



REGULAR VILLAGE BOARD MEETING

MEETING NOTICE AND AGENDA

Monday, April 20, 2020, 6:00 PM

Meeting will be held at: <https://www.gotomeet.me/wfbvillage/village-board>

Access Code: 348-527-221

Phone Number Log In: +1 (872) 240-3212

- I. Call to Order and Roll Call
- II. Consent Agenda – Upon request of any Trustee, any item may be removed from the Consent Agenda for separate consideration under General Business.
 1. Claims for March, 2020.
 2. Investment Report for March, 2020.
 3. Annual appointment of Trustees to various Boards, Commissions and Committees.
 4. Village President’s recommended appointments to Boards, Commissions and Committees.
 5. Ordinance No. 1866 – to create Section 10-49(E) of the Municipal Code with regard to Communicable Diseases and Quarantine and Isolation Regulations.
- III. Report of Village Officers
 1. Village Attorney
 2. Village Manager
 3. Village President
 4. Miscellaneous Trustee
- IV. Petitions and Communications – Members of the public wishing to communicate to the Village Board should email p.boening@wfbvillage.org at least 48 hours prior to the meeting with “Message to Village Board” in the subject line. Those messages will be provided to the Board Members.
- V. General Business
 1. Discussion/action on Ordinance No. 1867 pertaining to Construction Site Erosion and Sediment Control.

2. Discussion/action on contract award for the 2020 EAB Parkway Tree Removal Project.
3. Discussion/action on contract award for the 2020 Parkway Tree Planting Project.
4. Discussion/action on contract award for the 2020 Sidewalk Improvement Project.
5. Discussion/action on contract award for the 2020 Roadway Rehabilitation Project.
6. Discussion/action on contract award for the 2020 Sanitary Sewer Lining and Manhole Rehabilitation Project.

VI Adjourn

Due to the COVID-19 pandemic, this meeting is being held via remote conference only. Members of the media and public may attend by logging onto <https://www.gotomeet.me/wfbvillage/village-board>. The access code is 348-527-221. The phone number to log in is +1 (872) 240-3212. All public participants will be muted during the meeting. Members of the public wishing to communicate to the Village Board should email p.boening@wfbvillage.org at least 48 hours prior to the meeting with "Message to Village Board" in the subject line. Those messages will be provided to the Board Members. Agendas and minutes are available on the Village website (www.wfbvillage.org)

Upon reasonable notice, efforts will be made to accommodate the needs of disabled individuals through appropriate aids and services. Contact Village Hall at (414) 962-6690. It is possible that members of and possibly a quorum of members of other Boards, Commissions, or Committees of the Village including in particular the Plan Commission may be in attendance in the above stated meeting to gather information; no action will be taken by any other Boards, Commissions, or Committees of the Village except by the Board, Commission, or Committee noticed above. Agendas and minutes are available on the Village website (www.wfbvillage.org)

Check Date	Check	Vendor Name	Amount
Bank Cking ASSOCIATED			
03/06/2020	57097	A.M. LEONARD, INC.	96.29
03/06/2020	57098	ALSCO	342.72
03/06/2020	57099	AMAZON CAPITAL SERVICES	1,897.25
03/06/2020	57100	AT&T	175.57
03/06/2020	57101	AT&T MOBILITY	683.10
03/06/2020	57102	AXON ENTERPRISE, INC.	220.00
03/06/2020	57103	BAKER & TAYLOR BOOKS	4,249.50
03/06/2020	57104	BILL TUMA	75.48
03/06/2020	57105	COMPASS MINERALS AMERICA INC	15,727.35
03/06/2020	57106	CONFLUENCE GRAPHICS	45.00
03/06/2020	57107	DIEDRICH ELECTRIC	82.50
03/06/2020	57108	GIBB BUILDING MAINTENANCE	2,256.00
03/06/2020	57109	GOODYEAR TIRE & RUBBER CO	1,085.00
03/06/2020	57110	HEISER AUTOMOTIVE GROUP	516.37
03/06/2020	57111	HERSLOF OPTICAL CO., INC.	359.50
03/06/2020	57112	INTERNAL REVENUE SERVICE	323.60
03/06/2020	57113	JACOBUS ENERGY	2,060.37
03/06/2020	57114	KANOPY, INC.	195.00
03/06/2020	57115	KNOW BUDDY RESOURCES	534.28
03/06/2020	57116	LINCOLN CONTRACTORS SUPPLY	419.26
03/06/2020	57117	MID CITY CORPORATION	12,767.38
03/06/2020	57118	MIDWEST TAPE	63.72
03/06/2020	57119	MILWAUKEE COUNTY TREASURER	3,437.20
03/06/2020	57120	MILWAUKEE DOOR SALES & SERVICE, LLC	637.50
03/06/2020	57121	MILWAUKEE METRO SEWERAGE DISTRICT	21,895.00
03/06/2020	57122	MINITEX	798.00
03/06/2020	57123	NEENAH FOUNDRY COMPANY	560.07
03/06/2020	57124	NEHER ELECTRIC SUPPLY, INC.	270.00
03/06/2020	57125	NORTH SHORE WATER COMMISSION	37,270.12
03/06/2020	57126	OFFICE TECHNOLOGY GROUP	208.20
03/06/2020	57127	PETER BRONEK	975.00
03/06/2020	57128	SCHMITZ READY MIX, INC.	68.50
03/06/2020	57129	SCHOOL DISTRICT OF WFB	147.06
03/06/2020	57130	STATE OF WI-COURT FINES/SURCHARGES	7,927.40
03/06/2020	57131	TIME WARNER CABLE	2,005.37
03/06/2020	57132	UPI, LLC	9,253.57
03/06/2020	57133	VERIZON WIRELESS	13.16
03/06/2020	57134	VILLAGE ACE HARDWARE	59.33
03/06/2020	57135	WELLS FARGO	139.44
03/06/2020	57136	WESTHOFEN WORKS, INC.	1,955.75
03/06/2020	57137	WEX BANK	2,507.14
03/06/2020	57138	WI DEPT OF JUSTICE	7.00
03/06/2020	57139	WI MUNICIPAL CLERKS ASSOCIATION	30.00
03/06/2020	57140	Z BUILDERS SUPPLY CO	100.80
		Total For 03/06/2020:	134,440.85
03/09/2020	57141	WEX BANK	3,603.44
		Total For 03/09/2020:	3,603.44
03/13/2020	57145	AMAZON CAPITAL SERVICES	21.84
03/13/2020	57146	AT&T	244.08
03/13/2020	57147	AXON ENTERPRISE, INC.	22,481.58
03/13/2020	57148	CARDMEMBER SERVICE	3,996.14
03/13/2020	57149	CORE & MAIN LP	645.00
03/13/2020	57150	DAVIS & KUELTHAU, S.C.	14,012.06
03/13/2020	57151	DIGICORP, INC.	214.50
03/13/2020	57152	ERIN GRANSTROM	26.35
03/13/2020	57153	GALE	20.79
03/13/2020	57154	GRAFIX SHOPPE	58.37
03/13/2020	57155	HEALTHY FOOD MOVEMENT	100.00
03/13/2020	57156	JACOBUS ENERGY	823.62
03/13/2020	57157	JAMES TURK	8.65
03/13/2020	57158	LEXISNEXIS RISK SOLUTIONS	150.00
03/13/2020	57159	MINNESOTA LIFE INSURANCE CO.	1,463.06
03/13/2020	57160	NORTH SHORE FIRE DEPARTMENT	667,305.00
03/13/2020	57161	NORTH SHORE FIRE DEPARTMENT	100.18
03/13/2020	57162	NORTH SHORE WATER COMMISSION	26,575.00
03/13/2020	57163	OFFICE COPYING EQUIPMENT	150.31
03/13/2020	57164	PATRICK MURPHY	6.75
03/13/2020	57165	PITNEY BOWES INC	250.14
03/13/2020	57166	POM INCORPORATED	510.60
03/13/2020	57167	SENDIKS FOOD MARKET	319.60
03/13/2020	57168	SIRCHIE	90.40
03/13/2020	57169	SMART INTERACTIVE MEDIA, LLC	250.00
03/13/2020	57170	STAPLES ADVANTAGE	112.56
03/13/2020	57171	TASC	210.56
03/13/2020	57172	TYLER TECHNOLOGIES, INC.	3,000.00

