

VILLAGE OF GRAFTON

BOARD OF PUBLIC WORKS MEETING MINUTES

MONDAY, DECEMBER 13, 2021

*Amended

The Board of Public Works meeting was called to order at 6:00 p.m. by Chair Tom Krueger.

Board members present: Trustee Tom Krueger, Trustee Dan Delorit, Trustee Lisa Uribe-Harbeck, Pat Murray and Les Blum.

Staff present: Director of Public Works/Village Engineer Amber Thomas, Superintendent of Public Works Jake Arndt, Assistant Utility Director/Engineer Brecken Gries, Field Operations Coordinator Dan Fisher, and Administrative Assistant Melissa Depies.

Others present: Trustee Jim Miller, Randal Grabczyk, Bonnie McComb, Town of Grafton Chairman Lester Bartelt, and Town of Grafton Engineer Kevin Kimmes.

HEAR PERSONS REQUESTING TO BE HEARD

None

MINUTES

Pat Murray noted on page 2; paragraph 7 there is a misspelled word. "Mr. Bourne ~~opined~~ stated that in 2003..."

Motion by Trustee Delorit, seconded by Mr. Blum, to approve the October 11, 2021, Board of Public Works meeting minutes as corrected. Motion carried. Trustee Harbeck abstained.

WATER & WASTEWATER

Sanitary Backup Claim – 258 West Cedar Street

Director of Public Works/Village Engineer Amber Thomas stated that on August 7 into early morning hours of August 8, 2021 the Village experienced a 5.2 inches of rainfall in about a three hour period. Utility Staff and Public Works staff were in addressing any flooding issues. First call received about this property was about 9:00 AM on that Sunday morning. Ozaukee County dispatch call Field Operations Coordinator Dan Fisher regarding a concern with a backup at this property. The on call Field Operator, Jeff Schroeder, was called in. When Mr. Schroeder arrived at the property there was no answer at the door. He checked several manholes and all water appeared to be flowing normally with no issues. Follow up call from Grafton Police officers at about 12:45 p.m. on Sunday was received, again no answer at the door. Mr. Fisher contacted Mr. Grabczyk by cell phone to follow up and share that the Village did check the flow in the street and everything appeared normal.

A claim was filed with the Village Clerk. Village insurance denied the claim at the end of September because it was caused by precipitation which is outside the control of the Village. This property is located near the high end of a sanitary sewer line and about a block away from

the Audubon Avenue lift station. There are numerous homes that would have had to back up before this home and the Village has received no other complaints.

Trustee Krueger questioned if the street was flooded when our operator arrived on site. Not at 9:00 a.m.; however, there were some calls in the overnight hours about the street being flooded, but when DPW crews arrived the water had already cleared.

Trustee Krueger questioned if there were any high water marks visible on the manhole sidewall to insure that a surcharge did occur and help identify what caused the surcharge; was it high flows or totally due to inflow from street flooding. Trustee Krueger also questioned the maintenance practices of the sewer.

Field Operations Coordinator Fisher stated that he does not know if there were any high water marks; however, Field Operator Schroeder did check multiple manholes in the street and everything was running and flowing normally. The Village sewer jets/cleans the sanitary sewer in the entire Village every two years; therefore, that line would have been jetted/cleaned within the past two years.

Trustee Krueger questioned the sewer condition, noting that the street looks horrible. Director of Public Works/Village Engineer Thomas stated that the street has a storm sewer pipe that has floated which has caused some street issues.

Trustee Krueger questioned if the sanitary sewer had been televised in recent years and do we know the condition of the pipe.

Mr. Blum questioned if the lift station was running extra hours. Field Operations Coordinator Fisher replied that all pumps were running and it did take about an hour for everything to normalize after the rain had stopped. There was no overflow from the lift station; all equipment was able to keep up.

Trustee Harbeck questioned how far away the lift station was from this property. Director of Public Works/Village Engineer Thomas replied it is about one block.

