



Board of Public Works MEETING AGENDA

September 18, 2023 - 4:30 PM
Council Chambers
3805 S. Casper Dr.

Posted 9/14/2023

AGENDA

1. **PRIVILEGE OF THE FLOOR**
2. **CALL TO ORDER**
3. **ROLL CALL; DECLARATION OF QUORUM; PUBLIC NOTICE**
4. **APPROVAL OF MINUTES**
 - A. June 19, 2023 Board of Public Works Meeting Minutes
5. **NEW BUSINESS**
 - A. ITEM 09-23 Recommend to Common Council the Approval of the State/Municipal Agreement for STH 59 (Greenfield Ave.) from Brookfield Rd. to 124th St.
6. **UPDATES**
 - A. RD-20-04 Small Road
 - B. RD-21-05 Lincoln Ave
 - C. RD-23-01 Roadway Rehabilitation
7. **ADJOURN**

Supplemental Information:

- The meeting agenda and agenda packet are available online at www.NewBerlin.org. The minutes are published online and are approved at the next regularly scheduled meeting.
- It is possible that action will be taken on any of the items on the agenda and that the agenda may be discussed in any order.
- You may provide comments to the City Clerk via email at CitizenComments@NewBerlin.org. Comments will be forwarded to the Mayor and members of the governing body. Emailed comments are not read during the meeting.
- The City of New Berlin strives to host inclusive, accessible meetings that enable all individuals to engage and participate fully. Any person who has a qualifying disability under the Americans with Disabilities Act that requires that the meeting be accessible, please contact City Clerk Rubina R. Medina at (262) 786-8610 or via email at CityClerk@NewBerlinWI.gov at least 48 hours before the scheduled meeting time. Efforts will be made to accommodate the needs of disabled individuals through appropriate aids and/or services.
- It is also possible that members of and possibly a quorum of other governmental bodies of the municipality may be in attendance at the above-stated meeting to gather information; no action will be taken by any governmental body at the above-stated meeting other than the governmental body specifically referred to in the above notice.



Board of Public Works MEETING MINUTES

June 19, 2023 - 4:30 PM
Council Chambers
3805 S. Casper Dr.

Please note: Minutes are unofficial until approved at the next regular scheduled meeting.

MINUTES

1. PRIVILEGE OF THE FLOOR

2. CALL TO ORDER

Mayor Ament called the meeting to order at 4:31 PM.

3. ROLL CALL; DECLARATION OF QUORUM; PUBLIC NOTICE

Sarah Holtz took the roll call as follows:

Present: Board Member Seidl, Mayor Ament, Alderperson Maxey, Alderperson Hopkins

Excused: Alderperson Horbinski

Staff Present: City Engineer Tammy Simonson, Assistant City Engineer Lucas Pichler, City Clerk Administrative Specialist Sarah Holtz

A quorum was established and the meeting was properly noticed.

4. APPROVAL OF MINUTES

A. May 15, 2023 Meeting Minutes

MOTION: Motion to approve

VOTE: Motion by: Alderperson Maxey
Second by: Commissioner Seidl
Motion passed 4-0

5. NEW BUSINESS

A. ITEM 07-23 Approval of the amended construction contract with Stark Pavement Corp to include the scope of work listed in Change Order #1

At the April 10, 2023 BPW meeting, the City approved the construction contract for the 2023 LRIP Roadway Rehabilitation Project with Stark Pavement Corp for a contract price of \$2,226,250.80. With

inspection and contingencies, the approved total project cost is \$2,500,000. The approved budget for this project is \$3,000,000. Due to favorable bids received, the City has the ability to add to the scope of work for this project. The cost of this change order exceeds the originally approved contingency amount, and therefore requires Board of Public Works approval.