Check Date	Check	Vendor Name	Amount
03/13/2020	57173	W.C.T.C.	516.80
Total For 03/13/2020:			743,663.94
03/20/2020	57174	A.M. LEONARD, INC.	533.42
03/20/2020	57175	AMAZON CAPITAL SERVICES	201.30
03/20/2020	57176	ARMSTRONG CONSULTING GROUP INC	598.00
03/20/2020	57177	CARQUEST AUTO PARTS	387.97
03/20/2020	57178	CHAD SIEVERT	60.00
03/20/2020	57179	COLLEEN BAIRD	75.00
03/20/2020	57180	COMPASS MINERALS AMERICA INC	15,070.41
03/20/2020	57181	COMPLETE MOBILE DRUG TESTING	208.52
03/20/2020	57182	CON-COR COMPANY, INC.	278.39
03/20/2020	57183	CONFLUENCE GRAPHICS	15.00
03/20/2020	57184	COUNTY MATERIALS CORPORATION	640.00
03/20/2020	57185	DILLETT MECHANICAL SERVICE	745.00
03/20/2020	57186	EGELHOFF LAWN MOWER SERVICE	71.55
03/20/2020	57187	JOHNSON CONTROLS FIRE PROTECTION	2,256.63
03/20/2020	57188	JOURNAL SENTINEL	105.21
03/20/2020	57189	KRIS RAASCH	150.00
03/20/2020	57190	LINCOLN CONTRACTORS SUPPLY	137.01
03/20/2020	57191	LKQ SMART PARTS, INC.	995.00
03/20/2020	57192	MSC INDUSTRIAL SUPPLY CO	412.76
03/20/2020	57193	NEHER ELECTRIC SUPPLY, INC.	579.20
03/20/2020	57194	SCHMITZ READY MIX, INC.	1,200.63
03/20/2020	57195	SNAP-ON TOOLS	189.50
03/20/2020	57196	U.S. CELLULAR	36.99
03/20/2020	57197	VILLAGE ACE HARDWARE	34.85
03/20/2020	57198	WE ENERGIES	28.16
03/20/2020	57199	WEA INSURANCE TRUST	99,360.75
03/20/2020	57200	WEX BANK	2,401.29
03/20/2020	57201	WEX BANK	1,050.11
03/20/2020	57202	WI DEPARTMENT OF TRANSPORTATION	11,779.64
03/20/2020	57203	WIL-KIL PEST CONTROL	301.50
03/20/2020	57204	WM. A. ZACHOW AND SONS, INC	1,260.00
Total For 03/20/2020:			141,163.79

03/27/2020	57208	ACTION DIGITAL DOCUMENT SOLUTIONS	1,014.46
03/27/2020	57209	ALSCO	384.63
03/27/2020	57210	BAYCOM	578.00
03/27/2020	57211	CHRIS JENSON	60.00
03/27/2020	57212	CHRISTOPHER R. LIPSCOMB	300.00
03/27/2020	57213	CONFLUENCE GRAPHICS	304.77
03/27/2020	57214	DANIEL COURTIER	90.00
03/27/2020	57215	DANIEL KRIPLEAN	30.00
03/27/2020	57216	DAVID HRYNIEWICKI	60.00
03/27/2020	57217	DON NARDI	60.00
03/27/2020	57218	FASTSIGNS OF GLENDALE	375.00
03/27/2020	57219	GEO-SYNTHETICS SYSTEMS, LLC	240.90
03/27/2020	57220	GORDON FLESCH COMPANY INC.	1,114.32
03/27/2020	57221	GRAEF	601.25
03/27/2020	57222	INNOVATIVE CREDIT SOLUTIONS	250.00
03/27/2020	57223	JAMES TURK	120.00
03/27/2020	57224	JEN AMERELL	350.00
03/27/2020	57225	JESSE BARKOW	210.00
03/27/2020	57226	KRIS RAASCH	535.00
03/27/2020	57227	LAURA & PHILIP KOSKI	6,228.47
03/27/2020	57228	MICHAEL KOWALSKI	250.00
03/27/2020	57229	MILWAUKEE DOOR SALES & SERVICE, LLC	2,996.30
03/27/2020	57230	NORBERT SIKINGER	30.00
03/27/2020	57231	OFFICE DEPOT CREDIT PLAN	52.78
03/27/2020	57232	PURCHASE POWER	1,605.98
03/27/2020	57233	RALPH ZEIT	30.00
03/27/2020	57234	RYAN BUSH	60.00
03/27/2020	57235	SHRED-IT USA	49.41
03/27/2020	57236	THERESA HOGE	150.00
03/27/2020	57237	TIM BLAKESLEE	50.00
03/27/2020	57238	TIME WARNER CABLE	179.96
03/27/2020	57239	TRUAX PATIENT SERVICES	825.00
03/27/2020	57240	VILLAGE ACE HARDWARE	95.13
03/27/2020	57241	VILLAGE OF BAYSIDE	99,924.01
Total For 03/27/2020:			119,205.37

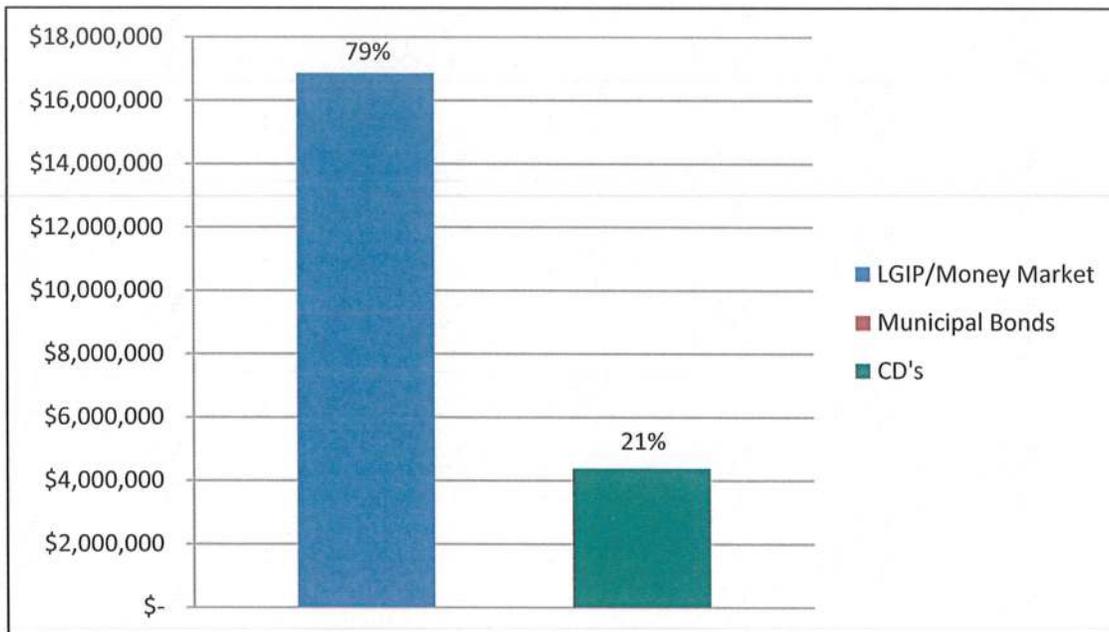
CKING TOTALS:

Total of 139 Checks:	1,142,077.39
Less 0 Void Checks:	0.00
Total of 139 Disbursements:	1,142,077.39

Monthly Investment Summary

March 2020

	General Investments	Post Retirement Investments	Total
LGIP/Money Market	\$ 16,851,094	\$ -	\$ 16,851,094
Municipal Bonds	-	-	-
CD's:			
Less than 1 Year	1,667,481	354,798	2,022,279
1 to 3 Years	1,639,024	713,760	2,352,784
3 to 5 Years	-	-	-
Total CD's	3,306,505	1,068,558	4,375,063
Total Investments	<u>\$ 20,157,599</u>	<u>\$ 1,068,558</u>	<u>\$ 21,226,157</u>
Accrued Interest	<u>\$ 16,412</u>	<u>\$ 5,045</u>	<u>\$ 21,457</u>





Village of Whitefish Bay
5300 N. Marlborough Drive
Whitefish Bay, Wisconsin 53217
Phone: 414-962-6690
Fax: 414-962-5651

Memorandum

To: Village Board
From: Paul Boening – Village Manager
Date: April 17, 2020
Re: Annual Appointment of Trustees to various Boards and Committees

In accordance with Village Code requirements, Village Trustee appointments to Boards and Committees shall occur annually each April.

