

Approved at the November 26th, 2012 Special Town Board Meeting.

TOWN OF ALGOMA
WINNEBAGO COUNTY, WISCONSIN
MINUTES FOR SPECIAL TOWN BOARD MEETING
STORMWATER MANAGEMENT

Thursday, October 11th, 2012 at 5:30 PM
Algoma Town Hall
15 N. Oakwood Road, Oshkosh, WI 54904

1. Call to order.

The meeting was called to order by Chairperson Blake at 5:30 PM.

2. Roll call.

Chairperson Blake	Supervisor Hamann
Supervisor Timm	Supervisor Drexler
Supervisor Kierszh	Atty. K. Marone
Town Treasurer Edson	Town Clerk Nelson
Road/Drainage Coordinator Bill Tollard	

3. Nelson Road paving.

The paving of Nelson Road has not started. It is scheduled to start tomorrow. There was discussion about postponing the paving Nelson Road until next year. ***Motion by Drexler/Kierszh to re-schedule Nelson Road paving in the first months available until next year.*** Discussion ensued with property owners on Nelson Road about the assessing process. There was a petition that was signed by the majority of the property owners on Nelson Road who are not in any hurry to have Nelson Road paved. ***Drexler rescinded her motion because there are items that need to be looked into and if the road does not need to be paved at this time and the homeowners do not want the road paved at this time, maybe the board needs to take another look at it. Kierszh was not willing to rescind his second because the motion is to delay it until next year which gives the town time to look into the issues and determine if the road needs to be paved.*** Edson stated that there were other roads in the same category that were paved this year. Timm explained there is a schedule of road paving and maintenance that the town board is responsible to assure that this work is done. She also explained the town ordinance regarding road paving and how it is the town board's responsibility to see the roads are paved. There was continued discussion with residents of Nelson Road. Discussion ensued regarding the motion. Kierszh rescinded his second so that the motion could be restated. ***Motion by Timm/Kierszh to postpone the paving of Nelson Road until 2013. No further discussion. Motion carried in a voice vote, 5-0.***

At this time Chairman Blake turned the meeting over to Mr. Shubak of Strand Associates for the Stormwater Management portion of the meeting.

4. Discuss Honey Creek Improvements - Phase I and Phase II.

A. Draft 4 of the Maintenance Agreement for Phase I Streambank Improvements.

Mr. Shubak went over some changes to the draft 4 of the Maintenance Agreement for Phase I Stormbank Improvements. A copy of draft 4 is attached to the record copy of the minutes. Timm wanted the works "natural act of God" changed to say, "natural act". Attorney Marone informed the

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board that Clerk Nelson has the full legal descriptions for all the properties, so when the board is ready, the maintenance agreements are ready to go to the property owners. Motion by Hamann/Timm to approve with the noted change. No further discussion. Motion carried in a voice vote, 5-0.

B. Review construction status on Phase I Streambank Improvements.

Mr. Shubak received a request from the contractor to do a final walk-thru which was done today. They also submitted their second request. The proper procedure is to have the pay request signed off by Mr. Shubak, that assures the town that the contractor has been paid for what they claim is complete. The pay request is for labor only because the contractor didn't get lien waivers for material suppliers. Mr. Shubak has nothing but praise for the contractor, the work they completed, the remarkable weather that was had during this project, and the smoothness of the overall project. The contractor is going to finish up the erosion matting, seeding, and laying the straw. The contractor will then demobilize on Friday. It's expected that none of the seed is going to germinate this year, but it is expected to germinate in the spring. Mr. Shubak also reminded everyone of the one year guarantee for any seeding, so there will be retainage that will be withheld to fulfill the guarantee. The property owners that Mr. Shubak has spoken to are very pleased with the work the contractor has done.

C. Review construction status of the auxiliary project Sheldon Drive/Prairiewood Drive/N. Oakwood Road Project.

Mr. Shubak also walked this project as well. There were some items noted that needed to be done before this project is complete. Mr. Shubak went through some of those items. For the most part the county did a nice job and things look good. Pat Rank is also going to be in town Tuesday and he will do a walk-thru with Mr. Groth of the county as well. There isn't as strict of a guarantee with the county because they're not a private contractor. However, if there is something that is not done right, they will come back and correct it.

D. Task Order for Phase II Oakwood Road/Honey Creek Culvert Replacement.

Mr. Shubak explained that this item was tabled because of a county memo that offered some assistance in replacing culverts of which Mr. Shubak was requested to look into a little further. Mr. Shubak put a letter in the town board packets that summarizes his research and conversation with Mr. Winters, Winnebago County Highway Commissioner. Mr. Winters indicated that for the bridge replacement program there is no assistance available. The culvert replace program which is a 50/50 program, the Honey Creek culvert could qualify for; but Mr. Winters stressed that there is no guarantee that it will. Mr. Winters advised that the town that they don't want to plan the budgeting of the project assuming there is definite funding. One requirement of the program is that the culvert has to be deficient structurally, i.e. the culvert collapses or caves in. That is not the case with the Honey Creek culvert; structurally the culvert is sound. Mr. Shubak specifically asked about deficient hydrologic capacity in which Mr. Winters indicated that this deficiency would not disqualify the culvert from this program. The culvert just has to be deficient and it has to be demonstrated as deficient. The other item Mr. Shubak was directed to look into was retroactive funding. The deadline for the application was due in June for funding for projects in calendar year 2013. The answer is no, there is no retroactive funding with the exception of in case of an

