



Public Works Committee  
Tuesday, January 11, 2022  
6:00 p.m.  
Community Room  
Municipal Building - 1<sup>st</sup> Floor  
312 W. Whitewater St  
Whitewater, WI 53190

### MINUTES

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

The meeting was called to order by McCormick at 6:00 p.m.

Present: McCormick, Allen, Schreiber

Others: Brad Marquardt

**2. Approval of minutes from October 12, 2021.**

A motion to approve the minutes from the October 12, 2021 meeting was made by Schreiber and seconded by Allen.

Ayes: All via voice vote (3)

Noes: None

**3. Hearing of Citizen Comments**

There were no citizen comments at that time.

**4. New Business**

**a. Discussion and Possible Action regarding an additional street light near 270 George Street.**

This request was brought forth by Mr. Doug Behrens, 270 George St. Mr. Behrens asked what the process was to get another street light toward the end of George St. Currently, there are mid-block street lights; however, George St. is a very long block. Distances between those lights (south to north) are approximately 205 feet, 160 feet and 430 feet. Marquardt spoke with WE-Energies and there would be two poles available to add another street light. According to WE Energies, they would suggest installing a light on the existing pole located at 270 George Street. The new light would be approximately 200 feet north of the light at 256/266 George Street and 230 feet from the light at the end of the cul-de-sac. According to WE Energies, there would be an upfront cost of approximately \$150 to install the street light. The monthly cost for the additional light would be \$12.73.

Due to the distance between existing lights, along with no sidewalk on either side of the street, staff recommended the approval of installing a new street light at 270 George Street.

A motion to approve this request of adding an additional street light at 270 George St. was made by Allen and seconded by Schreiber.

AYES: McCormick, Schreiber, Allen. NOES: None. ABSENT: None.

**b. Discussion and Possible Action regarding Public Information Meeting comments for Yoder Street and E. Main Street reconstruction projects.**

E. Main Street, from Newcomb to Bluff Road, and Yoder Street, from Hyer Lane to the west, are scheduled for reconstruction in 2022. Marquardt stated a Public Information Meeting was held on December 16, 2021. A letter that was sent out to property owners and tenants on E. Main St., East St., Oak St., Yoder Ln. and Salisbury Ln.

There were two residents in attendance from E. Main St. and their comments where that E. Main St. is a snowmobile route. Snowmobiles use the south ditch line to get to Willard St., 841 and the Mobil gas station and Newcomb St. to get to Casey's. It is marked as a snowmobile route. Based on these comments Marquardt will have discussions with the snowmobile club moving forward regarding if they can relocate or what their intention might be with having curb and gutter in that area.

Another item brought up by a resident on Main St. was more semi use than staff may have realized.

Another item from a resident was a heaving issue on Oak St. They wanted to make sure the City was aware of this issue.

From Yoder Ln. they had two property owners in attendance from the north side who own rental units and one tenant. The main topic on Yoder Ln. was the need for sidewalks on both sides of the street. The residents (from the north side) who attended stated there was not a need for a sidewalk on the north side and stated it should only be on the south side. Their main reasoning for this was parking and by putting in a sidewalk, the City would be eliminating a parking stall in their driveway. They said they were also aware that the garages were full of items and that people cannot park in those garages. So, they are already losing a parking space because of that issue.

Others items brought up were circulation with traffic while turning off Hyer Ln. People do not realize they cannot head south at the end of Yoder Ln., which is basically a short cut to get to Walmart. Also, traffic leaving the CEC parking lot wanting to head south is marked as a one-way northbound. It is not wide enough to allow two-way traffic along that area. When that was being designed one of the stipulations that needed to be included was a one-way north to allow people to get to the parking lot with Yoder Ln. as the exit. A decision will be made regarding what kind of signage to include with the project to better articulate this to the traveling public.

Marquardt stated based on the comments he doesn't feel the need to change any of the design parameters on E. Main St. In addition, he does not recommend changing the design on Yoder Ln., which includes keeping the sidewalk on both sides.