Trustee Delorit questioned if the storm sewer condition could have caused some issues. Director Thomas stated that the storm sewer could have been at capacity causing the street flooding but that should not be connected to any house. Trustee Delorit questioned if that could overflow to the sanitary sewer. Trustee Krueger questioned if the pick holes in the manhole covers were sealed or plugged. Director Thomas reiterated that we did not have backups downstream from this property.

Trustee Krueger questioned Randy Grabczyk if there were ever any other sewer backups at this location. Mr. Grabczyk responded that he had one event about 15 years ago, but did not with raw sewage before.

Randy Grabczyk, 258 West Cedar Street, passed out photos and noted that his neighbor, Trula Cawley, 242 West Cedar Street, was the lowest spot on the block and the flood water was up to her front stoop.

Mr. Grabczyk, read a [prepared statement](#) to the board which is attached for reference.

Trustee Krueger questioned if the amount of the claim is a total of all the bills submitted. Mr. Grabczyk stated yes, the total is \$10,753.97 for restoration of all damages. Mr. Grabczyk reiterated that Trula Cawley had worse damage than he had and stated it was unfortunate that she was not willing to make a claim due to the fact that her son is employed by the Village.

Trustee Harbeck questioned if his basement was back to normal. Mr. Grabczyk stated that only the cleanup has been completed. To date he has spent \$6,000 out of pocket for Marathon to come in and complete the cleanup. The \$10,753.97 would cover everything and make him whole.

Trustee Harbeck stated that she went to the neighborhood today and spoke to several of the home owners. There were five homes (258, 250, 242, 249, and 241 W Cedar St) that experienced backups. Trustee Harbeck spoke with three of the five residents. Trustee Harbeck saw the damage at the Cawley residence, stating it was awful. This property has a partial finished basement. Drywall was missing, carpeting had been pulled up and removed, furniture is up on blocks, and she cannot afford to do anything about it.

Mrs. Cawley explained to Trustee Harbeck that when this happened she heard a loud explosion. When she went downstairs the cover from the drain was across the room and the things coming out of the drain were disgusting as it was sewage. Trustee Krueger questioned if she knew approximately what time that occurred. Mr. Grabczyk stated that it was around midnight. Trustee Krueger questioned what time staff arrived on site. Mr. Grabczyk stated that Mrs. Cawley called 911 which dispatched DPW crews for street flooding. Utility staff was called in the morning. Trustee Harbeck stated that Mrs. Cawley did not want to file a claim with the Village. It is not the first time she had a backup; therefore, she did have the special back up insurance.

Trustee Harbeck went on to explain that the property across the street, 241 West Cedar, stated that this is the third time they experience a backup since 2007. He indicated that he just does not call anymore because no one really helps him so he cleans it up himself and he also buys the special backup insurance.

250 West Cedar Street, stated that they have had two backups since 2012. She also has backup insurance.

These three property owners also had Marathon Cleaners complete the cleanup and the remaining two properties did the work themselves.

Discussion continued as to the possible cause of the backups, where the storm sewers drained to, overflow of the Bobolink Avenue and Highland Drive pond, sanitary sewer condition, and/or infiltration in the manholes.

Trustee Krueger questioned if the sewer had been televised. Field Operations Coordinator stated that he is unaware of any televising. Director Thomas stated that a televising company will be in the Village in the next week or so; the Utility will add this section of sewer to the list.

Director Thomas stated that current staff was unaware of any issues in this area. Past practice has been that staff records all backups so the Utility can identify when repair work needs to be completed.

Trustee Krueger questioned if the previous backups were included in the GIS information. Director Thomas stated that this information was not included in GIS. There is a spreadsheet showing areas of concern; however, this area was not on that report.

Trustee Harbeck questioned the Village's insurance coverage as the letter states that the claim was denied because the Village does not carry insurance to cover sewer backups. Trustee Krueger stated that an insurance carrier will deny a claim if the Village has done due diligence on sewer maintenance or for weather events which are out of our control. Assistant Utility Director/Engineer Gries stated that she spoke with the insurance company and they indicated that the backup was due to the five inches of rain the Village received; denying the claim as an act of nature.

