

The Public Works Committee met at the Highway Department Office.

Present: Supervisors Uselding, Kletti, Leider, Grosklaus and Rothstein. Staff: County Administrator Meaux, Public Works Director Dreblow, Planning & Parks Director Struck, Golf Course Supervisor Lesar, Lasata Administrator Luedtke, and County Clerk Winkelhorst.

Others Present: Ryan Raskin- Beyer Construction

Call to Order/Proper Notice/Adoption of Agenda: The meeting was called to order by Chairperson Uselding at 8:03AM. Ms. Winkelhorst assured the committee that the meeting was properly noticed. Motion made by Supervisor Kletti, seconded by Supervisor Leider to adopt the agenda as presented. All members present voting aye. Motion carried. (5-0)

Public Comments/Correspondence/Communications: Supervisor Rothstein commented that as of January 1 it is now legal to make a u-turn in a signalized intersection. Mr. Dreblow is reviewing with the Sheriff's Department to see if there needs to be an ordinance change to identify intersections that should be prohibited.

Approve Minutes from the February 18 Meeting: Motion made by Supervisor Kletti, seconded by Supervisor Rothstein to approve the February 18 meeting minutes as presented. Supervisor Leider disagreed with the consensus that was noted in the minutes during the discussion item involving the solo rider golf cart. She would like this item brought back to the committee at the next meeting for proper action. Discussion. The clerk will have it listed on the next meeting agenda. The vote was then taken on approval of the minutes as presented. All members present voting aye. Motion carried. (5-0)

Facilities Management:

Action Items:

Review/Approve Award of Siding Bids for Lasata Heights: Mr. Luedtke stated that currently the original siding is on the Lasata Heights building. When the Lasata Crossings project was approved by the City of Cedarburg, it was with the understanding that the siding on Lasata Heights would be replaced to match the siding on the new building. This is not part of the construction budget but rather part of the capital outlay budget.

Mr. Raskin explained that this was originally bid as an alternate to the carpentry package. The alternate was rejected because the original drawings that the contractors bid off of were missing three elevations. When the project was rebid, the pre-bid meeting was mandatory to be certain they understood the elevation issue with the plans.

Supervisor Kletti questioned the spread in the amount of the bids. Mr. Raskin fully expected the bids to come in lower than budgeted due to the current bidding climate. Initially there was concern, but in reviewing the bidding requirements all bidders successfully met those requirements. He did contact the low bidder to ensure that they were prepared to do the job for their bid amount, and be able to provide the County with a performance bond. Discussion.

Mr. Raskin explained that Alternate #1 is to replace the light fixture on the balcony and Alternate #2 is to paint the trim that is not being replaced. Question on the quality of material. There are four recommended approved manufacturers for the siding and trim material. If the bidding contractor wanted to use anything else prior approval would be needed from the architect. No one requested that. Mr. Raskin's recommendation is to award to the lowest bidder. Further discussion.

Motion made by Supervisor Rothstein, seconded by Supervisor Kletti to award the project to Sharper as the low responsive responsible bid in the total combined amount including Alternates #1 and #2 for \$135,705. All members present voting aye. Motion carried. (5-0)

Review/Approve Change Order for Lasata Crossings for Adding Tile Base in the Residence Bathrooms: Mr. Raskin explained that the tile was an alternate bid in the original construction documents. The way the alternate was written was to change the flooring from vinyl to tile. It did not specifically state the base to be included. It was decided that the rubber cover base is not very aesthetic and will cause leakage problems as it will not seal tight to the tile floor.

Motion made by Supervisor Rothstein, seconded by Supervisor Kletti to approve the change order in the amount of \$12,007 for adding tile base in the residence bathrooms. All members present voting aye. Motion carried. (5-0)

Review/Approve Change Order for Lasata Crossings for Additional Wiring to Support Future Wireless Internet Service: Motion made by Supervisor Grosklaus, seconded by Supervisor Leider to approve the change order for the additional wiring to support future wireless internet service. All members present voting aye. Motion carried. (5-0)

Discussion Items:

Report from Construction Manager regarding Status of Lasata Crossings Project: Mr. Raskin reviewed the project status report for February. Information on the job progress schedule, budget, contingency log and change order log was included. The tracking is right on with the milestone schedule for target date of June 1. A model unit on the first floor will be available for showing in April to assist with marketing efforts.

