



11333 N. Cedarburg Road
Mequon, WI 53092
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www.ci.mequon.wi.us

Public Works Department

PUBLIC WORKS COMMITTEE
Wednesday, August 10, 2016
6:30 PM
South Conference Room

Agenda

1. Call to Order, Roll Call
2. Approval of Minutes
 - a. July 12, 2016 Minutes
3. Resolutions

Action requested: review and recommend approval

- a. **RESOLUTION 3395** A Resolution Canceling the Special Assessment Against Benefited Property (The Enclave at Mequon Preserve) in Connection with Completion of the Wauwatosa Road Sanitary Sewer Expansion Project
 - b. **RESOLUTION 3396** A Resolution Levying Reallocated Special Assessments Against Benefited Property (The Enclave at Mequon Preserve) in Connection with Completion of the Wauwatosa Road Sanitary Sewer Expansion Project
 - c. **RESOLUTION 3397** Adoption of a Resolution Awarding the Mequon Nature Preserve Permeable Parking Lot Paving Contract to Willkomm Excavating, Inc., Union Grove, Wisconsin, in the Amount of \$144,894
4. Discussion Items
 - a. Pines-Haddonstone Storm Sewer Project - Update
 - b. 2015 Seal Coating Project Update

5. Adjourn

Dated: August 10, 2016

/s/ Pamela Adams, Chair

Notice is hereby given that a quorum of other governmental bodies may be present at this meeting to present, discuss and/or gather information about a subject over which they have decision-making responsibility, although they will not take formal action thereto at this meeting.

Persons with disabilities requiring accommodations for attendance at this meeting should contact the City Clerk's Office at 262-236-2914, twenty-four (24) hours in advance of the meeting.

Any questions regarding this agenda may be directed to the Public Works Department at 262-236-2913, Monday through Friday, 7:00 AM – 3:30 PM.

CITY OF MEQUON
WISCONSIN

COMMITTEE ON PUBLIC WORKS
MINUTES
July 12, 2016

1. The meeting was called to order at 6:32 p.m. with Alderman Pukaite, Alderman Adams present. Alderman Mayr arrived at 6:49pm.

Staff present was Director of Public Works/City Engineer Lundeen, Deputy Director of Utilities Driscoll, and Administrative Secretary Deuster.

2. The minutes of the June 14th, 2016 and June 16th, 2016 Public Works Committee meeting were moved for approval by Ald. Pukaite, seconded by Ald. Adams and unanimously approved by the Committee as written.
3. Director of Public Works/City Engineer Lundeen informed the Committee that, Resolution 3393 needed approval to request the Office of the Commissioner of Railroads for Railroad Crossing Improvements on the Wisconsin Central Rail Line. The city has found currently the roadway crossings at Donges Bay Road, Highland Road, and Cedarburg Road are in poor condition and hazardous for motorists to travel. The city will file an additional complaint if work is not completed within 30 days of petition submittal.

Following discussion, it was moved by Ald. Pukaite, seconded by Ald. Adams, and unanimously approved by the Committee on Public Works to recommend approval of Resolution 3393, authorizing staff to request that repairs be completed by the Wisconsin Central Rail Road.

4. Director of Public Works/City Engineer Lundeen informed the Committee that, Resolution 3392 needed approval awarding of the demolition of Logemann Center. The staff is looking to council to execute contracts with General Communications, Braxton Environmental Services Corporation, and Shoreline Contracting Services, Inc. This would be to demolish the building and create temporary parking until council decides what they would like to do with the space.

Following discussion, it was moved by Ald. Pukaite, to approve contracts as suggested for approval of the Committee. Seconded by Ald. Adams, and it was approved by Ald. Pukaite, and opposed by Ald. Adams. City Attorney Sajdak was brought in for questioning on if it's a 1-1 vote, it fails and a new motion to reconsider and bring to council by Ald. Adams was presented, seconded by Ald. Pukaite. The new motion was approved by Ald. Pukaite, and opposed by Ald. Adam, and Ald. Mayr. The motion failed but the committee recommended the resolution be brought to council for further discussion.

5. Director of Public Works/City Engineer Lundeen informed the committee of discussion item on the Union Pacific Railroad Quiet Zone. Staff is looking for direction from the Committee as to whether the funding request for UPRR quiet zone implementation should be included in the 2017 CIP funding request. The request would require a \$45,000 deposit for review of the Zedler Lane, Donges Bay Road, and Mequon Road rail crossings. If quiet zone is allowed they would look to see what requirements are needed to address warnings of train coming without the horn. The city would be responsible for the construction costs and all future maintenance costs for the warning devices. Ald. Mayr and Ald. Pukaite both expressed concern over the cost that the repairs and

construction of over \$600-1Mil be too expensive and to use the money in a different way, bringing further discussion with council.

6. There being no further business to conduct, the meeting was unanimously adjourned at 7:01 p.m.



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Office of Engineering

TO: Public Works Committee
FROM: Kristen Lundeen, Director of Public Works/City Engineer
DATE: August 10, 2016
SUBJECT: A Resolution Canceling the Special Assessment Against Benefited Property (The Enclave at Mequon Preserve) in Connection with Completion of the Wauwatosa Road Sanitary Sewer Expansion Project

Background

In 2015, the City passed Resolution 3309 approving written agreements addressing assignment of special assessments within the Central Growth Area. Several properties within the special assessment district were under purchase agreements at the time which required the buyer to pay the special assessment rather than the current property owner. The City and the future property owner, in this case the developer of the property, entered into special assessment development agreements which allowed the developer to ultimately defer the special assessment until the time of final plat. The City agreed to then cancel the special assessment, allowing the recording of the final plat, to be immediately followed with a reallocation of the special assessment.

Resolution 3395 addresses the cancellation of the special assessment to allow for recording of the final plat for the Enclave at Mequon Preserve.

Analysis

Wisconsin Statute 236.21(3) requires a certificate of the clerk or treasurer of the municipality in which the subdivision lies and a certificate of the treasurer of the county in which the subdivision lies stating that there are no unpaid taxes or unpaid special assessments on any of the lands included in the plat. Therefore in keeping with the special assessment development agreement, the City must cancel the special assessment to allow for final plat recording. It should be noted that the special assessment development agreement protects the City in disallowing the transfer of title on any of the parcels created by the final plat, until such time that the special assessment is reallocated. Resolution 3396 addresses the reallocation of the special assessment.