President Siegel is recommending the following appointments for the 2020-21 term:

President Siegel

- Plan Commission (Chairperson per Code)
- Community Development Authority

Trustee Buckley

- Public Works Committee

Trustee Davis

- Public Works Committee

Trustee Demet

- Library Board

Trustee Fuda

- Plan Commission

Trustee Saunders

- Community Development Authority

Trustee Serebin

- Public Works Committee

2020 Appointments – Village President’s Nominations

<i>NAME</i>	<i>POSITION</i>	<i>NEW TERM EXPIRES</i>
<u>CHARLES BUSCHER</u>	<u>ARC</u>	<u>2023</u>
<u>TAMMY HERPEL</u>	<u>ARC (ALTERNATE)</u>	<u>2021 (1 YR FOR ALTERNATES)</u>
<u>PETER QUEHL</u>	<u>ARC (ALTERNATE)</u>	<u>2021 (1 YR FOR ALTERNATES)</u>
<u>JASON STUEWE</u>	<u>ARC (ALTERNATE)</u>	<u>2021 (1 YR FOR ALTERNATES)</u>
<u>LAUREN TRIEBENBACH</u>	<u>ARC CHAIRPERSON</u>	<u>2023</u>
<u>RUSS EISENBERG</u>	<u>BOARD OF APPEALS</u>	<u>2023</u>
<u>MICHAEL KELLEY</u>	<u>BOARD OF APPEALS</u>	<u>2023</u>
<u>PETER KUCHA</u>	<u>BOARD OF APPEALS (ALTERNATE)</u>	<u>2021 (1 YR FOR ALTERNATES)</u>
<u>ANDREW HUNT</u>	<u>BOARD OF APPEALS (ALTERNATE)</u>	<u>2021 (1 YR FOR ALTERNATES)</u>
<u>SAMUEL DETTMANN</u>	<u>BOARD OF REVIEW (ALTERNATE)</u>	<u>2021 (1 YR FOR ALTERNATES)</u>
<u>MOLLY ZILLIG</u>	<u>BOARD OF REVIEW (ALTERNATE)</u>	<u>2021 (1 YR FOR ALTERNATES)</u>
<u>MARTIN STILLING</u>	<u>BID (CITIZEN MEMBER)</u>	<u>2023</u>
<u>TED BALISTRERI</u>	<u>BID (BUSINESS MEMBER)</u>	<u>2023</u>
<u>MICHAEL DWYER</u>	<u>COMMUNITY DEVELOPMENT AUTHORITY</u>	<u>2024</u>
<u>SARAH MALIK</u>	<u>COMMUNITY DEVELOPMENT AUTHORITY (ALTERNATE)</u>	<u>2021 (1 YR FOR ALTERNATES)</u>
<u>JEFFERSON AIKIN</u>	<u>HISTORIC PRESERVATION COMMISSION</u>	<u>2023</u>
<u>JACOB RUCK</u>	<u>HISTORIC PRESERVATION COMMISSION</u>	<u>2023</u>
<u>NATHAN CHRISTENSON</u>	<u>LIBRARY BOARD</u>	<u>2023</u>
<u>SARAH LEINWEBER</u>	<u>LIBRARY BOARD</u>	<u>2023</u>
<u>CLAIRE FLANNERY¹</u>	<u>LIBRARY BOARD</u>	<u>2023</u>
<u>MARGARET JANE MOORE</u>	<u>PLAN COMMISSION</u>	<u>2023</u>
<u>DAVE MARKSON</u>	<u>POLICE COMMISSION</u>	<u>2023</u>
<u>CHRISTOPHER SIMENZ</u>	<u>NORTH SHORE BOARD OF HEALTH</u>	<u>2022</u>

¹ New Appointee – Kate Tarpey is moving out of Whitefish Bay



VILLAGE BOARD MEETING STAFF REPORT

REPORT TO: President Julie Siegel & Village Board of Trustees
Village Manager Paul Boening

REPORT FROM: Tim Blakeslee, Assistant Village Manager

DATE: April 15, 2020

AGENDA ITEM: Discussion/action on Ordinance No. 1866 – to create Section 10-49(E) of the Municipal Code with regard to Communicable Diseases and Quarantine and Isolation Regulations.

ACTION REQUESTED: ___ Ordinance ___ Resolution Motion (Consent)

BACKGROUND:

In March 2020, Governor Evers issued the Safer at Home Order, which established social distancing requirements and required that all Wisconsinites stay at home as much as possible and directed that all non-essential businesses and operations must cease. All public and private gatherings of any number of people that are not part of a single household or living unit are prohibited, except for the limited exceptions contained in the order.

The Village of Whitefish Bay does not have any current enforcement mechanism via Village Ordinance to issue a citation if there is a local violation of the Safer at Home order. The proposed ordinance is modeled after Franklin, Wisconsin and has been reviewed by Attorney Jaekels and Health Department Director Ann Christiansen.

The proposed ordinance will be incorporated into the Sanitary Code which is "Chapter 10". Chapter 10 is the location per Village ordinance that designates that the North Shore Health Department the local Board of Health. Per Chapter 10 the North Shore Health Department will "ensure the enforcement of state public health statutes and public health rules."

RECOMMENDED ACTION BY VILLAGE BOARD:

To approve Ordinance No. 1866 (Consent Agenda) – to create Section 10-49(E) of the Municipal Code with regard to Communicable Diseases and Quarantine and Isolation Regulations.

ATTACHMENTS

1. Ordinance No. 1866

C: Department Heads
Attorney Jaekels

ORDINANCE NO: 1866

An Ordinance to Create Section 10-49 E of the Municipal Code with Regard to Communicable Diseases and Quarantine and Isolation Regulations

The Village Board of the Village of Whitefish Bay, Milwaukee County, Wisconsin does ordain as follows:

Section One: Section 10-49 E of the Municipal Code is hereby created to read as follows:

- (1) Communicable diseases; general. The Village Health Officer shall perform all duties prescribed to him or her by the State of Wisconsin and the State Department of Health and Family Services regarding contagious diseases, particularly, but not limited to Ch. 252, Wis. Stats., and Ch. HFS 145, Wis. Adm. Code, and "local health officer" as used within the Wisconsin Statutes and Wisconsin Administrative Code shall mean the Village Health Officer, all such statutes and code provisions pertaining to contagious diseases being specifically incorporated herein by reference, as amended from time to time, and as such constituting local direction and authority for the Village Health Officer, Health Department and Board of Health.
- (2) Control, isolation and quarantine measures for communicable diseases other than tuberculosis. The Village Health Officer shall undertake such measures for the control of communicable diseases, other than tuberculosis, but also including those diseases as are specifically set forth in Appendix A to Ch. HFS 145, Wis. Adm Code, as set forth under § 252.06, Wis. Stats., and § 145.06, Wis. Adm. Code, specifically, but not limited to measures to direct a person known to have or suspected of having a contagious disease to participate in such programs, tests, evaluations, conduct cessation, isolated or segregated residence, placement and the like as set forth under § 145.06(4), Wis. Adm. Code, and in the absence of compliance with such directive, to petition a court of record to order compliance with such directive as set forth under § 145.06(5), Wis. Adm. Code.
- (3) Control, isolation and quarantine measures for tuberculosis. The Village Health Officer shall undertake such measures for the control of tuberculosis, as set forth under § 252.07, Wis. Stats., and § 145.10, Wis. Adm. Code, specifically, but not limited to measures to order the confinement to a facility of an individual having or suspected of having tuberculosis, upon those conditions set forth under § 252.07(8)(a), Wis. Stats., and § 145.10(6)(d),(e) and (f), Wis. Adm. Code, and to petition the court for an extension of such confinement as necessary and pursuant to those conditions set forth under § 252.07(9)(a), Wis. Stats., and § 145.10(7), Wis. Adm. Code.
- (4) Communicable diseases information to the public and to schools. The Village Health Officer may advise the public and any individual persons of the provisions of this section and the Wisconsin Statutes and the Wisconsin Administrative Code provisions referenced and incorporated herein in order to assist the Health Officer in the performance of duties pertaining to the protection against contagious diseases, including, but not limited to the provisions of § 252.19, Wis. Stats., providing that no person who is knowingly infected with a communicable disease may willfully violate the recommendations of the local Health Officer or subject others to danger of contracting the disease, and that no person may knowingly

