



11333 N. Cedarburg Road
Mequon, WI 53092
Phone: 262-236-2914
Fax: 262-242-9655

www.ci.mequon.wi.us

Office of the City Clerk
Taped & Televised

COMMITTEE OF THE WHOLE
Tuesday, September 13, 2022
7:00 PM
Christine Nuernberg Hall

Agenda

1. Call to Order, Roll Call
2. Approval of Meeting Minutes
 - a. August 10, 2022
 - b. August 29, 2022
3. Discussion
 - a. Project Status Update: Pedestrian Crossing & Traffic Signal Design Improvements Along Mequon Road from Buntrock Avenue East Towards Cedarburg Road
 - b. Discussion Regarding Potential City Cost Participation for the Installation of Sidewalk on Mequon Road from Wauwatosa Road to Swan Road, as Included in the Wisconsin Department of Transportation's West Mequon Road Improvement Project
4. Resolutions
 - a. **RESOLUTION 3977** A Resolution Authorizing an Amendment to the Contract for the Design of Proposed Pedestrian and Traffic Safety Improvements Along Mequon Road from Buntrock Avenue East Towards Cedarburg Road, to R.H. Batterman & Co, Inc. of Beloit, Wisconsin, in an Amount Not-to-Exceed \$50,240
5. Future Policy Items for Discussion/Consideration/Analysis
6. Adjourn

Dated: September 13, 2022

/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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COMMITTEE OF THE WHOLE
Wednesday, August 10, 2022
6:45 PM
Christine Nuernberg Hall

Minutes

1. Call to Order, Roll Call

Mayor Nerbun called the meeting to order at 6:45 PM.

Present:

Mayor Andrew Nerbun
Alderman Glenn Bushee
Alderman Mark Gierl
Alderman Jeffrey Hansher
Alderman Dale Mayr
Alderman Brian Parrish
Alderman Kathleen Schneider
Alderman Robert Strzelczyk
Alderman Vacant Seat - **Absent**

Also present: City Administrator Jones, Assistant City Administrator Schoenemann, City Attorney Sajdak, City Clerk Fochs, Finance Director Engroff, Police Chief Pryor, Fire Chief Bialk, Director of Public Works/City Engineering Lundeen, Water Utility Supervisor Voigt, Assistant Director of Community Development Zader, Administrative Assistant Schlereth, press and interested public.

2. Approval of Meeting Minutes

a. July 12, 2022

RESULT: **Approved by Voice Acclamation [7-1]**
MOVED BY: Alderman Mayr
SECONDED BY: Alderman Hansher

Attachment: 8.10.22 COTW (7618 : 8/10/2022 COTW Minutes)

AYES: Nerbun, Bushee, Gierl, Hansher, Mayr, Parrish, Schneider, Strzelczyk
DEEMED NO: Vacant Seat

3. Discussion

a. City of Mequon Compensation Study for Non-Represented Positions

Assistant City Administrator Schoenemann gave an overview of the city employee compensation study through GovHR. Data will be collected from employees and submitted to GovHR through October who will then draft a report for the Common Council to review at the November meeting. The Committee further discussed budget, comparable communities, and the continued process going forward.

4. Quarterly Departmental Reports

Questions from the Committee were answered by City staff.

- a. Finance Department
- b. Clerk's Department
- c. Community Development
- d. Public Works
- e. Fire Department
- f. Police Department

5. Future Policy Items for Discussion/Consideration/Analysis

6. Adjourn

Motion to adjourn at 7:03 PM.

RESULT: **Approved by Voice Acclamation [7-1]**
MOVED BY: Alderman Parrish
SECONDED BY: Alderman Mayr

AYES: Nerbun, Bushee, Gierl, Hansher, Mayr, Parrish, Schneider, Strzelczyk
DEEMED NO: Vacant Seat

Respectfully Submitted,

Janet Meyer
Deputy Clerk



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COMMITTEE OF THE WHOLE
Monday, August 29, 2022
6:00 PM
Christine Nuernberg Hall

Minutes

1. Call to Order

Mayor Nerbun called the meeting to order at 6:00 PM.

2. Roll Call

Present:

Mayor Andrew Nerbun
Alderman Glenn Bushee
Alderman Mark Gierl
Alderman Jeffrey Hansher
Alderman Dale Mayr
Alderman Brian Parrish
Alderman Kathleen Schneider
Alderman Robert Strzelczyk
Alderman Vacant Seat - **Absent**

3. Overview of Fiscal Year 2023 Budget Development Process

City Administrator Jones stated that the Budget Team, consisting of himself, Assistant City Administrator Schoenemann, Finance Director Engroff, and Assistant to the Finance Director Keyser, had been working on the budget since early July. They have concluded meeting with all the departments to review their budgets. The Budget Team has approximately four weeks to prepare the budget for the Appropriations Meeting that will likely take place the first week of October.

An overview of fiscal year 2022 was then presented by Finance Director Engroff. She shared the City's revenues and expenditures through July 31, 2022. City Administrator Jones pointed out some revenue, expense, and general considerations to consider. The City tax rate equals \$3.08 per \$1,000 assessed value. New net construction is up 2.2% or \$360,000. The excess levy above allowable limit is \$683,905. The expense considerations included the July 2022 CPI being 8.5%, the 2022 Budget absorbing increases in fuel, postage, utilities, and wages, plus health insurance in 2023 will be rising 5.4%. In addition, WRS is going to increase by 1.5% for Public Safety and .6% for all others, natural gas costs are up 31% from

one year ago, and insurance is forecasted to be 10-20% higher. Other general considerations are that Fire & EMS will be removed from the 2023 Budget and the Compensation Review that is currently underway.