Fiscal Impact

The cancellation and reallocation of the special assessment is fiscally neutral for the City. The entirety of the deferred principal and accrued interest to date will be reallocated in conjunction with the adoption of Resolution 3396.

Recommendation

Staff recommends that the Public Works Committee endorse and the Common Council approve Resolution 3395 canceling the special assessment against benefited property (The Enclave at Mequon Preserve) in connection with completion of the Wauwatosa Road Sanitary Sewer

Expansion Project.

Attachments:

Sp Assess DA (PDF)

COMMON COUNCIL
OF THE
CITY OF MEQUON

RESOLUTION 3395

A Resolution Canceling the Special Assessment Against Benefited Property (The Enclave at Mequon Preserve) in Connection with Completion of the Wauwatosa Road Sanitary Sewer Expansion Project

WHEREAS, the City approved and levied a special assessment for a sanitary sewer extension to serve certain properties including the property owned by MREC VH Mequon LLC (Owner); and

WHEREAS, the Owner maintains ownership of three properties within the Special Assessment District which are included in the final plat for “The Enclave at Mequon Preserve”, which include 14-028-03-006.00, 14-028-03-007.00, and 14-028-03-008.00; and

WHEREAS, Wisconsin Statute 236.21(3) requires that a certificate of the clerk or treasurer of the municipality in which the subdivision lies and a certificate of the treasurer of the county in which the subdivision lies stating that there are no unpaid taxes or unpaid special assessments on any of the lands be included in the plat; and

WHEREAS, the City and Owner entered into a special assessment development agreement allowing the Owner the right to reallocate the special assessment to individual lots, subject to specific terms; and

WHEREAS, as a part of the special assessment development agreement the Owner waived all rights to notice and hearing related to the special assessments and waived all rights to object to any procedural irregularities in the imposition of the special assessments; and

WHEREAS, Wisconsin Statute 66.0703(10) allows the City to reconsider and reopen any assessment to amend, cancel or confirm the prior assessment;

NOW THEREFORE BE IT RESOLVED by the Mayor and the Common Council of the City of Mequon as follows:

1. With the approval of the final plat for “The Enclave at Mequon Preserve”, the City hereby cancels the special assessment on properties 14-028-03-006.00, 14-028-03-007.00, and 14-028-03-008.00, to allow for the recording of the final plat and completion of the certificate as outlined in 236.21(3).
2. That the City will subsequently pass a resolution reallocating the special assessment to the individual subdivision Lots 1-17, as included in the final plat for “The Enclave at Mequon Preserve”.
3. That the owner shall not transfer title to the properties or any lots created therein between the recording of the final plat and the reallocation of the special assessment.

Approved by: Dan Abendroth, Mayor

Date Approved: August 10, 2016

I certify that the foregoing Resolution was adopted by the Common Council of the City of Mequon, Wisconsin, at a meeting held on August 10, 2016.

Caroline Fochs, City Clerk

DEVELOPMENT AGREEMENT

THIS AGREEMENT is entered into by and between the City of Mequon, a municipal corporation of the State of Wisconsin located in Ozaukee County, hereinafter called the "City," and MREC VH Mequon LLC, a Wisconsin limited liability company, hereinafter referred to as "Developer".

WHEREAS, the City has heretofore approved and levied a special assessment for a sanitary sewer extension to serve certain properties including property owned by the Developer; and

WHEREAS, the Developer owns, or is under contract to purchase the lands more specifically described in the attached Exhibit A (the "Property"); and

WHEREAS, Developer desires to subdivide Property which is subject to the existing special assessment; and

WHEREAS, Wis. Stat. § 236.21 requires that a final plat be accompanied by a certification that there are no outstanding special assessments at the time of plat approval; and

WHEREAS, had the sanitary sewer extension been completed by the Developer using a build and contribute model, Developer would have been able to pass that cost onto the individual subdivision lots; and

WHEREAS, the City and the Developer each wish to complete the sanitary sewer extension in the most beneficial manner to both parties;

NOW, THEREFORE, in consideration of these recitals, the mutual agreements, benefits and responsibilities outlined herein, and for other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties agree as follows:

1. Preliminary plat approval was granted by the Planning Commission on March 9, 2015.
2. Developer requests a deferral of the special assessment in accordance with Section 10 of the Final Resolution Levying Assessment (City of Mequon Resolution No. 3278) and that this document shall serve as the required written request for deferral. The terms of such deferral shall be pursuant to the terms of the Resolution.
3. At the time of final plat approval, and upon the request of the Developer hereunder, the City shall utilize Wis. Stat. § 66.0703(10) to reopen the special assessment for the purposes of reallocating the assessment to individual subdivision lots as follows:
 - A. The City shall publish the applicable notices under Wis. Stat. § 66.0707(7)(a) for a public hearing on the reopening of the assessment. This hearing shall be on the

same day the Common Council considers final plat approval. At that time, provided the final plat is approved by the Common Council, the City shall approve a resolution canceling the assessment as it relates to the Property thereby allowing final plat approval and recording without payment of the special assessment.

- B. The City shall hold a second public hearing, with applicable notices, as soon as possible following the date that the final plat is recorded at which time the City shall approve a resolution adding the individual subdivision parcels into the Assessment District under terms identical to those terms remaining on the assessment as originally levied (e.g., no additional deferments or annual payments will be granted).
 - C. The resolutions contemplated hereunder may be made only upon the waiver and consent to such special assessments by all parties then with an interest in the land as shown by a current title report and any and all banks or financing institutions which may have an interest in the Property upon final plat recording.
4. Developer shall not transfer title to the Property, or any lot created thereon, between the time of the adoption of any resolution under paragraph 3.A. and the adoption of any resolution under paragraph 3.B.
 5. Developer shall bear all of the City's costs with respect to paragraph 3 above including updated title and publication fees.
 6. Developer acknowledges and admits the special benefit to the Property of the City's improvements. Developer consents to the imposition of special assessments against the Property and/or the individual lots created thereon for the cost of the City's improvements, including but not limited to costs relating to design, inspection, financing and construction. **Developer waives all rights to notice and hearing related to the special assessments and waives all rights to object to any procedural irregularities in the imposition of the special assessments.**
 7. This agreement shall be binding upon the heirs, successors, executors and assigns of the parties hereto.