and willfully take, aid in taking advise or cause to be taken a person who is infected or is suspected of being infected with a communicable disease into any public place or conveyance where the infected person would expose any other person to danger of contracting the disease. The Village Health officer may further specifically advise schools, teachers, school nurses and principals of the provisions of § 252.21, Wis. Stats., providing in part at Subsection (1), that a local health officer should be notified of the existence or suspicion of the existence of the presence of a communicable disease in a school, and the provisions of Subsection (6) thereof, providing in part that any teacher, school nurse or principal may send home pupils who are suspected of having a communicable disease or any other disease the State Department of Health and Family Services specifies by rule.

- (5) Violations. Any person who willfully violates or obstructs the execution of any term or provision of this section and any state statute, order, code or rule, county or Village ordinance, or departmental order under this section, Ch. 252, Wis. Stats., and/or Ch. HFS 145, Wis. Adm. Code, relating to the public health, for which no other penalty prescribed, shall, in addition to being subject to all other legal and equitable actions and relief available to the Village of Whitefish Bay, be subject to the penalty provisions set forth in this Section and under § 17-18 of the Village of Whitefish Bay Municipal Code.

Section Two: All ordinances or parts of ordinances conflicting with the provisions of this Ordinance are hereby and to such extent repealed.

Section Three: This ordinance shall take effect and be in force from and after its passage and posting.

PASSED AND ADOPTED by the Village Board of Trustees of the Village of Whitefish Bay this ____ day of _____, 2020.

VILLAGE OF WHITEFISH BAY

Julie Siegel, Village President

Jennifer Amerell, Village Clerk



April 16, 2020

Memo to: President Siegel and Members of the Village Board
From: John Edlebeck, P.E., Director of Public Works *John Edlebeck*
Re: Construction Site Erosion and Sediment Control Ordinance # 1867

As part of our Wisconsin Department of Natural Resources WPDES (Wisconsin Pollutant Discharge Elimination Systems) MS-4 (Municipal Separate Storm Sewer Systems) Stormwater Permit, a Construction Site Erosion and Sediment Control Ordinance is required. These state mandated rules, regulations and requirements for both the Village and property owners, relate to construction activity along with its associated soil disturbance and its effects on our Village stormwater collection and conveyance system, as well as the adjacent natural water bodies.

This ordinance is being recommend for approval to compliment the March, 2020 Village Board approved revised Village Stormwater Management Regulations Ordinance #1863, Wis. Adm. Code Chapters 61 / NR-151 / 216 as well as the recently revised MMSD Chapter 13 code.

RECOMMENDATION

Village staff recommends that Construction Site Erosion and Sediment Control Ordinance # 1867 be approved.

ORDINANCE NO: 1867

**An Ordinance to Renumber Section 11-23 of the Municipal Code
as Section 11-37 and to Create Article III Sections 11-23 Through 11-36
With Regard to Construction Site Erosion and Sediment Control**

The Village Board of the Village of Whitefish Bay, Milwaukee County, Wisconsin does ordain as follows:

Section One: Section 11-23 is hereby renumbered as Article IV, Section 11-37.

Section Two: Article III, Sections 11-23 through 11-36 are hereby created to read as follows:

ARTICLE III CONSTRUCTION SITE EROSION AND SEDIMENT CONTROL**11-23 AUTHORITY.**

- A. This ordinance is adopted under the authority granted by s. 61.354, Wis. Stats. This ordinance supersedes all provisions of an ordinance previously enacted under s. 61.35, Wis. Stats., that relate to construction site erosion and sediment control. Except as otherwise specified in s. 61.354, Wis. Stats., s. 61.35, Wis. Stats., applies to this ordinance and to any amendments to this ordinance.
- B. The provisions of this ordinance are deemed not to limit any other lawful regulatory powers of the Village of Whitefish Bay
- C. The Village of Whitefish Bay hereby designates the Public Works Department to administer and enforce the provisions of this ordinance.
- D. The requirements of this ordinance do not preempt more stringent erosion and sediment control requirements that may be imposed by any of the following:
 - (1) Wisconsin Department of Natural Resources administrative rules, permits, or approvals, including those authorized under ss. 281.16 and 283.33, Wis. Stats.
 - (2) Targeted non-agricultural performance standards promulgated in rules by the Wisconsin Department of Natural Resources under s. NR 151.004, Wis. Adm. Code.

11-24 FINDINGS OF FACT.

The Village of Whitefish Bay acknowledges that runoff from land disturbing construction activity carries a significant amount of sediment and other pollutants to the waters of the state in the Village of Whitefish Bay.

11-25 PURPOSE.

It is the purpose of this ordinance to maintain safe and healthful conditions; prevent and control water pollution; prevent and control soil erosion and sediment discharge; protect spawning grounds, fish, and aquatic life; control building sites, placement of structures, and land uses; preserve ground cover and scenic beauty; and promote sound economic growth by minimizing the amount of sediment and other pollutants carried by runoff or discharged from land disturbing construction activity to waters of the state in the Village of Whitefish Bay.

11-26 APPLICABILITY AND JURISDICTION.

A. APPLICABILITY.

- (1) Except as provided under par. (2), this ordinance applies to any construction site as defined under Section 11-27 F.
- (2) This ordinance does not apply to any of the following:
 - (a) Transportation facilities, except transportation facility construction projects that are part of a larger common plan of development such as local roads within a residential or industrial development.
 - (b) The construction of a building that is otherwise regulated by the Wisconsin Department of Safety and Professional Services (DSPS) in Chs. SPS 320 to 325, or SPS 361 to 366, Wis. Adm. Code.
 - (c) A construction project that is exempted by federal statutes or regulations from the requirement to have a national pollutant discharge elimination system permit issued under ch. 40, Code of Federal Regulations, part 122, for land disturbing construction activity.
 - (d) Nonpoint discharges from agricultural facilities and practices.
 - (e) Nonpoint discharges from silviculture activities.
 - (f) Routine maintenance for project sites that have less than 5 acres of land disturbance if performed to maintain the original line and grade, hydraulic capacity, or original purpose of the facility.
- (3) Notwithstanding the applicability requirements in par. (1), this ordinance applies to construction sites of any size that, as determined by the Public Works Director or designee, are likely to result in runoff that exceeds the safe capacity of the existing drainage facilities or receiving body of water, that causes undue channel erosion, or that increases water pollution by scouring or transporting of particulate.

A. JURISDICTION.

This ordinance applies to land disturbing construction activity on lands within the boundaries and jurisdiction of the Village of Whitefish Bay;

B. EXCLUSIONS.

This ordinance is not applicable to activities conducted by a state agency, as defined under s. 227.01 (1), Wis. Stats.

11-27 DEFINITIONS. In this ordinance:

- A. "Administering authority" means a governmental employee, or a regional planning commission empowered under s. 61.354, Wis. Stats., that is designated by the Village of Whitefish Bay to administer this ordinance.
- B. "Agricultural facilities and practices" has the meaning given in s. 281.16 (1), Wis. Stats.
- C. "Best management practice" or "BMP" means structural or non-structural measures, practices, techniques, or devices employed to avoid or minimize soil, sediment, or pollutants carried in runoff to waters of the state.
- D. "Business day" means a day the office of the Public Works Director or designee is routinely and customarily open for business.

