon strikes, accidents, or delays beyond our control. Owner to carry fire, tornado, and other necessary insurance. Our workers are fully covered by Workmen's Compensation Insurance. This proposal may be withdrawn if not accepted within 30 days of issue. Time and material rates are charges "port to port". Terms - Net 30 days. Note: If there is a collapse of the host pipe during installation of the CIPP, Visu-Sewer, LLC. will not be held liable for any costs associated with sewer excavation and replacement.

Acceptance of Proposal

The above prices / conditions are satisfactory and are hereby accepted. Visu-Sewer, LLC. is authorized to do the work as specified.

Date: _____ Signature: _____

www.visu-sewer.com

WISCONSIN - ILLINOIS - MINNESOTA - IOWA - MISSOURI - VIRGINIA - OHIO



Proposal

To: Travis Zahn
City of Whitewater
109 CTH U
Whitewater, WI 53190
262-473-5920

From: Mike Olsen
Visu Sewer, LLC.
W230 N4855 Betker Dr.
Pewaukee, WI 53072
262-695-2340

Date: 2/12/2024

Project: Sanitary Sewer CIPP Installation

Visu-Sewer is pleased to provide the following quotation for CIPP installation:

Install approximately 1,201 linear feet of 8" National Liner @ \$45.75 per linear foot \$54,945.75

The above listed price is based on a video inspection dated between August 2019 and November 2020 and assumes the current pipe conditions are suitable for CIPP installation utilizing air pressure for the inversion and hot air/ steam for curing. Reaming of the cast iron pipe under the railroad tracks will be completed at a T&M rate to \$385.00 per hour. Project pricing does not include railroad liability insurance or railroad flaggers if required.

Pricing includes:

- Labor, material, and equipment.
- Mobilization and Traffic Control
- One (1) pass jet cleaning and televising of sewers prior to installation.
- Bypass pumping of existing flow.
- Installation of National Liner per manufacturer's instructions, ASTM 1216.
- Reinstatement of twenty (20) active service connections
- Televising of sewers after installation.

NOTE: Due to volatility in material pricing and availability this proposal is valid for 30 days from the date of origination. If a signed proposal has not been received within 30 days price(s) may be adjusted upon mutual agreement, or the proposal may be withdrawn by either party.

The City of Whitewater will need to provide: drivable equipment access to all manholes, water from nearby hydrants (without charge), a dump site for captured debris, and traffic control beyond cones and signs. If needed, removal of obstructions (e.g., roots, deposits, and protruding taps) will be completed at a T&M rate of \$385.00 per hour. Grouting of active leaks, and heavy cleaning will be quoted separately. If it is determined that current pipe conditions are not suitable for an air inversion and hot air/ steam cure, pricing may be adjusted to reflect alternate installation methods. Mobilization and/ or time on site will be billed at a T&M rate of \$385.00 per hour for pipe sections not suitable for CIPP installation. Thank you for the opportunity to quote on this project. Please do not hesitate to call if you have any questions.

All material is guaranteed to be as specified. All work to be completed in a substantial workmanlike manner according to standard practices or specifications submitted. Any alteration or deviation from the above specifications involving extra costs will be executed only upon written orders and will become an extra charge over and above the estimate. All agreements contingent upon strikes, accidents, or delays beyond our control. Owner to carry fire, tornado, and other necessary insurance. If a collapse of the original pipe results during the lining process, Visu-Sewer, LLC. will not be held liable for costs associated with excavation, repairs, or restoration. Our workers are fully covered by Workmen's Compensation Insurance. This proposal may be withdrawn if not accepted within 30 days of issue. Terms - Net 30 days.

Acceptance of Proposal

The above prices / conditions are satisfactory and are hereby accepted. Visu-Sewer, LLC. is authorized to do the work as specified.

Date: _____ Signature: _____

www.visu-sewer.com



Public Works Agenda Item

Meeting Date:	March 12, 2024
Agenda Item:	Construction Grant Resolution
Staff Contact (name, email, phone):	Brad Marquardt, bmarguardt@whitewater-wi.gov , 262-473-0139

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

The City plans on submitting an application for an Urban Nonpoint Source and Stormwater Construction Grant through the Wisconsin Department of Natural Resources. As part of the grant application, the City is required to pass a resolution which stipulates who at the City is authorized to submit the application and sign the necessary paperwork if a grant is awarded to the City.

The application is for the construction of an underground wet detention basin located in Starin Park. The project is a collaborative effort between the City and the University of Whitewater, Wisconsin.

PREVIOUS ACTIONS – COMMITTEE RECOMMENDATIONS
(Dates, committees, action taken)

The Park & Recreation Board approved the location of the underground basin at their November 15, 2023 meeting.

FINANCIAL IMPACT
(If none, state N/A)

There is no financial impact for submitting the application. If approved, the grant would be in the amount of \$150,000.

STAFF RECOMMENDATION

Staff would recommend a motion to recommend approval of the Resolution to the full Council.