4. Capital Financing Update

City Administrator Jones stated that since 2015, Pay-As-You-Go Funding is up 53%. Pay-As-You-Go Capital rose by \$128K in 2022. The City's debt service is remaining level for 2023. Currently, no debt is scheduled beyond 2033. The City is in prime position to work with Ehlers to help plan/finance future building projects. A brief discussion then took place about what those projects might be.

5. Public Safety Consolidation Update

City Administrator Jones then gave a brief overview as to how the Southern Ozaukee Fire Department (SOFD) Budget was taking shape. It includes an ambulance fee, market fee adjustment, and an adjustment in alarm, sprinkler, and commercial inspection fees that would occur. The Department will receive \$300K in Ozaukee County ARPA Funds.

6. Supplemental Funding Discussion

City Administrator Jones shared how the City has received \$2.5 Million from the American Rescue Plan Act. All monies need to be programmed by 2024 and spent by 2026. Mr. Jones provided a chart with an allocation plan that staff had identified and broken down into the Strategic Planning focus areas of Capital/Infrastructure, IT/Customer Service, Financial Stewardship, and Quality of Life.

7. 2023 Budget Schedule

The next steps of the budget process include the distribution on September 26th, an Appropriations Meeting on October 3rd or 6th, a second Appropriations Meeting, if necessary, would take place between October 12th - October 18th, the Sewer & Water Budget Meeting would take place between October 18th – November 3rd, and the Public Hearing and Budget Adoption on November 9th.

8. Potential Closed Session

Motion to enter into closed session at 7:18 PM.

RESULT: **Approved by Voice Acclamation [7-1]**
MOVED BY: Alderman Hansher
SECONDED BY: Alderman Schneider

AYES: Nerbun, Bushee, Gierl, Hansher, Mayr, Parrish, Schneider, Strzelczyk
DEEMED NO: Vacant Seat

9. Adjourn

Motion to adjourn at 7:51 PM.

RESULT: **Approved by Voice Acclamation [7-1]**

MOVED BY: Alderman Schneider

SECONDED BY: Alderman Gierl

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

DEEMED NO: Vacant Seat

Respectfully Submitted,

Carrie Enea

Executive Assistant - Communications

Attachment: 8.29.22 COTW SPECIAL (7663 : 8/29/2022 Special COTW Minutes)



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

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Office of Engineering

TO: Committee of the Whole
FROM: Kristen Lundeen, Director of Public Works/City Engineer
DATE: September 13, 2022
SUBJECT: Project Status Update: Pedestrian Crossing & Traffic Signal Design Improvements Along Mequon Road from Buntrock Avenue East Towards Cedarburg Road

The safety of the Ozaukee Interurban Trail (OIT) crossing at Mequon Road was identified as a high priority of the Common Council. After a process to review alternatives for a safer crossing, the City engaged in a design process, which will result in a construction drawing set that will be publicly bid for construction. The Common Council directed that the project would also include the installation of a traffic signal at Weston Drive, the replacement of the traffic signal at Buntrock Avenue, a narrowing of the road cross section generally between Buntrock Avenue and Cedarburg Road and installation of streetscaping improvements previously approved at a Town Center Workshop Meeting held last spring.

A number of those improvements required approval of the Wisconsin Department of Transportation (WisDOT), as this section of Mequon Road is designated as a Connecting Highway. WisDOT has jurisdiction over the road geometry, signals and signage. City staff was able to obtain WisDOT approval of Council-directed design elements, with the exception that instead of a beacon at the crossing itself, a pedestrian-induced advanced flashing beacon will be placed ahead of the OIT.

Design efforts for the Pedestrian Crossing & Traffic Signal Design Improvements along Mequon Road from Buntrock Avenue east towards Cedarburg Road continue. On September 1, City staff and the consultant met for five hours to review the 60% plans. At this stage, City staff is continuing to advocate for standards set forth by the Common Council, while the consultant is advising of project elements that may trigger additional WisDOT requirements. Worth noting is that the railroad will also have the authority to review for conflicts with railroad infrastructure, including the railroad crossing control.

As the design efforts transition from 60% to 90% plans, City staff will finalize the location of streetscape details including street lighting, gateway signage and landscaping elements, which match the existing streetscape elements already installed throughout the neighborhood.

It is anticipated that the 90% plans will be complete in mid-October, with final plans available for bidding by Thanksgiving. Bid plans will be available to contractors with the goal of receiving bids by the end of the calendar year. Pending the results of the bidding process, the contract award will be on the Common Council's January meeting agenda.

The design of the project continues to be coordinated with the WE Energies project to bury the overhead utilities in the corridor. It is anticipated that the cost estimate for this portion of the project will also be available by the end of the calendar year.



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Office of Engineering

TO: Committee of the Whole
FROM: Kristen Lundeen, Director of Public Works/City Engineer
DATE: September 13, 2022
SUBJECT: Discussion Regarding Potential City Cost Participation for the Installation of Sidewalk on Mequon Road from Wauwatosa Road to Swan Road, as Included in the Wisconsin Department of Transportation's West Mequon Road Improvement Project

Background

The intent of this memo is to provide feedback to the Wisconsin Department of Transportation (WisDOT) regarding the installation of sidewalk on Mequon Road between Swan Road and Wauwatosa Road.