- E. “Cease and desist order” means a court-issued order to halt land disturbing construction activity that is being conducted without the required permit or in violation of a permit issued by the Public Works Director or designee.
- F. “Construction site” means an area upon which one or more land disturbing construction activities occur, including areas that are part of a larger common plan of development or sale when multiple separate and distinct land disturbing construction activities may be taking place at different times on different schedules but under one plan. A long-range planning document that describes separate construction projects, such as a 20-year transportation improvement plan, is not a common plan of development.
- G. “Design storm” means a hypothetical discrete rainstorm characterized by a specific duration, temporal distribution, rainfall intensity, return frequency, and total depth of rainfall.
- H. “Division of land” means the creation from one parcel of [2] or more parcels or building sites of [5] or fewer acres each in area when such creation occurs at one time or through the successive partition within a 5-year period.
- I. “Erosion” means the process by which the land’s surface is worn away by the action of wind, water, ice, or gravity.
- J. “Erosion and sediment control plan” means a comprehensive plan developed to address pollution caused by erosion and sedimentation of soil particles or rock fragments during construction.
- K. “Extraterritorial” means the unincorporated area within 3 miles of the corporate limits of a first, second, or third class city, or within 1.5 miles of a fourth class city or village.
- L. “Final stabilization” means that all land disturbing construction activities at the construction site have been completed and that a uniform perennial vegetative cover has been established with a density of at least 70 percent of the cover for the unpaved areas and areas not covered by permanent structures or that employ equivalent permanent stabilization measures.
- M. “Land disturbing construction activity” means any man-made alteration of the land surface resulting in a change in the topography or existing vegetative or non-vegetative soil cover that may result in runoff and lead to an increase in soil erosion and movement of sediment into waters of the state. “Land disturbing construction activity” includes clearing and grubbing, demolition, excavating, pit trench dewatering, filling, and grading activities.
- N. “Landowner” means any person holding fee title, an easement or other interest in property that allows the person to undertake cropping, livestock management, land disturbing construction activity, or maintenance of storm water BMPs on the property.
- O. “Maximum extent practicable” means the highest level of performance that is achievable but is not equivalent to a performance standard identified in this ordinance as determined in accordance with Section 11-28 of this ordinance.
- P. “Performance standard” means a narrative or measurable number specifying the minimum acceptable outcome for a facility or practice.
- Q. “Permit” means a written authorization made by the Public Works Director or designee to the applicant to conduct land disturbing construction activity or to discharge post-construction runoff to waters of the state.
- R. “Pollutant” has the meaning given in s. 283.01 (13), Wis. Stats.
- S. “Pollution” has the meaning given in s. 281.01 (10), Wis. Stats.

- T. “Responsible party” means the landowner or any other entity performing services to meet the requirements of this ordinance through a contract or other agreement.
- U. “Runoff” means storm water or precipitation including rain, snow, or ice melt or similar water that moves on the land surface via sheet or channelized flow.
- V. “Sediment” means settleable solid material that is transported by runoff, suspended within runoff, or deposited by runoff away from its original location.
- W. “Silviculture activity” means activities including tree nursery operations, tree harvesting operations, reforestation, tree thinning, prescribed burning, and pest and fire control. Clearing and grubbing of an area of a construction site is not a “silviculture activity.”
- X. “Site” means the entire area included in the legal description of the land on which the land disturbing construction activity is proposed in the permit application.
- Y. “Stop work order” means an order issued by the Public Works Director or designee that requires that all construction activity on the site be stopped.
- Z. “Technical standard” means a document that specifies design, predicted performance, and operation and maintenance specifications for a material, device, or method.
- AA. “Transportation facility” means a highway, a railroad, a public mass transit facility, a public-use airport, a public trail, or any other public work for transportation purposes, such as harbor improvements under s. 85.095 (1) (b), Wis. Stats. “Transportation facility” does not include building sites for the construction of public buildings and buildings that are places of employment that are regulated by the Wisconsin Department of Natural Resources pursuant to s. 281.33, Wis. Stats.
- BB. “Waters of the state” includes those portions of Lake Michigan and Lake Superior within the boundaries of this state, and all lakes, bays, rivers, streams, springs, ponds, wells, impounding reservoirs, marshes, watercourses, drainage systems, and other surface water or groundwater, natural or artificial, public or private, within this state or its jurisdiction.
- CC. “Wis. Adm. Code” means the Wisconsin Administrative Code, published under s. 35.93, Wis. Stats.
- DD. “Wis. Stats.” means the Wisconsin Statutes published under s. 35.18 of the Wisconsin Statutes.

11-28 APPLICABILITY OF MAXIMUM EXTENT PRACTICABLE.

Maximum extent practicable applies when a person who is subject to a performance standard of this ordinance demonstrates to the Public Works Director or designee’ satisfaction that a performance standard is not achievable and that a lower level of performance is appropriate. In making the assertion that a performance standard is not achievable and that a level of performance different from the performance standard is the maximum extent practicable, the responsible party shall take into account the best available technology, cost effectiveness, geographic features, and other competing interests such as protection of public safety and welfare, protection of endangered and threatened resources, and preservation of historic properties.

11-29 TECHNICAL STANDARDS.

All BMPs required for compliance with this ordinance shall meet design criteria, standards, and specifications based on any of the following:

- A. Design guidance and technical standards identified or developed by the Wisconsin Department of Natural Resources under subch. V of ch. NR 151, Wis. Adm. Code.

- B. Soil loss prediction tools (such as the Universal Soil Loss Equation (USLE)) when using an appropriate rainfall or runoff factor (also referred to as the R factor) or an appropriate design storm and precipitation distribution, and when considering the geographic location of the site and the period of disturbance.
- C. Technical standards and methods approved by the Public Works Director or designee.

11-30 PERFORMANCE STANDARDS FOR CONSTRUCTION SITES UNDER ONE ACRE.

- A. RESPONSIBLE PARTY. The responsible party shall comply with this section.
- B. EROSION AND SEDIMENT CONTROL PRACTICES. Erosion and sediment control practices at each site where land disturbing construction activity is to occur shall be used to prevent or reduce all of the following:
 - (1) The deposition of soil from being tracked onto streets by vehicles.
 - (2) The discharge of sediment from disturbed areas into on-site storm water inlets.
 - (3) The discharge of sediment from disturbed areas into adjacent waters of the state.
 - (4) The discharge of sediment from drainage ways that flow off the site.
 - (5) The discharge of sediment by dewatering activities.
 - (6) The discharge of sediment eroding from soil stockpiles existing for more than 7 days.
 - (7) The transport by runoff into waters of the state of chemicals, cement, and other building compounds and materials on the construction site during the construction period. However, projects that require the placement of these materials in waters of the state, such as constructing bridge footings or BMP installations, are not prohibited by this subdivision.
- C. LOCATION. The BMPs shall be located so that treatment occurs before runoff enters waters of the state.
- D. IMPLEMENTATION. The BMPs used to comply with this section shall be implemented as follows:
 - (1) Erosion and sediment control practices shall be constructed or installed before land disturbing construction activities begin.
 - (2) Erosion and sediment control practices shall be maintained until final stabilization.
 - (3) Final stabilization activity shall commence when land disturbing activities cease and final grade has been reached on any portion of the site.
 - (4) Temporary stabilization activity shall commence when land disturbing activities have temporarily ceased and will not resume for a period exceeding 14 calendar days.
 - (5) BMPs that are no longer necessary for erosion and sediment control shall be removed by the responsible party.

11-31 PERFORMANCE STANDARDS FOR CONSTRUCTION SITES OF ONE ACRE OR MORE.

- A. RESPONSIBLE PARTY. The responsible party shall comply with this section and implement the erosion and sediment control plan developed in accordance with Section 11-33.
- B. EROSION AND SEDIMENT CONTROL PLAN. A written site-specific erosion and sediment control plan shall be developed in accordance with Section 11-33 of this ordinance and implemented for each construction site.

