

City of Portage
Municipal Services and Utilities Committee Meeting
Thursday, September 4, 2014, 5:30 p.m.
Municipal Building, 115 West Pleasant Street
Conference Room One
Agenda

Members: Doug Klapper, Chairperson; Rick Dodd, Mary E. Hamburg, William A. Kutzke, Jeffrey F. Monfort

1. Roll Call
2. Approval of meeting minutes from previous meeting.
3. Discussion and possible action on sewer credit for Brandon Raimer at 229 E. Marion St.
4. Discussion and possible action on sidewalk assessment policy.
5. Discussion and possible action regarding East Haertel Street Real Estate Acquisition.
6. Discussion and possible action on the 2015 Budget.
7. Discussion and possible action on Hwy 51 (E. Wisconsin St. and Dewitt St.) Reconstruction project.
8. Public Works Director's Report
9. Adjournment

City of Portage
Municipal Services and Utilities Committee Meeting
Thursday, August 7th, 2014 5:30 p.m.
Municipal Building, 115 West Pleasant Street, Conference Room One
Minutes

Members Present: Doug Klapper, Chairperson; Rick Dodd, Mary E. Hamburg Jeffrey F. Monfort.

Others Present: Bill Welsh, Cable TV; Tammy O’Leary, Public Works Secretary; Craig Sauer; Portage Daily Register; Robert Redelings; Public Works Director; and Shawn Murphy; City Administrator.

1. Roll Call

The meeting was called to order at 5:30 p.m.

2. Approval of meeting minutes from previous meetings on July 9th.

Motion by Dodd second by Hamburg to approve the minutes from July 9, 2014.

Roll Call Passed 4-0.

3. Discussion and possible action on median/island at Wal-Mart Entrance.

Redelings explained consultants have given options to the City for the Modification to the median/island but the options presented were extensive and costly. Redelings reviewed the distance between the medians and the space was only 5 feet instead of the recommended 10 feet. Instead of major reconstruction Redelings is suggesting opening of the median area by approximately 2 feet on each side. Redelings will bring costs and proposed changes to the September meeting.

4. Discussion and possible action on Agreements w/Fort B.P. & Portage Diesel.

Administrator Murphy discussed the attached document that the City and the Crawford’s, current owners of Portage Diesel and Fort BP, have worked together on outlining specific guidelines and timeframes for the business to become compliant with the City Ordinances in regards to the City Utilities.

Motion by Dodd and second by Hamburg to send agreement to Council for approval.

Roll Call Passed 4-0.

5. Discussion and possible action on sidewalk assessment policy.

Redelings explained that the policy has been amended along with the addition of the sidewalk master plan map. Some areas have been given specific guidelines that prior

had been informal decisions made in the field. Administrator Murphy stated that the Sidewalk fund is basically a self-sustaining fund through special assessments except for the City properties. The map outlines areas by Ward and by year so the sidewalks will keep revolving with repairs and/or new sidewalk. Murphy stated that street projects and sidewalk projects will be coordinated. Additional information has been added to policy including prioritization of sidewalk projects and including tree removal and replacement information.

Dodd requested a map of sidewalks by Ward for easier viewing.

Motion by Dodd, second by Monfort to move to Council the resolution on the new sidewalk policy.

Roll Call. Passed 4-0.

6. Discussion and possible action on 5-year Capital Improvement Plan.

Redelings reviewed the attached 5-year Capital Improvement Plan with focus on what is being considered next year. Each area was discussed for all departments. A big change to be noted was the reprioritization of the Ray O Vac lift station moved forward from 2017 to 2015 with other projects being pushed out. The lift station is one of the more important lift stations in the City with issues with material coming from the prison and reliability issues also a concern. The finished updates will be similar to the Carroll Street lift station. Additional/updated information will be added as estimates are refined. Redelings indicated additional Airport information will result from upcoming airport meeting. Sanitary sewer, water main and storm sewer replacement have been added to the W. Marion St. project.

Doug Klapper would like to see the "South" water tower at the old hospital location painted with the tag line "Explore Historic Portage". The project is scheduled for 2016 and the business community will requested to provide suggestions for additional funding.

7. Public Works Director's Report

Redelings gave an update on the New Pinery Road water main project which should be operational by the end of next week with the surface work completed the following week. The sidewalk project should be completed by the end of August. There is one more alley to excavate and then within two weeks all alleys should be paved. Two weeks ago the Commerce Plaza parking lot was paved with additional updates to landscaping still going on. Projects have been going well.