There was continued discussion as to infiltration from the flooding of the road and possible causes of the backup.

Trustee Krueger stated that the Village is not denying the claim at this time; however, staff is going to work on getting additional information. Director Thomas stated the Utility will get televising completed and inspect the manholes and bring additional information to the January meeting.

1470 Falls Road Driveway Repairs

Director Thomas explained that this issue dates back to 2016 when the Village and Town completed improvements to Falls Road. The property owner claims that their vehicles are bottoming out and scraping the road due to the steepness of his driveway.

This item has been discussed at several Board of Public Works meetings. At the April 10, 2017 meeting the discussion entailed that if any portion of the costs to replace this driveway were paid by the Village, an agreement would be needed releasing the Village from liability for any future work. At that time the Village cost share of the repairs was \$4,235. Property owner did not sign the agreement.

Town Chairman Lester Bartelt stated that this has been an on-going issue and thanked the Village for considering the matter again.

Kevin Kimmes, Town Engineer, explained that the conversation with this resident back in 2015 was horrible. Discussion with the previous Village Engineer did not go well, he wanted to provide a driveway that was at a 26 percent grade. The resident was not in agreement with this and arguments ensued. The resident built retaining walls just to get where we are today, which is still unacceptable.

Mr. Kimmes stated that the property owner would not sign an agreement because he did not know what he was agreeing to. He was not shown any plans and was only given a verbal description on what the resolution would be.

The driveway was steeper than normal design prior to the road project and then the project made the driveway even steeper. The Town has engineered what needs to be done to make this driveway acceptable. To get the driveway to standards the retaining walls will need to be taken down and the driveway poured at a better grade. This work would be done using Ozaukee County Highway Department crews and Pushing Perfection Concrete and Construction, LLC. It is believed that this work can be completed for \$21,965. The total Village cost would be \$10,982.50.

Mr. Kimmes stated that the resident still has not stated that he will sign off and not complain again; however, in his opinion he believes this will resolve the matter.

Trustee Harbeck questioned if the retaining walls are somehow hampering this. Mr. Kimmes, did not think the retaining wall were an issue with the slope, they are a hindrance with the views. He believed that the retaining walls are so high in an effort to save the trees. The wall should be lowered and adjusted with the project.

Town Chairman Bartelt stated that the Town would also like the agreement signed before any work is agreed to. The property owner has stated that what is being proposed is acceptable. The Town will not be asking the Village to share in the cost for the engineering work done on this project.

Trustee Krueger questioned if the property owner seems willing to sign off on this project. Chairman Bartelt stated that he does appear to be in agreement and if he does not sign the agreement this time the Town will also walk away from the project. Chairman Bartelt stated that he believes we have the best possible resolution at a reasonable cost.

Raising the road was considered; however, there is no good way to do that as it would impact water drainage and snow plowing.

Motion by Trustee Delorit, seconded by Trustee Harbeck, to recommend the Village Board pay 50 percent of the project cost not to exceed \$10,982.50 for driveway repairs at 1470 Falls Road, contingent on legal approval and the property owner signing a release agreement. Motion carried unanimously.

Ordinance Updating Section 12.08.080 Basis for Sewage Service Charges

Director Thomas explained that the existing ordinance states that requests to install additional (deduct) meters must be made in writing to the approving authority. The ordinance change removes the requirement for the request to be in writing and is more in line with what current practice is.

Trustee Delorit requested the changes in green.

Trustee Krueger requested the changes in blue.

Deduct meters. If ~~a person~~ the property owner feels that a significant amount of metered water does not reach the sanitary sewer, they can at their own expense, ~~with approval of the approving authority,~~ request installation of such an additional meters or metered services as are is necessary to calculate meter the volume of water not discharged to the sanitary sewer. The water meters shall be furnished by the Water Utility and installed

under its supervision, all costs being at the expense of the person requiring property owner requesting the meter. The Water Utility will charge a deduct meter flat charge set by the Water Utility to compensate for the cost of furnishing and servicing the meter. A rental deduct meter charge shall be billed at the time the sewer service charge is billed.

