



11333 N. Cedarburg Road
Mequon, WI 53092
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www.ci.mequon.wi.us

Public Works/Engineering
Taped and Televised

SEWER UTILITY DISTRICT COMMISSION

Tuesday, April 11, 2023

7:15 PM or immediately following Mequon Municipal Water Utility Commission
Christine Nuernberg Hall

Agenda

1) Call to Order, Roll Call

2) Approval of Meeting Minutes

Action requested: review and approve

a. March 14 2023 Minutes

3) Ordinances

Action requested: review and recommend approval

1. **ORDINANCE 2023-1646** An Ordinance Amending Chapter 58 of the Mequon Municipal Code, Redefining the Reimbursement Options for Sanitary Sewer Costs

4) Resolutions

Action requested: review and recommend approval

a. **RESOLUTION 4045** A Resolution Authorizing a Development Agreement for Swan Ridge Farms Phase I, Consisting of 41 Lots of a Total 83 Lot Subdivision Located Immediately South and West of 10129 North Swan Road (Authorizing an Amendment to Section 11.f. Regarding Private Sewer Service to Adjacent Properties)

b. **RESOLUTION 4046** A Resolution Approving Award of a Contract to Replace Two Pumps and Six Valves at the Tamerlane Drive Lift Station "O" to Sabel Mechanical, LLC of Fond du Lac, Wisconsin in the Amount of \$117,614

5) Discussion

1. An Update on the Pilot Project to Reduce Infiltration into Sanitary Building Sewer Laterals with Cured-in-Place Pipe Lining

6) Adjourn

Dated: April 11, 2023

/s/ Andrew Nerbun, Mayor

Notice is hereby given that a quorum of other governmental bodies may be present at this meeting to present, discuss and/or gather information about a subject over which they have decision-making responsibility, although they will not take formal action thereto at this meeting.

Persons with disabilities requiring accommodations for attendance at this meeting should contact the City Clerk's Office at 262-236-2914, twenty-four (24) hours in advance of the meeting.

Any questions regarding this agenda may be directed to the City Administrator's Office at 262-236-2941, Monday through Friday, 8:00 AM – 4:30 PM



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SEWER UTILITY DISTRICT COMMISSION

Tuesday, March 14, 2023

7:15 PM

Christine Nuernberg Hall

Minutes

I) Call to Order

Present:

Commissioner Andrew Nerbun
Commissioner Robert Strzelczyk
Commissioner Glenn Bushee
Commissioner Dale Mayr
Commissioner Jeffrey Hansher
Commissioner Mark Gierl
Commissioner Brian Parrish
Commissioner Kathleen Schneider
Commissioner William Gebhardt

City Administrator Jones, Assistant City Administrator Schoenemann, City Attorney Sajdak, City Clerk Fochs, Director of Public Works/City Engineering Lundeen, Deputy Director of Utilities Driscoll, Administrative Assistant Schlereth, Director of Community Development Tollefson, Assistant Director of Community Development Zader, Building Inspections Supervisor Golden, press and interested public.

II) Approval of Meeting Minutes

a. January 10, 2023, Minutes

RESULT: **Approved by Voice Acclamation [Unanimous]**

MOVED BY: Commissioner Strzelczyk

SECONDED BY: Commissioner Hansher

AYES:	Nerbun, Strzelczyk, Bushee, Mayr, Hansher, Gierl, Parrish, Schneider, Gebhardt
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III) Resolutions

Action requested: review and recommend approval

Attachment: 3-14-23 Sewer Min (8350 : March 14 2023 Minutes)

- a. **RESOLUTION 4033** A Resolution Approving Award of a Design Contract for the Replacement of Ranch Road Lift Station “E” to Applied Technologies, Inc., of Brookfield, Wisconsin in the Amount of \$514,205

Deputy Director Driscoll stated the main factors for recommending Applied Technologies, Inc., were the company’s familiarity with the facilities and the focus on staffs input on the design.

RESULT: **Approved by Voice Acclamation [Unanimous]**
MOVED BY: Commissioner Parrish
SECONDED BY: Commissioner Mayr

AYES: Nerbun, Strzelczyk, Bushee, Mayr, Hansher, Gierl, Parrish, Schneider, Gebhardt

- b. **RESOLUTION 4032** A Resolution Approving Award of a Contract to Test and Seal 218 Sanitary Sewer Laterals in the Ranch Road Lift Station "E" Area to Visu-Sewer, Inc. of Pewaukee, Wisconsin in the Amount of \$687,632

Staff clarified that if testing of the laterals passed, they would not be sealed resulting in the total cost being less than \$687,632.