ATTACHMENT(S) INCLUDED
(If none, state N/A)

1. Resolution

RESOLUTION AUTHORIZING GOVERNMENTAL RESPONSIBILITY FOR URBAN NONPOINT SOURCE AND STORMWATER GRANTS

WHEREAS, the City of Whitewater is interested in acquiring a Grant from the Wisconsin Department of Natural Resources for the purpose of implementing measures to control agricultural or urban storm water runoff pollution sources (as described in the application and pursuant to ss. 281.65 or 281.66, Wis. Stats., and chs. NR 151, 154 and 155); and

WHEREAS, a cost-sharing grant is required to carry out the project;

NOW, THEREFORE, BE IT RESOLVED, by the Common Council of the City of Whitewater that the Common Council authorizes the City Manager for the City of Whitewater to act on behalf of the City of Whitewater to:

- Sign and submit an application to the State of Wisconsin Department of Natural Resources for any financial aid that may be available;
- Sign a grant agreement between the local government (applicant) and the Department of Natural Resources;
- Sign and submit reimbursement claims along with necessary supporting documentation;
- Sign and submit interim and final reports and other documentation as required by the grant agreement;
- Sign and submit an Environmental Hazards Assessment Form, if required; and
- Take necessary action to undertake, direct and complete the approved project.

BE IT FURTHER RESOLVED that the City of Whitewater shall comply with all state and federal laws, regulations and permit requirements pertaining to implementation of this project and to fulfillment of the grant document provisions.

Resolution introduced by Councilmember _____ who moved its adoption. Seconded by _____ . AYES: NOES: ABSENT: ADOPTED: _____

John Weidl, City Manager

Heather Boehm, City Clerk



Public Works Agenda Item

Meeting Date:	March 12, 2024
Agenda Item:	Lead Service Line Scope of Services
Staff Contact (name, email, phone):	Brad Marquardt, bmarguardt@whitewater-wi.gov , 262-473-0139

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

Staff submitted an Intent to Apply to the Safe Drinking Water Loan Program of the DNR last fall in hopes of receiving money through a low interest loan, and the possibility of some of it being principal forgiveness. The City should be finding out if our project ranks high enough for the funding next month. If we are, plans and specifications need to be submitted with the actual application by June 30, 2024. The Scope of Services is the basis for a Task Order to be prepared. Due to timing, Strand was not able to put a Task Order together in time for the Public Works meeting. If approved a formal Task Order will be in place for the Council meeting. The Scope of Services is for the design of plans and specifications, and for bidding the project.

PREVIOUS ACTIONS – COMMITTEE RECOMMENDATIONS
(Dates, committees, action taken)

N/A

FINANCIAL IMPACT
(If none, state N/A)

The estimate for the provided Scope of Services is \$48,000 and will be paid for from Fund 610 Water Utility.

STAFF RECOMMENDATION

Staff would recommend a motion to recommend approval of the Scope of Services for Lead Service Line Replacement to the full Council.

ATTACHMENT(S) INCLUDED
(If none, state N/A)

1. LSL Draft Scope of Services

Project Information

Project Name: Lead Service Line (LSL) Replacement

Project Description: OWNER anticipates obtaining Safe Drinking Water Loan Program (SDWLP) funding through the Wisconsin Department of Natural Resources (WDNR) to pay for a portion of the replacement of approximately 340 LSLs. The extent of LSL replacement will vary for each property but may include replacement of the public portion of the water service (in the public right-of-way) and/or replacement of the private portion of the water service (on private property), including connection of the new water service to the existing water service inside each building.

Services Description: Design and bidding related services.

Scope of Services

ENGINEER will provide the following services to OWNER:

Design Services

1. Conduct a virtual kick-off meeting with OWNER to discuss project goals, information needed, and project schedule.
2. Prepare drawings defining location and type of LSL replacements using OWNER-provided geographic information system-based mapping and other property-specific information obtained by OWNER.
3. Prepare standard detail drawings, including pavement repair options and erosion control measures, for LSL replacement options.
4. Prepare a list of Bid items and estimated quantities to be included in the Bid pages.
5. Incorporate WDNR funding criteria and federal wage rates into Bidding Documents.
6. Prepare Bidding Documents using Engineers Joint Contract Documents Committee C-700 Standard General Conditions of the Construction Contract, 2018 edition, WDNR-related funding forms and documents, technical specifications, and engineering drawings.
7. Submit draft Bidding Documents to OWNER for review and input.
8. Conduct a virtual meeting to review the draft Bidding Documents with OWNER. Incorporate review comments, as appropriate, and submit final Bidding Documents to OWNER.
9. Assist OWNER in preparing and submitting an online SDWLP financial assistance application. The application will include the following:
 - a. Executed copies of engineering agreements for planning and/or design and proposed or executed engineering agreements for bidding- and construction-related services.
 - b. Construction drawings and technical specifications.

- c. OWNER-provided financial information required by the loan agencies.
- d. Opinions of probable costs including design, planning, financial, and construction costs.
- e. OWNER-required resolutions.