Summary of additional work under Change Order 1:

1. Resurface Magellan Dr from Radisson Dr to Marquette Dr, and Piccard Ct from Termini to Magellan Dr (0.39 mi). (\$116,047.50)
2. Install a portion of concrete pavement on Observatory Rd due to a gas pipeline crossing. ANR Pipeline is limiting the City's ability to use vibratory compaction equipment near the pipeline infrastructure. The City has concerns about the durability of asphalt pavement without achieving the appropriate compaction requirements, and is advising to use concrete pavement over the pipeline crossing. (\$51,685.85)
3. Installation of six additional parking stalls at the Historic Park Museum. The City's DPW will perform all excavation and prepare the area for paving, and the City's contractor will finish grade, pave, and complete pavement marking. (\$15,915.40)

MOTION: Motion to approve

VOTE: Motion by: Alderperson Maxey
Second by: Commissioner Seidl
Motion passed 4-0

- B.** ITEM 08-23 Approval of the Development Agreement with Ryan Janssen of Ryan's Buying, LLC. for the Autumn Trace Subdivision

Approval of the Development Agreement for Ryan Janssen of Ryan's Buying, LLC., for a proposed subdivision development on the property located at 4908 S. Calhoun Road subject to final review as to form by the City Attorney and final plans on file.

1. General:

a. Applicant shall have an approved Development Agreement prior to issuance of Building Permits. The Development Agreement shall be recorded at the Waukesha County Register of Deeds.

b. Public infrastructure improvements include:

(1) Roadway improvements on Calhoun Road including acceleration/deceleration tapers and a bypass lane at the access point. A new public roadway will be constructed with a permanent cul-du-sac for the development.

(2) Stormwater management includes wet ponds constructed within the development. A Stormwater Management Plan Agreement meeting the requirements of Zoning Code 275-55.1 between the Developer and the City will be recorded.

MOTION: Motion to approve

VOTE: Motion by: Alderperson Hopkins
Second by: Alderperson Maxey
Motion passed 4-0

6. UPDATES

- A.** RD-20-04 Small Road

Assistant City Engineer Lucas Pichler provided an update regarding the Small Road project. He stated that the stormsewers were currently being worked on and this project is on schedule.

- B.** RD-21-05 Lincoln Avenue

Assistant City Engineer Lucas Pichler provided an update on the Lincoln Avenue project. He stated that crews are currently working on the traffic signals at Lincoln Avenue and Calhoun Road. This project is currently running about 2 weeks ahead of schedule and will possibly be finished by the beginning of September.

- C.** RD-23-01 Roadway Rehabilitation

Assistant City Engineer Lucas Pichler provided an update on the Roadway Rehabilitation. Concrete patch work is currently being done on Observatory Road. Surface paving is slated to begin on June 25th or 26th.

D. RD-23-02 Roadway Maintenance

Assistant City Engineer Lucas Pichler provided a brief update regarding the road maintenance projects taking place. The maintenance work will take place in various areas around the city.

E. 2722-07-02 CTH O (Moorland Rd.)

City Engineer Tammy Simonson provided an update on the Moorland Road project. This project is currently in Phase 1. Because this is a county project, residents are encouraged to utilize the Waukesha County website for further information and/or updates on this project. The link directly to the Moorland Road project is: <https://www.waukeshacounty.gov/DPW/ENG/MoorlandRd-ItoES/>

There will be another public involvement meeting in mid July (date TBD), which residents can attend.

7. ADJOURN

MOTION: Motion to adjourn at 4:52 PM

VOTE: Motion by: Commissioner Seidl
Second by: Alderperson Hopkins
Motion passed 4-0

*Respectfully Submitted,
Sarah Holtz, City Clerk Administrative Specialist*

STAFF REPORT

EXECUTIVE SUMMARY

APPLICANT: City of New Berlin

PROJECT: STH 59 (Greenfield Ave.)

LOCATIONS: Brookfield Rd. to 124th St.

REQUEST: Approval of the State/Municipal Agreement for Pavement replacement on STH 59 (Greenfield Ave.) from Brookfield Rd. to 124th St.