emergency which this doesn't qualify for. If the town would like to pursue the funding they would have to go through the process of submitting an application prior to June 2013 for project to be done in 2014. However there are no guarantees and the cost of this project is more than they typically approve. Typically they do smaller culverts, and the Honey Creek project has a high capital cost. The projects are judged on their merits and Mr. Winters was reluctant to say what the chances were. Mr. Shubak indicated that it was unfortunate that an application wasn't submitted, but the board was willing commit to the project quick enough to make an application. There were still decisions that needed to be made and unfinished information at the time the application was due. The county would have needed to be involved in putting the construction documents together to assure that they were being done responsibly. There are elements of construction that are above and beyond what the money is designated for such as decorative railing, gold plated posts, or something of that nature. The process would be the same as the last process, it would have to be publically bid, but the county would have to be involved in how their money is being spent. The culvert program isn't really a grant program; the cost is distributed to all the municipalities within the county and the County Board has final say in the funding because it goes on the county tax roll. Motion by **Blake/Hamann to approve Task Order 12-02 to get the wheels in motion to replace the Honey Creek Culvert.** To wait around for next year for what possibly, could be, maybe no. We've been told by Mr. Shubak to see any major improvement we would need to implement in phase 1 and 2 of the project. Phase 1 is completed as far as the cleanout, and we need to get the wheels in motion to get phase 2 going in early 2013. Kierszh thought that the board agreed that we would do the clean out and see how it worked before committing to anything else. He doesn't want to rush into anything until we see how the cleanout works. Drexler thinks to be fiscally responsible we take the funds and earmark it in the budget so that if we don't get any money from the culvert program, or even if we get some, that the money is there to complete the work in 2014. Mr. Shubak's opinion is that it won't harm work that has been done to wait a year. Regardless if the project is going to be done in 2013 or not, to proceed with design and permitting is prudent. The more information you have the more detail the application is better for the town. There is no reason not to start the design and start the permitting process now. The risk is to wait and not get the funding; there could be rain events that will occur in the next year that will cause further damage to area homes. There is a pretty good probability that could happen. The motion on the floor is to proceed with design and permitting. Drexler agrees with that, but doesn't think there is anything wrong with waiting for the funding. The county offers this program every year. The other option is there is a third phase to the project could be done in lieu of replacing the culvert if the goal is to keep the project moving forward. All three phases need to be done in order to see a significant outcome. This is a decision the board needs to make and there are risks either way. Phase 3 is downstream of the Sheldon Nature Area. Blake reminded the board that it knows for a fact that this area floods constantly, and to not attempt to get this done in early 2013, as Mr. Shubak has stated time and time again the culvert is the lynch pin to this entire project, to not continue to move forward isn't responsible either. Drexler still wants to move forward with the design and permitting, and then wait to see if the town gets any funding, everything else will be in place. There was further debate on whether to wait or not to wait. Ms. Chapman spoke on the fact that perhaps board members have time to wait, but affected homeowners don't have the luxury to wait. Ms. Chapman has seen the flooding, 4"-5" in her basement, where everything has to be re-done because the homeowners determine it is worth the work that they have stuck into their property. The issued that the board is facing is to correct mistakes, not wait for someone to hand the board money to get the them out of this problem. Ms. Chapman very much

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appreciates this board's work, she applauds all for participating and attending all the meetings, but if the scope of the problem and issue that is involved is looked at, the number of vacant lots upstream that can still be built on, she asks the board to act tonight in a forceful way so that board can say that they represent all the people in the town, not just the ones who happen to build upstream, but the people who have lived in this town for over thirty years. Mr. Steele asked Kierszh about his wait and see approach; what is the criteria for determining if phase 1 worked or not. Is it 15 flooded basements or what type of damage would have to occur before he decides it's time to replace the culvert? Kierszh defended his decision by saying he just wants to see what the water will do. Kierszh doesn't agree with Drexler about waiting to see if we get the funding, he just wants to see what the effects are for the stabilization phase. Nothing is going to happen until next spring anyway, he just wants to see if the culvert will handle it; if it doesn't, then Kierszh will be the first to vote to replace the culvert. Mr. Nelson agrees with Mr. Steele and Ms. Chapman, the culvert needs to be replaced. Timm's concern about waiting for the funding is that we couldn't move forward with the design either because the county would need to be involved with design as well. Mr. Shubak indicated that the town could go ahead with the design, but the county may request some changes to be done to the design documents if an application is submitted. Mr. Shubak again reminded the board that the lynch pin to this project is the replacement of the culvert; it's the main culprit. Mr. Shubak isn't going to say that the work that's been done is going to measurably improve things until that culvert is replaced. The culvert is the bottleneck. It is holding the water back and directing it through the Sheldon neighborhood. Until the culvert is replaced, there is stilling going to be measureable flooding. Mr. Shubak strongly believes that Strand has the modeling to prove that. The reason the downstream work was done was to receive the additional water that is going to be released into that area. Mr. Shubak is confident that the downstream work is going to serve its purpose. However the critical item that needs to be done is to replace the culvert. Hamann believes that the board made a commitment to get this project done and every little delay pushes the project back; we started it, now let's finish it. ***No further discussion. Blake restated the motion to approve task order 12-02 and asked for a roll call vote. Roll call vote: Timm – yes, Hamann- yes, Blake – yes, Drexler – yes, Kierszh – yes. Motion carried in a roll call vote, 5-0.***

5. Adjourn.

Motion by Hamann/Blake to adjourn. No further discussion. Motion carried in a voice vote, 5-0.
Meeting adjourned at 6:50 PM.

Respectfully submitted,

Charlotte K. Nelson, WCMC
Algoma Town Clerk
Town of Algoma, Winnebago County, WI