Bidding-Related Services

1. Distribute Bidding Documents electronically through QuestCDN, available at www.strand.com or www.questcdn.com. Submit Advertisement to Bid to OWNER for publishing.
 2. Prepare addenda and answer questions during bidding.
 3. Attend virtual bid opening, tabulate and analyze Bid results, and assist in the award of the Construction Contract.
 4. Prepare two sets of Contract Documents for signature.
-

OWNER Responsibilities

In addition to those items listed in the associated Agreement for Technical Services, OWNER shall be responsible for the following:

1. Accessing individual properties to obtain information on interior plumbing, type of water service entry, and meter configuration.
2. Acquiring right of entry on to individual parcels and into existing structures for purposes of LSL replacements.
3. Coordinating and performing plumbing and electrical inspections.
4. Providing resident project representative for construction observation services. ENGINEER may provide these services through a subsequent task order if desired.



Public Works Agenda Item

Meeting Date:	March 12, 2024
Agenda Item:	Sidewalk Update
Staff Contact (name, email, phone):	Brad Marquardt, bmarguardt@whitewater-wi.gov , 262-473-0139

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

The Public Works Committee has been reviewing Chapter 12.22 which relates to sidewalk repair and replacement. The existing Chapter indicates the Building Inspector is to be designated as the Sidewalk Administrator. Sidewalks are to be reviewed annually in one of the City’s wards on a rotating basis. And according to the ordinance, the property owner is 100% responsible for the cost of repair or replacement.

A set of records from 2009 indicated the Neighborhood Service Director was the Sidewalk Administrator. These records indicated the property owners were only responsible for 25% of the repair/replacement. This adjustment may have been in response to a Special Assessment Resolution from 1996 where the Special Assessment Policy was updated. The Policy was again updated in 2015 where Council approved a Resolution where the City paid 100% for sidewalk repair/replacement, among other construction related items.

PREVIOUS ACTIONS – COMMITTEE RECOMMENDATIONS
(Dates, committees, action taken)

At the October 10, 2023 Public Works Committee meeting, the Committee voted 2-1 to approve the updates to Chapter 12.22. This includes 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 if damage was caused by a terrace tree. The council also asked for additional information pertaining to sidewalk cutting/grinding and the Sidewalk Utility in the City of Edgerton.

FINANCIAL IMPACT
(If none, state N/A)

The estimated cost to remove and replace concrete sidewalk is \$10/sq. ft. One square of sidewalk at five feet by feet would be 25 sq. ft or \$250. If the sidewalk has to be fully replaced across a 60-foot lot, the cost would be \$3,000. Under the current adopted Resolution, the property owner would pay \$0 in both examples. If the Chapter is adopted as attached, the property owner would pay \$125 or \$1,500 for the two examples provided. For sidewalk cutting it depends on the height of the displacement and if it is uniform across the sidewalk square. For estimating purposes, staff used a one-inch uniform height. The estimate for this work is \$160 for a five-foot width.

STAFF RECOMMENDATION

Staff included a map showing which streets have sidewalk on both sides, one side or none at all. According to GIS, 21.8 miles of streets have sidewalk on both sides, 14 miles with sidewalk only on one side and 20.5 miles with no sidewalk. This indicates that roughly half of the properties in the City do not have sidewalk. Yet they benefit from being able to use the sidewalk and not having to maintain it. Also included is a Sidewalk Cost Breakdown showing the difference between money spent on defective sidewalk versus curb ramps. Staff also tried to identify trip hazards and have shown a comparison cost