Marquardt stated he does not need a motion to this item unless someone wants to make a change to the design on Yoder Ln. that eliminates a sidewalk. He stated this body did vote to include sidewalks on both sides previously and that is what Strand based their design plan on.

Allen commented there is an ordinance stating we do need sidewalks on both sides of any new construction. Marquardt stated, yes, as much as possible. Allen stated it may not be necessary on a cul-de-sac, but this is not one.

The Public Works Committee decided to leave the design as is.

**c. Discussion and Possible Action regarding the status of meeting the Phosphorus limits at the Wastewater Treatment Facility.**

Marquardt stated there will be changes coming to our phosphorus limit. It will go from 1.0mg/L to 0.075mg/L. Therefore, we need to report to the DNR on how we are going to accomplish this change.

Tim Reel stated the State of Wisconsin implemented some phosphorus regulatory rules back in 1992. With that change, the WWTP constructed a new building in 1997 that would chemically treat phosphorus with aluminum sulfate. That building went online in 2000. At that time, the permit level for effluent phosphorus was 1.0mg/L. With that, there were still many water quality concerns.

The State of Wisconsin then came back in 2010 and passed what they called a phosphorus rule, which was an update to those existing regulations. What that meant for Whitewater was the new permit limit was going from 1.0mg/L to 0.075mg/L. As part of the rule package, the DNR knew it was going to be costly to meet those new limits. Therefore, they gave municipalities up to two permit cycles to meet the limits and one cycle is five years. We have now passed that limit. Our current permit expires on March 31, 2022. Our facility had an upgrade in 2016 to 2018 and we took the opportunity to move from a chemical phosphorus treatment process to a biological phosphorus treatment. Before the upgrade, we were spending anywhere from \$40,000 to \$70,000/year on chemicals. Now, we are maybe spending \$4,000/year. It was very successful going from chemically treating phosphorus to a biological process.

As a part of the regulatory update by the DNR in 2010, they provided quite a few creative options for treatment plants. In general, those options are: a) construction of a facility upgrade capable of meeting new standards b) Adaptive Management c) Nutrient Trading and d) Site specific variance. Each option listed comes with its own set of alternatives and nuances along with the fact that options can be used together.

Based on the regulatory options and our permit cycling, the City began a planning effort with the current permit in 2017. The Wastewater Utility started looking at ways to optimize the new process by working with an engineer in 2017 and 2018. They also started looking deeper into the alternatives received by the DNR. At the end of this five-year planning effort the City worked in partnership with Strand Associates on the Final Compliance Alternative Plan (FCAP). A copy of this plan was provided to committee members. Reel stated again that the primary driver right now is the permit renewal with the DNR. The renewal permit has already been submitted based on the 180 days it is due before the expiration date of the permit. The recommendation provided in the FCAP was to move forward with the variance, and specifically with the multi-discharge variance. Reel provided facts sheets along with the plan. This application was denied in November 2021 because our effluent Phosphorus concentration were below the targeted value of 0.20mg/L for most of the year. In effect, they were running too well. Annual average discharge concentrations for 2019 thru 2021 were 0.16, 0.17 and 0.19mg/L respectively. A subsequent application for an MDV, Self-Directed Project, has been submitted, in response, to the WDNR. If the "Self-Directed" approach is unacceptable to the WDNR, they will follow up with a request for an Individual Phosphorus Variance (IPV) based on economics.

**d. Discussion and Possible Action regarding the replacement of private lead water services.**

Marquardt stated the EPA made changes to the Lead and Copper Rule that affects water services, both on the public and private side. As part of this rule, the City will need to compile an inventory list of pipe material (copper, lead, galvanized pipe, etc.) that is on the public and private side by October 2024.