Staff from WisDOT and City staff have been coordinating for the proposed WisDOT project for the west end of Mequon Road, from the county line (Wasaukee Road) to Wauwatosa Road. The project is tentatively scoped for construction in 2025 and is anticipated to include the following:

- Mill 2-inches and pave 2-inches from Wasaukee Road to Solar Avenue
- Diamond grind the concrete from Solar Avenue to North Buntrock Avenue (approx. 0.8 miles)
- Concrete surface repair (anticipate 10%)
- Replace the traffic signals with monotubes at N. Wasaukee Road and Granville Road
- Investigate and complete retaining wall work (at 4 locations)
- Replace beam guard throughout the project (at 6 locations)
- Investigate and remove corrugated median along the left turn lanes in 2 locations (the corrugated median where STH 167 widens out or narrows down is slated to remain)
- Repair wingwall
- Investigate adding a right turn lane, northbound, at North Swan Road
- Adding sidewalk (due to public request)
- Adding left turn lane westbound, between Solar Avenue and Wauwatosa Road for U-turns
- Evaluate median closures west of Wauwatosa Road and west of Buntrock Avenue
- Evaluate/replace curb ramps as needed throughout the project (anticipate some real estate needs)
- Repairing/replacing some drainage structures (manholes/inlets/culverts)

Analysis

Currently, the project is transitioning between 30% plans and 60% plans. According to WisDOT staff, after reaching 60% design, the plans are "locked in" and they become final plans. Thereafter, the real estate process then starts and planning/coordinates to move utilities out of the way (if they can move) - both take up a significant amount of time within the design process.

WisDOT staff is requesting the City's direction on sidewalk installation between Swan Road and Wauwatosa Road. Please note that WisDOT will ultimately require a State/Municipal Financial

Agreement to memorialize the City's decision.

Fiscal Impact

WisDOT is offering a 10% / 90% cost share for new sidewalk on this STH 167 project (10% WisDOT cost share, and 90% City of Mequon), for any new sidewalk length.

Per WisDOT staff, here is an explanation of the evaluation and results:

WisDOT is piloting an evaluation method that uses population data to apply a consistent approach to implementing bicycle and pedestrian improvements across the state. The fundable value is defined based on an estimated 81 possible daily pedestrian trips for the proposed sidewalk. These possible trips originate within 0.5, 1.0, and 1.5 miles of the proposed sidewalk and the likelihood of a trip decreases as the distance grows. Additionally, the evaluation considers available destinations including employment, schools and churches, shopping, personal business, and social/recreational.

The dollar value assigned to trips is prorated by the project distance. This considers the distance of the physical improvement as well as the estimated trip length.

The result of \$36k is about 10% of the estimated construction cost of sidewalk only (curb ramp construction is state cost). A 10% cost share would apply for any distance between Swan Road and Solar Avenue.

At 30% plans, the cost estimate for sidewalk on both the north and south sides of Mequon Road, from Swan Road to Wauwatosa Road is \$349,627.13. At 90%, the City's cost share would be \$314,664.417. This cost would typically be proposed for funding through the City's Right-of-Way Asset Capital Account.

Recommendation

Planning and Engineering staff recommend that the Common Council consider, at a minimum, sidewalk on the north side of Mequon Road from Swan Road to Wauwatosa Road. Similar to the precedent on Wauwatosa Road, staff sees a minimal improvement to including sidewalks on both sides of the road.

Staff is requesting a decision from the Common Council on what WisDOT should include in the scoping for the 60% design and beyond. As previously noted, the agreement to memorialize the financial obligation will come at a future meeting. WisDOT outlined any number of options including, but not limited to:

- Sidewalk on both the north and south sides of Mequon Road from Swan Road to Wauwatosa Road.
- Sidewalk on only the north side of Mequon Road from Swan Road to Wauwatosa Road.
- Sidewalk on only the south side of Mequon Road from Swan Road to Wauwatosa Road.
- Sidewalk on only the north side of Mequon Road from Solar Heights, either Solar Avenue or Vega Avenue to Wauwatosa Road.
- Sidewalk on only the south side of Mequon Road from Brighton Ridge, either Whilton Road or Lincolnshire Road to Wauwatosa Road.
- Any combination of sidewalk, provided the origin is Wauwatosa Road and continues west.

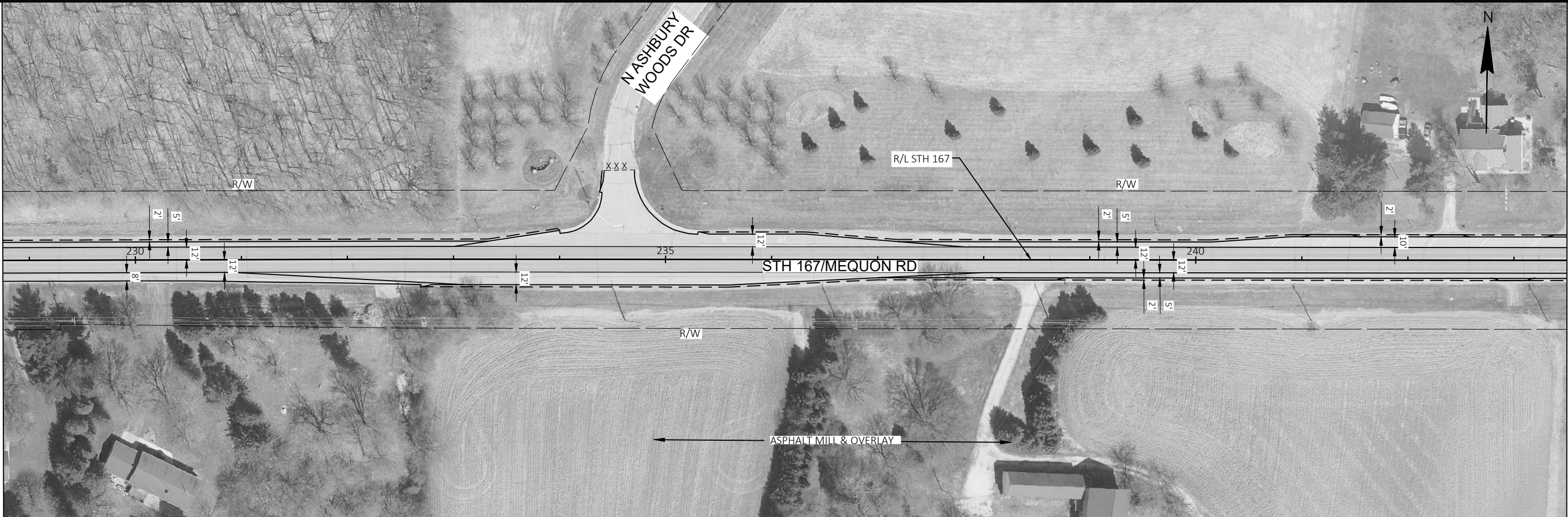
Attachments:

WisDOT Sidewalk Plan (PDF)
30% Plan Sidewalk Cost Estimate (PDF)



5

MATCH LINE 228+75



MATCH LINE 243+50

5

Attachment: WisDOT Sidewalk Plan (7641 : Mequon Road Sidewalk)

MATCH LINE 243+50



MATCH LINE 258+25

PROJECT NO: 1380-02-70	HWY: STH 167	COUNTY: OZAUKEE	PLAN - STH 167	SHEET	E
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FILE NAME : S:\DOT\DOT_SE\220570 STH 167 NEW SOLICITATION\13800200\SHEETS\050101-PP.DWG
LAYOUT NAME - PP9

PLOT DATE : 8/4/2022 11:16 AM

PLOT BY : WALTER A. WOLAK II

PLOT NAME :

PLOT SCALE : 1 IN:100 FT



PROJECT NO: 1380-02-70	HWY: STH 167	COUNTY: OZAUKEE	PLAN - STH 167	SHEET	E
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 LAYOUT NAME - PP10

PLOT DATE : 8/4/2022 11:16 AM

PLOT BY : WALTER A. WOLAK II

PLOT NAME :

PLOT SCALE : 1 IN:100 FT



5

MATCH LINE 287+75

MATCH LINE 302+50

5

MATCH LINE 317+25

PROJECT NO: 1380-02-70	HWY: STH 167	COUNTY: OZAUCKEE	PLAN - STH 167	SHEET	E
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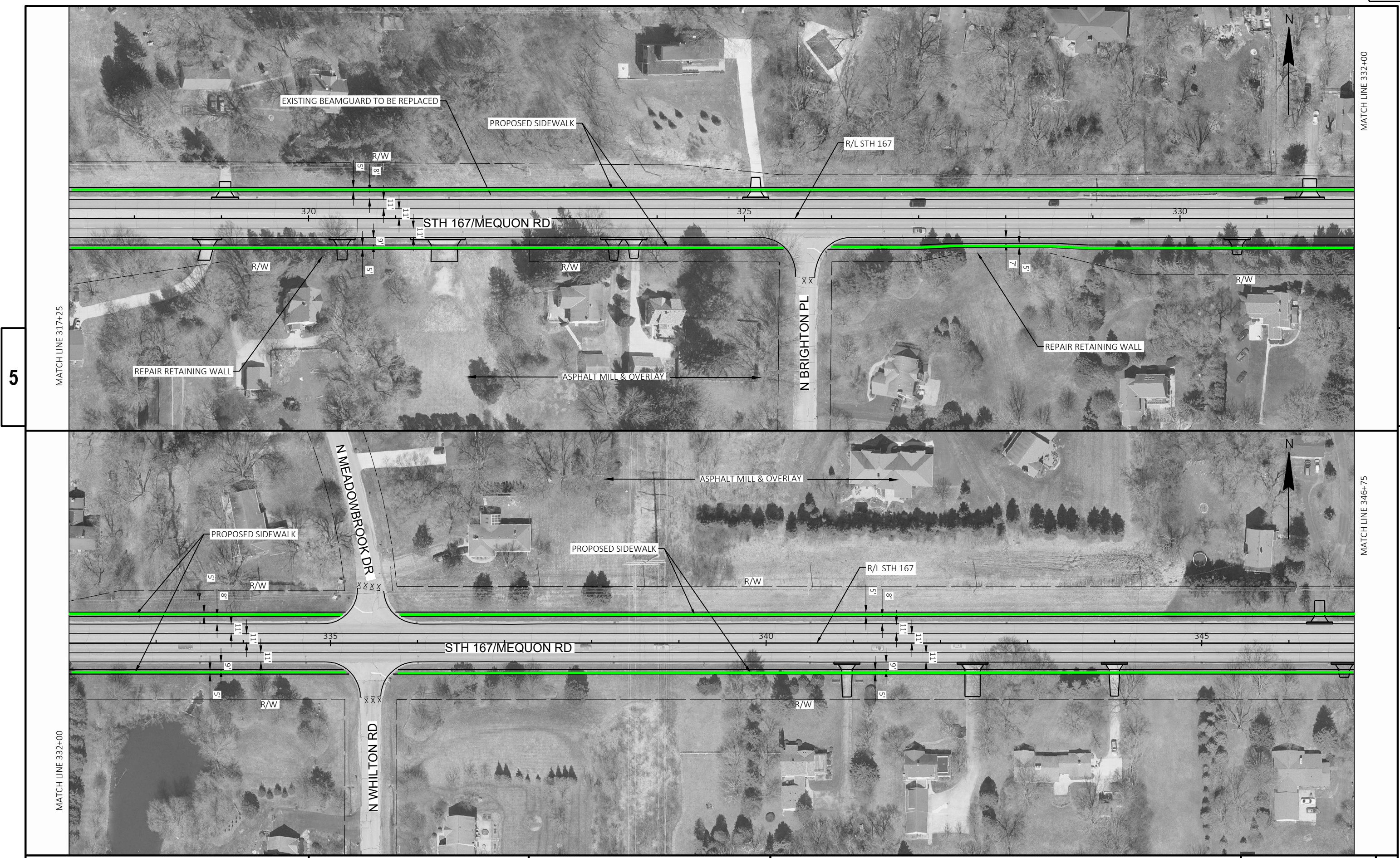
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LAYOUT NAME - PP11