RESULT: **Approved by Voice Acclamation [Unanimous]**
MOVED BY: Commissioner Bushee
SECONDED BY: Commissioner Mayr

AYES: Nerbun, Strzelczyk, Bushee, Mayr, Hansher, Gierl, Parrish, Schneider, Gebhardt

- c. **RESOLUTION 4031** A Resolution Approving a Contract Award to Construct a Parallel Force Main for Tamerlane Drive Lift Station "O" to Mid-City Corporation of Butler, Wisconsin, in the Amount of \$738,265

RESULT: **Approved by Voice Acclamation [Unanimous]**
MOVED BY: Commissioner Strzelczyk
SECONDED BY: Commissioner Schneider

AYES: Nerbun, Strzelczyk, Bushee, Mayr, Hansher, Gierl, Parrish, Schneider, Gebhardt

IV) Adjourn

1. Motion to Adjourn at 8:12 PM

RESULT: **Approved by Voice Acclamation [Unanimous]**
MOVED BY: Commissioner Gierl
SECONDED BY: Commissioner Parrish

AYES: Nerbun, Strzelczyk, Bushee, Mayr, Hansher, Gierl, Parrish, Schneider, Gebhardt

Respectfully Submitted,

Ren Schlereth
Administrative Assistant



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Office of Sewer

TO: Sewer Utility District Commission
FROM: Kristen Lundeen, Director of Public Works/City Engineer
DATE: April 11, 2023
SUBJECT: ORDINANCE 2023-1646 An Ordinance Amending Chapter 58 of the Mequon Municipal Code, Redefining the Reimbursement Options for Sanitary Sewer Costs

Background

New public utility infrastructure required to serve new or expanded development is constructed through a build-and-contribute process. That process consists of the developer designing, obtaining approval, constructing and financing the installation of public utility infrastructure. Upon final review, inspection and acceptance by the City or its Utilities, the developer dedicates the public utility infrastructure to the City/Utilities. That public utility infrastructure is subsequently owned and maintained by the City/Utilities. This standard practice applies to sanitary sewers, storm sewers, water main and roads, in addition to amenities such as street trees.

Some utility infrastructure design may require modifications to meet the long term needs of the public utility. For example, the size of the pipe required to serve only the development may be smaller than required to ultimately serve the public utility. Likewise, there may be additional depth, pipe extensions or connections that could be added to the project with minimal impact to the overall development, but of great benefit to the public utility.

As this language is contained within Section 58 of the City of Mequon Code of Ordinances, amendments require a public hearing and Planning Commission recommendation for approval.

After the discussion at the Water Utility Commission (WUC) meeting in March, the WUC requested that the reimbursement language define the method of determining the reimbursement cost. The sanitary sewer utility equivalent of those changes are represented in Sections (a)(1) and (a)(2) in the attached ordinance.

Analysis

By ordinance, the upsizing of the pipes or other public sewer utility costs are to be paid for by the Sewer Utility. The proposed ordinance modifies requirements from being specific to pipe diameters to being more broadly defined, based upon the demand for the development and the ultimate design requirements for the utility. This allows the Sewer Utility to require that the developer install the pipe diameter required based upon the demand of the development, and only contemplates reimbursement for upsizing due to the ultimate demand of the Sewer Utility.

Also, by ordinance, reimbursement can only be accomplished by having the City publicly bid and construct the project, with the developer's portion of the costs to be paid by the developer. Further, it requires that the developer deposit funds equal to 125% of the estimated project cost prior to proceeding.

Requiring that the public bid be administered by the City is not always the most cost-effective method. Additionally, requiring that the City/Sewer Utility administer the public bid could slow down the process for the developer. Therefore, staff is proposing modifications to the Code to allow for the City/Sewer Utility to reimburse the developer. The City has leveraged developer designed and contributed infrastructure in TIF projects, most recently with the Town Center developments.

The proposed ordinance modifications maintain the requirement for the project to be publicly bid, which requires statutorily defined advertisement, and for the City/Sewer Utility to approve the expenditure. Unlike the existing ordinance language, the developer holds the contract with the company installing the public utility infrastructure and reimburses if approved and accepted.

The ultimate method of installation and reimbursement would be outlined in the Development Agreement. The terms and conditions specific to that project would be outlined, following the guiding language of the ordinance.

As written, the proposed language does not eliminate the current process, but rather adds an additional option for the developer or City/Sewer Utility to consider. Staff is in favor of adding the option for flexibility at the time of development.

Specifically, two active subdivision applications would benefit from the ordinance change. Both Highland Meadows (storage to address sewer capacity) and Swan Ridge (meter pit for new connection to Milwaukee Water Works infrastructure) would benefit from the ordinance change.

The attached Exhibit includes the final version of the ordinance, with all changes accepted. If approved, this would be the format of the resulting ordinance.

Mequon Water Utility infrastructure is not regulated by ordinance. The Mequon Water Utility adopted an amendment to the Water Connection Policy in March with language that mirrors the proposed text amendment.

Fiscal Impact

Providing reimbursement as an option should provide a fiscal advantage to the Sewer Utility. While maintaining requirements for validation of cost efficiency, the Sewer Utility can leverage the private development process while achieving the goals of the Utility. If, in any case, Sewer Utility staff determines that a developer's pricing is not beneficial to the Sewer Utility, the process can revert back to the original ordinance language.

Recommendation

The Planning Commission unanimously approved the text amendment. Staff recommends that the Sewer Utility Commission favorably endorse, and the Common Council approve the

ordinance amendment for reimbursement of public sewer utility infrastructure.