Jim Bergner stated an ordinance is needed to have the private side remove lead material when found. To compile the inventory list, the Water Utility staff will need to get into homes to see what type of material residents have in their lateral. If lead is found, they need an ordinance stating the lead material must be removed from their lateral. As they know, no lead is the best. The Water Utility has a GIS system and it is being used to record the inventory of the City.

In the past, the City hired a company to change out residential meters. Knowing this requirement was happening in 2024, a decision was made to have the City water operators change out meters and record the lateral findings. This year alone over 477 meters were changed out by City staff. At this time, there are just under 1,500 laterals unknown. We have until October of 2024 to complete this inventory list.

To help offset the cost of replacing lead laterals on the private side, the DNR has grant monies available. The City would have to apply for this type of grant. Allen asked who would be doing the work replacing laterals. Would the City or would the residents have to hire a private contractor? Marquardt stated there are a few options on how to handle the removal of lead services. One way would make the homeowner responsible for the removal based on the City having an ordinance. The resident would hire the contractor and then submit paperwork back to the City for reimbursement. Another option would be that the City puts out a contract for bid and then whoever is the low bid would be the contractor and they would be responsible for replacing the laterals at no expense (based on the grant from the DNR) to the property owners. Marquardt stated we are in the early stages of this and he wanted to bring it to the board's attention. This is something the City will need to do. Marquardt stated we need an ordinance, which they will be working on to bring back to the committee. We also will need the inventory, both of which are not necessarily a requirement, but gather points in the application for the grant money. The grant program is competitive, but we should have a great need based on our smaller community and our economics.

Marquardt stated there was no action needed on this agenda item as it was just information to make the board aware of what's coming.

- e. Discussion and Possible Action approving Strand Task Order for Stormwater Grant Application.** Marquardt stated the City of Whitewater has a MS4 (Municipal Separated Storm Sewer System) Permit through the DNR. This request is for a possible stormwater grant application, which comes around every two years. The City can apply for up to \$150,000 in matching funds to help us with removing phosphorus and total suspended solids from the stormwater. One of the practices to achieve this reduction is the implementation of detention ponds within the existing storm sewer system where no controls currently exist. One location identified was in an area south of South Street. Therefore, this grant would help with the cost of the construction of this detention pond. The Grant would pay for 50% of the construction cost up to a maximum of \$150,000. This request is for approval of Strand to complete the application process. The anticipated cost of this task order is not to exceed a cost of \$8,500.

Allen made a motion to approve the Strand Task Order for Stormwater Grant Application and seconded by Schreiber.

AYES: Schreiber, Allen, McCormick. NOES: None. ABSENT: None.

- f. Discussion and Possible Action regarding the WIS 59 Resurfacing Project.** Marquardt stated we have seen this agenda item in the past. The DOT asked the City to contribute to the design because it's a connecting highway through the City, and the City would be responsible for a portion of the design of construction on the connecting highway. That portion was approved. This is regarding a Public Information Letter that was sent out to all of the property owners. The letter indicates that along with the mill and overlay the project will include: repairing culverts, adding High Friction Surface Treatment and rumble strips, replacing non-ADA compliant curb ramps, and upgrading the traffic signals at the US 12 intersection. The project is currently scheduled for 2025, but could be moved to 2024.

Marquardt stated the only action he needs on this is if anyone has any comments that would like to be passed along to the DOT. The committee had no additional comments.

- g. Discussion and Possible Action regarding the platted sections of Fraternity Lane north of Carriage Drive and Carriage Drive west of Fraternity Lane.** Marquardt stated Carriage Dr. extends west of Fraternity Ln. and Fraternity Ln. extends north of Carriage Dr. Carriage Dr. is gravel to the west of Fraternity Ln. and Fraternity, north of Carriage Dr. has curb and gutter on the west side, but not on the east side and is paved. The asphalt is in terrible shape.

Marquardt stated when he first came to Whitewater there was a lot of discussion about stop signs being installed or being taken down and who was responsible. He was told, at that time, they were private roads and the City was not responsible for those sections. However, they are platted right of ways. He thinks they could be called a private driveway in a public right of way. He is looking for clarification and direction from the committee.