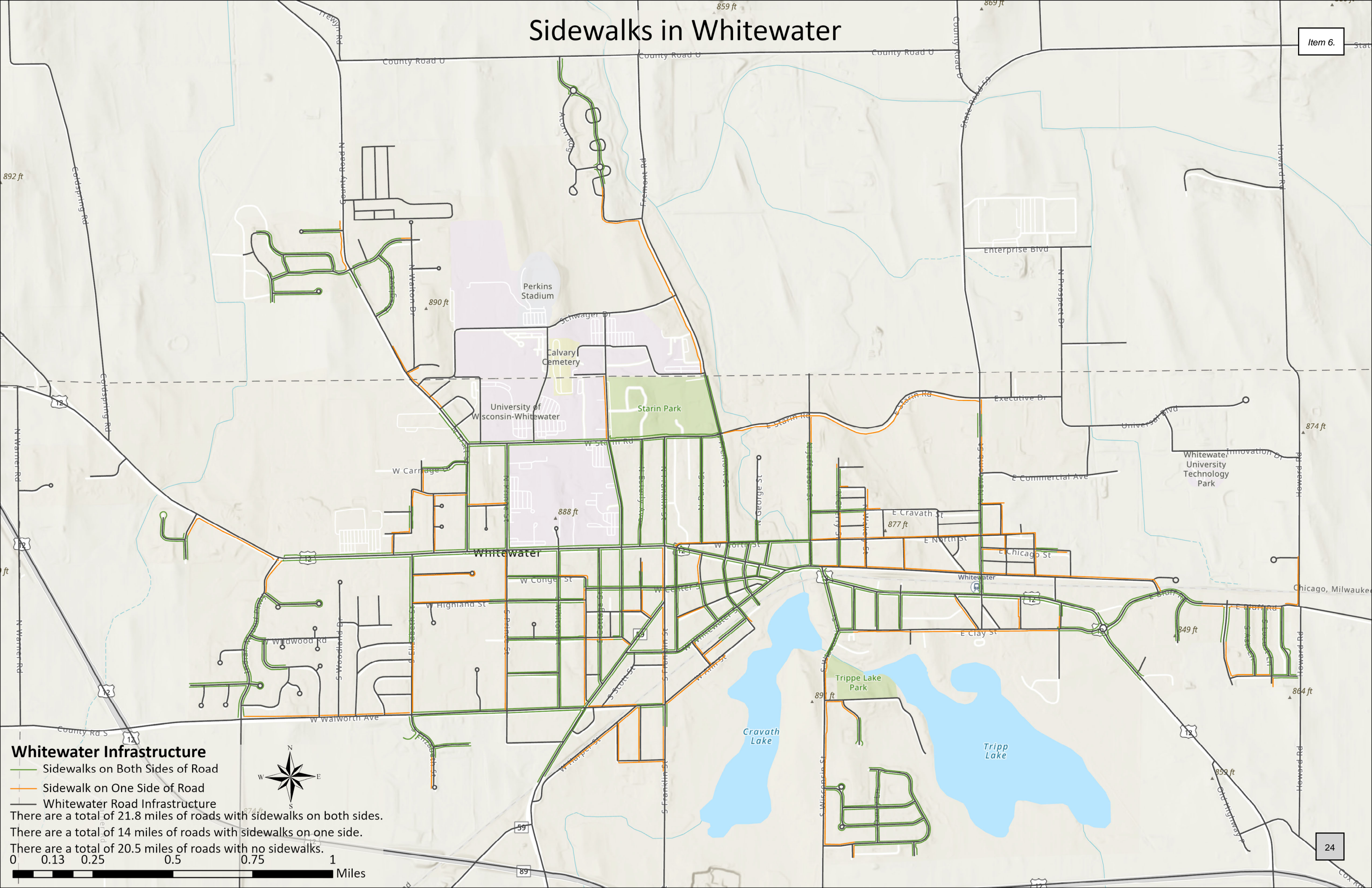
between replacement and sidewalk cutting. The City of Edgerton uses a Sidewalk Utility to charge all property in the City a quarterly fee that is collected and used specifically on sidewalk installation and replacement. It went into effect in 2022.

Staff's recommendation is for the committee to review the information and decide if any changes to the proposed ordinance, which includes property owners being assessed 50%, should be recommended to council.

ATTACHMENT(S) INCLUDED
(If none, state N/A)

1. Sidewalk Map
2. Sidewalk Cost Breakdown
3. City of Edgerton Sidewalk Utility

Sidewalks in Whitewater



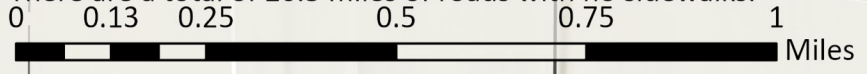
Whitewater Infrastructure

- Sidewalks on Both Sides of Road
- Sidewalk on One Side of Road
- Whitewater Road Infrastructure

There are a total of 21.8 miles of roads with sidewalks on both sides.

There are a total of 14 miles of roads with sidewalks on one side.

There are a total of 20.5 miles of roads with no sidewalks.



Fremont Street (North St - Starin Rd)

Curb Ramps - 4	\$10,000.00
Defective Replacement - 190'	\$7,600.00
Trip Hazards - 5	
Property Owner - Replace	\$800.00
City - Replace	\$200.00
Sawcutting (Average 1")	\$640.00

Franklin Street (Main St - Starin Rd)

Curb Ramps - 10	\$15,000.00
Defective Replacement - 1775'	\$71,000.00
Trip Hazards - 7	
Property Owner - Replace	\$1,400.00
City - Replace	\$160.00
Sawcutting (Average 1")	\$896.00

Prairie St East side only (Main St - Starin Rd)

Curb Ramps - 4	\$10,000.00
Defective Replacement - 560'	\$22,400.00
Trip Hazards - 1	
Property Owner - Replace	\$400.00
City - Replace	\$0.00
Sawcutting (Average 1")	\$128.00

Main St north side only (Prairie St to North St)

Curb Ramps - 0	\$0.00
Defective Replacement - 45'	\$2,250.00
Trip Hazards - 1	
Property Owner - Replace	\$0.00
City - Replace	\$250.00
Sawcutting (Average 1")	\$160.00

Fremont St west side only (Whitewater to North)

Curb Ramps - 13	\$32,500.00
Defective Replacement - 15'	\$750.00
Trip Hazards - 0	
Property Owner - Replace	\$0.00
City - Replace	\$0.00
Sawcutting (Average 1")	\$0.00

Church St (Main St to Whitewater St)