Attachments:

DELETE/DO NOT SHOW Exhibit: Section 58-640 Text Amendment (Final) (PDF)

Exhibit A: Section 58-640 Text Amendment (PDF)

COMMON COUNCIL
OF THE
CITY OF MEQUON

ORDINANCE 2023-1646

An Ordinance Amending Chapter 58 of the Mequon Municipal Code, Redefining the
Reimbursement Options for Sanitary Sewer Costs

RECITALS

- A. The Common Council has previously adopted Chapter 58 of the Mequon Municipal Code.
- B. Planning Commission recommended approval of the changes to Section 58-640 on February 27, 2023.
- C. The Sewer Utility District Commission further recommended approval of the changes to Section 58-640 on April 11, 2023.
- D. A public hearing was held at the Common Council meeting on April 11, 2023.
- E. The Common Council, having reviewed the regulations related to reimbursement of Sewer Utility infrastructure, has determined that the City should adopt the amended ordinance as shown in Exhibit B.

BASED UPON THE FOREGOING RECITALS, the Common Council of the City of Mequon, Wisconsin, do ordain as follows:

SECTION I

Section 58-640 of the Mequon Municipal Code is amended to read as follows (NOTE: Deleted text is ~~struck through~~; Added text is **bolded & double-underlined**):

Sec. 58-640. - Sanitary sewer costs.

- (a) The ~~subdivider~~ **developer** shall be responsible for all costs of required sanitary sewer construction ~~involving pipe size of 12 inches in diameter or less~~ **sized for the demand of the development**. Where the city's sanitary sewer system plan requires the installation of sanitary sewers larger than 12 inches in diameter, the city shall pay the difference in cost between an ~~eight-inch-diameter~~ sanitary sewer installation **the installation of the pipe sized for the development demand** and the ~~12-inch-diameter~~ **system demand** sewer. **The developer shall be responsible for all costs of required sanitary sewer infrastructure sized for the demand of the development.**

(1) Where the Mequon Sewer Utility system plan requires the installation of sanitary sewer larger than 12 inches in diameter, the Mequon Sewer Utility shall pay the difference in cost between the installation of the pipe sized for the development demand and the system demand. Reimbursement for the increased pipe size shall be determined by bidding the sanitary sewer infrastructure sized for the demand of the development and bidding the sanitary sewer infrastructure sized for the system demand. The difference in cost between the sanitary sewer infrastructure sized for the demand of the development and the sanitary sewer infrastructure sized for the system demand shall be considered the reimbursement value.

(2) Reimbursement for all other sanitary sewer infrastructure shall be calculated on the basis as recommended by the City Engineer and as approved by the Sewer Utility District Commission.

(b) All sanitary sewer construction projects in which the city is paying any portion of the costs shall be publicly advertised by the city, bids received and the contract awarded amount approved by the city. Preparation of plans and specifications for such sanitary sewer construction may be done by the subdivider's engineer or by the engineering division of the department of public works. In either case, such engineering costs shall be paid for by the developer, except for that portion attributable to the city's share of the construction costs.

(c) As documented by a development agreement, projects in which the city is paying any portion of the costs may be administered through one of the following:

(1) Build and contribute. Developer constructs the infrastructure and upon approval from the city engineer, dedicates the infrastructure to the Sewer Utility.

a. Developer will construct and pay for, or will cause any affected parcel owners to construct and pay for, all required public utility improvements, which upon completion, final inspection and acceptance by the city, shall be dedicated to the city, or the Sewer Utility, as applicable.

b. If the required public utility improvements work is subject to any public bidding requirements, the developer will comply with those requirements and cause any affected parcel owner to do so.

c. The city shall cooperate with and assist the developer with compliance with public bidding requirements and if

requested by the developer.

d. Construction documents shall define the bid items and quantities associated with the public utility improvements.

e. Prior to construction, the city/Sewer Utility shall approve the expenditure associated with the public utility improvements.

f. Developer will cause the required public utility improvements, to be constructed in a good and workmanlike manner and substantially in accordance with the approved plans and will promptly correct any defects, structural or otherwise, in construction, and all deviations from the approved plans.

g. Developer will deliver, or cause a parcel owner to deliver to the city, a 2-year warranty of all such required public utility improvements.

h. Construction of the required public utility improvements shall be completed free of all liens and encumbrances, with lien waivers submitted to the city as a condition precedent to its acceptance of dedication of such public utility improvements.

i. There shall be no independent reimbursement to developer for the costs of the required public utility improvements.

j. When the developer has completed the construction of the public utility improvements, and said improvements have been accepted and dedicated, the city shall approve the invoice and request for payment.

k. This payment for public utility improvements will be made from sewer capital funds.

(2) City administered public bid.

a. Developer will pay for, or will cause any affected parcel owners to pay for, all city/Sewer Utility owned public utility improvements, subject to final inspection and acceptance by the City.

b. No such contract shall be awarded until the subdivider has

deposited with the city an amount of money not to exceed 125 percent of the estimated cost to the subdivider. ~~Preparation of plans and specifications for such sanitary sewer construction may be done by the subdivider's engineer or by the engineering division of the department of public works. In either case, such engineering costs shall be paid for by the developer, except for that portion attributable to the city's share of the construction costs.~~

c. Upon completion of the construction, final determination of the developer's cost shall be made by the city engineer and any monies remaining in the developer's deposit after charging such costs against the deposit shall be refunded to the subdivider. If such costs exceed the deposit, the subdivider shall, upon demand of the city engineer, immediately pay the difference to the city.