East Conant Street is scheduled for the end of August with East Albert Street work to occur during September.

Administrator Murphy stated that Redelings has become a certified municipal property negotiator for the City.

8. Adjournment

Move to adjourn by Dodd second by Hamburg at 6:45p.m.

Roll call. Passed 4-0.

Prepared by Tammy O'Leary, Public Works Secretary.

April 28, 2014

Brandon T. Raimer

229 E. Marion St.

Portage, WI 53901

Municipal Services

Attn: Bob Redelings

115 W Pleasant St.

Portage, WI 53901

This past winter I received a call that my water usage rate was up to 100 gallons per minute. I left work in a hurry to get home fearing my house would be flooded. When I arrived I saw there was no standing water anywhere. Upon further inspection a pipe had frozen and burst. Luckily the pipe was located beneath the floor in the crawl space. All the water had drained into the ground and not the sewer.

I am writing in hopes that I can get a credit on my water bill for the sewage portion of the bill. I have already paid for the usage during the incident totaling \$142.52. I have not been living there for the last few months and have been renovating the place so there has been little to no usage of water which my previous months bills should reflect.

Thank you for considering this matter.

Sincerely,

Brandon T. Raimer

Bob Redelings

From: Kevin Bortz
Sent: Wednesday, July 09, 2014 10:42 AM
To: Bob Redelings
Subject: "229 E. Marion Sewage Credit" Brandon Raimer

I stopped by 229 E. Marion today. The cold water line to the kitchen faucet broke this past winter. The water did not go into the sewer, "Dirt Floor". Brandon said he kept the heat @ 60 degrees. He was not living there at the time of the incident.

This email is on a publicly owned system, subject to open records and archival requirements under Wisconsin State Law. This email and any attachments may contain confidential information that is exempt from disclosure under applicable law. If you received this email in error, please notify the sender, delete the email and any attachments and do not use, disclose, or store the information it contains

PORTAGE UTILITIES

Customer History - Account Summary by Number

Page: 1

Report Date(s): 08/01/2013 to 08/31/2014

Aug 25, 2014 01:19pm

Report Criteria:

Customer.Cust No = 90177001

9.01770.01 RAIMER, BRANDON T

229 E MARION ST

Account Summary:

Period	Water	Sewer	WTPN	SWPN	Billings	Adj	Payments	Oth	Balance
07/31/2013									22.69
08/31/2013	8.90	13.79	-	-	22.69		22.92 -		22.46
09/30/2013	8.90	13.79	-	-	22.69		22.46 -		22.69
10/31/2013	5.70	10.93	-	-	16.63		22.69 -		16.63
11/30/2013	5.70	10.93	-	-	16.63		16.63 -		16.63
12/31/2013	5.70	10.93	-	-	16.63		16.63 -		16.63
01/31/2014	142.52	133.91	-	-	276.43		16.63 -		276.43
02/28/2014	76.10	73.85	.69	.65	151.29		142.52 -		285.20
03/31/2014	5.70	10.93	1.46	1.39	19.48		-		304.68
04/30/2014	5.70	10.93	1.45	1.44	19.52		15.00 -		309.20
05/31/2014	5.70	10.93	1.34	1.40	19.37		35.00 -		293.57
06/30/2014	5.70	10.93	1.03	1.16	18.82		75.00 -		237.39
07/31/2014	5.70	10.93	1.09	1.28	19.00		-		256.39
08/31/2014	5.70	10.93	1.09	1.33	19.05		15.00 -		260.44
Totals:	287.72	333.71	8.15	8.65	638.23		400.48 -		

Metered Services:

Water Current Rate Table: 101 W RES .625"