- C. EROSION AND OTHER POLLUTANT CONTROL REQUIREMENTS. The erosion and sediment control plan required under sub. B shall include all of the following:
- (1) *EROSION AND SEDIMENT CONTROL PRACTICES.* Erosion and sediment control practices at each site where land disturbing construction activity is to occur shall be used to prevent or reduce all of the following:
 - (a) The deposition of soil from being tracked onto streets by vehicles.
 - (b) The discharge of sediment from disturbed areas into on-site storm water inlets.
 - (c) The discharge of sediment from disturbed areas into adjacent waters of the state.
 - (d) The discharge of sediment from drainage ways that flow off the site.
 - (e) The discharge of sediment by dewatering activities.
 - (f) The discharge of sediment eroding from soil stockpiles existing for more than 7 days.
 - (g) The transport by runoff into waters of the state of chemicals, cement, and other building compounds and materials on the construction site during the construction period. However, projects that require the placement of these materials in waters of the state, such as constructing bridge footings or BMP installations, are not prohibited by this subdivision.
 - (2) *SEDIMENT PERFORMANCE STANDARDS.* In addition to the erosion and sediment control practices under par. (1), the following erosion and sediment control practices shall be employed:
 - (a) BMPs that, by design, discharge no more than 5 tons per acre per year, or to the maximum extent practicable, of the sediment load carried in runoff from initial grading to final stabilization.
 - (b) No person shall be required to employ more BMPs than are needed to meet a performance standard in order to comply with maximum extent practicable. Erosion and sediment control BMPs may be combined to meet the requirements of this paragraph. Credit may be given toward meeting the sediment performance standard of this paragraph for limiting the duration or area, or both, of land disturbing construction activity, or for other appropriate mechanisms.
 - (c) Notwithstanding subd. (a), if BMPs cannot be designed and implemented to meet the sediment performance standard, the erosion and sediment control plan shall include a written, site-specific explanation of why the sediment performance standard cannot be met and how the sediment load will be reduced to the maximum extent practicable.
 - (3) *PREVENTIVE MEASURES.* The erosion and sediment control plan shall incorporate all of the following:
 - (a) Maintenance of existing vegetation, especially adjacent to surface waters whenever possible.
 - (b) Minimization of soil compaction and preservation of topsoil.
 - (c) Minimization of land disturbing construction activity on slopes of 20 percent or more.
 - (d) Development of spill prevention and response procedures.

- (4) *LOCATION.* The BMPs used to comply with *this* section shall be located so that treatment occurs before runoff enters waters of the state.

D. IMPLEMENTATION. The BMPs used to comply with this section shall be implemented as follows:

- (1) Erosion and sediment control practices shall be constructed or installed before land disturbing construction activities begin in accordance with the erosion and sediment control plan developed in Section 11-31 B.
- (2) Erosion and sediment control practices shall be maintained until final stabilization.
- (3) Final stabilization activity shall commence when land disturbing activities cease and final grade has been reached on any portion of the site.
- (4) Temporary stabilization activity shall commence when land disturbing activities have temporarily ceased and will not resume for a period exceeding 14 calendar days.
- (5) BMPs that are no longer necessary for erosion and sediment control shall be removed by the responsible party.

11-32 PERMITTING REQUIREMENTS, PROCEDURES, AND FEES.

A. PERMIT REQUIRED. No responsible party may commence a land disturbing construction activity subject to this ordinance without receiving prior approval of an erosion and sediment control plan for the site and a permit from the Public Works Director or designee.

B. PERMIT APPLICATION AND FEES. The responsible party that will undertake a land disturbing construction activity subject to this ordinance shall submit an application for a permit and an erosion and sediment control plan that meets the requirements of Section 11-33, and shall pay an application fee plus costs in the amount specified by the Village Board from time to time pursuant to Sections 17-33 and 17-24. By submitting an application, the applicant is authorizing the Public Works Director or designee to enter the site to obtain information required for the review of the erosion and sediment control plan.

C. PERMIT APPLICATION REVIEW AND APPROVAL. The Public Works Director or designee shall review any permit application that is submitted with an erosion and sediment control plan and the required fee. All of the following approval procedure shall be used:

- (1) Within [15] business days of the receipt of a complete permit application, as required by sub. B, the Public Works Director or designee shall inform the applicant whether the application and erosion and sediment control plan are approved or disapproved based on the requirements of this ordinance.
- (2) If the permit application and erosion and sediment control plan are approved, the Public Works Director or designee shall issue the permit.
- (3) If the permit application or erosion and sediment control plan is disapproved, the Public Works Director or designee shall state in writing the reasons for disapproval.
- (4) The Public Works Director or designee may request additional information from the applicant. If additional information is submitted, the Public Works Director or designee shall have [10] business days from the date the additional information is received to inform the applicant that the erosion and sediment control plan is either approved or disapproved.
- (5) Failure by the Public Works Director or designee to inform the permit applicant of a decision within [10] business days of a required submittal shall be deemed to mean approval of the submittal and the applicant may proceed as if a permit had been issued.

- D. SURETY BOND. As a condition of approval and issuance of the permit, the Public Works Director or designee may require the applicant to deposit a surety bond or irrevocable letter of credit to guarantee a good faith execution of the approved erosion and sediment control plan and any permit conditions.
- E. PERMIT REQUIREMENTS. All permits shall require the responsible party to do all of the following:
- (1) Notify the Public Works Director or designee within 48 hours of commencing any land disturbing construction activity.
 - (2) Notify the Public Works Director or designee of completion of any BMPs within 14 days after their installation.
 - (3) Obtain permission in writing from the Public Works Director or designee prior to any modification pursuant to Section 11-33 C. of the erosion and sediment control plan.
 - (4) Install all BMPs as identified in the approved erosion and sediment control plan.
 - (5) Maintain all road drainage systems, storm water drainage systems, BMPs, and other facilities identified in the erosion and sediment control plan.
 - (6) Repair any siltation or erosion damage to adjoining surfaces and drainage ways resulting from land disturbing construction activities and document repairs in a site inspection log.
 - (7) Inspect the BMPs within 24 hours after each rain of 0.5 inches or more that results in runoff during active construction periods and at least once each week. Make needed repairs and install additional BMPs as necessary and document these activities in an inspection log that also includes the date of inspection, the name of the person conducting the inspection, and a description of the present phase of the construction at the site.
 - (8) Allow the Public Works Director or designee to enter the site for the purpose of inspecting compliance with the erosion and sediment control plan or for performing any work necessary to bring the site into compliance with the erosion and sediment control plan.
 - (9) Keep a copy of the erosion and sediment control plan at the construction site.
- F. PERMIT CONDITIONS. Permits issued under this section may include conditions established by Public Works Director or designee in addition to the requirements set forth in sub. E., when needed to assure compliance with the performance standards in Section 11-30 or Section 11-31.
- G. PERMIT DURATION. Permits issued under this section shall be valid for a period of 180 days, or the length of the building permit or other construction authorizations, whichever is longer, from the date of issuance. The Public Works Director or designee may grant one or more extensions not to exceed 180 days cumulatively. The Public Works Director or designee may require additional BMPs as a condition of an extension if they are necessary to meet the requirements of this ordinance.
- H. MAINTENANCE. The responsible party throughout the duration of the construction activities shall maintain all BMPs necessary to meet the requirements of this ordinance until the site has undergone final stabilization.

11-33 EROSION AND SEDIMENT CONTROL PLAN CONTENT AND AMENDMENTS.

- A. EROSION AND SEDIMENT CONTROL PLAN REQUIRED. For each construction site identified under Section 11-26 A(3), an erosion and sediment control plan shall be prepared.