[SIGNATURE PAGES FOLLOW]

EXHIBIT A Property Description

PARCEL A:

The South One-half (1/2) of the North One-half (1/2) of the North One-half (1/2) of the Southeast One-quarter (1/4) and the North One-half (1/2) of the North One-half (1/2) of the North One-half (1/2) of the Southeast One-quarter (1/4) and the South Ten (10) acres of the South One-half (1/2) of the South One-half (1/2) of the South One-half (1/2) of the Northeast One-quarter (1/4) all in Section Twenty-eight (28), in Township Nine (9) North, Range Twenty-one (21) East, in the City of Mequon, County of Ozaukee, State of Wisconsin.

AND

That part of the South One-half (1/2) of the North One-half (1/2) of the Southeast One-quarter of Section Twenty-eight (28), in Township Nine (9) North, Range Twenty-one (21) East in the City of Mequon, Ozaukee County, Wisconsin, bounded and described as follows: Commencing at a point in the East line which is 1970.85 feet North of the Southeast corner of said ¼ section; thence West along the fence line and extension thereof 704 feet to a point; thence North on a line 15.7 feet to a point in the North line of the South ½ of the North ½ of said ¼ Section; thence East along the North line of the South ½ of the North ½ of said ¼ Section 704 feet to a point in the East line of said ¼ Section; thence South along the East line of said ¼ Section 16.9 feet to the place of beginning.

Excepting therefrom those lands conveyed to Ozaukee County in a conveyance recorded on June 21, 1965 in Volume 167, Page 440, as Document No. 205208

Also excepting therefrom those lands described as Certified Survey Map No. 3178 and recorded on November 5, 1999 in Volume 22 of Certified Survey Maps, at pages 264 to 266, inclusive, as Document No. 646472.

Tax Key No. 14-028-03-006.00

PARCEL B:

Lot One (1) of CERTIFIED SURVEY MAP NO. 3178, being a part of the Northeast One-quarter (1/4) of the Southeast One-quarter (1/4) of Section Twenty-eight (28), in Township Nine (9), Range Twenty-one (21) East, in the City of Mequon, Ozaukee County, Wisconsin, recorded in the Register of Deeds for Ozaukee County on November 5, 1999 in Volume 22 at Page 264, as Document No. 646472.

Tax Key No. 14-028-13-007.00

Address: 10729 North Wauwatosa Road

PARCEL C:

Lot Two (2) of CERTIFIED SURVEY MAP NO. 3178, being a part of the Northeast One-quarter (1/4) of the Southeast One-quarter (1/4) of Section Twenty-eight (28), in Township Nine (9), Range Twenty-one (21) East, in the City of Mequon, Ozaukee County, Wisconsin, recorded in the Register of Deeds for Ozaukee County on November 5, 1999 in Volume 22 at Page 264, as Document No. 646472.

Tax Key No. 14-028-13-008.00

Address: 10701 North Wauwatosa Road

PARCEL E:

Lot Two (2) of CERTIFIED SURVEY MAP NO. 2523, being a part of the Southeast One-quarter (1/4) of the Northeast One-quarter (1/4), Section Twenty-eight (28), in Township Nine (9), Range Twenty-one (21) East, in the City of Mequon, Ozaukee County, Wisconsin, recorded in the Register of Deeds for Ozaukee County on March 4, 1993 in Volume 18 of Certified Survey Maps at Page 226, as Document No. 484473.

Tax Key No. 14-025-04-012.00

Address: 10839 North Wauwatosa Road



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Office of Engineering

TO: Public Works Committee
FROM: Kristen Lundeen, Director of Public Works/City Engineer
DATE: August 10, 2016
SUBJECT: A Resolution Levying Reallocated Special Assessments Against Benefited Property (The Enclave at Mequon Preserve) in Connection with Completion of the Wauwatosa Road Sanitary Sewer Expansion Project

Background

In 2015, the City passed Resolution 3309 approving written agreements addressing assignment of special assessments within the Central Growth Area. Several properties within the special assessment district were under purchase agreements at the time which required the buyer to pay the special assessment rather than the current property owner. The City and the future property owner, in this case the developer of the property, entered into special assessment development agreements which allowed the developer to ultimately defer the special assessment until the time of final plat. The City agreed to then cancel the special assessment, allowing the recording of the final plat, to be immediately followed with a reallocation of the special assessment.

Resolution 3396 addresses the reallocation of the special assessment upon recording of the final plat for the Enclave at Mequon Preserve.

Analysis

At the time of contemplation of the special assessment, the developers with existing purchase agreements on properties within the special assessment district argued that under a developer build and contribute model, they would be able to pass the cost of the sanitary sewer onto the individual lot owners. To accommodate this structure, the City and the developer entered into a special assessment development agreement which allowed the developer the opportunity to reallocate the special assessment at the time of final plat.

As detailed in the attached resolution, the deferral on the remnant portions of the parent parcels will remain intact on the per acreage basis as originally assessed. The portion of the special assessment associated with the area included in the final plat will be reallocated on a per lot basis for the 17 individual lots associated with the final plat.

It should be noted that the developer does intend to utilize reallocation on future phases of the subdivision as well.

Fiscal Impact

The cancellation and reallocation of the special assessment is fiscally neutral for the City. The entirety of the deferred principal and accrued interest to date will be reallocated as a part of

Resolution 3396.

Recommendation

Staff recommends that the Public Works Committee endorse and the Common Council approve Resolution 3396 levying reallocated special assessments against benefited property (The Enclave at Mequon Preserve) in connection with completion of the Wauwatosa Road Sanitary Sewer Expansion Project.