D.C.D. RECOMMENDATION: Recommend to the Common Council the approval of the State/Municipal Agreement for the Pavement Replacement project funding in an amount of \$572,500, which is 12.5% municipal funding cost share.

DETAILS IN ATTACHED STAFF REPORT

1. In December of 2000, The City of New Berlin signed a Connecting Highway Agreement with the Wisconsin Department of Transportation for STH 59 from 124th St. to Georges Ave. This agreement transfers maintenance responsibility to the City for the southern portion of STH 59 as allowed by Section 86.32(1) of the Wisconsin State Statute. The City of Brookfield is responsible for the northern portion of STH 59.
2. In April of 2009, the City of New Berlin signed a Connecting Highway Agreement with the Wisconsin Department of Transportation for STH 59 from Georges Ave. to Norwood Dr./Brookfield Rd. upon completion of the roadway expansion project.
3. On May 17, 2023, the Wisconsin Department of Transportation (WisDOT) officially notified the City of New Berlin that a design project for the pavement replacement has been approved for project scoping and design of which the City of New Berlin and Brookfield would be responsible for 25% of the design costs split 50/50.
4. The existing pavement is starting to show signs of distress. With construction planned in 2029, the pavement would be almost 30 years old and reaching the end of its life cycle.
5. The proposed improvement is to replace the pavement at full depth, make curb and gutter repairs as necessary, Stormwater infrastructure improvements as necessary, and other appurtenances needed for the 4.09 mile section of STH 59.
6. The total design, real estate and construction cost of the roadway is estimated at \$34,120,000, of which the Federal/State funds would cover 75% of the design, 100% of the real estate, and 100% of the participating construction costs. Any non-participating construction costs would be 100% City funded. (ie. Lights, parking lanes, City owned utility improvement, etc.).

CITY OF NEW BERLIN
DEPARTMENT OF COMMUNITY DEVELOPMENT
BOARD OF PUBLIC WORKS STAFF REPORT

Meeting of September 18th, 2023

SMA for STH 59 – Brookfield Rd. to 124th St.

DATE STAFF REPORT CREATED: September 13, 2023

APPLICANT: City of New Berlin

REQUEST / DESCRIPTION OF PROJECT:

DESIGN CONSULTANT: WisDOT.

FISCAL IMPACT:

Design Costs
\$3,375,000 Federal/State Funds (75%)
\$ 562,500 Brookfield Municipal Funds (12.5%)
\$ 562,500 New Berlin Municipal Funds (12.5%)
\$4,500,000 Total Design Cost

Real Estate Costs
\$ 600,000 Federal/State Funds (100%)

Construction Costs
\$29,000,000 Federal/State Funds (100% Participating costs)
\$ 10,000 Brookfield Municipal Funds (100% Non-Participating Costs)
\$ 10,000 New Berlin Municipal Funds (100% Non-Participating Costs)
\$29,020,000 Total Construction Cost