PLOT DATE : 8/4/2022 11:16 AM

PLOT BY : WALTER A. WOLAK II

PLOT NAME :

PLOT SCALE : 1 IN:100 FT



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PROJECT NO: 1380-02-70	HWY: STH 167	COUNTY: OZAUCKEE	PLAN - STH 167	SHEET	E
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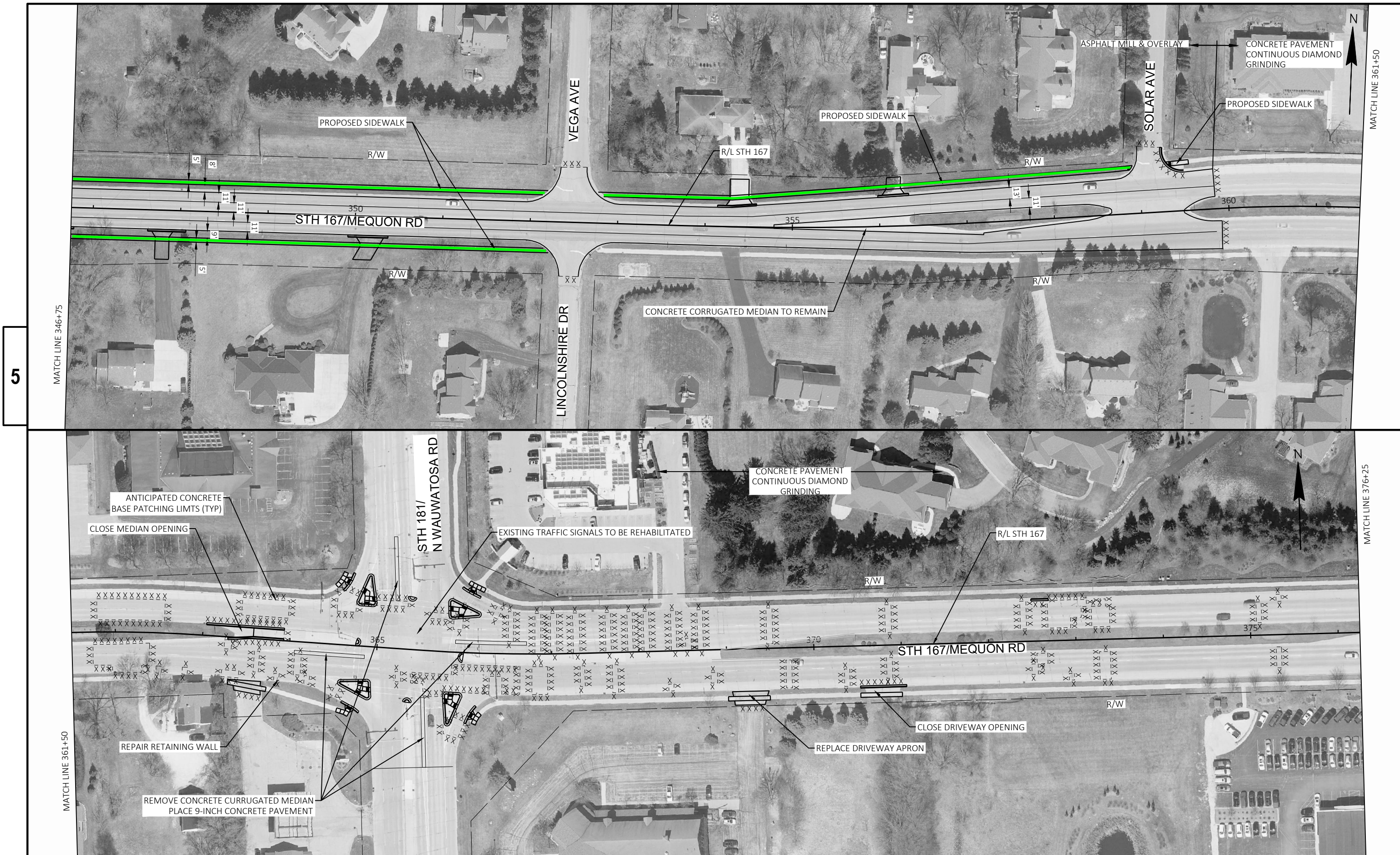
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LAYOUT NAME - PP12

PLOT DATE : 8/4/2022 11:17 AM

PLOT BY : WALTER A. WOLAK II

PLOT NAME :

PLOT SCALE : 1 IN:100 FT



PROJECT NO: 1380-02-70	HWY: STH 167	COUNTY: OZAUKEE	PLAN - STH 167	SHEET	E
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FILE NAME : S:\DOT\DOT_SE\220570 STH 167 NEW SOLICITATION\13800200\SHEETS\050101-PP.DWG
LAYOUT NAME - PP13

PLOT DATE : 8/4/2022 11:17 AM

PLOT BY : WALTER A. WOLAK II

PLOT NAME :

PLOT SCALE : 1 IN:100 FT



PROJECT NO: 1380-02-70	HWY: STH 167	COUNTY: OZAUCKEE	PLAN - STH 167	SHEET	E
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STH 167 (Mequon Rd.)
Project I.D. 1380-02-70
Washington County Line to Buntrock Avenue
Ozaukee County