Attachments:

Assessment Roll (PDF)

2016-07-25 Tax Parcel Areas (PDF)

COMMON COUNCIL
OF THE
CITY OF MEQUON

RESOLUTION 3396

A Resolution Levying Reallocated Special Assessments Against Benefited Property (The Enclave at Mequon Preserve) in Connection with Completion of the Wauwatosa Road Sanitary Sewer Expansion Project

WHEREAS, the City approved and levied a special assessment for a sanitary sewer extension to serve certain properties including the property owned by MREC VH Mequon LLC (Owner); and

WHEREAS, the Owner maintains ownership of three properties within the Special Assessment District which are included in the final plat for “The Enclave at Mequon Preserve”, which include 14-028-03-006.00, 14-028-03-007.00, and 14-028-03-008.00; and

WHEREAS, had the sanitary sewer extension been completed by the developer using build-and-contribute model, the developer would have been able to pass on the sanitary sewer extension costs to the individual subdivision lots; and

WHEREAS, the City and Owner entered into a special assessment development agreement allowing the Owner the right to reallocate the special assessment to individual lots, subject to specific terms; and

WHEREAS, the Owner requested to exercise its right to reallocate the special assessment against the properties to the individual lots at the time of final plat, as allowed by of the associated special assessment development agreement; and

WHEREAS, the property owner requested that the Common Council of the City of Mequon, Ozaukee County, Wisconsin, waive the public hearing required by state statutes and 3.B. of the associated special assessment development agreement; and

WHEREAS, as the City reopened the special assessment on the aforementioned properties and approved a resolution cancelling the assessment as it relates to the properties thereby allowing the final plat approval and recording without payment of the special assessment;

NOW THEREFORE BE IT RESOLVED by the Mayor and the Common Council of the City of Mequon as follows:

1. That the reallocated special assessment amounts are based upon the original special assessment amounts, adjusted for the final project costs, plus the 6% per annum interest charged through August 10, 2016, based on the amount of the time elapsed since October 1, 2015.
2. That the original special assessment shall be reallocated in accordance with the

amended assessment roll, a copy of which is attached hereto and incorporated herein by reference.

3. That the area based assessment utilized for the original special assessment shall remain in effect for the remnant parent parcels.
4. That the area based assessment of the property incorporated in the final plat will be reallocated to the individual lots by taking the total acreage subject to special assessment included in the final plat and dividing that cost evenly among the total number of lots within the final plat.
5. That the reallocated special assessment will continue to be deferred in accordance with the terms of the original special assessment and the special assessment development agreement. Those terms include, but are not limited to:
 - a. That the assessment may be deferred until July 1, 2025 or until the time of connection to the public sanitary sewer system, whichever is earlier.
 - b. Deferred payments to bear interest at the compound rate of 6.0% per annum on the cumulative unpaid balance as of October 1, 2015.
 - c. Deferred assessments are subject to annual interest accrual. Assessments deferred for the full 10 years until 2025 bear 10 years of interest at the rate of 6.0% per annum. Assessments deferred, but paid in full prior to 2025 bear a prorated interest at the rate of 6.0% per annum, based upon the amount of time elapsed since October 1, 2015.
 - d. That the time of connection as applied to any parcel or subdivided lot subject to the assessment shall be defined as the connection on any such parcel or subdivided lot of a private lateral to the public sanitary sewer system.
6. That the installment payment option is not offered to any of the benefited properties referenced herein.
7. That the levied assessment against any parcel is due in full at the time of sale of any parcel. In the event that only a portion of a parcel is sold, only that proportional share of the levied assessment attributable to that portion shall be due.
8. That the City Clerk is directed to publish this resolution as a Class 1 Notice under Chapter 985 of the Wisconsin Statutes in the assessment district.
9. That the Clerk is further directed to mail a copy of this Resolution and a statement of the final assessment against the benefited property to every property owner whose name appears on the assessment roll whose post office address is known or can with reasonable diligence be ascertained.

Approved by: Dan Abendroth, Mayor

Date Approved: August 10, 2016

I certify that the foregoing Resolution was adopted by the Common Council of the City of Mequon, Wisconsin, at a meeting held on August 10, 2016.