~~(b)~~(d) In recognition of the city's payment of oversized costs and the fact that the city has previously invested in oversized sanitary sewer facilities, all new subdivisions and condominiums connecting to the city's sanitary sewer system shall pay a basic per lot charge, in accordance with the city's established fee schedule prior to recording the final subdivision plat, condominium declaration, certified survey map or prior to issuance of a multi-family residential building permit. Payments shall be made to the city treasurer prior to recording the final plat, condominium declaration or certified survey map.

SECTION II

The terms and provision of this ordinance are severable. Should any term of provision of this ordinance be found to be invalid by a court of competent jurisdiction, the remaining terms and provisions shall remain in full force and effect.

SECTION III

All ordinances and parts of ordinances in contravention to this ordinance are hereby repealed.

SECTION IV

This ordinance shall be in full force and effect upon its passage and on the day after its publication.

Approved by: Andrew Nerbun, Mayor

Date Approved: April 11, 2023

I certify that the foregoing Ordinance was adopted by the Common Council of the City of Mequon, Wisconsin, at a meeting held on April 11, 2023.

Caroline Fochs, City Clerk

Published: _____

Exhibit A

Sec. 58-640. - Sanitary sewer costs.

- (a) The developer shall be responsible for all costs of required sanitary sewer construction sized for the demand of the development. Where the city's sanitary sewer system plan requires the installation of sanitary sewers larger than 12 inches in diameter, the city shall pay the difference in cost between the installation of the pipe sized for the development demand and the system demand sewer. The developer shall be responsible for all costs of required sanitary sewer infrastructure sized for the demand of the development.
 - (1) Where the Mequon Sewer Utility system plan requires the installation of sanitary sewer larger than 12 inches in diameter, the Mequon Sewer Utility shall pay the difference in cost between the installation of the pipe sized for the development demand and the system demand. Reimbursement for the increased pipe size shall be determined by bidding the sanitary sewer infrastructure sized for the demand of the development and bidding the sanitary sewer infrastructure sized for the system demand. The difference in cost between the sanitary sewer infrastructure sized for the demand of the development and the sanitary sewer infrastructure sized for the system demand shall be considered the reimbursement value.
 - (2) Reimbursement for all other sanitary sewer infrastructure shall be calculated on the basis as recommended by the City Engineer and as approved by the Sewer Utility District Commission.
- (b) All sanitary sewer construction projects in which the city is paying any portion of the costs shall be publicly advertised, bids received and the contract amount approved by the city. Preparation of plans and specifications for such sanitary sewer construction may be done by the subdivider's engineer or by the engineering division of the department of public works. In either case, such engineering costs shall be paid for by the developer, except for that portion attributable to the city's share of the construction costs.
- (c) As documented by a development agreement, projects in which the city is paying any portion of the costs may be administered through one of the following:
 - (1) Build and contribute. Developer constructs the infrastructure and upon approval from the city engineer, dedicates the infrastructure to the Sewer Utility.
 - a. Developer will construct and pay for, or will cause any affected parcel owners to construct and pay for, all required public utility improvements, which upon completion, final inspection and acceptance by the city, shall be dedicated to the city, or the Sewer Utility, as applicable.
 - b. If the required public utility improvements work is subject to any public bidding requirements, the developer will comply with those requirements and cause any affected parcel owner to do so.
 - c. The city shall cooperate with and assist the developer with compliance with public bidding requirements and if requested by the developer.
 - d. Construction documents shall define the bid items and quantities associated with the public utility improvements.
 - e. Prior to construction, the city/Sewer Utility shall approve the expenditure associated with the public utility improvements.
 - f. Developer will cause the required public utility improvements, to be constructed in a good and workmanlike manner and substantially in accordance with the approved plans and will promptly correct any defects, structural or otherwise, in construction, and all deviations from the approved plans.
 - g. Developer will deliver, or cause a parcel owner to deliver to the city, a 2-year warranty of all such required public utility improvements.

Exhibit A

- h. Construction of the required public utility improvements shall be completed free of all liens and encumbrances, with lien waivers submitted to the city as a condition precedent to its acceptance of dedication of such public utility improvements.
 - i. There shall be no independent reimbursement to developer for the costs of the required public utility improvements.
 - j. When the developer has completed the construction of the public utility improvements, and said improvements have been accepted and dedicated, the city shall approve the invoice and request for payment.
 - k. This payment for public utility improvements will be made from sewer capital funds.
- (2) City administered public bid.
- a. Developer will pay for, or will cause any affected parcel owners to pay for, all city/Sewer Utility owned public utility improvements, subject to final inspection and acceptance by the City.
 - b. No such contract shall be awarded until the subdivider has deposited with the city an amount of money not to exceed 125 percent of the estimated cost to the subdivider.
 - c. Upon completion of the construction, final determination of the developer's cost shall be made by the city engineer and any monies remaining in the developer's deposit after charging such costs against the deposit shall be refunded to the subdivider. If such costs exceed the deposit, the subdivider shall, upon demand of the city engineer, immediately pay the difference to the city.
- (d) In recognition of the city's payment of oversized costs and the fact that the city has previously invested in oversized sanitary sewer facilities, all new subdivisions and condominiums connecting to the city's sanitary sewer system shall pay a basic per lot charge, in accordance with the city's established fee schedule prior to recording the final subdivision plat, condominium declaration, certified survey map or prior to issuance of a multi-family residential building permit. Payments shall be made to the city treasurer prior to recording the final plat, condominium declaration or certified survey map.