30% Sidewalk Construction Cost Estimate
Swan Road to Solar Avenue
August, 2022

COST OPINION - SIDEWALK STH 167 SWAN RD TO SOLAR AVE					
BID ITEM #	DESCRIPTION	QUANTITY	UNIT	UNIT PRICE	TOTAL
205.0100	Excavation Common	1100	CY	\$10.00	\$10,997.22
305.0120	Base Aggregate Dense 1 1/4 inch	1124	TON	\$15.00	\$16,862.41
416.0170	Concrete Driveway 7-Inch	470	SY	\$65.00	\$30,550.00
465.0120	Asphaltic Surface Driveways and Field Entrances	81	TON	\$175.00	\$14,087.50
602.0410	Concrete Sidewalk 5-Inch	39590	SF	\$7.00	\$277,130.00
TOTAL*					\$349,627.13

* SER Planning Section is evaluating cost share

Attachment: 30% Plan Sidewalk Cost Estimate (7641 : Mequon Road Sidewalk)



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Office of Engineering

TO: Committee of the Whole
FROM: Kristen Lundeen, Director of Public Works/City Engineer
DATE: August 10, 2022
SUBJECT: RESOLUTION 3977 A Resolution Authorizing an Amendment to the Contract for the Design of Proposed Pedestrian and Traffic Safety Improvements Along Mequon Road from Buntrock Avenue East Towards Cedarburg Road, to R.H. Batterman & Co, Inc. of Beloit, Wisconsin, in an Amount Not-to-Exceed \$50,240

Background

A contract for the construction drawing design for the Mequon Road corridor and Ozaukee Interurban Trail (OIT) crossing was approved in November 2020. From November 2020 to January 2022, City staff has worked with the Wisconsin Department of Transportation to secure the approval of the Common Council-directed improvements. R.H. Batterman, the City's contracted construction design consultant, is now requesting an amendment to its original contract for additional tasks.

Please note that City staff has communicated at length with Batterman regarding the proposed contract amendment, from June 30, 2022, until the date of this memo.

Analysis

The contract amendment request is for the following listed tasks:

- WisDOT Traffic Impact Analysis (TIA) Review
- Concepts for WisDOT Coordination, Sidewalk Review, Survey and Design
- Corridor Lighting, Gateway Signage, Cemetery and Retaining Wall Fencing Coordination
- Cultural Resource Investigation (if necessary)

WisDOT TIA Review Memo Fee

On July 1, 2021, City staff executed an amendment to the original contract for a technical memo with additional analysis and information required for WisDOT approval. When the original design contract RFP was issued, negotiations with WisDOT were ongoing. WisDOT initially denied the City's requests for reduced turn lane lengths, additional signage at the OIT and other exceptions to WisDOT standards. City staff requested a supplemental memo with technical information so that City staff could leverage its position negotiating with WisDOT. While critical to the success of WisDOT's approval, City staff made it clear that the cost associated with this amendment, \$7,420, would need fall within the original not to exceed contract amount. The signed amendment was submitted to Batterman with the following clarification:

Please find attached the authorized fee proposal, which in combination with any design efforts, may not exceed \$166,430. The \$166,430 was authorized by the Common Council at a not-to-exceed amount. The Batterman proposal indicated that there would be a fee reduction if multiple phases were designed together. Therefore, once the final design is selected, we can determine the final contract pricing and whether amendments to the authorized amount are warranted.

City staff made it clear that the requested \$7,420 would not increase the original contract amount. Given the amount of City staff time required to negotiate with WisDOT absent the assistance of the consultant, staff is not recommending an increase in the contract amount. In addition, the deliverable for this amendment was significantly delayed from the original request.

Concepts for WisDOT Coordination, Sidewalk Review, Survey, Design

- Concepts for WisDOT Coordination - Per the consultant: Provide updated corridor exhibits to City in mid-January 2022 which encompassed WisDOT conditional approvals to date. Address questions/comments from City to finalize exhibits for City use in preparing memo to WisDOT requesting additional exceptions from normal design standards.
- Sidewalk Review - City staff originally requested replacement of existing sidewalk to meet ADA compliance. Given the cost, City staff can complete this effort.
- Survey - Likewise, the consultant proposed to subsequently survey the locations of sidewalk replacement, which can be completed by City staff.
- Design - Per the consultant: sidewalk design and ADA compliance included in the base proposal was specific to the intersections that were proposed for new signals and geometric updates, and the OIT crossing, thus requiring new sidewalk ramps. A full corridor review of the existing sidewalk for ADA was not included, nor was replacement of the existing asphaltic sidewalk with concrete.

Staff does not recommend an amendment for the Concepts for WisDOT Coordination. The consultant did not indicate that this was outside of the scope of the project or that an additional fee would be requested or required at the time of the request. Similar to the TIA Review Memo, this exhibit was required for City staff to continue to negotiate with WisDOT in the absence of assistance from the consultants.

Staff concurs with the amendment to include the sidewalk design, as replacement of asphalt paths is critical to the design and construction of this project.

Corridor Lighting, Gateway Signage, Cemetery and Retaining Wall Fencing

- Corridor Lighting - This amendment includes the terrace street lighting and median street lighting. These elements were approved at the Town Center Workshop for implementation and including the design within this contract is critical to proper coordination of the electrical infrastructure.
- Gateway Signage - This was also approved at the Town Center Workshop.
- Cemetery and Retaining Wall Fencing - Due to potential permitting requirements, the cemetery fencing will be addressed outside of this project. Likewise, the retaining wall fencing will be addressed in combination with the same on the bridge over the

Milwaukee River and on Cedarburg Road. The Common Council will see approvals for these expenditures at a future meeting.

Cultural Resource Investigation

It is unknown at this time whether the Wisconsin Department of Natural Resources (WDNR) will require a Cultural Resource Investigation. As a portion of the project (the swap for the City Hall driveway and the OIT) is on cemetery property, the consultant advises that this may be required. City staff is requesting that the Common Council approve the proposed amendment, and that this change only be authorized after the WDNR indicates that such effort is required.