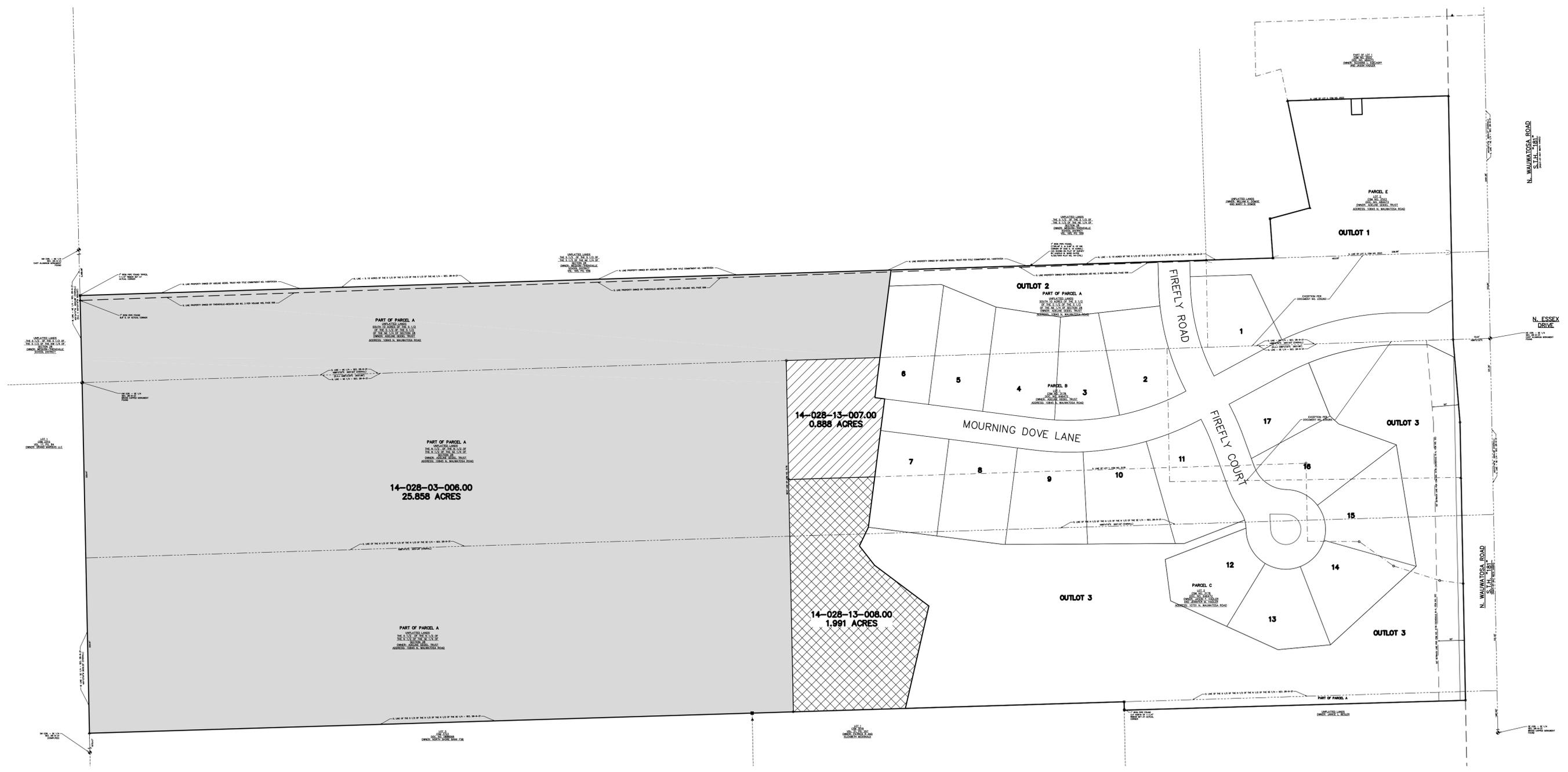
Caroline Fochs, City Clerk

Tax_Key and Address	Original Special Assessment Gross Area	% of Total Area	Original Special Assessment Adjusted Assessment Amount	Interest Earned 10.1.15 - 8.10.16	Total Assessment Subject to Reallocation	Post Final Plat Gross Area	Post Final Plat % of Total Area	Post Final Plat Deferred Principal Assessment Amount	Post Final Plat Deferred Interest Assessment Amount thru 8.10.16
140280300600 WAUWATOSA RD	29.665	60.350%	\$192,847.74	\$6,048.12	\$198,895.86	25.858	52.61%	\$168,099.00	\$5,271.94
140281300800 10701 N WAUWATOSA RD	11.74	23.884%	\$76,319.99	\$2,393.56	\$78,713.55	1.991	4.05%	\$12,943.19	\$405.93
140281300700 10729 N WAUWATOSA RD	7.75	15.766%	\$50,381.60	\$1,580.07	\$51,961.67	0.888	1.81%	\$5,772.76	\$181.05
TOTALS	49.155	100.00%	\$319,549.33	\$10,021.75	\$329,571.08	28.737		\$186,814.95	\$5,858.92

Deferred Special Assessment Principal of Final Plat \$132,734.38
 Deferred Special Assessment Interest of Final Plat \$4,162.83

Lot 1 Tax ID TBD Address TBD								\$7,807.98	\$244.91
Lot 2 Tax ID TBD Address TBD								\$7,807.90	\$244.87
Lot 3 Tax ID TBD Address TBD								\$7,807.90	\$244.87
Lot 4 Tax ID TBD Address TBD								\$7,807.90	\$244.87
Lot 5 Tax ID TBD Address TBD								\$7,807.90	\$244.87
Lot 6 Tax ID TBD Address TBD								\$7,807.90	\$244.87
Lot 7 Tax ID TBD Address TBD								\$7,807.90	\$244.87
Lot 8 Tax ID TBD Address TBD								\$7,807.90	\$244.87
Lot 9 Tax ID TBD Address TBD								\$7,807.90	\$244.87
Lot 10 Tax ID TBD Address TBD								\$7,807.90	\$244.87
Lot 11 Tax ID TBD Address TBD								\$7,807.90	\$244.87
Lot 12 Tax ID TBD Address TBD								\$7,807.90	\$244.87
Lot 13 Tax ID TBD Address TBD								\$7,807.90	\$244.87
Lot 14 Tax ID TBD Address TBD								\$7,807.90	\$244.87
Lot 15 Tax ID TBD Address TBD								\$7,807.90	\$244.87
Lot 16 Tax ID TBD Address TBD								\$7,807.90	\$244.87
Lot 17 Tax ID TBD Address TBD								\$7,807.90	\$244.87
								\$132,734.38	\$4,162.83

Attachment: Assessment Roll (RESOLUTION 3396 : Resolution Levying Reallocated Special Assessments Against Benefited Property (The





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Office of Public Works Committee

TO: Public Works Committee
FROM: James Keegan, Deputy Director of Engineering
DATE: August 10, 2016
SUBJECT: Adoption of a Resolution Awarding the Mequon Nature Preserve Permeable Parking Lot Paving Contract to Willkomm Excavating, Inc., Union Grove, Wisconsin, in the Amount of \$144,894

Background

In December 2014 staff brought forward Resolution No. 3259 authorizing staff to negotiate and enter into an MOU with the Mequon Nature Preserve (MNP) regarding construction of a new pervious parking lot on the nature preserve's property. The MNP currently utilizes a gravel area as an overflow parking lot in times of high use. Utilizing MMSD Green Solutions for Separate Infrastructure and Sewer Separation (GSSISS) reimbursement funding, the project would replace the gravel parking area with a pervious pavement system that would allow for water infiltration through the pavement section and into storage chambers below the pavement.

On March 4, 2016, the MNP formally requested that the City also allow the use of MMSD Green Infrastructure & Green Solutions (GI/GS) funding to make up the shortfall between the allotted \$92,381 of GSSISS funding and the amount required to construct the parking lot. Staff confirmed with MMSD that the GI/GS funding may be used for the additional funding need.

At its April meeting, the Public Works Committee authorized staff to request that GI/GS funding from MMSD be used for the project. On April 28, 2016 the City of Mequon submitted a work plan to MMSD for the Mequon Nature Preserve Permeable Parking Lot Paving project. The work plan was approved and the City was authorized to proceed using MMSD GSSISS and GI/GS funding for the project. Staff began advertising the project on July 14 and opened bids on July 28. The bid summary and a project overview sheet are attached.