B. EROSION AND SEDIMENT CONTROL PLAN CONTENTS.

- (1) An erosion and sediment control plan shall be prepared and submitted to the Public Works Director or designee.
- (2) The erosion and sediment control plan shall be designed to meet the performance standards in Section 11-30, Section 11-31, and other requirements of this ordinance.
- (3) The erosion and sediment control plan shall address pollution caused by soil erosion and sedimentation during construction and up to final stabilization of the site. The erosion and sediment control plan shall include, at a minimum, all of the following items:
 - (a) Names and addresses of the owner or developer of the site, and of any consulting firm retained by the applicant, together with the name of the applicant's principal contact at such firm. The application shall also include start and end dates for construction.
 - (b) Description of the construction site and the nature of the land disturbing construction activity, including representation of the limits of land disturbance on a United States Geological Survey 7.5 minute series topographic map.
 - (c) Description of the intended sequence of major land disturbing construction activities for major portions of the construction site, including stripping and clearing; rough grading; construction of utilities, infrastructure, and buildings; and final grading and landscaping. Sequencing shall identify the expected date on which clearing will begin, the estimated duration of exposure of cleared areas, areas of clearing, installation of temporary erosion and sediment control measures, and establishment of permanent vegetation.
 - (d) Estimates of the total area of the construction site and the total area of the construction site that is expected to be disturbed by land disturbing construction activities.
 - (e) Calculations to show the compliance with the performance standard in Section 11-31 C(2)(a).
 - (f) Existing data describing the surface soil as well as subsoils.
 - (g) Depth to groundwater, as indicated by Natural Resources Conservation Service soil information when available.
 - (h) Name of the immediate named receiving water from the United States Geological Survey 7.5 minute series topographic maps.
- (4) The erosion and sediment control plan shall include a site map. The site map shall include all of the following items and shall be at a scale not greater than 100 feet per inch and at a contour interval not to exceed five feet:
 - (a) Existing topography, vegetative cover, natural and engineered drainage systems, roads, and surface waters. Lakes, streams, wetlands, channels, ditches, and other watercourses on and immediately adjacent to the site shall be shown. Any identified 100-year flood plains, flood fringes, and floodways shall also be shown.
 - (b) Boundaries of the construction site.
 - (c) Drainage patterns and approximate slopes anticipated after major grading activities.

- (d) Areas of soil disturbance.
 - (e) Location of major structural and non-structural controls identified in the erosion and sediment control plan.
 - (f) Location of areas where stabilization BMPs will be employed.
 - (g) Areas that will be vegetated following land disturbing construction activities.
 - (h) Areas and locations of wetland on the construction site, and locations where storm water is discharged to a surface water or wetland within one-quarter mile downstream of the construction site.
 - (i) Areas used for infiltration of post-construction storm water runoff.
 - (j) An alphanumeric or equivalent grid overlying the entire construction site map.
- (5) Each erosion and sediment control plan shall include a description of appropriate control BMPs that will be installed and maintained at the construction site to prevent pollutants from reaching waters of the state. The erosion and sediment control plan shall clearly describe the appropriate erosion and sediment control BMPs for each major land disturbing construction activity and the timing during the period of land disturbing construction activity that the erosion and sediment control BMPs will be implemented. The description of erosion and sediment control BMPs shall include, when appropriate, all of the following minimum requirements:
- (a) Description of interim and permanent stabilization practices, including a BMP implementation schedule. The erosion and sediment control plan shall ensure that existing vegetation is preserved when attainable and that disturbed portions of the site are stabilized.
 - (b) Description of structural practices to divert flow away from exposed soils, store flows, or otherwise limit runoff and the discharge of pollutants from the site. Unless otherwise specifically approved in writing by the Public Works Director or designee, structural measures shall be installed on upland soils.
 - (c) Management of overland flow at all areas of the construction site, unless otherwise controlled by outfall controls.
 - (d) Trapping of sediment in channelized flow.
 - (e) Staging land disturbing construction activities to limit exposed soil areas subject to erosion.
 - (f) Protection of downslope drainage inlets where they occur.
 - (g) Minimization of tracking at all vehicle and equipment entry and exit locations of the construction site.
 - (h) Clean up of off-site sediment deposits.
 - (i) Proper disposal of building and waste material.
 - (j) Stabilization of drainage ways.
 - (k) Installation of permanent stabilization practices as soon as possible after final grading.
 - (l) Minimization of dust to the maximum extent practicable.

- (6) The erosion and sediment control plan shall require that velocity dissipation devices be placed at discharge locations and along the length of any outfall channel as necessary to provide a non-erosive flow from the structure to a water course so that the natural physical and biological characteristics and functions are maintained and protected.
- C. **EROSION AND SEDIMENT CONTROL PLAN AMENDMENTS.** The applicant shall amend the erosion and sediment control plan if any of the following occurs:
- (1) There is a change in design, construction, operation, or maintenance at the site that has the reasonable potential for the discharge of pollutants to waters of the state and that has not otherwise been addressed in the erosion and sediment control plan.
 - (2) The actions required by the erosion and sediment control plan fail to reduce the impacts of pollutants carried by construction site runoff.
 - (3) The Public Works Director or designee notifies the applicant of changes needed in the erosion and sediment control plan.

11-34 INSPECTION.

If land disturbing construction activities are occurring without a permit required by this ordinance, the Public Works Director or designee may enter the land pursuant to the provisions of ss. 66.0119, Wis. Stats.

11-35 ENFORCEMENT.

- A. The Public Works Director or designee will inspect any construction site that holds a permit under this chapter at least once a month between March 1 and October 31, and at least 2 times between November 1 and February 28 to ensure compliance with the approved erosion and sediment control plan.
- B. The Public Works Director or designee may post a stop work order if any of the following occurs:
 - (1) Land disturbing construction activity regulated under this ordinance is occurring without a permit.
 - (2) The erosion and sediment control plan is not being implemented in good faith.
 - (3) The conditions of the permit are not being met.
- C. If the responsible party does not cease activity as required in a stop work order posted under this section or fails to comply with the erosion and sediment control plan or permit conditions, the Public Works Director or designee may revoke the permit.
- D. If the responsible party, when no permit has been issued or the permit has been revoked, does not cease the activity after being notified by the Public Works Director or designee, or if a responsible party violates a stop work order posted under sub. A, the Public Works Director or designee may request the Village Attorney to obtain a cease and desist order in any court with jurisdiction.
- E. The board of appeals may retract the stop work order issued under sub. B or the permit revocation under sub. C.
- F. After posting a stop work order under sub. B, the Public Works Director or designee may issue a notice of intent to the responsible party of its intent to perform work necessary to comply with this ordinance. The Public Works Director or designee may go on the land and commence the work after issuing the notice of intent. The costs of the work performed under this subsection by the Public Works Director or designee, plus interest at the rate authorized by the Village of Whitefish Bay shall be billed to the responsible party. In the event a responsible party fails to pay the amount due, the clerk shall enter the amount due on the tax rolls and collect as a special assessment against the property pursuant to subch. VII of ch. 66, Wis. Stats.

- G. Any person violating any of the provisions of this ordinance shall be subject to a forfeiture in an amount as specified by the Village Board from time to time or such other forfeiture and costs as may be assessed under Section 17-18 of the Municipal Code. Each day a violation exists shall constitute a separate offense.
- H. Compliance with the provisions of this ordinance may also be enforced by injunction in any court with jurisdiction. It shall not be necessary to prosecute for forfeiture or a cease and desist order before resorting to injunctive proceedings.

11-36 APPEALS.

- A. BOARD OF APPEALS. The board of appeals pursuant to s. 61.354 (4) (b) Wis. Stats.:
 - (1) Shall hear and decide appeals when it is alleged that there is error in any order, decision or determination made by the Public Works Director or designee in administering this ordinance except for cease and desist orders obtained under Section 11-35 B;
 - (2) May authorize, upon appeal, variances from the provisions of this ordinance that are not contrary to the public interest and when owing to special conditions a literal enforcement of the provisions of the ordinance will result in unnecessary hardship; and
 - (3) Shall use the rules, procedures, duties, and powers authorized by statute in hearing and deciding appeals and authorizing variances.
- B. WHO MAY APPEAL. Appeals to the board of appeals may be taken by any aggrieved person or by any office, department, board, or bureau of the Village of Whitefish Bay affected by any decision of the Public Works Director or designee.

Section Two: All ordinances or parts of ordinances conflicting with the provisions of this Ordinance are hereby and to such extent repealed.

Section Three: This ordinance shall take effect and be in force from and after its passage and posting.

PASSED AND ADOPTED by the Village Board of Trustees of the Village of Whitefish Bay this ____ day of _____, 2020.