Metered water not discharged to the sanitary sewers shall not be subject to sewer usage service charges. ~~Requests to install additional meters must be made in writing to the approving authority.~~

Motion by Mr. Murray, seconded by Mr. Blum, to recommend the Village Board adopt Ordinance XXX, Series 2021 amending section 12.08.080.C – Sewer Use and Sewer Service Charges / Basis for Sewage Service Charges of the Municipal Code as amended. Motion carried unanimously.

Headworks Change Order #3

Director Thomas stated that Change Order 3 was discussed at the May and June 2021 Board of Public Works meetings.

The Change Order includes five items:

- Item 1: COR005 Grit Pump and Piping (Credit of \$11,988.79)
- Item 2: COR006 Galvanized Rigid Conduit Change (Credit of \$2,074.04)
- Item 3: COR008 Monorail Beam Modifications (Cost of \$499.45)
- Item 4: COR011 Truss Modifications (Cost of \$10,645.79)
- Item 5: COR012 Waterproofing (Credit of \$4,000)

These changes include both credits and additional charges, with a net savings of \$6,917.59.

Director Thomas stated that previous discussions related to concerns were regarding design and costs associated with the monorail beam and truss modifications; were these Village cost modifications or does the responsibility lie with either the design engineer or the contractor. Staff and MSA has spent much time trying to get a full understanding of why the modifications were needed and what events happened between last fall when the changes were made to now and where responsibility lies.

In general MSA stated that this project was bid as a lump sum project, which is typical for this type of project. The mono rail and truss systems are systems designed by the Village's engineer (MSA) but are also manufacturer specific. MSA's stance was that they did not want to over design or lock the bidders into a specific manufacturer giving the contractor little leeway and negatively affecting the bid process. MSA did offer up some cost toward these issues.

Trustee Krueger added that they are not assuming any liability or responsibility for the extra cost; however, in good faith they are willing to contribute something to maintain a good relationship with the Village. The engineering involved for these extra items was also donated by MSA at the cost of \$6,600.

Mr. Blum argued that MSA did not do their job. The issue with the change is between the engineer and contractor. It is not a Village issue.

Director Thomas stated that MSA offered \$2,500 toward these costs. The change order results in a credit to the Village this would make the credit larger.

Director Thomas stated it is difficult because previous staff that agreed to these changes are no longer with the Village. Mr. Blum stated that MSA sold these changes as an upgrade due to the mistakes they made in design.

Director Thomas stated that we can approve the three items we agree to and deny the remaining two.

Motion by Trustee Harbeck, seconded by Mr. Blum, to recommend the Village Board approve Change Order 3 to include Item 1: COR005 Grit Pump and Piping (Credit of \$11,988.79), Item 2: COR006 Galvanized Rigid Conduit Change (Credit of \$2,074.04), and Item 5: COR012 Waterproofing (Credit of \$4,000) for a total credit to the Headworks project of \$18,062.83. Motion carried 4-1 (Krueger – Nay).

Utility Projects Update

Assistant Utility Director/Engineer Brecken Gries gave a brief update on projects:

WWTP Chemical Feed Systems Design Upgrade: Final stages of design, meeting Wednesday to go over the two coagulant tanks that will be added in place of the one that is there.

Water System Master Plan Update: Comments have been sent back to Baxter Woodman, plan should be finalized soon.

Bridge Street LS Tributary Area I/I Study: Discussion with MSA to pull the flow meters due to lack of data; low rain events since the meters were installed. The Utility is obtaining a cost to pull the meters and reinstall the in the spring to get data with snow melt and spring rains.

AWWA Risk & Resilience Assessment: Trustee Krueger stated that we completed the Risk & Resilience Assessment however there is also a requirement to update our Emergency Response Plan, when was the last time we updated that. Assistant Director Gries stated that the Utility is working with Baxter Woodman on that as well and are now going through final edits.