Analysis

The City advertised the project with a base bid and an alternate bid. The base bid for the project included permeable pavers for the entire parking lot and the alternate bid included the north half of the parking lot as permeable asphalt and the south half as permeable pavers. Both permeable pavers and permeable asphalt meet the intent of the project.

The City received four bids for the Mequon Nature Preserve Permeable Parking Lot Paving contract, with a low bid of \$144,894 received from Willkomm Excavating, Inc., Union Grove, Wisconsin for the alternate bid. Willkomm Excavating, Inc. has performed acceptable work on past projects.

Fiscal Impact

MMSD is the organization which administers both the GSSISS and the GS/GI funding. The City currently has \$92,831 of GSSISS funding and \$50,451 of GI/GS funding for a total of \$143,282 that will be allocated to the project. Per the MOU between the City and the MNP, the MNP will reimburse the City for any costs that exceed the available MMSD funding.

Recommendation

It is staff's recommendation that the Public Works Committee favorably endorse, and the Common Council approve attached Resolution 3397 awarding the Alternate Bid for the Mequon Nature Preserve Permeable Parking Lot Paving Contract to Willkomm Excavating, Inc., Union Grove, Wisconsin, for \$144,894.

Attachments:

Bid Opening Sheet (PDF)

Project Overview Sheet (PDF)

COMMON COUNCIL
OF THE
CITY OF MEQUON

RESOLUTION 3397

Adoption of a Resolution Awarding the Mequon Nature Preserve Permeable Parking Lot Paving Contract to Willkomm Excavating, Inc., Union Grove, Wisconsin, in the Amount of \$144,894

WHEREAS, the City of Mequon Engineering Division has advertised and received bids for the Mequon Nature Preserve Permeable Parking Lot Paving contract; and

WHEREAS, staff has reviewed the various bids and contractor qualifications for the contracts; and

WHEREAS, staff has determined that the bids received are in accord with the estimates and that adequate funds are available to accomplish the work and on that basis has made a recommendation to the Public Works Committee; and

WHEREAS, project funding is available from the Milwaukee Metropolitan Sewerage District with any project overages being funded by the Mequon Nature Preserve; and

WHEREAS, the Committee on Public Works at its meeting on August 10, 2016 agreed with the staff recommendations for the following:

Mequon Nature Preserve Permeable Parking Lot Paving - Willkomm Excavating, Inc. - \$144,873.70.

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of Mequon that the above Contract, as recommended by the Public Works Committee, be accepted and that the proper City officials be authorized to sign the appropriate contract documents.

Approved by: Dan Abendroth, Mayor

Date Approved:

I certify that the foregoing Resolution was adopted by the Common Council of the City of Mequon, Wisconsin, at a meeting held on .

Caroline Fochs, City Clerk

TO: Public Works Committee
FROM: James Keegan, Deputy Director of Engineering
DATE: August 10, 2016
SUBJECT: Pines-Haddonstone Storm Sewer Project - Update

Background

The Pines-Haddonstone Storm Sewer Project was designed to alleviate elevated pond levels in both the Pines and Haddonstone subdivisions. The Pines' subdivision pond drains west into the pond in the middle of the Haddonstone subdivision. Drainage from the Haddonstone pond was dependent on an original 12" Ozaukee County field drain tile installed in the 1920's. The drain tile runs westerly, meanders northerly under I-43, and works its way back easterly to an outfall to Lake Michigan in the Shorecliff Park Subdivision.

In June of 2015, the City advertised a project to replace the aging 12" drain tile between the Haddonstone pond and I-43. The lowest bid contractor submitted a bid of \$404,137. Since the engineering estimate for this project was \$195,832 and available funds amounted to only \$168,019, it was decided by the Public Works Committee that the bids were to be rejected. In August 2015, the Public Works Committee directed staff to proceed with the "Investigate and Repair" option. After investigating the system, it was determined that replacing the 800' section of 12" drain tile between the Haddonstone pond and the Union Pacific Rail Road (UPRR) was required due to several crushed sections of pipe. Due to high water levels, it was not possible to televise the section of pipe between the UPRR and I-43.

Analysis

DPW crews installed approximately 800 feet of storm sewer pipe and two structures in January and February 2016. Work was completed during the winter months, as the ground was frozen which allowed the access of construction equipment to the site. On February 16th the connection was made to the Haddonstone pond and to date approximately 3 million gallons have been drained from the ponds. This has resulted in the ponds returning to a normal water level as they were originally designed.

Due to the soft in-situ soils present on the site, it has been impractical to complete the restoration of the disturbed area. In early July, the soil was dry enough to allow for the access of construction equipment and the disturbed area was restored.

On July 25, the Sanitary Sewer Department utilized our municipal televising equipment and set out to televise the existing section of the 12" drain tile from the UPRR to I-43. Due to root intrusion, the televising equipment was only able to advance 130 feet into the 400 foot pipe run. The section of the pipe that was televised had longitudinal cracking on the top of the pipe and the aforementioned root intrusion at the pipe joints. It was determined that the pipe must be cleaned prior to completing the televising of the remaining 270 feet of pipe.

Fiscal Impact:

This project is being funded solely by the City of Mequon from the Major and Secondary Drainage Projects Capital Account that currently has a balance of \$198,064. To date, the project has encumbered \$16,120 in material costs for the project. The remaining portion of the pipe will be cleaned and lined with a structural cured in place liner to ensure structural integrity for the future. It is anticipated that this work will cost no more than \$25,000.

Recommendation

The intent of this memorandum is to provide an update for the Pines-Haddonstone drainage project and the progress that has been made. The project has successfully restored normal water levels to the ponds in both the Pines and Haddonstone subdivisions, but additional work is required to ensure that a lasting solution is obtained. The remaining work will continue in the late summer and fall months once the pipe has been cleaned and the remainder of the line has been televised.



TO: Public Works Committee
FROM: James Keegan, Deputy Director of Engineering
DATE: August 10, 2016
SUBJECT: 2015 Seal Coating Project Update

Background

The 2015 Road Improvement Program included seal coating on City roadways as a maintenance treatment to prolong the roadway life cycle. The contract was awarded to the contractor that submitted the lowest bid, Scott Construction, at the Common Council meeting on June 9th. The work commenced on Thursday, September 17th and was completed on Friday, September 18th. Shortly after completion, staff received a number of resident complaints regarding dust, loose aggregate and rough surface as a result of the treatment. At the request of an alderman who was also receiving a number of complaints, the topic of sealcoating was discussed at the October 2015 and March 2016 Public Works Committee meetings.