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Office of Engineering

TO: Sewer Utility District Commission
FROM: Kristen Lundeen, Director of Public Works/City Engineer
DATE: April 11, 2023
SUBJECT: RESOLUTION 4045 A Resolution Authorizing a Development Agreement for Swan Ridge Farms Phase I, Consisting of 41 Lots of a Total 83 Lot Subdivision Located Immediately South and West of 10129 North Swan Road (Authorizing an Amendment to Section 11.f. Regarding Private Sewer Service to Adjacent Properties)

Background

In August 2022, the Sewer Utility District Commission (SUDC) approved Resolution 3975 which included the requirement that the developer of the proposed Swan Ridge Farms development provide a private sanitary service to two adjacent properties on Swan Road.

As a condition of the rezoning and at the request of the developer, the parcel was included in a sewer service area boundary amendment to bring the property into the sewer service area. At the time of request, Staff contacted the adjacent property owners who requested the same.

To memorialize the requirements of the developer and as a condition of the adjacent property owners who also signed sanitary sewer service agreements with the City, the SUDC approved the language.

Analysis

The developer is now requesting to phase the development and only construct 41 lots on the southern portion of the property. The sanitary sewer system for the first phase does not include the required infrastructure to serve the adjacent properties.

According to the approved language, prior to final plat the developer is required to install the infrastructure required to serve the adjacent properties. The developer is requesting amended language on the basis that the additional sanitary sewer infrastructure outside of the proposed phase of the development is cost prohibitive.

If the SUDC is considering an amendment to the required language, staff recommends that it be conditioned upon the following (memorialized in Section 11.f.v. in the attached document) which requires that:

- The Developer pay the annual Sewer Tax for the properties located at 10133 and 10129 North Swan Road until the private sanitary sewer service is installed.
- The Developer provide a letter of credit in the amount of 120% the estimate to install the sanitary sewer infrastructure. If the sanitary infrastructure work is not completed on or before 14 months after the final plat is recorded, the City may draw on demand the full amount of the Letter of Credit to defray the costs of finishing the work, including without limitation labor, material and costs regularly charged by the City for its staff's time. If the

funds are inadequate to defray the costs, the Developer shall owe the balance to the City.

- The Developer record the Sanitary Sewer and Easement and Declaration Agreement which would allow the City to install the sanitary infrastructure in the event of default.
- The Developer record a public sanitary sewer easement, for the public sanitary sewer easement from the Phase 1 plat boundary to the Sanitary Sewer Easement and Declaration Agreement.

Please note that the developer requested an extended timeframe beyond the 14 months to install the infrastructure, intended to be installed with the next phase of the development. However, the City Attorney reports that both the amount and duration of the letter of credit are restricted by state statute. Therefore the Sewer Utility risks the potential expense to install the infrastructure if the Developer fails to do so within the prescribed timeframe, or if the next phase never develops at all.

The adjacent property owners were advised of the developer's request for an amendment. The property owners expressed concern that their agreements with the City indicate that if their existing holding tanks fail, they must connect to the sanitary sewer system. Staff notes that was the risk at the time of execution of the documents and that the timeline for installation of the sanitary sewer was never defined. However, Staff is attempting to protect the adjacent property owners by only allowing an extension of up to 14 months.

Fiscal Impact

If the Developer fails to install the sanitary sewer infrastructure as outlined in the agreements with the adjacent property owners, the Sewer Utility could be liable for the cost to install the sanitary sewer infrastructure. If the Developer installs the sanitary sewer infrastructure as originally agreed, there is no cost to the Sewer Utility and the Sewer Utility would realize the revenue from the new customers.

Recommendation

Staff recommended the language originally approved by Resolution 3975 to require the developer to install the sanitary infrastructure prior to final plat, to meet the terms of the agreements negotiated with the sanitary sewer service area boundary amendment. The SUDC may either:

1. Approve the amended language as proposed in Section 11.f.
2. Deny the request for amendment and revert to the language approved with Resolution 3975.

Either motion would be incorporated into the subsequent approval by the Common Council.

Attachments:

Res 4045 - Swan Road DA (PDF)

Swan Ridge DA Section 11.f (PDF)

COMMON COUNCIL
OF THE
CITY OF MEQUON

RESOLUTION 4045

A Resolution Approving a Development Agreement for Swan Ridge Farms Phase I, Consisting
of 41 Lots Within a Total 83-Lot Subdivision Located Immediately South and West of 10129
North Swan Road

- A. The Swan Ridge Farm Phase 1 residential development consists of 41 lots to be located directly south and west of 10129 North Swan Road.
- B. The Planning Commission recommended approval of the Development Agreement for the subdivision on March 20, 2023.
- C. The Development Agreement provides for the installation of improvements and the payment of fees in accordance with the City Engineer's report.
- D. The Mequon Water Utility Commission and Sewer Utility District Commission approved relevant sections of the Development Agreement on April 11, 2023.