The overall budget is doing well. The percentage complete on the contracts is 67% and 23% of the contingency has been used. Current budget is at \$9,663,000 including the contingency.

The furniture, fixture and equipment part of the budget was reviewed. All furniture has been bid out and came in under budget. The unknown is artwork and window treatments.

Management/Financial/Informational Reports: Included in the packet. There were no further questions.

Mr. Dreblow said that the City of Port Washington has passed an ordinance establishing a one way street in front of the Administration Center. The City Common Council has also approved pursuing the jurisdictional transfer of a small part of Highway C. This will be presented to this committee in May for action to agree to the transfer.

Planning & Parks:

Discussion Items:

Discussion on Placement of Communication Towers in Ozaukee County Parks: Mr. Struck stated that he was contacted by Clearwire about the possibility and discussion of installing a new communication tower in regards to Virmond Park. At this time no information or proposal has been received. This may be forthcoming at a later date.

9:25AM Transit Superintendent Wittek and Mark Best joined the meeting.

Review Planning & Parks Department Annual Report – 2009: The Comprehensive Plan for Ozaukee County is completed and the final reimbursement of \$94,500 has been received. Mr. Struck is encouraging all the members to view the Planning and Parks Department website as it has been total revamped, however it is still a work in progress.

<http://www.co.ozaukee.wi.us/PlanningParks/Index.htm>

2009 was a good year for golf from the perspective of number of golfers and increase in revenue. The weather contributed to the success of the courses as well as the closing of a local golf course.

Management/Financial/Informational Reports: Interviews were conducted and positions were filled for the Mechanic and Assistant Superintendent positions. Seasonal staff is currently being hired.

The Ozaukee County Park & Open Space Plan Kick-off Event will be held on March 24 at the Administration Center. Visioning Sessions will be held on April 19, 26 & 27.

First Friday Form on Land Preservation will be held in the County Board Chambers on April 2.

Mr. Lesar reported that Mee-Kwon Golf Course was opened on March 18. Hawthorne Hills Golf Course will be opened in about 2-3 weeks. It takes longer for that course to dry out due to the nature of the terrain and the soil conditions.

The irrigation system will be put in soon at Mee-Kwon Golf Course. It will not cause any disruptions, just noticeable activity going on. The drainage issue that was resolved has been working well.

Financial reports were included in the packet. There were no further questions.

Transit Services:

Action Items:

Review/Approve Proposed Resolution regarding a Regional Transit Authority (RTA) for Southeastern Wisconsin: Mr. Dreblow explained that Supervisor Becker requested that the committee consider supporting a resolution that is in opposition to proposed legislation that would allow County participation in a RTA.

Mr. Wittek stated that the intent of Assembly Bill 723/Senate Bill 511 is to authorize the creation of Interim RTA's in Ozaukee, Kenosha, Milwaukee, Washington, Racine and Waukesha counties. This would be done by County Board resolution of the respective counties. The IRTA's would dissolve in 4-6 years and be absorbed by the Southeastern Wisconsin Regional Transit Authority (SERTA), therefore, creating a multi-county RTA with the authority to generate revenue, transit planning, and provide/contract for transit.

The process to form the IRTA, what IRTA is authorized to do, how IRTA generates revenue, the thresholds for inclusion in SERTA and what happens with SERTA after the thresholds, was reviewed.

An IRTA may generate revenue by imposing a local motor registration fee, levying a room tax of up to 2%, imposing a sales and use tax not to exceed .5% or charging a membership fee to the participating political subdivision of the IRTA.

Mr. Wittek provided an analysis of the transit issues or problems that would face Ozaukee County – lack of bus routes within county; lack of bus route connection- Ozaukee and Milwaukee Counties; lack of cross-county transit; aging population in suburban county-requires demand responsive transit; loss of festival busing; and no dedicated funding-constrained by property taxes.

The Ozaukee County goals as outlined in the Strategic Plan and Comprehensive Plan call for maintaining and enhancing public transportation.