Over the winter months, the seal coated roadway surfaces deteriorated and did not perform in a manner that is typical of a properly seal coated roadway. The roadway cover aggregate became loose after regular plowing events and prompted the Engineering Department to issue a “Notice of Defect” to the contractor on Wednesday February 3rd, requiring them to remove the access cover aggregate by sweeping. Sweeping occurred on Thursday February 18th and again on Friday February 26th, 2016.

The deterioration continued through the spring months and the City followed up with a formal “Notice of Defect” on April 21st for the loss of cover aggregate and required that a remedial action plan be submitted by May 16th. Scott Construction submitted a remedial action plan to the City on May 16th that proposed a boiler slag seal coat, which is a process that the City no longer uses due loose aggregate issues experienced in the past. The remedial action plan was rejected by City staff on May 27th and an alternative remedial action plan was required. Scott Construction then proposed a micro-surface treatment over the failed sealcoat, which was rejected, as it did not address the adherence issues at the interface with the underlying failed seal coat and is a roadway treatment that has never been used in Mequon. As the deadline for repairs was fast approaching, the City required that future remedial action plans from Scott Construction address financial restitution for the failed seal coat project.

In all correspondence with the contractor (attached) the contractor was notified of a July 15th deadline to complete the repair of the failed seal coat. Scott submitted their latest remedial action plan on July 22nd, which was past the July 15th deadline, and which also did not address the adherence issues at the interface with the failed seal coat.

Analysis

City staff has analyzed all available options for repairing the surface condition of the seal coated roadways. There is, on average, 4-5 inches of underlying asphalt pavement that was seal coated, and the surface condition rating (SCR) in early 2015 was a 6. Seal coating is a typical treatment for a roadway that is rated an SCR 6, with an asphalt overlay being the typical treatment for an SCR 5. During our analysis, we have broken out the seal coated roadways into two separate groups, subdivision roads and main roads, as the overall condition and pavement structures differ between the two groups. Attached is a table that includes the four feasible options for the seal coated roadways with the anticipated financial impacts and results.

Fiscal Impact:

The 2015 seal coat project's total cost was \$115,107.30. The City holds both a maintenance bond and a performance bond with Scott Construction that total \$179,442.65. The City Attorney has been engaged throughout the remedial action process and has written a letter to the contractor informing them of the City's position in terms of the required financial restitution that could include the remediation costs in addition to the original contract value and the City's ability to pull the contractor's bonds.

The City is currently within the second year of a three year \$5.1M borrowing for the road program. In 2016, the City of Mequon received the lowest bid price for hot mix asphalt (HMA) since 2010 and the second lowest price in the past 10 years. Due to the low asphalt prices, the 2016 road program came in \$200,000 below the engineer's estimated construction cost. These funds could either be used in the 2016 or 2017 road program.

Recommendation

Staff has analyzed the available options for repairing the roadway surfaces that were impacted by the 2015 Seal Coat project. Options were analyzed in terms of longevity of the proposed repair, construction impact, and cost. Given that the City received very favorable bid prices for HMA in 2016 and that the condition of the pavement was such that the roadway would have required an overlay in the coming years, it is staff's recommendation that Option 2, which is a 1-3/4" asphalt overlay be installed on the surface of the failed seal coated roadways. The HMA overlay can be applied directly onto the failed seal coat and will immediately improve the pavement surface and ride quality. The asphalt overlay will strengthen the pavement structural section and will prolong the life of the roadway. Given the current schedule of the 2016 Road Improvements contract, the paving work could be completed within weeks of the issuance of a work order. The other options, although feasible, will not provide the long term pavement surface improvements and may require a future asphalt overlay at an escalated cost.

Staff will continue to pursue financial restitution with the contractor, Scott Construction. Any amount of funding that would be recaptured through a financial settlement that may include the remediation costs in addition to the original contract value or through pulling the contractor's performance or maintenance bonds will be returned into the road program account for future projects.

Attachments:

Option Descriptions (PDF)

7 22 16 Proposal - Scott Construction (PDF)

	SUBDIVISION ROADS: Lakewood Drive, Northwood Lane, Hemlock Lane, Bonness Lane, Shady Lane, Birchwood Lane	MAIN ROADS: Donges Bay Road (River Road - Port Washington Road)	ESTIMATED FINANCIAL IMPACT	RESULT
OPTION 1	Do Nothing	Do Nothing	The city would continue to pursue financial restitution from Scott Construction to remediate the failed seal coat contract. The 2015 seal coat contract value is \$115,107.30 and the performance and maintenance bonds equate to \$179,443. This money would be returned into the road program account for future work.	Pavement will continue to deteriorate. Aggregate will likely become loose during winter plowing. Poor ride surface will remain.
OPTION 2	Asphalt Overlay (1-3/4")	Asphalt Overlay (1-3/4")	The estimated cost for a 1-3/4" overlay on all roads that were seal coated in 2015 is \$344,483 . This cost would be offset by a financial settlement or bond refund from the 2015 Seal Coat project. The amount of refund is unknown at this time. The 2015 Seal Coat contract value is \$115,107.30 and the performance and maintenance bonds equate to \$179,443. Low 2016 asphalt prices will be taken advantage of.	Asphalt ride surface will be vastly improved. Pavement SCR rating will return to a 9. Pavment life will be preserved for 10-20 years.
OPTION 3	Accept Scott Construction's most recent proposal (Attached). Install ONYX to Shady Ln, Hemlock Ln, Birchwood Ln, Northwood Ln, Bonnes Ln, and Lakewood Ln. Apply Micro Surfacing to cul-de-sac's (Shady Ln, Birchwood Ln, Lakewood Ln.)	Accept Scott Construction's most recent proposal (Attached). Either a re-seal of Donges bay Road with pre-coated aggregates with Hot Asphaltic cement or Seal coat using the original method with a subsequent fog seal. The method is at the City's discretion.	No Cost.	Subdivision Roads: 2-year warranty will be preserved. Residents on cul-de-sac's will endure two paving processes. New procedure to Mequon. Potential for failure with underlying failed seal coat. Main Roads: 2-year warranty will be preserved. Potential for failure with underlying failed seal coat.
OPTION 4	Asphalt Overlay (1-3/4") **On Subdivision Roads Only**	Remove failed seal coat by milling and install thin asphalt overlay (3/4") **On Donges Bay Road Only**	The estimated cost for a 1-3/4" overlay on the subdivision roadways and milling and repaving Donges Bay Road with a 3/4" overlay is \$310,761 . This cost would be offset by a financial settlement or bond refund from the 2015 Seal Coat project. The amount of refund is unknown at this time. The 2015 Seal Coat contract value is \$115,107.30 and the performance and maintenance bonds equate to \$179,443.	Ride surface will improve. Unknown life cycle as the process is not widely used within the SE region of Wisconsin. Pavement SCR rating will return to a 9. Pavment life will be preserved for 10-20 years for subdivision roads.