Period	Read Date	Meter Id	Beg Read	End Read	Usage	Demand	Muliplier	Amount	Status
08/31/2013	08/15/2013	96288011	23	24	1	.0000	1.0000	8.90	
09/30/2013	09/13/2013	96288011	24	25	1	.0000	1.0000	8.90	
10/31/2013	10/15/2013	96288011	25	25	0	.0000	1.0000	5.70	
11/30/2013	11/13/2013	96288011	25	25	0	.0000	1.0000	5.70	
12/31/2013	12/13/2013	96288011	25	25	0	.0000	1.0000	5.70	
01/31/2014	01/17/2014	96288011	25	68	43	.0000	1.0000	142.52	
02/28/2014	02/18/2014	96288011	68	139	71	.0000	1.0000	76.10	
03/31/2014	03/17/2014	96288011	139	139	0	.0000	1.0000	5.70	
04/30/2014	04/16/2014	96288011	139	139	0	.0000	1.0000	5.70	
05/31/2014	05/16/2014	96288011	139	139	0	.0000	1.0000	5.70	
06/30/2014	06/19/2014	96288011	139	139	0	.0000	1.0000	5.70	
07/31/2014	07/17/2014	96288011	139	139	0	.0000	1.0000	5.70	
08/31/2014	08/15/2014	96288011	139	139	0	.0000	1.0000	5.70	
								116	287.72

Customer Notes:

07/25/14 - 02:11 PM -- SUSAN
KB STOPPED TO VERIFY WHERE THE LEAK WAS DUE TO OWNER REQUESTING A SEWER ADJUSTMENT

01/29/14 - 12:17 PM -- SUSAN
READ RE-CHECKED DUE TO HIGH CONSUMPTION - READ @ 139(180) 1/28/14 PER JR - NOTICE LEFT - ABANDONED???? 10 GA PER MINUTE. 139(206) - BUSTED PIPE TO KITCHENETTE - WATER FLOWING TO GROUND.

From: Shawn M. Murphy
Sent: Thursday, August 28, 2014 1:35 PM
To: Bob Redelings
Cc: Marie Moe
Subject: Revised Special Assessment Resolution

Bob

For Municipal Services Comm, I have attached a revised special assessment policy pursuant to direction from Council. I highlighted the changes (in RED) from the previous version. I did not revise to include special assessment of properties on both sides of a street for a sidewalk installed or replaced on one side. Jesse will be provided a memo on the legal ramifications of such a policy (which I will forward as soon as I receive it) however, I am NOT recommending inclusion of this provision for the following reasons:

1. This is a significant departure from the previous (current) policy in which the City utilizes police powers to special assess abutting properties for benefits derived from the public improvement.
2. This would be inconsistent with Sect. 66-121 which requires the owner of a property which adjoins or abuts a sidewalk shall be solely responsible to insure snow and ice removal are completed in a timely manner – and solely responsible for costs incurred by the City to perform this action if the property owner does not.
3. If one makes the legal argument that property owners not directly abutting sidewalks may derive special benefit from the installation (or replacement) of sidewalks and therefore subject to special assessment for the benefit derived; the same argument may be applied to other areas of special assessment that the City employs (assessing the cost of nuisance abatement, curb & gutter, etc).
4. Subsequent installation of an additional sidewalk on the remaining side of the street should also require special assessment on both sides – making this a logistical challenge for subsequent replacement special assessments.

Shawn M. Murphy
City Administrator

From: Jesse Spankowski [mailto:jspankowski@portagelawyers.com]
Sent: Thursday, August 28, 2014 3:35 PM
To: Marie Moe; Shawn M. Murphy
Cc: Bob Redelings
Subject: RE: Special Assessment of Sidewalks on One Side of Street

All,

I have reviewed the various applicable statutes, and I do not see any specific provision that specifically permits a municipality to levy a special assessment to property owners on both sides of a street for a sidewalk that is placed on only one side.

Here is what I do see:

Sec. 66-33 of the City's ordinances states that it shall proceed with repair and construction according to Wis. Stat. §66.615 (now renumbered §66.0907). This is a special section relating only to sidewalk construction that is outside the normal state law for special assessments, Wis. Stat. §66.0703. Under Wis. Stat. §66.0907, the City does not need to show a special benefit to a property in order to special assess the property. However, that statute limits the expense charges to the "in front of each lot or parcel of land" and contains other provisions for payment by special tax against the lot or parcel. Our ordinance also consistently states that the costs will be assessed to the abutting property owner.

Sec. 2-491 (and following section) and Wis. Stat. §66.0703 provide the procedure for special assessments in general. It appears that we have been using Wis. Stat. §66.0703 for sidewalk projects for a number of years, if not always. Under §66.0703, a municipality can exercise special assessments under either its taxing power or its police power. The City has always exercised its police powers for sidewalk special assessments. For a special assessment to be valid under the City's police powers, the City needs to demonstrate the following:

- 1) The improvement must be a local improvement.
 - a. A local improvement is a type of improvement primarily made for the accommodation and convenience for inhabitants of a particular locality that grants special benefits to their property.
 - b. Local improvements confer "special benefits" on property in a particular area. A special benefit has the effect of furnishing an "uncommon advantage" that either increases the services provided to the property or enhances its value.
 - c. The extent of the benefits must be substantial and capable of realization in a reasonable amount of time. A benefit is substantial if it provides more than incidental effects to the property.
- 2) The assessment must be levied upon property in a limited and determinable area.
- 3) It must be levied only for the special benefits conferred on the property.
- 4) The assessment must have a reasonable basis as determined by the governing body of the city.