Mr. Wittek stated that a thoughtful analysis is needed to develop criteria to measure where the County wants to be. The recommended policy action, based on preserving alternatives, is that no county board resolution is needed. AB723/SB511 does not mandate creation of an IRTA. But requesting removal of Ozaukee County could limit our policy options. A county board resolu-

tion does not guarantee removal from legislation and would send an unintended message of non-cooperation to our surrounding counties.

Supervisor Rothstein commented that this is a broad base plan that is looking to the future of the whole southeastern region. Mr. Wittek stated that this resolution is just an alternative and that there is no guarantee that Ozaukee County would be removed or even that the County has to join at all. There may be more legislation needed to side line this one.

10:11AM Corporation Counsel Kenealy joined the meeting.

Supervisor Leider expressed concern about the funding and the freight rail. Mr. Wittek commented that freight rail is one component of Southeastern Wisconsin Regional Planning Commission's (SEWRPC) 30 year plan. The success of any real transit in Milwaukee and the region will depend on a dedicated funding source. The 2035 plan does not have the counties competing against each other but rather coming together to compete with other larger cities like Chicago, Denver etc. across the country. Mr. Wittek reiterated that there are a lot of issues and that this requires more analysis.

Discussion on the funding. Supervisor Groszklaus commented that his concern would be that the funding would be raided by the Governor for other things. Mr. Meaux stated that the intent of the legislation is to take the transit service off of the property tax.

Mr. Meaux further stated that this is an evolving item, Supervisor Becker's intent was to request in the resolution that Ozaukee County be omitted. Washington County has taken similar action and Waukesha County is considering. There are many unknowns.

Mr. Meaux commented that an article in the Business Journal did a poll that showed that residents in the affected counties were evenly split in their opinions about high speed and commuter rail systems but are adamantly opposed to establishing a RTA that would be funded by an increase in sales tax. There is no consensus but there is a need to look towards the future which plans indicate.

Mr. Dreblow agrees with Mr. Wittek's recommendation that this is premature and further consideration needs to be done to determine if this is in the best interest of the County. He is not in support of the resolution.

Supervisor Leider commented that this should wait until the new Governor takes office. Supervisor Rothstein agreed. Further discussion.

Motion made by Supervisor Groszklaus, seconded by Supervisor Uselding to support the resolution to oppose including Ozaukee County in the RTA for southeastern Wisconsin and to forward to the County Board for their support. The majority of the members present not voting aye, the motion was declared lost. (2-3) Groszklaus, Uselding support.

Management/Financial/Informational Reports: Mr. Wittek reported that the shared-ride ridership is low and bus ridership remains stable. Four out of the five vans have been fixed, free of charge, regarding the issue with the space for wheelchairs. The other one is almost completed. Route Match Software is almost fully implemented. A rider survey was done on the express bus by Milwaukee County Transit System (MCTS). 90% of customers were very satisfied with the overall level of service and only 2% were moderately dissatisfied. 129 surveys were completed.

The first Cross County Task Force Committee, set up through the Mobility Manager, met on March 16. It was a very positive meeting.

Federal Transit Administration officials including an Environmental Protection Specialist looked at the Modern Equipment building. Everything was positive, nothing alarming, very satisfied with the letter from the Department of Natural Resources. Mr. Wittek is looking to close out the

categorical exclusions in the next two weeks. Once that is completed it will allow the County to proceed with applications for grants to obtain the funding for the demolition of the building.

10:30AM Highway Construction Superintendent Banton joined the meeting.

Highways:

Action Items:

Review/Approve Sale of Excess Right of Way on CTH I: Mr. Dreblow explained that Mr. Best owns property on the west side of CTH I, south of STH 33. After the completion of the CTH I reconstruction, it created land which could be declared as excess right of way. The County could vacate the existing 33 foot right of way adjacent to the Best property, along with additional lands between the Best property and what would be needed for the right of way for CTH I and convey the property. Mr. Best has expressed an interest in acquiring the property. Approximately 0.666 acres of land could be conveyed to Mr. Best if it is declared as excess. Any sale of excess property would need to be approved by the full County Board.

Mr. Dreblow explained that 0.35 acres is existing highway easement and the county could opt to vacate their easement rights and convey this property. The remaining 0.316 acres could be sold.