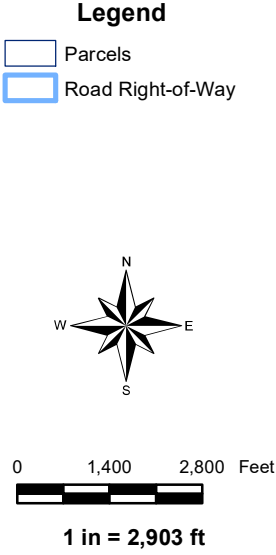
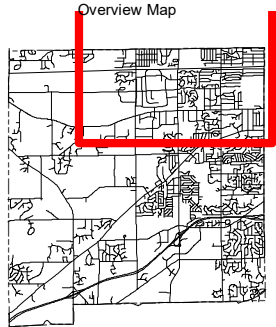
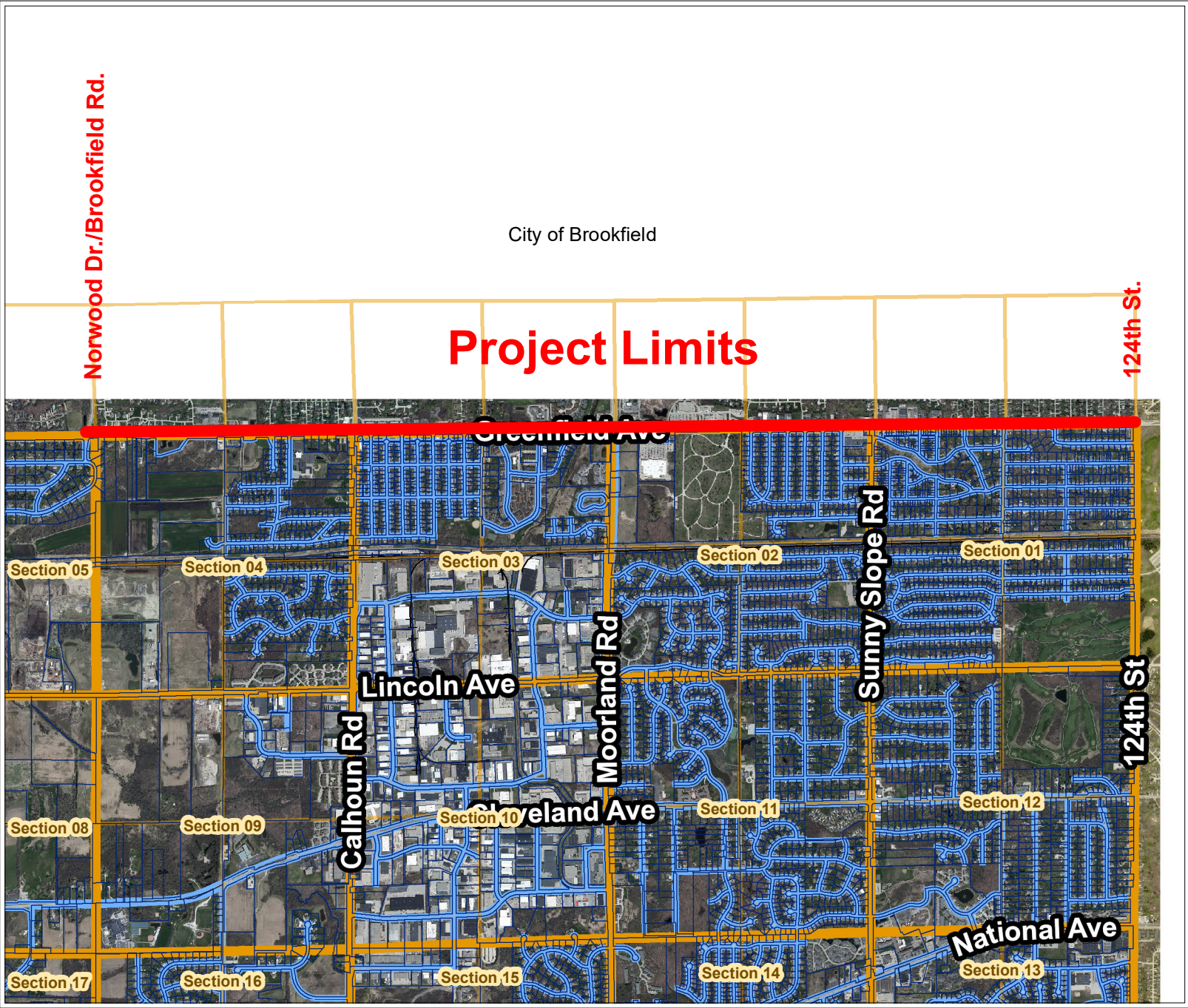
SOURCE OF FUNDS: 2024 CIP Budget Request

BACKGROUND INFORMATION: Copies of the Connecting Highway Agreements are available upon request from the Engineering Department.