Curb Ramps - 10	\$0.00
Defective Replacement - 555'	\$22,200.00
Trip Hazards - 20	
Property Owner - Replace	\$3,400.00
City - Replace	\$600.00
Sawcutting (Average 1")	\$2,560.00

N Park Street (North St - Starin Rd)

Curb Ramps - 6	\$15,000.00
Defective Replacement - 396'	\$19,800.00
Trip Hazards - 4	
Property Owner - Replace	\$200.00
City - Replace	\$1,000.00
Sawcutting (Average 1")	\$512.00

Esterly Ave (Main St - Starin Rd)

Curb Ramps - 5	\$15,000.00
Defective Replacement - 646'	\$49,200.00
Trip Hazards - 1	
Property Owner - Replace	\$160.00
City - Replace	\$0.00
Sawcutting (Average 1")	\$128.00

North St north side only (Main St to Fremont St)

Curb Ramps - 3	\$7,500.00
Defective Replacement - 15'	\$600.00
Trip Hazards - 0	
Property Owner - Replace	\$0.00
City - Replace	\$0.00
Sawcutting (Average 1")	\$0.00

Starin Road (Prairie St to Fremont St)

Curb Ramps - 16	\$40,000.00
Defective Replacement - 350'	\$17,500.00
Trip Hazards - 1	
Property Owner - Replace	\$450.00
City - Replace	\$0.00
Sawcutting (Average 1")	\$160.00

Fourth St (Main St to Whitewater St)

Curb Ramps - 18	\$45,000.00
Defective Replacement - 25'	\$1,000.00
Trip Hazards - 0	
Property Owner - Replace	\$0.00
City - Replace	\$0.00
Sawcutting (Average 1")	\$0.00

Franklin St (Main St to Walworth Ave)

Curb Ramps - 7	\$17,500.00
Defective Replacement - 145'	\$5,800.00
Trip Hazards - 10	
Property Owner - Replace	\$400.00
City - Replace	\$1,600.00
Sawcutting (Average 1")	\$1,600.00

Boone Ct (High St to cul-de-sac)

Curb Ramps - 0	\$0.00
Defective Replacement - 5'	\$200.00
Trip Hazards - 1	
Property Owner - Replace	\$0.00
City - Replace	\$250.00
Sawcutting (Average 1")	\$160.00

Cottage St (Main St to Janesville St)

Curb Ramps - 19	\$47,500.00
Defective Replacement - 485'	\$19,400.00
Trip Hazards - 20	
Property Owner - Replace	\$1,800.00
City - Replace	\$2,200.00
Sawcutting (Average 1")	\$2,560.00

Whiton St (Main St to Walworth Ave)

Curb Ramps - 29	\$72,500.00
Defective Replacement - 675'	\$27,000.00
Trip Hazards - 34	
Property Owner - Replace	\$3,800.00
City - Replace	\$3,000.00
Sawcutting (Average 1")	\$4,352.00

Conger St (Whiton St to Summit St)

Curb Ramps - 0	\$0.00
Defective Replacement - 85'	\$3,400.00
Trip Hazards - 2	
Property Owner - Replace	\$0.00
City - Replace	\$400.00
Sawcutting (Average 1")	\$256.00

Highland St (Whiton St to Summit St)

Curb Ramps - 0	\$0.00
Defective Replacement - 250'	\$10,000.00
Trip Hazards - 8	
Property Owner - Replace	\$200.00
City - Replace	\$1,400.00
Sawcutting (Average 1")	\$1,024.00

Peck St (Whiton St to Janesville St)

Curb Ramps - 0	\$0.00
Defective Replacement - 240'	\$9,600.00
Trip Hazards - 19	
Property Owner - Replace	\$1,200.00
City - Replace	\$2,600.00

Prairie St (Main St to Peck St)

Curb Ramps - 12	\$30,000.00
Defective Replacement - 450'	\$18,000.00
Trip Hazards - 13	
Property Owner - Replace	\$800.00
City - Replace	\$1,800.00
Sawcutting (Average 1")	\$1,664.00

Summit St (Conger St to Janesville St)

Curb Ramps - 12	\$30,000.00
Defective Replacement - 355'	\$14,200.00
Trip Hazards - 18	
Property Owner - Replace	\$1,800.00
City - Replace	\$1,800.00
Sawcutting (Average 1")	\$2,304.00

Main St south side only (Whiton St to Fremont St)

Curb Ramps - 3	\$7,500.00
Defective Replacement - 125'	\$6,250.00
Trip Hazards - 5	
Property Owner - Replace	\$1,250.00
City - Replace	\$0.00
Sawcutting (Average 1")	\$800.00

Center St (Summit St to Fremont St)

Curb Ramps - 24*	\$60,000.00
Defective Replacement - 215'	\$2,250.00
Trip Hazards - 3	
Property Owner - Replace	\$0.00
City - Replace	\$750.00
Sawcutting (Average 1")	\$480.00

High St (Summit St to Janesville St)