Carriage Dr. will be under construction this summer or fall with the new sanitary sewer and force main going in. Questions were asked as to how to replace Carriage Dr. Should there just be gravel, curb and gutter, asphalt, or do we widen it out to a true street; then, do we plow it and maintain it. Marquardt stated he was out looking at construction limits. He looked at Fraternity Ln. and the asphalt is in terrible shape with many pot holes. Again, it's a public right of way and should the City be responsible for maintaining it? He would like to know from the committee the direction the City should take on these two sections of streets.

McCormick asked where the new Vanderhip Lift station will be located. Marquardt stated it will be about another half-mile west of Fraternity Ln.

Allen stated if these roads were created by the developer as private roads, then the City should not be responsible for these sections.

No action was taken on this agenda item. McCormick said it should be brought to Council for discussion.

**h. Discussion and Possible Action regarding the possible vacation of A Court and B Court.**

Allen gave a brief history that about 20 to 25 years ago the City (Bowden administration) wanted to put in a turning lane at the intersection of Starin Rd. and Tratt St. This would enable drivers to turn north. The City needed a piece of land at this corner, which was owned by DLK. At that time, Allen pitched a plan to DLK and they shook hands on it. DLK was going to give the City a piece of land for the turn lane and in return the City would give him from the curb to the tree line on Fraternity Ln. According to the City Attorney, no one can find any legal documents that ever got signed, which sometimes happens. Allen asked if there was a benefit to giving Court A and Court B to the current owner as well.

Marquardt stated there are State Statues as to what can and can't happen with vacation of streets. One way to start the initiation is with a petition from the property owners or the Common Council can initiate it. However, we can't vacate a public right of way that would result in land locked parcels. If we did that there would be three land locked parcels in this area. Allen asked for an explanation on how it would be land locked if no one currently parks there. Marquardt stated it does not have access to frontage. So, if A Court is vacated, that is private and now 177 does not have direct access to Fraternity Ln. or Florence St. and therefore is land locked property. Someone would have to cross over private property to get to it. There is 60 ft. of frontage on A Court. So, if it were to get divided equally, that would be 15 ft. of frontage that would go to each of the four parcels to give them abutting access to Fraternity Ln. 15 ft. is not a legal width for a legal parcel and does not meet our zoning code. Therefore, it would be a land locked parcel. McCormick asked if it was privately owned. Marquardt stated on the back side there is parking and all privately owned. He said it's not a street, it's a parking lot and stated the property owners do the plowing. Allen stated he would think the property owners will still continue to plow because they still own the property to the east of the parking area. Marquardt stated the way he reads the State Statue he doesn't see how they would be able to vacate those properties without working with the property owner. They can reach out to the owner to see if they would be interested in it. They would have to do some sort of survey map to eliminate the existing property lines and make the four parcels into one parcel. Allen stated it doesn't sound like it's worth the trouble. McCormick stated it would also cost some legal fees as well. Marquardt stated the owner would also have the cost of repaving A and B Court in the near future. Marquardt stated from the owner's stand point he doesn't see what benefit they would see in this changed. Allen asked what if they offered to purchase it? Allen said what if they wanted to purchase A and B Court for \$1. Marquardt stated again they would have to go through the vacating process. He said the same State Statue would still have to be followed. If the owner's wanted to purchase it, we would still

have to vacate it first. Marquardt stated this may have been the reason it was never followed through because they would still have to follow the State Statute.

Marquardt stated for clarification that the Public Works Committee members did not want to take any further action on this agenda item and the members agreed.

**5. Future Agenda Items**

There were no future agenda items at that time.

**6. Adjournment**

Allen moved to adjourn the Public Works Committee meeting at 7:07 p.m. and seconded by Schreiber.

Ayes: All via voice vote (3)

Noes: None

Respectfully submitted,

Alison Stoll, Administrative Assistant  
DPW