Overall, I believe it would be possible for the City to special assess both sides of a street for special assessments. However, I would expect that the City could be subject to challenges on whether a sidewalk across the street confers a special benefit to the property. It would only provide an uncommon advantage to the property (opposite from the sidewalk), if it is determined that the sidewalk increases the services provided to that property. I believe it can be argued that a sidewalk on the opposite side of

the street provides pedestrian access to both sides of the street, but I have concerns that it is not meaningful pedestrian access. The City Council would have to find a factual basis for the statement that the property owner would be benefitted from the sidewalk across the street.

It may also be difficult to determine what the reasonable basis for charging the property across the street. This requires uniformity and consideration of uniqueness. Uniformity requires the assessment to be fairly and equitably apportioned among property owners in comparable positions. The City must consider whether the uniqueness of the circumstances require a reduction in the special assessment. An assessment is reasonable in its results when it is in proportion to the benefits conferred. To make this determination, the City must look at the degree, effect, and consequences of the special benefits. These considerations may result in a formulation that would be different than the cost being shared 50/50.

From a policy perspective, I agree with your concerns, and I have the following questions/comments as well:

- 1) What happens if sidewalks are later put in on the other side of the street? The above analysis becomes nearly impossible to justify special assessments.
- 2) This is a major policy change and there will likely be some comments about the large single sidewalk projects done last year and in previous years.
- 3) For certain properties the sidewalk could be on the backside of a property, does that still confer a special benefit? (this really applies to the current policy as well)
- 4) Over the life of a sidewalk, eventually repair/reconstruction costs will be larger than initial installation. Should those costs also be shared by the property across the street?

Please give me a call if you want to discuss.

Thanks,

Jesse

Attorney Jesse Spankowski
Miller and Miller, LLC

RESOLUTION NO. 14-037

RESOLUTION ESTABLISHING A POLICY IN THE USE OF SPECIAL ASSESSMENTS FOR CERTAIN COSTS ASSOCIATED WITH THE IMPROVEMENT OF PUBLIC SIDEWALKS IN THE CITY OF PORTAGE

WHEREAS, pursuant to Article II, Chapter 66 of the Code of Ordinances and Chap. 66.615, Wis. Stats., the City of Portage (“City”) has established a public sidewalk construction and maintenance program with a goal to install and maintain public sidewalks on at least one side of every street for residentially and commercially zoned properties in the City with specific locations noted on the Sidewalk Master Plan as approved by Plan Commission in December, 2013 and subsequently approved revisions (“Program”); and

WHEREAS, the City established the Revolving Sidewalk Fund (“Fund”) to partially sustain funding for the Program following the establishment of an inventory of sidewalks that are evaluated and their respective conditions and degree of completeness are used to assist in establishing a priority sequence to determine the order in which each sidewalk is replaced or completed; and

WHEREAS, the Fund is a segregated account maintained by the City to accept appropriations from the General Fund, Debt Service Fund and Special Assessment payments to pay for the Program; and

WHEREAS, the purpose of this Sidewalk Special Assessment Policy is to establish a fair and equitable manner of recovering and distributing the cost of constructing and replacing public sidewalks. The procedures used by the City for levying special assessments are those specified by §66.0703 Wis. Stats. This assessment policy is intended to serve as a general guide for a systematic sidewalk special assessment process in the City; and

WHEREAS, individuals may obtain a license from the City to install/replace public sidewalk pursuant to the Sidewalk Master Plan in compliance with the requirements and conditions as noted in City ordinances and specifications; and

WHEREAS, property tax levy limitations imposed by statute render annual City budget appropriations for 100% of annual public sidewalk construction and replacement financially unsustainable, therefore it is the intent to special assess 100% of the public sidewalk construction and replacement costs to abutting property owners with a goal to maintain the Fund on an indefinite basis;

NOW THEREFORE, be it hereby resolved by the Common Council of the City of Portage that the following parameters shall be used in determining the special assessment of public sidewalk construction and replacement cost against benefiting abutting property owners:

I. **Prioritization**: Annually, by Aldermanic District, the City Engineer, or his/her designee shall conduct a survey of the existing sidewalks within said District to determine priority sequence of sidewalk installations and replacements. Regardless of location, sidewalk sections in which an accident has occurred or hazard has been observed shall be immediately scheduled for replacement or receive a temporary asphalt patch or other means to mitigate hazard until weather permits replacement.

