

Approved at the October 17th, 2012 Regular Town Board Meeting.

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

Monday, September 24th, 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 - Excused at 6:18 PM	Supervisor Drexler
Supervisor Kierszh	Atty. K. Marone
Town Treasurer Edson	Town Clerk Nelson
Road/Drainage Coordinator Bill Tollard	

Chairperson Blake then turned the meeting over to Mark Shubak of Strand Associates.

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

A. Draft maintenance agreement for Phase I Streambank Improvements.

The original draft of the Maintenance Agreements was presented to the property owners several weeks ago. Based on discussions at that time, the property owners requested some revisions to the agreement as to who is responsible to perform the maintenance work. As a result of that discussion and subsequent request for changes by the property owners, the agreements were revised to draft #3. Mr. Shubak went over the changes to draft #3 of the Maintenance Agreements. The main focus of the Maintenance Agreements is to allow access onto private property so the town can perform the required inspection/maintenance work to the phase I project area. Draft #3 now breaks out the town's responsibilities for performing the maintenance work and also asks the property owner to periodically monitor the improvement to assure that the improvements are working and functioning as they were designed to do. If they're not, the property owner is required to let the town know so that repairs can be made in a timely fashion. The property owners have been provided with a copy of draft #3, and Mr. Shubak opened up discussion with the property owners who were present. Mr. Schoenick commented that draft #3 looked pretty good to him except he would like a requirement of the town notifying the property owners at least 48 hours in advance with they will be coming into their property and not everyone on the Town Board needs to be on the property when access is needed. Blake's thought would be that the Road/Drainage Coordinator would enter the property to inspect the area for any maintenance issues. Atty. Marone agreed that notification could be added to the Maintenance Agreements for routine inspections. For something that's not routine, for example, if a property owner calls with an issue, they're basically asking for someone to respond to their need to check it out. For routine items, a notification could be added to the agreement. The board agreed that the only person who should be going into the private property would be the Road/Drainage Coordinator, and Mr. Tollard agreed that a 48-hour notice is standard. Mr. Shubak also commented that it's a good idea to have the property owner present during the inspection with the

Road/Drainage Coordinator as there maybe some questions of the Road/Drainage Coordinator that the property owner could answer. The board thought this request was reasonable. The only other comment Mr. Schoenick has was that there are residents on-lookers walking into their property to see what the town is doing. Mr. Schoenick has since put up “no trespassing” signs as instructed by the Sheriff’s Deputy who responded to his complaint. The point is this is private property. Discussion ensued regarding what is legal and what is not in regards to Honey Creek. The bottom line is, Honey Creek is on private property. Mr. Sattler and Mr. DelCamp had no other comments on the Maintenance Agreements. Mr. Adams had the same concern as Mr. Schoenick about on-looker staying off his property. Clerk Nelson informed the board that she had spoken with Mr. Karasky on the telephone, and he informed her that he had no concerns with the Maintenance Agreements. Atty. Marone and Mr. Shubak will work adding the additional language to the agreements and get them back in a timely fashion. The legal description would also be added to the agreements prior to the property owners signing the agreement. Blake would like to have one more meeting with the property owners with the document completed before they are signed. This item should be done and presented at the October 17th, 2012 Regular Town Board Meeting. This would be prior to the project being completed in November. The only resident that hasn’t been heard from regarding the Maintenance Agreements is the Holtzman/Romain who live in Minnesota. Mr. Shubak indicated that Holtzman/Romain have been very cooperative in the past, so he doesn’t expect they would have any issues with the Maintenance Agreements. Mr. Shubak doesn’t know if Holtzman/Romain have any vested interest in the small piece of property they own near the creek anymore.

B. Review construction status on Phase I

Mr. Shubak informed the board that the contractor mobilized last Tuesday. They’re currently clearing out the streambank. The creek is bone dry at this time which is perfect weather for this type of work. Hopefully the weather will hold out so that in-stream work can be done because it will be very easy to do this work when the creek is dry. Road/Drainage Coordinator Tollard has been keeping in touch on a daily basis with the contractor and they are moving very quickly. There was concern from Mr. Schoenick about the grass growing in the spring. Mr. Shubak answered that the contractor is required to put down erosion control for that situation. It was anticipated that the contractor wouldn’t get grass to germinate this year, therefore, there was a one year warranty included in the spec to cover the germination of the grass.

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

At the September 19th, 2012 Town Board meeting, it was requested that a task order be presented to perform the Phase II Oakwood Road/Honey Creek Culvert Replacement design services. Mr. Shubak went through each item on the task order. The format is similar to other task orders that were prepared for the town in the past. This is to remove the existing 16 foot span, corrugated metal, arched culvert and to replace it with a 36 foot span, precast arch culvert to allow for better water hydraulic water flow. A copy of this task order is attached to the record copy of the meeting minutes. This Task Order includes the design services that are required to generate the construction documents and required permitting in order to implement the project. The bidding services are similar to the services Strand just provided with the Honey Creek Streambank Improvement Project. In terms of the engineering fees, the reason engineering fee is significantly less for this phase is because most of the design work is done by the manufacturer of the precast culvert which results in a savings for engineering fees. This is one of the advantages to choosing this option vs. a cast-in-place