Fiscal Impact

The contract amendment from Batterman includes the following fees, with subsequent breakdowns extrapolated from email exchanges with the consultant:

WisDOT TIA Review Memo Fee (7/1/21)			\$ 7,420
Concepts for WisDOT Coordination, Sidewalk Review, Survey, Design			\$ 9,420
	Concepts for WisDOT Coordination	\$3,880	
	Sidewalk Review	\$1,400	
	Survey	\$1,300	
	Design	\$2,840	
Corridor Lighting, Gateway Signage, Cemetery and Retaining Wall Fencing			\$ 43,200
	Corridor Lighting	\$30,000	
	Gateway Signage	\$10,000	
	Cemetery and Retaining Wall Fencing	\$3,200	
Cultural Resource Investigations			\$ 7,400

Recommendation

Staff recommends Council approval of a total contract amendment in an amount not-to-exceed \$50,240, for the following items:

- Corridor Lighting: \$30,000
- Gateway Signage: \$10,000
- Sidewalk Design: \$2,840
- Cultural Resource Investigations: \$7,400 (if Necessary)

Attachments:

Batterman Contract Amendment Request (PDF)

COMMON COUNCIL
OF THE
CITY OF MEQUON

RESOLUTION 3977

A Resolution Authorizing an Amendment to the Contract for the Design of Proposed Pedestrian and Traffic Safety Improvements Along Mequon Road from Buntrock Avenue East Towards Cedarburg Road, to R.H. Batterman & Co, Inc. of Beloit, Wisconsin, in an Amount Not-to-Exceed \$50,240

RECITALS

A. In November 2020, the Common Council authorized a contract with R.H. Batterman & Co., Inc. in an amount not to exceed \$166,500.

B. R.H. Batterman & Co., Inc. has requested an amendment to the contract, resulting in additional financial obligations.

C. Corridor lighting is critical to the project and must be coordinated with other design elements including the traffic signals and electric infrastructure.

D. Gateway features were approved at a Town Center Workshop Meeting in May 2021 and should be seamlessly installed with the other streetscaping elements included in the original contract.

E. Design services are an eligible project cost of Tax Increment Districts and are therefore eligible to be funded through the Tax Increment District #3 (Town Center).

F. Staff recommends that a contract amendment for the coordination of Corridor Lighting, Gateway Signage and Sidewalk Design, and a Cultural Resource Investigation (if required) by the Wisconsin Department of Natural Resources (WDNR).

G. The Committee of the Whole at its meeting on September 13, 2022, approved staff's recommendation.

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

1. Staff is authorized to award the contract amendment and execute the appropriate contract documents with R.H. Batterman & Co., Inc. of Beloit, Wisconsin in an amount of \$42,840 and an additional \$7,400 only if the WDNR requires a Cultural Resource Investigation with the amount being charged to TID #3 as a project cost, subject to any legal or technical 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: September 13, 2022

I certify that the foregoing Resolution was adopted by the Common Council of the City of Mequon, Wisconsin, at a meeting held on September 13, 2022.

Caroline Fochs, City Clerk

June 30, 2022
Updated August 25, 2022

Ms. Kristen Lundeen, PE
City of Mequon
11333 N. Cedarburg Road
Mequon, WI 53092

RE: Amendment Request #2 - **REVISED**
Mequon Road and OIT Improvement Project
Buntrock Avenue to Cedarburg Road

Dear Ms. Lundeen,

Please see below scope and fee for additional services for the Mequon Road and OIT Improvements Project. Based on recent meetings, the detailed work tasks as presented below have been requested by City Staff, but currently fall outside of our authorized contract. This amendment request will bring our contract in alignment with the current project scope.

We offer the following additional scope and fee for your consideration:

ADDITIONAL SERVICE SCOPE:

Concepts for WisDOT Coordination, Sidewalk Review, ~~OIT Trail/Drive Concepts/Design:~~

Provide updated corridor exhibits to City in mid-January 2022 which encompassed WisDOT conditional approvals to date. Address questions/comments from City to finalize exhibits for City use in preparing memo to WisDOT requesting additional exceptions from normal design standards. ~~This is additional work scope is related to, but over/above the originally authorized amendment dated 7/1/21.~~

Review corridor sidewalk for potential spot replacement as needed for ADA compliance, and include full replacement of existing asphaltic sidewalk with concrete adjacent to the cemetery. All new/replaced sidewalk will be detailed with spot grades in the final plans. Includes supplemental survey as required.

~~Provide updates to currently approved OIT Trail/driveway "swap" concept for review and finalization of path crossing location, impact to existing parking, and potential alterations/relocation of existing trail head. Gather supplemental survey to the existing path crossing at the parking lot/trail head. Provide final design/details as required for preferred alternative.~~

Corridor Lighting, Gateway Signage, Cemetery and Retaining Wall Fencing:

Lighting strategies and design will be incorporated into overall corridor streetscape/landscape design and will add to the corridor's overall unique streetscape experience. Work will be coordinated with the proposed traffic signals and lighting at the Buntrock and Weston Drive intersections. Multiple concept alternatives will be presented to the City for review and comment, and the approved validated concept will be used to develop 60% and 90% construction

documents, followed by bid documents (construction drawings + special provisions). Design and details will include light fixtures (poles, bollards, accent lighting), electrical conduit and wires, hand holes, and transformers as may be required. Review and implement pedestrian actuated system to trigger advanced pedestrian warning light crossing for OIT crossing

Up to three (3) gateway signage concepts will be developed and refined based on City input. The approved validated concept will be used to develop 60% and 90% construction documents, followed by bid documents (construction drawings + special provisions). Gateway signage will include internal or external lighting as directed by the City.

Coordinate with City for selection/placement of proposed fencing to be placed along Mequon Road adjacent to the cemetery. Coordinate with City/WisDOT for proposed railing upgrades to existing parapet wall on top of the retaining wall along north side of Mequon Road. Incorporate required plan sheets and details in final project plan set.