Within the District scheduled for inspection the following priorities shall be observed in the administration of the Program and designating sidewalk construction and/or replacement when funding limitations restrict:

A. 1st Priority. Replacement of existing sidewalks in which complaints have been received or the following defects have been observed:

1. Any defects as listed in Sect. 66-51(b) of the Code of Ordinances.
2. Sidewalk section is tilted or settled and retains surface water,
3. Sidewalk section containing a temporary asphalt patch,
4. Any other condition the City Engineer deems unsafe.

B. 2nd Priority. Pursuant to the Sidewalk Master Plan, installation of new sidewalk on street improvement projects in areas where existing sidewalks contain segments that are not installed or missing (gaps) where installation will result in continuous sidewalk between streets or sidewalks less than 5 feet in width.

C. 3rd Priority. pursuant to the Sidewalk Master Plan, installation of new sidewalk on other streets in areas where existing sidewalks contain segments that are not installed or missing (gaps) where installation will result in continuous sidewalk between streets or sidewalks less than 5 feet in width.

II. New Construction/Subdivisions: Sidewalks shall be installed on new residential or commercial properties prior to issuance of Occupancy Permit. New construction during the winter months shall have sidewalk installed no later than June 1 of the succeeding year in which an Occupancy Permit was issued. All planned sidewalks shall be installed in all new subdivisions with urban street sections upon the earlier of the following events:

- A. Twenty four (24) months from the date that any parcel within the subdivision was sold or transferred;
- B. The sale or development of 50% of all lots within the Subdivision
- C. Sixty (60) months from the date of the resolution approving the subdivision plat.

III. Items Not Subject to Special Assessment: All costs associated with installation or replacement of public sidewalks (engineering, construction and inspection) is subject to special assessment to abutting properties except the following:

- A. Sidewalks abutting City owned properties.
- B. Cost of design, purchase and installation of retaining walls or additional grading and fill outside of excavation necessary for the installation of 4" (6" abutting drive/alley aprons) concrete sidewalk.
- C. Cost of curb ramps, permanent signage and/or pavement markings necessary at pedestrian crossings.
- D. Temporary repairs, concrete grinding, patching, leveling or other measures used besides replacement that are considered maintenance.
- E. Cost of relocating utilities or city owned facilities necessary for the construction or replacement of public sidewalks.

- F. For properties located on corner lots in which sidewalks abut both sides, the short side of the lot shall not be special assessed for any sidewalk cost.
- G. For interior lots abutting public streets on both the front and rear of the property, the owner shall only be assessed for sidewalk cost associated with the front or that portion of the lot with the street address. The remaining side shall not be special assessed for any sidewalk cost.
- H. Transitional segments of newly installed sidewalk to connect existing segments of sidewalk at different elevations.
- I. Cost of concrete/asphalt removal, topsoil, restoration and seeding.
- J. Staff, supplies and other costs associated with the administration of special assessments of benefitted properties.

IV. Trees: Trees located within the public right-of-way either causing upheaval of sidewalk sections or otherwise compromised by sidewalk installation, repair, or replacement shall be evaluated by the City Forester who shall make a recommendation as to the health and life expectancy of said trees. Trees within the public right-of-way that are determined to be unhealthy and/or near term shall be removed by the City of Portage, at no expense to the property owner. Replacement trees may be obtained through the Parks & Recreation Department. Trees located on private property that are either causing upheaval of sidewalk sections or otherwise compromised by sidewalk installation, repair, or replacement shall be evaluated by the City Forester or his/her designee to determine who shall make a recommendation as to the health and life expectancy of said trees. Trees on private property that are determined to be unhealthy and/or near term may be removed by the property owner, entirely at the property owner's expense.