Curb Ramps - 4	\$22,500.00
Defective Replacement - 155'	\$6,200.00
Trip Hazards - 1	
Property Owner - Replace	\$0.00
City - Replace	\$800.00
Sawcutting (Average 1")	\$512.00

Whitewater St (Janesville St to Fremont St)

Curb Ramps - 8	\$20,000.00
Defective Replacement - 70'	\$2,800.00
Trip Hazards - 4	
Property Owner - Replace	\$0.00
City - Replace	\$800.00

Sawcutting (Average 1") \$2,432.00

Sawcutting (Average 1") \$512.00

Janesville St (Franklin St to Walworth Ave)

Walworth Ave (Janesville to Franklin St)

Curb Ramps - 11 \$27,500.00

Curb Ramps - 6 \$15,000.00

Defective Replacement - 160' \$6,400.00

Defective Replacement - 140' \$5,600.00

Trip Hazards - 26

Trip Hazards - 6

Property Owner - Replace \$3,200.00

Property Owner - Replace \$800.00

City - Replace \$2,000.00

City - Replace \$400.00

Sawcutting (Average 1") \$3,328.00

Sawcutting (Average 1") \$768.00

City of Edgerton, WI
Monday, March 4, 2024

Chapter 366. Utilities

Article IV. Sidewalk Utility

[Adopted 10-17-2022 by Ord. No. 22-06]

§ 366-60. Purpose and necessity; authorization.

- A. Timely maintenance, construction and reconstruction of the City's public pedestrian transportation system ensures safe and efficient pedestrian travel throughout the City. A sound transportation system enhances livability, property values and economic vitality. A sidewalk utility provides a sustainable source of funds for the maintenance, construction and reconstruction of sidewalk and pedestrian-oriented infrastructure under the jurisdiction of the City of Edgerton.
- B. The City Council reviewed funding options for pedestrian transportation system funding, including a sidewalk utility, and determined that establishment of a sidewalk utility with fees based on frontage is the most appropriate method to provide the necessary funds. The City Council further concluded that a sidewalk utility is the most equitable means to apportion the cost of pedestrian transportation system improvements.
- C. In creating this article, the City is acting pursuant to authority granted by Chs. 61 and 66, Wis. Stats., including but not limited to Wis. Stats., §§ 61.34 and 66.0621.
- D. The City Council shall review the sidewalk utility at least every five years to evaluate the success of the activities funded and the appropriateness of the rate structure. The first review shall occur by or before December 31, 2027.

§ 366-61. Creation.

There is hereby created and established a Sidewalk Utility within the City of Edgerton, effective October 17, 2022. The entire operation, charge and management of the Sidewalk Utility are vested in the City Council, pursuant to applicable state law. The Director Public Works shall supervise and manage the Sidewalk Utility as directed by the Public Works Committee.

§ 366-62. Authority.

The City, acting through the Sidewalk Utility, may, without limitation due to enumeration, acquire by gift, purchase, eminent domain, condemnation or otherwise, construct, lease, own, operate, maintain, improve, update, modify, extend, expand, replace, repair, manage, finance, borrow monies, assess and/or levy fees for such facilities, operations, maintenance and activities as are deemed, from time to time, by the City to be proper and reasonably necessary for a sidewalk system. These facilities may include, without limitation due to enumeration, sidewalks, ramps, retaining walls, multipurpose trails and such other facilities as will support a sidewalk management system.

§ 366-63. Definitions; word usage.

For purposes of this article, the following definitions shall apply. Words used in the singular shall include the plural, and the plural, the singular; words used in the present tense shall include the future tense; the word "shall" is mandatory and not discretionary; the word "may" is permissive.

CHARGE

The periodic or other fee imposed under this article for the rendering of sidewalk utility services by the City.

DEVELOPED PROPERTY

- A. A certificate of occupancy has been issued for a building or structure on the property or, if no certificate of occupancy has been issued, upon substantial completion of construction or final inspection;
- B. Construction of an improvement on the property is at least 50% completed and such construction has ceased for a period of at least three months, whether consecutive or not;
- C. Structures have not been constructed on the parcel but the improvements such as streets have been installed and the parcel could be sold for development without further division, but the parcel is not subject to a development agreement; or
- D. The property has public sidewalk installed.

DIRECTOR

The Director of Public Works or his/her designee.

DUPLEX

Any residential property having two dwelling units.

DWELLING UNIT

A room or group of rooms, designed or used as living quarters for one family only. Individual bathrooms and complete kitchen facilities, permanently installed, shall always be included for each dwelling unit.

EQUIVALENT UNIT or EU

The basic unit by which a sidewalk charge is calculated under this article and is based upon the frontage as reasonably determined by the City. The term "EU" means the statistical average frontage of single-family homes within the City of Edgerton on the date of adoption of this article. One EU is established as 100 linear feet of frontage.

FRONTAGE

The side of a lot abutting on a public street(s) or way(s).

MULTIUSE TRAIL

Transportation infrastructure that serves pedestrians and nonmotorized vehicles including, but not limited to, in-line skates and electric or pedal bicycles.

