



# Public Works Committee Meeting

Cravath Lakefront Room, 2nd floor

312 W. Whitewater St.

Whitewater, WI, 53190

\*In Person and Virtual

Tuesday, June 11, 2024 - 6:00 PM

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## MINUTES

### CALL TO ORDER

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

### ROLL CALL

Present: Hicks, Majkrzak, Smith

Others: Marquardt

### ELECTION OF CHAIRPERSON/VICE CHAIRPERSON

Majkrzak nominated Hicks for Chairperson and seconded by Smith. There were no other nominations.

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

Majkrzak nominated Smith for Vice Chairperson and seconded by Hicks. There were no other nominations.

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

### SET DAY AND TIME FOR REGULARLY SCHEDULED MONTHLY MEETINGS

Marquardt stated the Public Works meetings have typically been scheduled for the second Tuesday of each month at 6:00 p.m. It was suggested by the members to continue the second Tuesday of each month, but change the meeting time to 5:00 p.m. Going forward, the meeting time will be the second Tuesday of each month at 5:00 p.m.

### APPROVAL OF MINUTES

1. Approval of minutes from April 9, 2024

It was moved by Majkrzak and seconded by Smith to approve the Public Works Committee minutes from April 9, 2024.

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

### HEARING OF CITIZEN COMMENTS

None

### NEW BUSINESS

#### 2. Discussion and Possible Action regarding removing stop sign on Pearson Court at Pearson Lane.

Marquardt stated he received a request from three residents living on Pearson Court asking if the stop sign could be switched to a yield sign. Pearson Court empties onto Pearson Lane. Pearson Lane is a dead-end street that serves the Taco Bell and Whitewater Cinema properties to the north of where Pearson Court intersects. The only vehicles going further south past the entrance to Taco Bell/Whitewater Cinema are going to Pearson Court.

Staff recommended a motion to approve the removal of the stop sign on Pearson Court and replacing it with a yield sign and direct staff to prepare an ordinance change for Council action.

It was moved by Majkrzak and seconded by Hicks to replace the stop sign on Pearson Court to a yield sign and direct staff to prepare an ordinance change for Council action.

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

### **3. Discussion and Possible Action regarding Water Tower Space/Lease Agreement with Netwurx, LLC.**

Marquardt stated Netwurx would like to place an antenna on the Southwest Water Tower located on Indian Mound Parkway. They have already obtained a Conditional Use Permit (CUP) from the Plan & Architectural Review Committee (PARC). The agreement mirrors an existing agreement the City has with Whitewater Wideband (Edge Broadband) on the Cravath Water Tower. Staff did ask for some changes which Netwurx did add, most notably, that Tenant will pay for costs not to exceed \$7,500 for review of plans, reports, or other documents.

PARC approved the CUP at their February 12, 2024 meeting.

The initial request from Netwurx was a rent payment of \$3,000 per year with a yearly increase of 4%. Staff informed Netwurx that Whitewater Wideband was currently paying \$8,103.66 in 2024 and is set to increase 3% next year. Netwurx revised their payment to \$7,000 per year with a yearly 4% increase. Documentation was included in the committee member's packets as to why Netwurx's was requesting a lower rent payment than Whitewater Wideband.

Dave, from Netwurx, was in attendance and spoke as to why he suggested the rental payment schedule. He stated when you are starting to gain business off a tower, you can justify the higher rent as you get customers to come onboard. Netwurx plans on being in Whitewater for a long time and therefore, the City will have plenty of opportunities to increase the rental payments. Dave stated right now there are not many customers available off the south west side of town as there are off the Cravath tower. This tower sees the business park and a lot of residential stuff. There is a lot more potential business to be gained. The tower on the west side of town seems to fit more of their purpose, which is rural broadband. Their goal is to pick up stuff that can't be picked up by a cable line. He stated Edge has done some fiber in the neighborhood out that way, but Netwurx would like to add it to their network in the end. There is also quite a big expense to build on the Indian Mound site. A road would have to be put in as well as power from the other side of the property all the way around to the east side of the property. He thinks WE-Energies will have Netwurx pay for an H-frame. However, it will be good for Netwurx if they can make it work in the end.

Marquardt stated Verizon is also looking at the west tower as well. They were at the PARC last night for their CUP. Marquardt stated they have been in discussions with them for at least a year and one-half. Dave, from Netwurx, asked if another tenant joined in the next year or so, could the cost of the road be split as part of their deal? Marquardt stated it is something he could look at if that were to happen.

Staff recommends a motion to approve the Water Tower Space/Lease Agreement with Netwurx in concept and forward to the full Council for discussion on the rent payment.

It was moved by Majkrzak and seconded by Hicks to approve the water tower space lease agreement with Netwurx concept and forward to full Council for discussion.