WWTP Headworks Upgrade Project: There are punch list items remaining; most items are waiting for parts. Cost breakdown was included. Mr. Blum wanted to know the total overall cost of the project was. Director Thomas stated that all engineering cost paid to MSA totals \$882,000 for design and construction engineering. An updated spreadsheet will be provided in January.

WWTP MCC Replacement Design Services: Working with MSA on design, working on staging and some finishes that need to be planned.

Green Bay Road Lift Station Tributary Area Rehab: Backflow preventers have been installed, manhole rehabilitation work is complete. A few chimney seals still need to be completed. The jetting and televising has been done in the area and they will begin relining the week of

December 20. Mr. Blum requested the total length of pipe in this area and the total length being relined. Assistant Director Gries will follow up with that information.

WISDOT I-43 Construction – From Milwaukee County to STH 60: Assistant Director Gries stated she attends all meeting; however, they have not yet mentioned the Grafton area. They are not this far north in the project yet.

Trustee Harbeck questioned if \$300,000 is still a good estimate for the Chemical Feed System Design Upgrade. Assistant Director Gries stated that the City of Cedarburg did a similar project and only received one bid and the project went for almost \$450,000. Not only was the bid not that competitive they had trouble getting people to come and do the work. Trustee Krueger questioned if the Utility would be hiring a consultant to take us through the bidding process. Director Thomas responded that bidding services are included in Symbionts contract. This is the first part of our five year adaptive management plan, and if lack of bids or high prices become an issue we could wait until 2023 to try again.

Report of Benchmark Measurements – Water & Wastewater

Assistant Utility Director Gries reviewed the benchmark report:

- ✓ Completed a water main repair on First Avenue next to an old repair
- ✓ Completed a lateral repair at the curb stop in a driveway on Bobolink Avenue

PUBLIC WORKS

Adopt Resolution Accepting and Dedicating Improvements-River Bend Meadows-Phase I

Director Thomas stated that this Resolution accepts River Bend Road from the Town Limits to Port Washington Road. All Utilities are in and the final surface of asphalt was completed early this fall. Most street trees are in and there are no major concerns.

This resolution will also trigger payment that the Village owes the developer for upsizing the water mains from the standard 8” to 12”, costs associated with roadway widening for River Bend Road, shared costs for Stormwater pond work, and costs associated with extra sanitary sewer depth to accommodate adjacent neighborhoods.

Trustee Krueger recommended that the Resolution include the language for the fees due back to the developer.

Trustee Harbeck questioned who paid for the sanitary sewer, storm sewer, and water main. Director Thomas stated these are costs of the developer; however, the Village pays for the oversizing and extra depth.

Trustee Krueger questioned whether all utilities were fully inspected. Director Thomas stated that all utilities were inspected. There were blow off valves at the end of the subdivision; however they were not enough to circulate the water therefore a temporary hydrants have now been installed.

Motion by Mr. Blum, seconded by Mr. Murray, to recommend the Village Board adopt Resolution XXX, Series 2021 accepting and dedicating sanitary sewer, water main, storm sewer, curb and gutter, sidewalk, and roadway of the final plat of River Bend Meadows Subdivision Phase I, Village of Grafton, Ozaukee County, Wisconsin.

Motion carried unanimously.

Resolution Authorizing the Lease-Purchase Agreement and Escrow Agreement – Street Sweeper

Director Thomas explained that the Village will be leasing a Johnston V65 Street Sweeper through Leasing 2.

Trustee Delorit questioned if this was a lease to purchase. Director Thomas confirmed.

Mr. Blum thought there should be a better way to purchase this piece of equipment without doing a lease. It was his opinion that interest rates are so low that a loan would be more cost effective.

Trustee Harbeck questioned how long this type of equipment usually lasts. Superintendent of Public Works Jake Arndt stated 15 years.