MULTIFAMILY UNIT

Any residential property comprised of three or more dwelling units.

NEW SIDEWALK

The installation of sidewalk where no sidewalk was previously installed.

NONRESIDENTIAL PROPERTY

A lot or parcel of land, with improvements such as a building, structure, grading or substantial landscaping, which is not a residential property, excluding publicly owned rights-of-way, recreational trails, and publicly owned or privately owned railbeds utilized for railroad transportation. This term includes mobile home parks. This term includes mixed use parcels that contain dwelling units and nonresidential uses.

PERSON

Each and every property owner and includes, but is not limited to, natural persons, partnerships, corporations, limited-liability companies, limited-liability partnerships, joint ventures, and all other legal entities of whatever kind or nature.

PUBLIC SIDEWALK or SIDEWALK

A paved pathway for pedestrians that is publicly owned located in a public right-of-way easement, that is maintained by the adjacent property owner.

RESIDENTIAL PROPERTY

A lot or parcel of land developed exclusively for residential purposes, including single-family units, duplexes, and multifamily units. The term excludes transient rentals (such as motels and hotels) and mobile home parks.

SIDEWALK UTILITY

The City-owned-and-operated utility established under this article for the purpose of managing public sidewalk related improvements and property and imposing charges for the recovery of costs connected with such sidewalk management.

SINGLE-FAMILY UNIT

Any residential property consisting of one dwelling unit.

UNDEVELOPED PROPERTY

Real property that may have the following characteristics, but may have other traits that make it undevelopable: property that is not developed by the addition of an improvements such as a building, structure, impervious surface, grading, substantial landscaping; property that has not been platted for development; or property that cannot be developed due to constraints such as wetland. If the property has a public sidewalk, the parcel is considered developed and is subject to sidewalk utility charges.

§ 366-64. Income and revenue.

The Sidewalk Utility finances shall be accounted for in a separate Sidewalk Utility Enterprise Fund by the City. All income and revenues shall be retained by the Sidewalk Utility Enterprise Fund. The Sidewalk Utility shall prepare an annual budget, which may include all operation and maintenance costs, debt service and other costs related to the operation of the Sidewalk Utility. The annual budget is subject to approval by the City Council. The City shall require that adequate revenues are generated through user fees to provide for a balanced operating budget.

§ 366-65. Rates and charges.

- A. Every person shall pay the applicable Edgerton sidewalk charge when due for each property owned by that person.
- B. The basis for computation of the charge for sidewalk services to lots and parcels of land within the City is established under this section. The amount of charge to be imposed, the establishment of formulas for the calculation of charges, the creation of customer classifications for the imposition of charges, and changes in such charges, formulas and customer classifications shall be consistent with this article. All charges established pursuant to this article shall be fair and reasonable. A schedule of current charges shall be maintained and on file in the office of the City Clerk.
- C. Charges shall be imposed to recover all or a portion of the costs incurred by the Sidewalk Utility except for a portion of the construction of new sidewalk.
- D. The Sidewalk Utility shall pay 50% of the costs of the installation of new sidewalk. Costs for new sidewalks not paid by the Sidewalk Utility shall be paid for by the property owner.

§ 366-66. Billing.

The Sidewalk Utility billing schedule shall coincide with the billing schedule for the Edgerton Water Utility. Sidewalk Utility charges shall be due and payable to the City Treasurer at the same time that the Water Utility bills are payable. Sidewalk Utility charges shall be mailed to the designated utility bill recipient. This mailing shall not relieve the owner of the property from liability for rental property in the event the payment is not made as required by this article. The owner of the property served which is occupied by tenants shall have the right to examine collection records of the City for the purpose of determining whether such charges have been paid for by such tenants, provided that such examination shall be made at the office at which records are kept and during the hours that such office is open for business.

§ 366-67. Payment of charge; lien; penalty.

- A. Sidewalk utility charges shall be payable upon receipt, subject to the provisions of this section.
- B. Charges remaining unpaid for a period of 20 days or more from the date of the utility bill shall be assessed a late payment penalty charge. The amount of the late payment charge shall be 3% of the bill, except a minimum charge of \$0.30 shall apply. Late payment charges shall be applied to all customer classes and rate classifications. The Utility shall not waive any properly applied late payment charges. A late payment charge shall be applied only once to any given amount outstanding.
- C. If a charge and/or late penalty remains unpaid for a period of 20 days after the date of the utility bill, such charge and penalty shall become a lien upon the real property to which it applies, as provided in §§ 66.0821 and 66.0809, Wis. Stats., and other applicable provisions of the Wisconsin Statutes, as from time to time amended or renumbered.
- D. Delinquent charges, administrative charges, and penalties shall be automatically extended upon the next available tax roll as a delinquent tax against the real property, and all proceedings relating to the collection, return and sale of property for delinquent real estate taxes shall apply to such charges.

§ 366-68. Customer classifications.