VILLAGE OF WHITEFISH BAY

Julie Siegel, Village President

Jennifer Amerell, Village Clerk



Village of Whitefish Bay
5300 N. Marlborough Drive
Whitefish Bay, Wisconsin 53217

Phone: 414-962-6690
Fax: 414-962-5651

Memorandum

To: President Julie Siegel and Village Board Trustees

From: Pat McCarthy, Public Works Superintendent

John Edlebeck, Director of Public Works *JE*

Date: March 31, 2020

Re: **Recommendation to Award**

2020 EAB Parkway Tree Removal Project Contract

2020 Parkway Tree Planting Project Contract

The Village is in the tenth year of a multi-year Emerald Ash Borer Management Plan which began in 2011. As part of that plan, the Village will continue removing existing ash street trees in order to replace them with non-ash tree species to provide a better diversity of Village parkway tree species.

2020 EAB Parkway Tree Removal Project

Bids were solicited to remove 78 ash parkway trees ranging in size from 13" DBH to 31+" DBH (diameter at breast height). Two bids were submitted and opened on March 6, 2020 as follows:

Limbwalkers Tree Service	\$ 64,341.00 (Low Bidder)
Wallace Tree Service	\$ 71,971.00 (Math error in bid– recommend reject bid)

2020 Parkway Tree Planting Project

Bids were also solicited to furnish and install 88 parkway trees sized 2-2.5" (balled and burlap). Four bids were submitted and opened on March 6, 2020, as follows:

Flagstone Landscape Inc.	\$ 34,464.00 (Low Bidder)
Johnson's Nursery	\$ 34,667.46
Century Landscaping Co. Inc.	\$ 34,779.00
Sebert Landscaping	\$ 49,955.00

Recommendation:

Reject the bid of Wallace Tree Service due to a found math error in submitted bid and award the 2020 EAB Tree Removal Project to Limbwalker's Tree Service in the amount of \$64,341.00 with funds coming from account #88000-542. The total amount budgeted in his account is \$225,000.00 for 2020.

Recommendation:

Award the 2020 EAB Tree Planting Project to Flagstone Landscape, Inc. in the amount of \$34,464.00 with funds coming from account #88000-542. The total amount budgeted in his account is \$225,000.00 for 2020.

April 15, 2020

To: President Julie Siegel and Village Board Trustees

From: John Edlebeck, Director of Public Works 

Re: **Recommendation to Award 2020 Sidewalk Improvement Project**

The Village Public Works Department staff identified project scope, prepared project specifications and bid out the above described project. The project scope included in Section A entail the removal and replacement of concrete curb, sidewalk and affected adjacent driveway aprons. Section B includes concrete curb, sidewalk and both concrete and asphalt pavement removal and replacement related to utility repairs completed over the past year.

Bids were opened on Monday, April 13, 2020 with the following results:

<u>Contractor</u>	<u>Section A</u>	<u>Section B</u>	<u>Total</u>
<i>Forward Contractors</i>	\$104,010.00	\$37,780.00	\$141,790.00
DC Burbach	\$172,188.75	\$77,270.00	\$249,458.75
Engineers Estimate	\$98,503.20	\$55,712.35	\$154,215.55

Recommendation:

Award the 2020 Sidewalk Improvement Project to Forward Contractors in the amount of \$141,790.00 with funds coming from the Public Works Sidewalk Replacement Project Borrowed Fund Account as well as the associated Utility Improvement Project Borrowed Fund Accounts.

April 16, 2020

To: President Julie Siegel and Village Board Trustees

From: John Edlebeck, Director of Public Works 

Re: Recommendation to Award 2020 Roadway Rehabilitation Project

The Village Public Works Department staff identified project scope, worked with Clark Dietz to prepare project specifications and bid out the above described project. The Base Bid project scope includes the pavement rehabilitation of numerous roadways around the Village, including the milling and resurfacing of Santa Monica Boulevard from School Road to Henry Clay Street. The Additive Bid entails ½ inch of pavement diamond grinding and restriping of Hampton Road from Sheffield Avenue to Lake Drive. Hampton Road has a slight unlevel pavement surface due to movement of the concrete pavement slabs over time.

Bids were opened on Thursday, April 9, 2020 with the following results:

<u>Contractor</u>	<u>Base Bid</u>	<u>Additive Bid</u>	<u>Total Bid</u>
<i>Payne & Dolan</i>	<i>\$789,821.00</i>	<i>\$236,923.50</i>	<i>\$1,026,744.50</i>
<u>Stark Paving</u>	<u>\$799,855.50</u>	<u>\$227,546.50</u>	<u>\$1,027,402.00</u>
Engineers Estimate	\$799,603.70	\$166,997.50	\$ 966,601.20

The engineering estimate of the additive bid was \$166,997.50. With a pavement diamond grinding additive bid price of \$236,923.50 of the project low bidder, Payne and Dolan, both myself and Clark Dietz do not feel that the cost for this work outweighs the marginal pavement ride quality benefit. Note that there is no structural integrity or drainage concerns with this section of pavement.

Recommendation:

To reject the Additive Bid section and to award the 2020 Roadway Rehabilitation Project to Payne and Dolan in the Base Bid amount of \$789,821.00 with funds coming from the Public Works Pavement Maintenance Project Borrowed Funds Accounts.



April 14, 2020

Mr. John Edlebeck, P.E.
Director of Public Works
Village of Whitefish Bay
115 W. Fairmount Ave.
Whitefish Bay, WI 53217

Re: 2020 Roadway Rehabilitation Project Award

Dear John,

Bids for the 2020 Roadway Rehabilitation project were publicly opened on Thursday April 09, 2020. We received two bids. The project had a base bid amount for Asphalt Mill and Overlay with an additive optional bid for concrete diamond grinding of Hampton Ave. The lowest base bid was submitted by Payne and Dolan, Inc of Waukesha, WI for \$789,821.00 and the highest bid was \$799,855.50 from Stark Pavement Corp out of Brookfield, WI. Our estimate for the base bid was \$799,603.70. We do not recommend awarding the additive bid as the benefits of this project do not outweigh the cost. The bidding tabulation is attached.

We recommend that Payne & Dolan, Inc be awarded the 2020 Roadway Rehabilitation Project Contract for the base bid amount of \$789,821.00.

Sincerely,
Clark Dietz, Inc.

Brandon Flunker, PE

April 15, 2020

To: President Julie Siegel and Village Board Trustees

From: John Edlebeck, Director of Public Works 

Re: **Recommendation to Award 2020 Sewer Lining Project**

The Village Public Works Department staff identified project scope, worked with Clark Dietz to prepared project specifications and bid out the above described project. The project scope includes the installation of cure-in-place public sanitary sewer main and sanitary manhole lining. Project limits are primarily in the previously identified high Inflow and Infiltration (I&I) section of the Village sanitary sewer system.

Bids were opened on Thursday, April 9, 2020 with the following results:

<u>Contractor</u>	<u>Bid Amount</u>
<i>Visu-Sewer</i>	<i>\$518,863.10</i>
Terra Engineering & Construction Corp.	\$595,353.00
Michels Corp.	\$631,362.50
Insituform Tech USA	\$703,651.40
<u>Granite Inliner</u>	<u>\$850,552.00</u>
Engineers Estimate	\$781,780.00 + 10% = \$859,958.00

Recommendation:

Award the 2020 Sewer Lining Project to Visu-Sewer in the amount of \$518,863.10 with funds coming from the Sanitary Sewer Utility Borrowed Funds Account.



April 10, 2020

Mr. John Edlebeck, P.E.
Director of Public Works
Village of Whitefish Bay
115 W. Fairmount Ave.
Whitefish Bay, WI 53217

Re: 2020 Sewer Lining Project Award

Dear John,

Bids for the 2020 Sewer Lining project were publicly opened on Thursday April 09, 2020. We received five bids. The low bid was submitted by Visu-Sewer, Inc of Pewaukee, WI for \$518,863.10 and the highest bid was \$850,552.00. Our estimate for this project was \$859,958.00. The bidding tabulation is attached.

We recommend that Visu-Sewer, Inc be awarded the 2020 Sewer Lining Contract for the bid amount of \$518,863.10.

Sincerely,
Clark Dietz, Inc.

Brandon Flunker, PE