Cultural Resource Investigations:

The project requires DNR permitting and is subject to Wis. Stats. §157.70 and §44.40. Preliminary review identified the presence of an uncatalogued burial site, BOZ-0002 G. Opitz Cemetery (Mequon Cemetery) within the proposed project corridor. Regarding architectural history resources, there are two previously surveyed potentially eligible properties along the project corridor: AHI 13498, 6006 W. Mequon Rd and AHI 13501, 6411 W. Mequon Rd.

Cemetery Research

Cemetery research will be conducted to determine if project-related ground disturbing activities will occur within the boundaries of BOZ-0002 G. Opitz Cemetery and to assess the probability of graves within the project area. No archaeological field investigations will be conducted for the project. However, a site reconnaissance, for BOZ-0002 G. Opitz Cemetery, is included in the scope of work in order to assess the potential for burials within the project footprint. The results of the cemetery research will be submitted to the Wisconsin Historical Society as a Request for Permission to Disturb, along with a recommendation regarding archaeological monitoring.

Architecture History Investigations

The architecture/history investigation will consist of archives and literature research and effects documentation. The archival research will identify all previously surveyed structures/buildings within and near to the project area of potential effects. A field visit may be conducted to assess potential impacts. The architectural history survey will include an update of the Wisconsin Historic Preservation Database. Preliminary research indicates there are two previously surveyed potentially eligible properties along the project corridor: AHI 13498, 6006 W. Mequon Rd and AHI 3501, 6411 W. Mequon Rd.

Reporting

The results of the cemetery research will be submitted to the Wisconsin Historical Society as a Request for Permission to Disturb, along with a recommendation regarding archaeological monitoring. A memo documenting this information will be prepared for the Wisconsin DNR. The results of the architectural history investigations will be submitted to the Wisconsin DNR as a technical report.

This task/fee should be approved as "If Authorized by the City", which would only occur if WDNR requests this as part of the NOI review. If WDNR does not request this, the task would not be invoiced.

Please note: The scope and cost estimate does not include archaeological monitoring during construction, which may be required by the Wisconsin Historical Society, or the preparation of Determinations of Eligibility or effects documentation or consultation.

FEE SUMMARY:

Base Contract (12/10/20):	\$166,430.00
WisDOT TIA Review Memo Fee (7/1/21):	\$ 7,420.00
Concepts for WisDOT Coordination, Sidewalk Review, Survey, Design:	\$ 9,420.00
Corridor Lighting, Gateway Signage, Cemetery and Retaining Wall Fencing:	\$ 43,200.00
Cultural Resource Investigations (If authorized/triggered by WDNR review):	\$ 7,400.00
Total Updated Project Fee:	\$233,870.00

Note: When the WisDOT TIA Review Memo was authorized on 7/1/21, it did not include an increase to the overall NTE fee previously approved with the 12/10/20 contract. Our understanding of the “no increase” in fee at time of signing the amendment was that there was uncertainty if the entire project scope/fee would progress into full design. If WisDOT put up a roadblock that prevented the full base scope included with the original \$166,430 contract from being completed, a fee increase would not be required to cover the additional scope, as the entire fee had previously been authorized. Upon final approval from WisDOT and the City that the full scope as included with the base fee of \$166,430 was to proceed, the additional \$7,420 was then required to be added to the base contract as additional fees, to cover the additional scope of work completed outside of design, plans and permitting work as required in the original RFP.

~~In order to offset multiple staff wage increases since the original contract signing in 2020, we are requesting that the overall contract NTE be increased by the 7/1/21 fee, in addition to the proposed amendment fees as outlined above.~~ The following statement included in the original proposal from 2020 “a fee reduction may be possible should multiple phases be awarded for a single project” is no longer being offered due higher staff costs associated with the delay in commencing design services.

The fee quoted is subject to reconsideration if not accepted within thirty (30) days of this date.

Any agency or client review that results in a substantial change in scope of services will result in additional compensation to Batterman. The additional compensation will be based on an hourly rate or by an agreed-upon lump sum price.

As required by the Wisconsin Construction Lien Law, R.H. Batterman & Co., Inc. hereby notifies owner that persons or companies furnishing labor or materials for the services on owner's land may have lien rights on owner's land and buildings if not paid. Those entitled to lien rights, in addition to the undersigned R.H. Batterman & Co., Inc. are those who contract directly with the owner or those who give the owner notice within sixty (60) days after they first furnish labor or materials for the services to the owner's land. Accordingly, owner probably will receive notices from those who furnish labor or materials for the services and should give a copy of each notice received to his mortgage lender, if any. R.H. Batterman & Co., Inc. agrees to cooperate with the owner and his lender, if any, to see that all potential lien claimants are duly paid.

Invoicing is to be as work outlined above is completed, with terms 30 days net. Interest at the rate of 1-1/2% per month will be charged from the date of acceptance for all payments not made within thirty (30) days of billing. If collection becomes necessary, the owner agrees that, in addition to the amount due, the owner shall pay all necessary collection costs including, without limitation, attorney's fees.

The preceding constitutes the basis of charges for our firm's professional services. Please review the above and, should you have further questions or require additional information, please contact me immediately.

Attachment: Batterman Contract Amendment Request (RESOLUTION 3977 : Batterman Contract Amendment)

We appreciate the opportunity to offer this proposal for professional services for your consideration and look forward to working with you on the development of this project. Kindly sign a copy of this proposal and return it to our office as soon as possible, so the project may continue.

Very truly yours,

R.H. BATTERMAN & CO., INC.
Engineers – Surveyors - Planners



Todd Needham, P.E.
Principal

ACCEPTED:

City of Mequon

By: _____

Title: _____

Date: _____

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