BASED UPON THE FOREGOING RECITALS, IT IS RESOLVED by the Common Council of the City of Mequon, Wisconsin, that:

- 1. The Development Agreement for the Swan Ridge Subdivision project is approved, subject to any technical, clerical and/or legal changes deemed necessary and appropriate by the City Attorney.
- 2. The Mayor and City Clerk are authorized and directed to execute and deliver the same.

Approved by: Andrew Nerbun, Mayor

Date Approved: April 11, 2023

I certify that the foregoing Resolution was adopted by the Common Council of the City of Mequon, Wisconsin, at a meeting held on April 11, 2023.

Caroline Fochs, City Clerk

Attachment: Res 4045 - Swan Road DA (8305 : Swan Ridge Section 11.f Amendment)

11. Sanitary Sewer System Plans. The Development will have a public sanitary sewer system. The plans for the system shall:

(f) Provide legal and practical sanitary sewer service to the properties located at 10133 and 10129 North Swan Road (“Adjacent Properties”). Legal and practical sanitary sewer service is defined as:

- v. The Private Sewer Service shall be installed in its entirety at the time of the public sanitary sewer installation and must be functional prior to final plat approval. As the Developer is phasing the public sanitary sewer installation, if the Private Sewer Service is not installed prior to final plat approval for Phase 1, the following conditions must be met:
 - 1. The Developer shall pay the annual Sewer Tax for the properties located at 10133 and 10129 North Swan Road each year by December 31, effective the date of final plat until the terms of this section are met.
 - 2. The Developer shall provide to the City an estimate of the public sewer infrastructure costs extending from the Phase 1 limits up to and including the Private Sewer Service, including the costs of inspections, construction, installation, backfill, structures and easements. The estimate shall be subject to review and approval by the City Engineer. The Developer shall, prior to final plat, provide to the City a letter of credit in the amount of 120% the approved estimate. The letter of credit shall be issued by a local financial institution on the International Chamber of Commerce form or its equivalent. The form and content shall be acceptable to the City Attorney. The Developer shall pay all costs of completing the public sanitary infrastructure and Private Sewer Service work. If the public sanitary infrastructure and Private Sewer Service work is not completed to the satisfaction of the City on or before 14 months after the final plat is recorded, or upon the occurrence of an Event of Default, as defined above, the City may draw on demand the full amount of the Letter of Credit to defray the costs of finishing the work, including without limitation labor, material and costs regularly charged by the City for its staff’s time. The City shall hold such funds and apply them as costs are incurred. The City shall refund the balance to the Developer, if any, after the work is completed. If the funds are inadequate to defray the costs, the Developer shall owe the balance to the City.
 - 3. The Developer shall record the Sanitary Sewer and Easement and Declaration Agreement, subject to City Attorney approval, as outlined in Section 11.(f)iv.
 - 4. The Developer shall record a public sanitary sewer easement, subject to City Attorney approval, for the public sanitary sewer easement from the Phase 1 plat boundary to the Sanitary Sewer Easement and Declaration Agreement. The public sanitary sewer easement shall be a minimum of 20 feet wide and grant the City the ability to fulfill the requirements of Section 11.(f)v.2.
 - 5. Prior to the recording of the final plat for Phase 2, the public sanitary sewer easement shall be vacated.



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Office of Sewer Utility District Commission

TO: Sewer Utility District Commission
FROM: Kevin Driscoll, Deputy Director of Utilities
DATE: April 11, 2023
SUBJECT: RESOLUTION 4046 A Resolution Approving Award of a Contract to Replace Two Pumps and Six Valves at the Tamerlane Drive Lift Station "O" to Sabel Mechanical, LLC of Fond du Lac, Wisconsin in the Amount of \$117,614

Background

The 2023 Sanitary Sewer budget adopted on November 9, 2022, included funding for a number of capital improvement projects. Most of the proposed projects are a continuation of prior years' improvements and include upgrades to the City's sanitary sewer lift stations. In May 2020, the station serving the Huntington Park subdivision had a sanitary sewer overflow during a wet weather event. As a result, a condition assessment followed, and the resulting recommendation was for capacity improvements. This project replaces the existing pumps and valves. This mechanical work is in addition to other capacity improvements approved last month for the construction of the parallel force main. The anticipated delivery time for the pumps is this fall, and the deadline to complete the work is next spring. This pump work is scheduled for completion after the force main work.

Analysis

The replacement of pumps and valves at the Tamerlane Drive Lift Station "O" are essential to the Huntington Park subdivision and the potential Swan Ridge subdivision development, north of County Line Road. The project includes replacement of two pumps, two check valves and four isolation valves.

The project was publicly noticed, and staff received two bids:

Bidder	Amount
Sabel	\$117,614
Mid-City	\$149,700

Staff recommends that the Public Works Committee favorably endorse and the Common Council approve the resolution to replace pumps and valves at Tamerlane Drive Lift Station "O".