V. Cost Apportionment: All property owners abutting a new or replaced public sidewalk shall pay 100% of the total construction costs, excluding costs identified in Section III, if any. For replacement of sidewalks less than 5' in width, abutting property owners shall be special assessed 100% of the replacement sidewalk cost if the existing sidewalk was defective as defined under Section I.A. For replacement of sidewalks less than 5' in width that do not possess any defects as defined under Section I.A., the abutting property owner shall be assessed only the portion of the sidewalk added to attain the 5' required width. The cost shall be assessed on a per square foot basis for the entire length or width of the property abutting the public sidewalk. Property owners located on corner lots with sidewalks on both sides shall be assessed on the long side of the lot only.

VI. Payment: The special assessments against any parcel shall be paid in full or may be paid in three (3) annual installments if the assessment is \$1,000 or less and five (5) annual installments if the assessment is over \$1,000, plus interest on the unpaid balance, at a rate as established annually by the Finance and Administration Committee.

VII. Exceptions to Installation: It shall be the policy of the City of Portage to install and maintain public sidewalks in all eligible locations for the health, safety and well-being of the general public. However, for reasons of topography, right-of-way limitations, pedestrian access limitation, limitations on development of private lands, industrial zoned properties or other specified reasons, the Sidewalk Master Plan, as approved by Plan Commission may designate locations where no sidewalks shall be installed or grant time specific deferments from the

Sidewalk Master Plan for the timing of the installation at specific locations. As of the date of this Resolution, the following locations have received exceptions/deferments (See Exhibit A).

This Resolution shall be effective upon its adoption and approval.

Adopted this _____ day of _____, 2014.

W. F. "Bill" Tierney, Mayor

Attest:

Marie A. Moe, WCPC, MMC, City Clerk

Resolution Requested by:
Municipal Services & Utilities Committee

CORRESPONDENCE/MEMORANDUM

**SW REGION LOCAL PROGRAM
MANAGEMENT CONSULTANT
KJohnson Engineers, Inc.
DAAR/OTIE**

Date: August 27, 2014

To: Bob Redelings, P.E.
City of Portage Director of Public Works

From: Ernest J. Peterson, P.E.

Subject: **REAL ESTATE ACQUISITION**
ID 6996-05-69
City of Portage, East Haertel Street
(New Pinery Road to East Albert Street)
Local Street
Columbia County



Jewell Associates Engineers will be providing you with the appropriate number of copies of the right of way plat and conveyance documents shortly for the City of Portage to acquire the real estate for the subject project.

The City will need to approve the right of way plat, pass a Relocation Order for this project, and provide a copy of each to me. Once it is passed, the Relocation Order and the plat will need to be filed with the County Clerk's office within twenty days.

An Acquisition Capability Statement is required on all projects. This statement documents who will be responsible for the various tasks involved in acquiring real estate. I will send a boilerplate document and an example by email. They can also be found on the WisDOT website mentioned below. Please send me the Acquisition Capability Statement as soon as it is completed.

I assume that the City of Portage will be able to acquire this real estate without the need for an appraisal. (Appraisals are required if the parcel value is \$10,000 or greater.) If this is not the case, please contact me immediately. I understand that you will be acquiring the needed right of way. You have submitted the required documents and you are on the list of local government staff certified to acquire real estate.

In order for the Management Consultant to submit the "Certificate of Right-of-Way" form to the Department verifying the City of Portage has acquired the parcels in accordance with Department of Transportation procedures, you need to have the following on file for each parcel:

1. Documentation that the "The Rights of Landowners Under Wisconsin Eminent Domain Law" pamphlet was given to the property owner.
2. Documentation of price determination, including the Offering Price Letter.
3. A negotiation diary, documenting all discussions with the property owner.
4. Signed waiver of appraisal document.
5. Copy of the conveyance document, recorded as appropriate.
6. Closing Statement and/or documentation that payment was made, such as copies of the checks.
7. Form 1099 if over \$600.
8. Copy of the Statement to Construction Engineer Form, signed by the property owner. *(Note: If there are no commitments, state "None" on the form.)*

In addition, the City must complete the "Certification of Local Public Agency Right of Way Acquisition", form LPA3028. Please use August 25, 2014 as the Design Study Report Approval date for this form.