Hicks asked if Netwurx was providing as built drawings, to the City, once everything is complete? And then as part of the drawings, will an engineer review the installation to make sure it meets our warranty for the tank. Marquardt stated included as part of the agreement for \$7,500/year is the review of plans and documents.

Marquardt asked the committee if they see any reason to go into closed session, at the next Council meeting, to discuss the rent payment? The members were comfortable and Marquardt will not put it on the agenda as a closed session item. However, it will be an agenda item at the June 18, 2024, meeting at 6:30 p.m.

AYES: Smith, Majkrzak, Hicks. NOES: None. ABSENT: None.

#### **4. Discussion and Possible Action regarding First Amendment to Lease Agreement with Sprint Spectrum L.P.**

Marquardt stated In June 1999, the City entered into a Lease Agreement with Sprint Spectrum to allow them to install, maintain, and operate communication facilities on the Cravath Street Water Tower. That lease agreement ends in June of 2024. T Mobile, who acquired the rights to the Lease Agreement, would like to extend the Lease Agreement through the attached First Amendment. The Amendment would extend the Lease for another four terms of five years.

The Common Council approved the original Lease Agreement in 1999.

For the last five-year term, T Mobile was paying \$18,662.40 annually. The original Lease had an escalator clause of 20% per term. Using those parameters, the new term payment would be \$22,394.88. Staff indicated to T Mobile that Verizon's Lease Agreement on the Southwest Water Tower is for \$35,000 annually for five years with a 12.5% escalator per term. T Mobile has indicated they are willing to pay \$30,000 annually for the initial new term and keep the 20% escalator per term they currently have in the original Agreement.

Staff recommended a motion to send the First Amendment to Lease Agreement to the full Council for approval.

Marquardt did ask the committee if they wanted this agenda item put on the June 18, 2024, Council agenda for a closed session to discuss the terms or rent payment amount?

It was moved by Majkrzak and seconded by Smith to send the First Amendment to Lease Agreement with Spring Spectrum L.P. to full Council in an open session.

AYES: Hick, Majkrzak, Smith. NOES: None. ABSENT: None.

#### **5. Discussion and Possible Action regarding compost site days and hours of operation.**

Marquardt stated Councilperson Hicks asked for a review of days/hours of operation of the compost site. Currently, the site is open on Wednesdays from 3:00 pm to 7:00 pm (2:00 pm – 6:00 pm later in the fall) and Saturdays from 8:00 am to 2:00 pm. The number of weeks vary, depending on weather, but it is usually open for around 30 weeks. Hicks was thinking of a way to make it more accommodating to residents. A suggestion would be to open it three days a week, such as Monday, Wednesday and Saturday or Tuesday, Thursday, and Saturday. Or, could it be opened daily with the use of cameras and license plate readers?

The compost attendant is a seasonal position currently paying \$14.00 per hour.

Marquardt suggested he ask the attendant on site to ask residents their thoughts on expanding the time of the compost site. Hicks also asked if a survey could be put out on social media. Hicks said he would be interested in the feedback. Majkrzak said he also feels the days and times are not very convenient, but then again, there is a cost associated with additional hours.

Marquardt stated he will see what kind of information he can gather.

## **6. Discussion and Possible Action regarding Wastewater's Compliance Maintenance Annual Report (CMAR).**

Marquardt stated, in compliance with the WI Department of Natural Resources (WDNR), the 2023 Compliance Maintenance Annual Report (CMAR) was presented to the committee. The CMAR is designed as an assessment tool to communicate the Wastewater Utilities operational success and possible shortcomings or deficiencies to City administration and elected officials. Ratings should help direct time, effort, and dollars into the utility.

For 2023, the Utility recorded an "A" in each rating section.

Categories for the report are as follows:

- Influent Flow and Loading
- Effluent Quality and Plant Performance (BOD/CBOD)
- Effluent Quality and Plant Performance (Total Suspended Solids)
- Effluent Quality and Plant Performance (Ammonia - NH3)
- Effluent Quality and Plant Performance (Phosphorus)
- Biosolids Quality and Management
- Staffing and Preventative Maintenance (All Treatment Plants)
- Operator Certification and Education
- Financial Management
- Sanitary Sewer Collection Systems

Marquardt mentioned the "Phosphorus" section and referenced how well the treatment process has been running. This consistent treatment quality has allowed the utility the flexibility, with regulators, to utilize the MDV (Multi-Discharger Variance) option for phosphorus compliance. Had the effluent phosphorus concentrations been worse, this compliance alternative may not have been feasible. The result is a very economical compliance strategy for the City of Whitewater.

Another item noted, based on staff experience, is most biosolid land applicators are no longer interested in taking on new customers. It appears, based on their service capabilities and time restrictions, they are performing as much work as possible. It should be noted the Wastewater Utility has a contract in place through 2026. However, it may become challenging to obtain multiple bids for a future term.