Fiscal Impact

Funding for this work to replace pumps and valves at Tamerlane Drive Lift Station "O" is available as a part of the Sewer Utility's Capital Improvement Program in the amount of \$117,614.

Recommendation

A recommendation is forthcoming from the Sewer Utility District Commission on April 11, 2023.

COMMON COUNCIL
OF THE
CITY OF MEQUON

RESOLUTION 4046

A Resolution Approving Award of a Contract to Replace Two Pumps and Six Valves at the Tamerlane Drive Lift Station "O" to Sabel Mechanical, LLC of Fond du Lac, Wisconsin in the Amount of \$117,614

RECITALS

A. A number of capital improvement projects were identified as part of the FY2023 Sanitary Sewer Budget adopted by the Common Council on November 9, 2022.

B. These projects are essential to the operation of the City's sanitary sewer system.

C. The City of Mequon Department of Public Works Engineering Division advertised and received bids to replace pumps and valves at the Tamerlane Drive Lift Station "O".

D. Staff has received and reviewed the various bids and contractor qualifications for the contracts.

E. Staff recommends that the contract to replace two pumps and six valves at Tamerlane Drive Lift Station "O" be awarded to the low bidder, Sabel Mechanical, LLC, at a total cost of \$117,614.

F. The Capital Account 610669 740002 has sufficient balance to fund this project.

G. The Sanitary Utility District Commission at its meeting on April 11, 2023, endorsed staff's recommendation.

BASED UPON THE FOREGOING RECITALS, IT IS RESOLVED by the Common Council of the City of Mequon, Wisconsin that:

1. The Contract to replace two pumps and six valves at the Tamerlane Drive Lift Station "O", as let for bid, is approved and awarded to Sabel Mechanical, LLC of Fond du Lac, Wisconsin, in an amount not-to-exceed \$117,614, subject to any clerical, technical and/or legal changes deemed necessary and appropriate by the City Attorney.

2. The Mayor and the City Clerk are authorized and directed to execute and deliver the same.

Approved by: Andrew Nerbun, Mayor

Date Approved: April 11, 2023

I certify that the foregoing Resolution was adopted by the Common Council of the City of Mequon, Wisconsin, at a meeting held on April 11, 2023.

Caroline Fochs, City Clerk



11333 N. Cedarburg Road
Mequon, WI 53092-1930
Phone:
Fax: 262-242-9655

www.ci.mequon.wi.us

Office of Sewer Utility District Commission

TO: Sewer Utility District Commission
FROM: Kevin Driscoll, Deputy Director of Utilities
DATE: March 24, 2023
SUBJECT: An Update on the Pilot Project to Reduce Infiltration into Sanitary Building Sewer Laterals with Cured-in-Place Pipe Lining

Background

In winter 2017-2018, 34 private, residential building sewer laterals were rehabilitated to reduce leaks utilizing MMSD's private property inflow and infiltration (PPI/I) funding. The rehabilitation method was cured-in-place pipe (CIPP) lining. This private sewer lateral work was in conjunction with CIPP lining to rehabilitate public sewer mains, with the goal of reducing the amount of rainwater that enters the sanitary sewer system through leaks in the pipes. As a result of this work, lift station flows during wet weather have decreased. The flows typically increase and peak during wet weather compared to dry weather, and that ratio of dry weather flow compared to wet weather flow is referred to as the peaking factor. The peaking factors have reduced from 6-7 to 3 following the completion of this work and has resulted in reduced clear water infiltration into the City's sanitary collection system.

Analysis

Sewer lateral work continues to be part of the City's ongoing effort to avoid overflows and maintain the capacity of the sanitary sewer system. However, following a series of quality assurance and quality control examinations of this project, defects were identified in 26 of the lateral liners. The Contractor, MBI, was issued a notice of defect, and in response the Contractor committed to remedy their work. After a series of correspondence and meetings, in addition to a consultant study authorized by the Sewer Utility District Commission and completed by Arcadis, the Contractor's remedy approach was accepted by the City. Agreement forms were sent to the respective property owners prior to the Contractor returning onto private property to complete the remedy work.

Of the twenty-six affected properties:

- 14 accepted and allowed re-entry.
- 12 did not respond to letters.
- 8 lateral defects were rehabilitated.
- 5 applied epoxy to defects in 4-inch diameter pipe.
- 3 spot liners were installed over defects in 6-inch diameter pipe.
- 6 locations were not able to be repaired due to configuration, where the Contractor's ability to remedy the defect without excavation was limited.
- No property owners allowed additional excavation to repair pipe.

A project timeline is included as Exhibit A. This outlines the beginning of the project with the MMSD funding agreement in Fall 2016, installation of CIPP lining in January 2018, and a series of Quality Assurance/Quality Control Exams with MBI's efforts to remedy defects in Fall 2022. Following the Sewer Utility District Commission meeting on April 11, the letters included as Exhibits B and C will be mailed to property owners with the project closeout package.

Conclusion

In summary, prior to expiration of the project's 10-year warranty in 2027, additional monitoring is anticipated with a final round of closed-circuit televised (CCTV) exams.