Recommended Option

SCOTT CONSTRUCTION, INC.

Received July 22nd, 2016

ASPHALT SURFACING SINCE 1926

ROADS • STREETS • HIGHWAYS • DRIVEWAYS • PARKING LOTS
 www.scottconstruct.com Ph. 608-254-2555 In WI: 800-843-1556 Fax: 608-254-2249
 560 MUNROE AVE., P.O. BOX 340 LAKE DELTON, WI 53940
 "An Equal Opportunity Employer."

Submitted To:	Contact:	Proposal/Date:
CITY OF MEQUON	C/O TIMOTHY WEYKER	
OZAUKEE COUNTY		S046Q520
11333 NORTH CEDARBURG ROAD	- -	5/16/2016
MEQUON, WI 53092	prevailing wage determination number:	None Provided

Scott Construction, Inc. will repair those streets done in 2015 as proposed below, at no cost to you. We need to get a notice to proceed as soon as possible so that the work can be completed before we run out of time in the sealing season. A Pre-Construction meeting will be required to inform the City of Mequon of the application process and what will be required to make as little disruption as possible to the traveling public.

Scott Construction, Inc. will reseal Donges Bay Rd using the method of your choice.

- 1.) Seal Coat using precoated aggregates with Hot Asphaltic cement. Sweeping will be completed the next day.
- 2.) Seal Coat using the method that was done originally. A fog seal will be applied shortly after the sweeping is completed.

Apply Onyx to the following streets:

Shady Ln
 Hemlock Ln
 Birchwood Ln
 Northwood Ln
 Bonnes Ln
 Lakewood Ln

Meigs Asphalt, LLC will be Sub-Contracted by Scott Construction, Inc. to do the Onyx surface treatment.

Apply Micro Surfacing to following Cul du sacs:

N. Lakewood Drive (South end)
 N. Birchwood Ln (North and South ends)
 Shady Ln (North end)

Struck & Erwin Paving, Inc. will be Sub-Contracted by Scott Construction, Inc. to do the Micro-Surface treatment.

Acceptance of Proposal -- The above prices, specifications and conditions are satisfactory and are hereby accepted. You are authorized to do the work as specified. Payment will be made as outlined above.

Date of Acceptance: _____

Customer Signature(s): _____

SCI Representative Signature: Donald Bade Donald Bade

ADDITIONAL AGREEMENT PROVISIONS
GENERAL TERMS

All material is guaranteed to be as specified. All work to be completed in a workmanlike manner according to standard practices. 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 and General Liability Insurance.

NOTICE OF LIEN RIGHTS

AS REQUIRED BY THE WISCONSIN CONSTRUCTION LIEN LAW, CONTRACTOR HEREBY NOTIFIES OWNER THAT PERSONS OR COMPANIES FURNISHING LABOR OR MATERIAL FOR THE CONSTRUCTION ON OWNER'S LAND MAY HAVE LIEN RIGHTS ON OWNER'S LAND AND BUILDINGS IF NOT PAID. THOSE ENTITLED TO LIEN RIGHTS, IN ADDITION TO THE UNDERSIGNED CONTRACTOR, ARE THOSE WHO CONTRACT DIRECTLY WITH THE OWNER OR THOSE WHO GIVE THE OWNER NOTICE WITHIN SIXTY (60) DAYS AFTER THEY FIRST FURNISH LABOR OR MATERIALS FOR THE CONSTRUCTION, AND SHOULD GIVE A COPY OF EACH NOTICE RECEIVED TO THE MORTGAGE LENDER, IF ANY. CONTRACTOR AGREES TO COOPERATE WITH THE OWNER AND THE OWNER'S LENDER, IF ANY, TO SEE THAT ALL POTENTIAL LIEN CLAIMANTS ARE DULY PAID.

DELINQUENCY CHARGE

Payment is due and payable upon completion of work. IF OWNER/PURCHASER defaults on the payment required, OWNER/PURCHASER will be liable for all costs of collection, including reasonable attorneys' fees, and a delinquency charge on the balance at the maximum rates allowed by law. If OWNER/PURCHASER is an organization as defined by the Wis. Statute. Section 421.301 (28), the delinquency Charge rate shall be 1.5% per month (18%APR) plus all costs of collection, including reasonable attorneys' fees. CONTRACTOR retains title to all merchandise covered by the Agreement until full payment is received according to the above terms of sale. The reference to attorney fees is inapplicable if this is a consumer transaction.

INDIVIDUAL LIABILITY

The undersigned OWNER/PURCHASER or agent of OWNER/PURCHASER agrees to be individually liable for all the terms of the Agreement, regardless of whether he or she signs individually or as an agent for any other individual, partnership or corporation.

If this proposal indicates prevailing wage rates are not incorporated and in the event Scott Construction is awarded this project based on this proposal and it is later determined that Prevailing Wage Rates apply to this project, the owner agrees to pay Scott Construction any difference between the wage rate applied by Scott Construction in preparing this proposal and the actual Prevailing Wage Rate imposed in accordance with Wisconsin's Prevailing Wage Rate Law, Section 66.0903 of the Wisconsin Statutes.

SCOTT
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