Staff recommended a motion to approve the Resolution acknowledging the 2023 Wastewater Utility Compliance Maintenance Annual Report and forward to Council.

It was moved by Hicks and seconded by Smith to approve the Resolution acknowledging the 2023 Wastewater Utility Compliance Maintenance Annual Report.

AYES: Hick, Majkrzak, Smith. NOES: None. ABSENT: None.

## 7. Review of Municipal Separate Storm Sewer System (MS4) Annual Report.

Marquardt stated each year the City is required, by the DNR, to submit an Annual Report for the City's Municipal Separate Storm Sewer System (MS4) Permit by March 31. This permit enables the City to discharge stormwater.

Information required for the permit consists of:

Public Education and Outreach/Public Involvement and Participation - The City is part of the Rock River Storm Group, which is made up of 11 communities along the Rock River. The City contracts with the UW-Whitewater Creative Marketing Unlimited (CMU) students on Public Education and Outreach and Public Involvement and Participation. This group puts together a number of educational materials for the public and outreach opportunities that promote the Rock River Storm Group while helping our municipality. This group does an excellent job!

Illicit Discharge Detection and Elimination – Outfalls are checked on during dry weather conditions to see if there is any flow in them. If there is flow, staff determine if it is ground water or if it's an illicit discharge coming from somewhere within the City. It could be a sanitary sewer that is hooked up to storm sewer that has continual flow. It could also be a business that is discharging oil/grease down the storm sewer system. There are 83 outfalls within the City of Whitewater. Marquardt checked on 43 of them over the past year. There was no illicit discharge observed and therefore, no follow-up was needed.

Construction Site Pollutant Control – This area deals with construction site pollutant control. The City is required to go out and do erosion control inspections whenever there are construction sites over one acre and if it rains over ½". There were four active sites in 2023, and 43 total inspections were done. Whenever Marquardt sees something that is not properly installed or needs repair, developers are notified by email.

Post-Construction Storm Water Management – This topic covers Best Management Practice (BMP). This covers detention ponds, constructed wetlands, infiltration basins, grassed swales, and permeable pavement. Two new BMPs were installed in 2023. Private owned storm water management facilities are also included in the section.

Pollution Prevention – This section refers to municipally owned or operated BMPs. We have 31 within the City and are mainly detention ponds. In 2023, nine BMPs were inspected. Of the nine inspected, eight of them required maintenance. Additional information in the category included street sweeping, which removed 539 tons of material and 293 batch basin sumps were cleaned with roughly 19 tons of material collected.

Storm Sewer Map - The storm sewer map was not updated in 2023. The City has a contract with Strand this year to update the Total Maximum Daily Limit (TMDL) and Stormwater Quality Plan. These plans will help the City strategize on how to achieve the required removals for suspended solids and phosphorus. Part of the project will include updating our storm sewer map.

Fiscal Analysis – This section covers Storm Water Quality Management. The City is at a 47.7% reduction in total suspended solids, and the requirement is 49%. For TSS, the City can reach 49% by doing additional storm water management facilities such as the underground detention pond at Starin Park. The City currently has a 40.2% reduction in phosphorus and required to be at 66%. For the phosphorus requirement the City will probably have to do water trading.

Staff reviewed the MS4 Annual Report with the Committee. No action is required.

**8. Discussion and Possible Action regarding levying Special Assessment for the North Side Water Main Extension Project.**

Marquardt stated Johns Disposal formally requested water to be extended from the west side of WE Energies Whitewater Generating Station to their facility in 2023. The project was designed and an Opinion of Probable Cause was determined for the construction. Based off of this, an estimated special assessment was determined for Johns Disposal and the Wastewater Treatment Facility. A Waiver of Special Assessment Notice and Hearing was signed by both entities, thus bypassing the need for a preliminary resolution and public hearing. With the construction completed, a Resolution was needed to levy the special assessments to both entities.

At the Public Works meeting on July 11, 2023, the committee approved the special assessment terms of paying equal installments over five years with no interest accrued. The estimated special assessment cost was \$83,285 for both Johns Disposal and the Wastewater Treatment Facility. The estimated cost was based on an 8" equivalent water main pipe being installed. The final cost, again based on an 8" equivalent water main, was \$74,624.88. A 12" water main was installed, but for special assessment purposes the oversizing of a water main was not assessed.

The Common Council awarded the project at their August 15, 2023, meeting.

Staff recommended a motion to approve levying the special assessment for the North Side Water Main Project and forward to Council for action on the Resolution.

It was moved by Majkrzak and seconded by Smith to approve the levying Special Assessment for the North Side Water Main Extension Project.

AYES: Smith, Hicks, Majkrzak. NOES: None. ABSENT: None.