Director Thomas stated that we are only approving the Resolution that will allow the lease. We are not approving the lease at this time.

Motion by Trustee Delorit, seconded by Mr. Murray, to recommend the Village Board adopt Resolution XXX, series 2021, Authorizing the Lease-Purchase Agreement and Escrow Agreement. Motion carried unanimously.

Report of Benchmark Measurements-Public Works

Superintendent Arndt reviewed the benchmark report:

- ✓ Crews completed a fall tree planting. Planting an additional 89 street trees.
- ✓ Stumps were removed from the golf course.
- ✓ Completed curbside leaf collection
- ✓ Working on winter cleanup of the parks and playgrounds
- ✓ Potholes are starting to appear, crews are filling them as they are reported
- ✓ Continuing with street sweeping as long as the weather permits
- ✓ Preparing equipment for winter weather

Trustee Delorit questioned how accurate our recycling percentages are and how much recycling was being thrown away due to all the issues with the contractor. Trustee Krueger questioned if the Village will lose out on state shared revenues due to lower percentages.

Director Thomas stated there is not a true way to know that information. She also explained that the Village has not paid Waste Management since March. The Village owes Waste Management over \$300,000 and is currently working with Attorney Herbrand to resolve the issues.

DIRECTOR'S UPDATE

UWM Assessment of WWTP – efficiency study:

Assistant Director Gries explained that the University of Wisconsin-Milwaukee Industrial Assessment Center funded by the U.S. Department of Energy, offers free evaluations to wastewater treatment plants to help them reduce waste and improve energy efficiency. UWM's Center students have completed more than 600 similar assessments and estimates

that those businesses saved an estimated 20% on their energy bills. The assessment entails a zoom technical meeting and a one day on-site field assessment followed with a report of findings with suggested improvements detailing potential energy savings to our wastewater treatment plant. Industrial Assessment Center does follow up about 9 months later to see if improvements were made and the associated impacts of the changes document for use on other surveys. A meeting with center students to verify that our facility qualifies for the program and to get an overview of the assessment process took place on December 2. A tentative assessment date has been set for January 14 for the students to conduct the on-site walkthrough and meet with utility staff.

Update on Lime Kiln Landfill/West Plume Environmental Work: Director Thomas stated that a full report from consultant will be provided early next year.

The Village was allowed to reduce to bi-annual sampling this year; however, the Village was also requested to find other historical information for 2076 First Avenue, currently Waukesha Metals. Previously that location was Milwaukee Sign and was the source of the west plume contamination; therefore, DNR wanted us to look into further environmental study there. We have reached out to the current owner of Waukesha Metal and they found that a phase I environmental study was completed. Requests now go into vapor intrusion.

An environmental lawyer previously worked with the Village on a settlement agreement with Milwaukee Sign. As part of that settlement agreement the Village received \$400,000 for the environmental work with the agreement that the Village will be the owner and responsible party for any additional work requested.

Mr. Blum questioned where we were at with the licensed operator at the plant. Assistant Director Gries replied that she completed another test last Thursday and has three more to complete to be fully waste water certificated. Field Operations Coordinator Fisher has upgraded his license to grade 1 for the water system and is now the water Operator-in-Charge.

Trustee Krueger questioned the status of the imperfections of the resurfacing project in Blackhawk Valley. Director Thomas stated they completed a walk through and found approximately 20 spot repairs that need to be made. The project area will be re-inspected again in the spring. Trustee Delorit questioned if this will be the same company that will do the project in 2022. Director Thomas stated that we had two companies bid on the project in 2021 and the bids were extremely close, this will be considered when recommending bid award in 2022.

Trustee Miller thanked Mrs. Depies for all her work with the Village, wished her well in her new job endeavors and congratulated her on being a grandma. All trustees commented and congratulated Mrs. Depies on the new job.

ADJOURN

Motion by Trustee Harbeck, seconded by Trustee Delorit, to adjourn the meeting at 8:00 p.m. Motion carried unanimously.