This project is scheduled to be let on April 14, 2015, with the Plans, Specifications and Estimates submitted to the Central Office by November 1, 2014. To insure that all commitments can be incorporated into the PS&E and that this project stays on schedule, I need the following from you preferably by **Friday October 17, 2014**, but no later than **Friday January 16, 2015**:

1. Letter from you documenting that all of the above are on file.
2. Copies of the recorded conveyance documents.
3. Copies of the signed waivers of appraisal.
4. Copies of the negotiation diaries, signed by the negotiator.
5. Copies of the Statement to Construction Engineer Form, signed by the property owner.
6. Copy of the recorded Conveyance of Rights documents from Alliant Energy, ATC, and Charter Communications.
7. Copy of the signed plat and Relocation Order, if not sent previously.
8. Copy of the signed Certification of Local Public Agency Right of Way Acquisition, LPA3028.

The Wisconsin Department of Transportation (WisDOT) has updated their "Local Public Agency Manual for Right of Way Acquisition". The manual can be found on the WisDOT Extranet site at:

https://trust.dot.state.wi.us/extntgtwy/dtid_real_estate/repmlpa/index.htm

They have also revised all of their forms used in the real estate acquisition process.

The forms can be found on the WisDOT Extranet site at:

https://trust.dot.state.wi.us/extntgtwy/dtid_real_estate/repmlpa/forms.htm

You will need to register to have access to these websites. If you have not previously done that and need help with that process, or if you have any trouble finding the website, please let me know and I can assist you.

If you have any questions, please contact me at (608) 829-3858 or email me at erniepeterson@kjohnsonengineers.com.

I:\Users\Ernie\SWRegion\Columbia\6996-05-69-E Haertel St\REAcqu69960569.docx

cc: Ellery Schaffer, Jewell Associates Engineers (letter only)
Cindy Michalski, WisDOT (letter only)

Enclosures: "Helpful Hints to Ensure Compliance with State and Federal Requirements on Local Public Agency Real Estate Projects"
Nine (9) copies of "The Rights of Landowners Under Wisconsin Eminent Domain Law" handouts
Eight (8) copies of the Department Negotiation Diary Form
Eight (8) copies of the Nominal Payment Parcel - Waiver of Appraisal Recommendation and Approval Form
Eight (8) copies of the Statement to Construction Engineer Form
One (1) copy of the Certification of Local Public Agency Right of Way Acquisition

RESOLUTION NO. 14-040

**RESOLUTION AUTHORIZING CERTAIN INDIVIDUALS TO
PERFORM NECESSARY FUNCTIONS ASSOCIATED WITH ACQUISITION OF
RIGHT-OF- WAY (E. Haertel Street)**

WHEREAS, the City of Portage (City) was awarded a STP-Urban Project Funding (STP-UP) grant award for the reconstruction of E. Haertel Street (E. Albert Street to New Pinery Road) on July 15, 2011 (Project ID No. 6996-05-69/70); and

WHEREAS, the STP-UP agreement requires the City to provide a clear Right-of-Way (ROW) plat for STP-UP funding eligibility; and

WHEREAS, the City has engaged a certified appraisal from Southern Wisconsin Appraisal to conduct necessary appraisals of private parcels, or portions thereof required for ROW acquisition; and

WHEREAS, review appraisals for acquisitions with less than \$10,000 value may be conducted by a certified review appraiser who shall conduct a technical review of the appraisal and indicate approval of compensation offered to said property owner; and

WHEREAS, Project ID No. 6996-05-69/70 abuts approximately 15 tax parcels and the expected ROW acquisition from any given parcel will be less than 0.3 acres.

NOW THEREFORE, IT IS HEREBY RESOLVED by the Common Council that Robert Redelings, City Engineer is Wisconsin Department of Transportation certified for acquisition of real estate and is authorized to negotiate the acquisition of said ROW on behalf of the City to a maximum compensation of

\$1000 per parcel and a full report of any and all such acquisitions shall be reported to the Common Council;

BE IT FURTHER RESOLVED that ROW acquisitions with a compensation value in excess of \$1,000 may be conditionally offered by Redelings, subject to subsequent approval by the Municipal Services & Utilities Committee of the Common Council and ROW acquisitions with a compensation value in excess of \$10,000 shall be conducted by Southern Wisconsin Appraisal, reviewed by Redelings who is authorized to make conditional offer to purchase, subject to approval by the Common Council.

BE IT FURTHER RESOLVED that the City Attorney, Jesse Spankowski is authorized to represent the City if any parcels require condemnation or other means of litigation to acquire, subject to final authorization by the Common Council.

DATED this _____ day of September, 2014.