Attachments:

Exhibit A - Timeline (PDF)

Exhibit B - Project Close-out Letter Template (PDF)

Exhibit C - Project Close-out Letter Template2 (PDF)



Exhibit A

11333 N. Cedarburg Road
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 Phone: (262) 236-2934
 Fax: (262) 242-9819
engineering@ci.mequon.wi.us

www.ci.mequon.wi.us

Public Works/Engineering

MEMORANDUM

TO: File

FROM: Kevin Driscoll, Deputy Director of Utilities

DATE: January 30, 2023

SUBJECT: Summary of Sewer Lateral Cured-In-Place Lining, Contract #3566-U-17

2016 November	– Funding Agreement between Mequon and MMSD signed
2017 June	– Contract #3566-U-17 between Mequon and MBI signed
2017 September	– Notice of Exam Findings transmitted to property owners
2018 January	– CIPP lining installed (4,700 ft), substantially complete, exams delivered
2018 Fall	– Resident Feedback Survey
2018 Fall	– Quality Control and Quality Assurance Exams by MMSD
2018 December	– Notice of Defect Transmitted from City to MBI
2019 September	– Quality Control and Quality Assurance Exams by MBI, Notification Disks Install
2019 October	– LMK Warranty Exams and MBI Proposed Remedy
2019 November	– City Rejected Proposed Remedy (Line over all defects)
2019 December	– MBI Re-Iterated Proposed Remedy
2020 January	– City issued letter of Non-Responsiveness
2020 February	– Warranty Exams, Second Round
2020 April	– Consultant Study
2021 February	– Consultant Summary of Findings Transmitted
2021 October	– Example of Detailed Recommendations transmitted from MBI to Mequon
2021 November	– City Responded to MBI
2022 January	– Revised Response from MBI
2022 February	– Preliminary Comments, Revised Lateral Analysis Reports from MBI
2022 March	– City sent Pre-Final Comments to MBI
2022 May	– MBI Responded to City's comments
2022 June	– Sent Outreach Letters to Property Owners with Warranty Information
2022 Summer	– MBI Scheduled Remedy work, accessed clean-outs
2022 Nov 1	– Attempted to Complete Remedy work
2022 Dec	– Punchlist Items
2023 Mar	– Final Summary

Attachment: Exhibit A - Timeline (8308 : Update on the Pilot Project to Reduce Infiltration into Sanitary Building Sewer Laterals)



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 Public Works/Engineering

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<date>

<Property Owner>

<Address>

Mequon, WI <zip>

Subject: Sanitary Sewer Lateral Repair Work
 <Parcel ID >

Dear <Property Owner> ,

Thank you for participating in our sewer lateral lining project and allowing the contractor to return in response to our letter dated June 3, 2022. A remedy to the cured-in-place-pipe (CIPP) liner was completed on <date>. That work involved: <spot lining fractures in 6-inch dia. at << --ft >> and epoxy coating in 4-inch dia. at << -- ft >> from the main>. At this time the considers the projects closed. None the less, the cured-in-place lining is subject to the manufacturer's warranty, a copy of which is enclosed for your records.

This work is part of City's program to reduce leaks in the sanitary collection system, maintain capacity during wet weather events, and comply with the Wisconsin Department of Natural Resources and Milwaukee Metropolitan Sewerage District requirements to avoid overflows. In consideration of your experience with this project, please complete the survey at the link provided:

<https://www.ci.mequon.wi.us/publicworks/webform/survey-sewer-lateral-work-private-property-infiltration-and-inflow-reduction>

If you have have any questions you can contact Kevin Driscoll, Deputy Director of Utilities, 262-236-2937 and also Nick Zillman, Musson Brothers Inc., 414-303-2707. You may also send an email to kdriscoll@ci.mequon.wi.us

Sincerely,

Kevin Driscoll
 Deputy Director of Utilities



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engineering@ci.mequon.wi.us
 Public Works/Engineering

www.ci.mequon.wi.us

<date>

<Property Owner>

<Address>

Mequon, WI <zip>

Subject: Sewer Lateral Status
 <Parcel ID>

Dear <Property Owner>,

Thank you for participating in the City's sewer lateral lining project. As a follow up to our letter dated June 3, 2022, the City's contractor, MBI, attempted multiple times in August and September of 2022 to notify you. However, they did not obtain your permission to return and complete a remedy to the cured-in-place-pipe (CIPP) liner. At this time, the City considers the project closed. None the less, the cured in place liner is subject to the manufacturer's warranty, a copy of which is enclosed for your records.

This work is part of City's program to reduce leaks in the sanitary collection system, maintain capacity during wet weather events, and comply with the Wisconsin Department of Natural Resources and Milwaukee Metropolitan Sewerage District requirements to avoid overflows. In consideration of your experience with this project, please complete the survey at the link provided:

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If you have any questions, you can contact Kevin Driscoll, Deputy Director of Utilities, 262-236-2937 and Nick Zillman, Musson Brothers Inc, 414-303-2707. You may also send an email to kdriscoll@ci.mequon.wi.us

Sincerely,

Kevin Driscoll
 Deputy Director of Utilities