In 2006, the County acquired land in fee simple and paid Mr. Best for a Temporary Limited Easement of \$1,775 based on the appraised value of \$40,900 per acre. Mr. Best is requesting that the existing 0.35 acres should be vacated and returned to him at no cost. He is also offering \$1,818.15 based on a value of \$5,865 per acre for the 0.316 acres.

The land was appraised for Mr. Best by Aussprung Appraisals with the assumption that the land is 'farm land'. Mr. Dreblow stated that the appraisal should be done based on its highest and best use. The original appraisal in 2006 was based on residential and accepted by Mr. Best.

Mr. Dreblow explained that Mr. Best's current property is nonconforming with regard to area as it is under the required five acre minimum. This sale of the land to Mr. Best would be a benefit to him as it would put him over the five acres and in terms of building permits would allow further setbacks from property lines.

Supervisor Rothstein stated that the property is residential and disagrees with the attorney's argument that the analysis is agriculture. There is an obligation to the taxpayers of Ozaukee County to protect their interests. She suggests splitting the residential value as the agriculture value is too low.

Mr. Best explained that when he bought the property in 1966 it was five acres including the right of way for the old CTH I. When the road was moved over there was 0.35 acres that was no longer being used, this was part of the original five acres. If the County would relinquish their rights and give that parcel to Mr. Best, he would then have all of the five acres that he originally purchased. Over the years, surveyors have shorted him 10 sq. feet which may have left him nonconforming, therefore, a solution to that would be to purchase the 0.316 acres so he would be certain to be conforming. This parcel is a ditch bank and is not equivalent to \$40,900 per acre.

Mr. Dreblow provided a breakdown of cost. If the County relinquished the 0.35 acres and sold the 0.316 acres at \$40,900 per acre it would equate to \$12,924. \$1,775 was given by the county for the easement and the cost was \$3,500 for the survey.

Supervisor Grosklaus suggested the \$1,818.15 plus the \$3,500 for the survey. Supervisor Rothstein commented that the County wants to sell the property to Mr. Best but again there is a responsibility to the taxpayers. She further stated that in her opinion an amount of \$5,800 would be acceptable. This would be less than half of the value as residential, it takes care of taxpayer's fee in the survey and the \$1,775 already paid for use of the land. Mr. Best would have the benefit of the use of the land once it is a conforming lot that he doesn't have today.

Discussion on value of land, taxes, and additional setback advantage. Supervisor Leider commented that the property is a ditch bank and suggested rounding off to \$5,000. Mr. Dreblow stated that \$5,000 would equate to \$15,823 per acre. Discussion on the suggestions.

Mr. Dreblow explained that the \$3,500 was the cost of the survey after the project was done to establish what areas could be sold to the property owners. That was for four properties. It cannot be determined if the old right of way was originally purchased by the County.

Mr. Best commented that he doesn't need the property but it would solve the survey issues. Mr. Best will agree to the \$5,000 for the 0.316 acres and that the County would relinquish the 0.35 acres of the right of way. He understands that the final decision is based on the action of the County Board.

Motion made by Supervisor Grosklaus, seconded by Supervisor Leider to recommend to the County Board to relinquish the 0.35 acres of old highway right of way vacating the county easement with no compensation and to sell to Mr. Best the remaining 0.316 acres at a cost of \$5,000. All members present voting aye. Motion carried. (5-0)

Chairperson Uselding moved ahead in the agenda.

Review/Approve Resolution regarding Prevailing Wage Requirement: Mr. Meaux explained that this resolution relates to a change in law, effective January 1, 2010 as it relates to prevailing wage requirements. When looking at the law and the impact to the county, it was learned that the rate that is allowable in calculating the prevailing wage does not meet the county wage rates plus the benefits that can be included in determining that. The wages fall short. In order to comply with the law, employees would need to be paid beyond the stated wage rates when performing projects that fall under those rates.

Mr. Dreblow further explained that if the project is a public works project, consists of multiple trades in it, is more than \$25,000 and it is another governmental project other than the County, prevailing wage would be required. Examples of wage determination were given. Prevailing wage is based on trade wages and is done on an individual basis. The cost is fully recovered because the County will charge back to the municipalities and school districts. This will equate to less work being done for more money. It will not affect County costs or levy. Discussion.