**9. Discussion and Possible Action regarding the use of GO Bonds for private Lead Service Line replacements.**

Marquardt stated the EPA is mandating that all communities replace lead service lines for both public and private. Staff is working with Strand Associates to complete a Safe Drinking Water Loan (SDWL) application for the replacement of Lead Service Lines (LSL), also known as lead water laterals. The SDWL would provide financial assistance to the City and private property owners for the replacement of the LSL. On the private side, the City is eligible to receive up to 100% principal forgiveness. However, the exact percentage won't be known until all applications throughout the State are received. One question on the application asks how the City will pay for the private side expenses before being reimbursed. There are three options: General Obligation Pledge, Water Rate Revenue Pledge, or Alternative Revenue Pledge.

The financial impact will not be known until the City receives official notice from the DNR of our application status. The application is due by June 30, 2024. The estimated cost to replace the private side LSL is \$1,350,000.

Staff discussed these three options with the Finance Department. Since the likelihood is good that we will receive 100%, or close to principal forgiveness, we believe using the General Obligation Pledge is the preferred option. Even if we receive 90% principal forgiveness, the borrowing would only be \$135,000. The General Obligation Pledge does not require PSC approval, ordinance adoption, or a repayment loan program. There are approximately 170 locations throughout the City. One area Marquardt wanted to address is that all properties need to be treated the same. It doesn't matter if the property is owner

occupied, a rental property, or a business. All properties will be treated the same. The City does have about 74 owner occupied properties and about 90 rental properties.

Staff would like confirmation from the Committee that use of General Obligation debt, if needed, is acceptable.

Members of the committee did not see a problem with Marquardt proceeding with this process.

**10. Discussion and Possible Action regarding Reimbursement Resolution for Safe Drinking Water Loan application.**

Marquardt stated he found out early this week that SDWL projects that only deal with lead service lines do not need this reimbursement resolution. Therefore, there is no need to act on the item.

**11. Discussion and Possible Action regarding Strand Task Order for Well #7 Modifications.**

Marquardt stated with the construction of the new Southwest Water Tower, the Starin Park Water Tower and the ground level reservoir are no longer needed. The Starin Park Water Tower has already been taken offline. In order to take the ground level reservoir out of service, modifications need to be made to Well #7 and related systems inside the building located at the corner of Starin Road and Fremont Street. Additionally, modifications need to be made to the distribution piping system outside the building. This Task Order will prepare plans and bidding documents to make the modifications to Well #7, including the demolition of the ground level reservoir.

The estimate for Task Order 24-06 is \$90,000 based on an hourly rate plus expenses. The construction project is in the 2025 budget and estimated at \$1,200,000.

Staff recommended a motion to send Task Order 24-06, Well #7 Modifications, to the full Council for approval.

It was moved by Majkrzak and seconded by Hicks for Strand Task Order for Well #7 Modifications.

AYES: Hicks, Majkrzak, Smith. NOES: None. ABSENT: None.

**12. Discussion and Possible Action regarding removing a terrace planter in the vicinity of 183 W. Main Street.**

Marquardt stated the property at 183/185/187 W. Main Street, known as the Bower House, is currently under renovations. As part of the renovations, they are looking at how to best provide ADA access to the building. One option is to provide a ramp on the existing sidewalk parallel to the building. This could result in a "pinch point" between the ramp and the existing terrace planter for pedestrians. In order to provide adequate pedestrian access, the terrace planter would need to be removed. The property owner and architect would like to know if removing the planter is a possibility.

Staff did check with Downtown Whitewater to see if any approval would be needed by that entity. They responded, while downtown businesses were involved in the design, the decision would be at the Council level only.

Staff does not have a cost to remove the planter and place concrete at this time. If possible, this could be handled by City staff.

Staff sees this as more of a discussion item, at this time, to give direction to the property owner and architect. If the decision is made to proceed with a ramp, there will need to be an easement provided to the property owner and a Hold Harmless Agreement (HHA) put in place.

Marquardt highly recommended the Bower House find a different alternative. Removing the planter should be the last option. They would also have to show a financial burden why it is the best option. Majkrzak, Hicks, and Smith felt the same way. Marquardt will take this information back to the Bower House for more discussion.

### **FUTURE AGENDA ITEMS**

Hicks asked if the water storage building is complete. Marquardt state it is not 100% complete. Hicks asked if in the next two or three years the City could take a look at fixing the Kachel right field corner. Marquardt stated he has brought this up for discussion with the previous Park and Recreation Director, Boettcher, and now Boehm. Marquardt stated this item was more of a discussion for the Park and Recreation Department.

### **ADJOURNMENT**

It was moved by Majkrzak and seconded by Smith to adjourn the Public Works Committee meeting at 6:59 p.m.

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

Respectfully submitted,

*Alison Stoll*

Alison Stoll, Administrative Assistant  
Department of Public Works