- A. The City Council, from time to time, by budget adoption may establish classifications other than the customer classifications set forth in this article, as may be needed to provide a reasonable and fair distribution of the costs of the sidewalk utility to all users.
- B. For the purpose of imposing and collecting the charges imposed under this article, all lots and parcels of real property (land) in the City shall be classified into the following customer classifications:
 - (1) Residential, single-family unit.
 - (2) Residential, duplex.
 - (3) Residential, multifamily.
 - (4) Nonresidential.
 - (5) Undeveloped.
- C. The Director shall prepare and maintain an updated current list of all lots and parcels of real property (land) within the City of Edgerton and assign the appropriate customer classification to each lot and parcel. This list shall include the number of EUs assigned to each lot or parcel.

- D. The linear footage of frontage of the EU as of the date of adoption of this article is hereby established to be equivalent to 100 linear feet.
- E. The EU charges for the foregoing customer classifications shall be established as follows:
- (1) Residential, single-family unit: 1.0 EU.
 - (2) Residential, duplex: 0.5 EU per dwelling unit.
 - (3) Residential, multifamily: 0.25 EU per dwelling unit.
 - (4) Nonresidential with less than 100 linear feet of frontage: 1 EU.
 - (5) Nonresidential with 100 linear feet or more of frontage: one EU for each 100 linear feet of street frontage. (For example: a property having 220 feet of frontage would have an EU of 3.)
 - (6) Undeveloped: no sidewalk charge shall be assigned to undeveloped land.
 - (7) Residential, developed parcels with no frontage: in accordance with Subsection **E(1)** through **(3)** above.
 - (8) Nonresidential, developed parcels with no frontage: 1 EU for lots whose narrowest parcel side is less than 100 linear feet, and 1 EU for each 100 linear feet of the narrowest parcel side if that side is greater than 100 linear feet.
- F. The Director shall be responsible for determining the frontage based on the best available information, including, but not limited to, data supplied by the City Assessor, aerial photography, the property owner, tenant, or developer. The billing amount shall be updated by the Director in accordance with § **366-66**. Individual property owners may submit site and building surveys to the Director that help more accurately determine the total frontage.
- G. All unoccupied, developed parcels shall be subject to the sidewalk utility charges.

§ 366-69. Credits.

Credits may be available to individual nonresidential property owners. It shall be the burden of the nonresidential property owner to request such a credit and to demonstrate to a reasonable degree of certainty with evidence that a fee adjustment is warranted. All applications with an accompanying \$50 fee for credit shall be reviewed by the Director and the Director may reduce the measured frontage after taking into consideration the demonstrated justification. A denial or revocation of a credit may be appealed in accordance with § **366-70**.

§ 366-70. Appeal.

- A. The amount of a particular sidewalk utility charge, the determination of the EUs or EU credits may be appealed to the Public Works Committee by filing a written appeal with the City Clerk prior to the due date of the charge or within 30 days of payment. The written appeal shall specify all grounds for challenge to the amount of the charge and shall state the amount of charge that the appellant considers to be inappropriate. Failure to timely appeal waives all rights to later challenge the charge.
- B. In considering an appeal, the Public Works Committee shall determine whether the sidewalk utility charge is fair and reasonable under the particular facts and circumstances pertaining to that specific property and, in the event the appeal is granted, whether or not a refund is due the appellant and the amount of the refund. The City Clerk shall notify the appellant in writing of his/her determination.
- C. The customer has 30 days from the date of the written decision of the Public Works Committee to file a written appeal with the City Council.

- D. If the Public Works Committee or City Council determines that a refund is due the customer, the refund will be applied as a credit towards the customer's next sidewalk billing charge, provided that the refund will not exceed the customer's next sidewalk billing charge, or it may be refunded in the form of a check at the discretion of the City Treasurer.

Item 6.

§ 366-71. Alternative method to collect sidewalk charges.

- A. The City Council hereby finds and determines that the Sidewalk Utility charges established under this article reasonably reflect the services rendered to real property and may be, and are hereby authorized to be, assessed, charged, levied, imposed and collected upon such property as a special charge in accord with all applicable Wisconsin Statutes.
- B. The mailing of the bill for sidewalk utility charges to a property owner shall serve as notice to the property owner that failure to pay the charges when due may result in the charges being levied upon the owner's applicable real property.
- C. In addition, the City may provide notice each October of any unpaid charges to the Sidewalk Utility and such charges, if not paid by November 15, may be placed upon the tax roll and collected in the manner provided by this article and/or the applicable provisions of the Wisconsin Statutes. The collection method provided in this section is in addition to the collection method provided for in this article.

§ 366-72. Severability; conflict with other provisions.

- A. In the event of any conflict between any provision set forth in this article and any other City ordinance, the competing provisions shall be harmonized to the fullest extent possible so as to facilitate the intent and proper effect of the separate areas of regulation.
- B. If any section or portion hereof shall be declared by a court of competent jurisdictions to be invalid, unlawful, or unenforceable, such decision shall apply only to the specific section or portion hereof directly specified in the decision, and shall not affect the validity of any other provisions, sections, or portions hereof of this article. The remainder of this article shall remain in full force and effect.