Mr. Banton commented that this will cause morale problems among the employees and challenging for the foreman to assign work duties as it is not required to assign based on seniority. There is also no pay increase for the foreman; so many times the employees will be making more money than their supervisors. Further discussion.

Mr. Kenealy stated currently the County could not bid on any jobs because they are bound by the union contract to pay wages that were agreed upon. If the resolution is adopted then the County would be allowing the prevailing wage to be paid and therefore could bid on those types of projects.

Mr. Dreblow stated that his recommendation is to adopt the resolution so that the County can continue to provide the support for the local units of government. He is also recommending that the County seek to amend the law so that intergovernmental work can be exempted from this provision which would save taxpayers money.

Motion made by Supervisor Kletti, seconded by Supervisor Rothstein to approve the resolution allowing Ozaukee County to pay prevailing wage. All members present voting aye. Motion carried. (5-0)

Mr. Meaux is recommending a legislative adjustment to exempt intergovernmental work to be brought forth at the next meeting.

11:35AM Highway Shop Superintendent Leppla joined the meeting.

Review/Approve Purchase of Self Propelled Cold Planer: Mr. Banton explained that the department currently uses cold planers that are skid mounted. Mr. Leppla further explained that with the skid mounted, the asphalt is ground up and left on the road. Labors use a skid steer and sweep to clean it up. The cold planer that is being proposed would elevate it to the truck as it is grinding the asphalt. \$150,000 is approved in the budget for this purpose.

Mr. Leppla reviewed the bid tabulation of the six bids received:

Roland Equipment – 2007 Wirtgen W 50 DC w/ trade-in \$123,770

Roland Equipment – 2005 Wirtgen W 50 DC w/ trade-in \$106,440 (this unit has since been sold)

Roland Equipment – 2010 Wirtgen W 50 DC w/trade-in \$174,040

Volvo Equipment – 2008 Volvo MW 500 w/ trade-in \$160,875

Volvo Equipment – 2010 Volvo MW 500 w/ trade-in \$174,875

Brooks Tractor – 2010 Dynapac PL 500 TD w/ trade-in \$173,847

The recommendation is to go with the low bid from Roland Equipment for the 2007 Wirtgen W 50 DC which also includes the grade and slope control system. The 1988 Cat planer is the trade-in.

Motion made by Supervisor Rothstein, seconded by Supervisor Kletti to approve awarding the bid to Roland Equipment in the amount of \$123,770 including the trade-in. All members present voting aye. Motion carried. (5-0)

Review/Approve 2010 Summer Hours Memo of Understanding (MOU): Mr. Dreblow stated that this is the proposed MOU for summer hours for the four day, 10 hours per day work week beginning May 3, 2010 and ending on September 3, 2010. It is the same language as last year.

Motion made by Supervisor Grosklaus, seconded by Supervisor Kletti to approve the MOU for the 2010 summer hours. All members present voting aye. Motion carried. (5-0)

Discussion Item:

Review of 2010 Pavement Rating Report: Mr. Banton stated that this report is current as of December 2009. There were no questions.

Management/Financial/Informational Reports: Mr. Dreblow reported that the State opened bids for the Hwy W project from Mequon Road to Glen Oaks. The estimated cost of the project was \$9,664,000 and the low bid came in at approximately \$7 million. Therefore the County budget will be \$100,000 less. The STP Urban entitlements pledged from the County were *up to* \$2.5 million so Mr. Dreblow gave verbal notice to the City of Mequon that the County will be looking to recover some of those entitlement dollars back. April 19 will be the construction start date.

The CTH O stimulus funded project estimated at \$1,038,000, bids came in approximately \$130,000 under. There is not a start date as of yet.

Next Meeting Date: (Tentative) Thursday, May 20, 2010 – 8:00 AM

Adjournment: Motion made by Supervisor Kletti, seconded by Supervisor Grosklaus to adjourn. All members present voting aye. Motion carried. (5-0)

Meeting adjourned at 12:12 PM

Julianne B. Winkelhorst, County Clerk