culvert. In terms of schedule, the completion date of March 29, 2013 is the date of when this is projected to go to bid. Permitting is out of control of Strand, so the sooner this project is permitted, the quicker it can go out to bid. If the permitting comes through quickly, it's conceivable that work can start late winter, early spring. The closure of the road will be shorter than the cast-in-place culvert. The footings for the culvert will still have to be poured. Footings and foundations can be poured in the winter. It's anticipated that the road would likely have to be closed for about 3-4 weeks. There is still access to the neighborhood around Valley to Sheldon and then to N. Oakwood Road. In terms of inconvenience of traffic, it's certainly less than the other options that were looked at. Drexler addressed a memo from Winnebago County regarding a possible grant that could be available to the town to replace the culvert. Drexler believes that to be fiscally responsible, we may have to delay the replacement of culvert for a year. Drexler would like to pursue this memo and find out more information. Mr. Shubak offered to make some phone calls to find out what the terms and conditions are. ***Motion by Drexler/Timm to ask Mr. Shubak to pursue this with the Winnebago County Highway Commissioner.*** Discussion ensued. Drexler clarified that this Task Order would be put on hold until there is a response back from Winnebago County because their conditions are that the county would be doing most of the work. Mr. Shubak is aware of the Bridge Replacement Program that is administered through the DOT, which this project wouldn't be eligible for. There is a program for a culvert replacement fund which is administered through the county, which this project may be eligible for. Whether there are additional conditions or not, Mr. Shubak doesn't know about. By checking into the potential grant, the project schedule will be pushed back. If the funding is available every year, and the board wants to pursue the funding, there's no doubt that this will delay the replacing of the culvert. There is a possibility that this project won't qualify this funding period. If it proves to be unfruitful, Mr. Shubak recommends keeping this a motion contingent upon the outcome of the research. Drexler wants to know, one way or the other, the information before any further action is taken. There was discussion to keep the Task Order on hold until October 17th, 2012 Regular Town Board Meeting. Mr. Shubak's guess is that this was state funding given to Winnebago County to do with it what they see fit; meaning the work will be done by the county and the county will have to approve the construction drawings and perhaps even the Task Order to create the construction drawings. Unless they allow the town to do something retroactive, the best case scenario is to apply for funding in 2013 with the project being done in 2014. ***Drexler/Timm rescinded their motion. Motion by Drexler/Timm that we ask Mr. Shubak to look into the possibility of funding and report back to us at the October 17th, 2012 meeting.*** Include at any time and what time. Mr. Shubak will get this back to the board prior to the October 17th meeting. Atty. Marone reminded everyone about potential violations of the open meetings laws. Atty. Marone feels comfortable that the information is distributed to the board members right before the next meeting so that the public has the right to hear the discussion. The letter can be put in the packet in preparation to the next meeting. No further discussion. Motion carried in a voice vote, 5-0.

There was a frustrated member of the audience who asked why, after dealing with the culvert issue for two years, on the day there's supposed to be a decision made, this is being brought up. Drexler responded that the board should have received this memo May 7th and she just found out about it today. Then Ms. Steel clarified that if the Task Order was approved today, work could begin on the project in January and/or February, and now he's talking about February and/or March. Could the project be worked on in March? Mr. Shubak replied, that work could be done. There's really no

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time when the work could be done, it depends on whether or not the conditions are ideal for the work to be done or not. If conditions are not as favorable, it could impact the cost of the project. Bidding a project at this time of year has many factors, not just weather. There was discussion on why the memo wasn't received prior to today's meeting. Clerk Nelson reminded everyone that the board just committed to replacing the culvert last week at their September 19th, 2012 Regular Town Board Meeting. Otherwise they were going to wait to see what the affects of the streambank improvement project that is currently being done would have before moving onto replacing the culvert.

4. Discussions with Road/Drainage Coordinator regarding sump pumps.

Road/Drainage Coordinator Tollard distributed a set of photographs that he took while dealing with some current drainage issues. Tollard went through all the photographs with the board. Tollard indicated that some residents are hooking their roof drains so that the water runs into the ditch. There is one house on Thackery that has six roof drains going into the ditches. There's also issues with sump pumps which looks like some people are draining their water to their neighbors. Some people filled in their ditch and buried their sump pump hose which runs to their neighbors. With the sump pumps, roof drains, and ditches being filled in, there's nowhere for the water to go. It's also eroding the shoulders of the road because the ditches are filling up with water. These ditches are designed to keep the water off the road as much as possible. There are also obstructions in the right-of-way and easements that are creating a back up of water. The board is spending a lot of time and money trying to make improvements for the town, and as fast as the improvements are done, residents are creating more problems. The way things are going now, Tollard doesn't believe the town will ever catch up. Tollard wanted to bring this up to the board in case there any ordinances that could be enforced. Blake indicated that with meeting with Tollard twice a month, Tollard is able to bring some of these issues up and start the dialogue regarding this. Tollard would like to see the town require permits for any work being done in the right-of-way. He would also like to see an ordinance regulating sump pump discharge and roof drains. Tollard will draft ordinances on all three of these issue to present to the board. No action taken.

5. Next Stormwater Workshop – Monday, October 22nd at 5:30 PM.

Blake announced the next Stormwater Management Workshop date of Monday, October 22nd, 2012 at 5:30 PM.

6. Adjourn.

Motion to adjourn by Hamann/Kierszh. No further discussion. Motion carried in a voice vote, 5-0. Meeting adjourned at 6:45 PM.

Respectfully submitted,

Charlotte K. Nelson, Town Clerk
Town of Algoma, Winnebago County, Wisconsin