W. F, "Bill" Tierney, Mayor

Attest:

Marie A. Moe, WCPC, MMC, City Clerk

Resolution requested by:
Municipal Services & Utilities Committee

Jennifer E. Loveland

From: Bob Redelings
Sent: Wednesday, September 03, 2014 4:10 PM
To: Jennifer E. Loveland
Cc: Shawn M. Murphy
Subject: 2015 Budget discussion items

Memorandum:

To: Municipal Services Committee

From Bob Redelings, Public Works Director

Subject: see above

Date: September 3, 2014

Cc.: Shawn Murphy, City Administrator
Bill Tierney, Mayor

Budget discussions up to this point have focused on tweaking operational items and revisiting capital items that were previously referenced. The purpose of this email is to list items that should be considered as part of the operation, but due to lack of funds or priority, haven't been itemized in previous budgets. As the budget process is a dynamic process and as more information has become available, I'd like to offer the following for consideration and discussion:

- **PUBLIC WORKS**

1. Unit 40 (Kim's truck), a \$40,000 item should be placed in the 2015 budget. We thought it would last until 2016, but we're not as confident as we were a few months ago.
2. Operations – Acct. 294 (Other Contractual Services); This account was increased to \$36K in 2014 in an attempt to rent a tub grinder to grind up the brush and stumps at the Airport Rd. site. Mid-way thru the year it appeared there wouldn't be sufficient funds to accomplish the tub grinding effort. Other efforts such as increased tree trimming and electrical work have eaten into the budget. I don't envision these efforts lessening and in fact, this budget item should be increased to \$40K to include a traffic signal maintenance program, and to provide an inventory of LED street lights.
3. Operations – Acct. 340 (Operating Supplies); To be prepared to provide flood water pumping, additional hose costing \$5,500 is needed. We suggest the budget be increased to \$17,500 in 2015
4. Operations – Acct. 341 (Vehicle Equipment Maintenance Supplies); The loader needs new (retread tires) at a cost of \$5,800. We suggest the budget for this account be increased to \$43,800 in 2015.
5. Operations – Acct. 860 (Small Equipment); The wheel balancer was insufficiently budgeted for 2014, but it will need to be purchased in 2015 along with a larger concrete saw to more effectively remove/replace sidewalk sections. Due to the amount of equipment budgeted for 2014, the net result is a recommended budget reduction of this item to \$5K in 2015.
6. Nuisance Control – We're recommending the \$5K budget remain unchanged. However, in part due to surplus inventory, only \$1,000 is needed for mosquito abatement. We recommend \$4,000 be allocated to levee vegetation control. Spraying has been effective in the rip rap area but additional funds are needed for maintaining the levee south of the rip rap area. The County Highway Department may perform this work.

7. Parking Facilities – The Department has performed striping without charging this account. The account has primarily been for light repair and replacement. An appropriate budget would be \$1,000 each for supplies and maintenance.
8. Local Road Construction – This is the \$4K item that we receive a 50% (\$2K max.) from Columbia County. For 2015, I'd suggest the W. Cook St. repair at Armstrong St. or repairs to the S.L.D. bridge.
9. Sidewalk maintenance – This item should be increased to \$4,000 for isolated repairs, edge-cutting and for purchasing detectable warning fields (for the handicap ramps).
10. Storm Sewer Maintenance – For miscellaneous repairs and to maintain an inventory of grates, inlets and pipe, the budget should include \$10K each for Other Contractual Services and Construction Materials.
11. Capital Items – Street Reconstruction; The two major projects are East Haertel St. and Hamilton St. (E. Slifer to 1,600' north). A sidewalk is planned for the west side of Hamilton and a multi-purpose path is planned for the east side. Because of utility replacement, the 300 block of W. Marion and the 100 block of E. Franklin resemble a reconstruction project more than a mere street resurfacing project. Street Resurfacing is programmed for the end of E. Slifer St. along with the installation of sidewalks on both sides of the street. East Albert St. from E. Haertel to I.A.H. Rd. is also programmed for reconstruction. The rural section will be widened to accommodate bicycles.
12. East Cook St. has become a good candidate for crack filling and Thompson Street is next on the list for chip sealing.
13. The street lights planned for 2015 will be installed as part of the East Haertel Street project.
14. The Cemetery Road project has taken a turn (n.p.i.) this year. Apparently the Association has determined that their shed is in deplorable condition and needs to be replaced. They requested that the \$10,000 for 2015 be used for this purpose.

Please let me know if you have any questions. Thanks.

Bob

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