D.C.D. RECOMMENDATION: Recommend to the Common Council the approval of the State/Municipal Agreement for the Pavement Replacement project funding in an amount of \$572,500, which is 12.5% municipal funding cost share.

Attachments: State/Municipal Agreement for State-Let Highway Project
Location Map

LOCATION MAP



City of New Berlin
Department of Community Development
3805 S Casper Drive, New Berlin WI 53151
(262) 797-2445 www.newberlin.org

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Map Printed: 9/13/2023 4:55:37 PM



**STATE/MUNICIPAL FINANCIAL
AGREEMENT FOR A STATE- LET
HIGHWAY PROJECT**

Date: May 15, 2023
 I.D.: 2230-15-02/23/72
 Road Name: STH 059
 Title: C NEW BERLIN/BRKFLD, GREENFIELD AVE
 Limits: S BROOKFIELD RD TO 124TH ST
 County: Waukesha
 Roadway Length: 4.09 miles

The signatory **City of New Berlin**, hereinafter called the Municipality, through its undersigned duly authorized officers or officials, hereby requests the State of Wisconsin Department of Transportation, hereinafter called the State, to initiate and affect the highway or street improvement hereinafter described.

The authority for the Municipality to enter into this agreement with the State is provided by Section 86.25(1), (2), and (3) of the Statutes.

NEEDS AND ESTIMATE SUMMARY:

Existing Facility - Describe and give reason for request: Improvement of a connecting highway

Proposed Improvement - Nature of work: As determined by project scoping.

Describe non-participating work included in the project and other work necessary to finish the project completely which will be undertaken independently by the municipality: A nominal amount is included to cover items in paragraph 4 (to be adjusted in the final plan).

TABLE 1: SUMMARY OF COSTS

Phase	Total Est. Cost	Federal/State Funds	%	Brookfield Funds	% *	New Berlin Funds	% *
Preliminary Engineering: Plan Development	\$ 4,500,000	\$ 3,375,000	75%	\$ 562,500	12.5%	\$ 562,500	12.5%
Real Estate Acquisition: Acquisition	\$ 600,000	\$ 600,000	100%	\$ -	0%	\$ -	0%
Compensable Utilities	\$ -	\$ -	0%		100%	\$ -	100%
Construction: Participating	\$ 29,000,000	\$ 29,000,000	100%		0%	\$ -	0%
Non-Participating	\$ 20,000	\$ -	0%	\$ 10,000	100%	\$ 10,000	100%
Total Cost Distribution	\$ 34,120,000	\$ 32,975,000		\$ 572,500		\$ 572,500	

1 Estimates include construction engineering

This request shall constitute agreement between the Municipality and the State; is subject to the terms and

conditions that follow (pages [2] – [4]); is made by the undersigned under proper authority to make such request for the designated Municipality, upon signature by the State, and delivery to the Municipality. The initiation and accomplishment of the improvement will be subject to the applicable federal and state regulations. No term or provision of neither the State/Municipal Financial Agreement nor any of its attachments may be changed, waived or terminated orally but only by an instrument in writing executed by both parties to the State/Municipal Financial Agreement.

Signed for and in behalf of the City of New Berlin (please sign in blue ink)	
Name (print)	Title
Signature	Date
Signed for and in behalf of the State (please sign in blue ink)	
Name Tony Barth	Title WisDOT SERegion Planning Chief
Signature	Date

TERMS AND CONDITIONS:

1. The Municipality shall pay to the State all costs incurred by the State in connection with the improvement which exceeds federal/state financing commitments or are ineligible for federal/state financing. Local participation shall be limited to the items and percentages set forth in the Summary of Costs table, which shows Municipal funding participation. In order to guarantee the Municipality's foregoing agreements to pay the State, the Municipality, through its above duly authorized officers or officials, agrees and authorizes the State to set off and withhold the required reimbursement amount as determined by the State from General Transportation Aids or any moneys otherwise due and payable by the State to the Municipality.
2. Funding of each project phase is subject to inclusion in an approved program and per the State's Facility Development Manual (FDM) standards. Federal aid and/or state transportation fund financing will be limited to participation in the costs of the following items as specified in the Summary of Costs:
 - (a) Design engineering and state review services.
 - (b) Real Estate necessitated for the improvement.
 - (c) Compensable utility adjustment and railroad force work necessitated for the project.
 - (d) The grading, base, pavement, curb and gutter, and structure costs to State standards, excluding the cost of parking areas.
 - (e) Storm sewer mains, culverts, laterals, manholes, inlets, catch basins, and connections for surface water drainage of the improvement; including replacement and/or adjustments of existing storm sewer manhole covers and inlet grates as needed.
 - (f) Construction engineering incidental to inspection and supervision of actual construction work, except for inspection, staking, and testing of sanitary sewer and water main.
 - (g) Signing and pavement marking necessitated for the safe and efficient flow of traffic, including detour routes.
 - (h) Replacement of existing sidewalks necessitated by construction and construction of new sidewalk at the

time of construction. Sidewalk is considered to be new if it's constructed in a location where it has not existed before.

- (i) Replacement of existing driveways, in kind, necessitated by the project.
 - (j) New installations or alteration resulting from roadway construction of standard State street lighting and traffic signals or devices. Alteration may include salvaging and replacement of existing components.
3. Work necessary to complete the improvement to be financed entirely by the Municipality or other utility or facility owner includes the following items:
- (a) New installations of or alteration of sanitary sewers and connections, water, gas, electric, telephone, telegraph, fire or police alarm facilities, parking meters, and similar utilities.
 - (b) New installation or alteration of signs not necessary for the safe and efficient flow of traffic.
 - (c) Roadway and bridge width in excess of standards.
 - (d) Construction inspection, staking, and material testing and acceptance for construction of sanitary sewer and water main.
 - (e) Provide complete plans, specifications, and estimates for sanitary sewer and water main work. The Municipality assumes full responsibility for the design, installation, inspection, testing, and operation of the sanitary sewer and water system. This relieves the State and all of its employees from the liability for all suits, actions, or claims resulting from the sanitary sewer and water system construction.
 - (f) Parking lane costs.
 - (g) This line intentionally left blank
 - (h) Damages to abutting property due to change in street or sidewalk widths, grades, or drainage.
 - (i) Conditioning, if required, and maintenance of detour routes.
 - (j) Repair of damages to roads or streets caused by reason of their use in hauling materials incidental to the improvement.
4. As the work progresses, the Municipality will be billed for work completed which is not chargeable to federal/state funds. Upon completion of the project, a final audit will be made to determine the final division of costs.
5. If the Municipality should withdraw the project, it shall reimburse the State for any costs incurred by the State in behalf of the project.
6. The work will be administered by the State and may include items not eligible for federal/state participation.
7. The Municipality shall assume general responsibility for all public information and public relations for the project and to make a fitting announcement to the press and such outlets as would generally alert the affected property owners and the community of the nature, extent, and timing of the project and arrangements for handling traffic within and around the projects.
8. Basis for local participation:
- (a) Funding for preliminary engineering for a connecting highway 75% State, 12.5% Brookfield, 12.5% New Berlin based on the Department's policy for connecting highways.
 - (b) Funding for real estate required for standard roadway construction, 100% State
 - (c) Funding for compensable utilities required for standard roadway construction, 100% Municipal.

(d) Funding for construction of standard roadway items – 100% State.

(e) Funding for non-participating items 100% Municipality.

Comments and Clarification: This agreement is an active agreement that may need to be amended as the project is designed. It is understood that these amendments may be needed as some issues have not been fully evaluated or resolved. The purpose of this agreement is to specify the local and state involvement in funding the project. A signed agreement is required before the State will prepare or participate in the preparation of detailed designs, acquire right-of-way, or participate in construction of a project that merits local involvement.