

**MINUTES OF THE
IMPROVEMENT & SERVICE COMMITTEE
Wednesday, February 11, 2015
ROOM 207, CITY HALL
6:00 p.m.**

MEMBERS: Brian Danzinger, Joe Moore, David Nennig, Jerry Wiezbiskie

1. Approval of the minutes from the regular meeting on January 27, 2015.

A motion was made by Ald. Moore and seconded by Ald. Wiezbiskie to approve the minutes from the regular meeting on January 27, 2015. Motion carried.

2. Approval of the agenda.

To accommodate those in attendance, item number 8 was taken out of order, and then the Committee returned to the proposed agenda. Item number 11 was also taken out of order to conclude the meeting.

A motion was made by Ald. Moore and seconded by Ald. Wiezbiskie to approve the agenda. Motion carried.

3. Request by Ald. Wiezbiskie, on behalf of a constituent, to develop a City ordinance with reference to bill posting, i.e. affixing, distributing, posting handbills. (Held over from January 27, 2015 Improvement & Service Committee meeting).

Ald. Wiezbiskie requested the Law Department staff to develop an ordinance as it relates to postings that affect property responsibilities and right-of-way, and that it may be based on policies that exist in other communities, with any necessary additions. Assistant City Attorney Joanne Zlotek presented the Committee with a summary of their research and a review of City of Appleton and City of De Pere ordinances related to this subject. Ms. Zlotek requested clarification from the Committee for the scope of the application and regulation of this proposed ordinance. Ald. Danzinger clarified this ordinance should be intended for commercial language, and for vehicles, telephone and sign poles, and should include enforcement methods. Ald. Wiezbiskie requested the ordinance include timeframes for the actions allowed in the ordinance.

A motion was made by Ald. Wiezbiskie and seconded by Ald. Moore to refer to Department of Public Works staff the request by Ald. Wiezbiskie, on behalf of a constituent, to develop a City ordinance with reference to bill posting, i.e. affixing, distributing, posting handbills. Motion carried.

4. Request by the Department of Public Works to approve Appurtenant Construction Policy.

Director Grenier informed the Committee that the Department of Public Works (DPW) and Community Services departments/divisions are working further on the policy to codify the steps to be taken when requests for signage, awnings, or other appurtenances in the right-of-way are made. Community Services has identified concern with items within the existing drafted policy that warrant additional discussions with DPW to develop a more comprehensive policy.

A motion was made by Ald. Wiezbiskie and seconded by Ald. Moore to receive and place on file an Appurtenant Construction Policy. Motion carried.

5. Discussion with possible action regarding selection of consultant for Gray Street and Mather Street reconstruction projects.

Director Grenier informed the Committee that the evaluation has been individually completed by Ald. Nennig, Traffic Engineer Dave Hansen, and himself, and they need to meet and compare the results and develop a recommendation. Director Grenier clarified that the evaluation and selection is a strict, quality based process, without having any cost information included. Once the consultant is selected, the City would then negotiate the contract value with WisDOT, which would be brought back to the Committee for review. Ald. Nennig acknowledged that the review has shown very narrow distinctions between consultants, and Director Grenier stressed the importance of the unique viewpoints from each person reviewing the submittals.

A motion was made by Ald. Wiezbiskie and seconded by Ald. Moore to receive and place on file the selection of the consultant for Gray Street and Mather Street reconstruction projects. Motion carried.

6. Discussion with possible action regarding approval of Solid Waste Agreement with Brown County.

Director Grenier provided a copy of the agreement to the Committee and explained that, historically, he understood DPW was not in favor of this agreement for two reasons: (1) Brown County was lacking methods of handling solid waste beyond landfilling, and (2) potential implications resulting from the Oneida Seven Generations project. In recent months, DPW staff discussions with Brown County staff have shown progressive, forward-looking approaches to solid waste management, including reutilization and limiting landfilling. Further, the Law Department has indicated that the potential implications related to the Oneida Seven Generations are no longer present. Therefore, DPW staff recommends entering into a 5-year Solid Waste Agreement with Brown County.

Ald. Moore expressed a possible benefit of the 5-year contract that may help Brown County make additional strides in these areas to maintain a longer term contract with Green Bay. Ald. Danzinger also expressed that the actions within the 5-year agreement timeframe will determine how the City decides to continue with the agreement. Ald. Wiezbiskie expressed concern based on past history and inquired what alternatives exist. Director Grenier stated that Brown County has responded positively to our past objections that he understood previously existed and opines that Brown County has shown a change in focus. Ald. Nennig inquired what the cost savings are, which Director Grenier indicated \$3.75/ton savings. Ald. Nennig also requested clarification on the rate listed in the Addendum to the agreement. Director Grenier clarified that an email from Mr. Dean Haen, Director Brown County Port and Resource Recovery Department, indicated that the rate in the Addendum would be updated to the 2015 Preferred Rate of \$41.25.

A motion was made by Ald. Moore and seconded by Ald. Nennig to approve a 5-year Solid Waste Agreement with Brown County with Addendum #1 updated to the 2015 Preferred Rate. Motion carried.

7. Review and approval of the 2015 Special Assessment factors and rates.

Director Grenier referred the Committee to the Special Assessment factors and rates listed in their packets. He reviewed the proposed 2015 special assessment factors and rates against the 2014 factors and rates, explaining the cause of requested increases for sewer, water, and asphalt pavement reconstruction. All other rates are proposed to remain at 2014 levels. The Committee questioned why some utility rates are increasing significantly. Director Grenier expressed a similar, concerned response by DPW staff, and explained that last year was the

first time since approximately 2006 that we had a residential subdivision program, from which we discovered we were not covering the costs. In the recent years, when we were without hard data on which to base our rate calculations, we used reconstruction projects and Engineering News-Record Construction Cost Index (ENR) data to synthesize the costs of new construction. Multiple years of this synthesized cost data has compounded the variables, and now that we have projects that reflect what actual costs are, has created a necessity to revise the rates to more closely reflect the anticipated costs. Ald. Nennig inquired if this rate increase would result in a slight reduction in bonding and how our rates compare with other communities, to which Director Grenier responded that it would be a slight decrease and his understanding is that the rates are in line with other communities based on discussions with other directors.

A motion was made by Ald. Moore and seconded by Ald. Wiezbiskie to approve the 2015 Special Assessment factors and rates. Motion carried.

8. Report of the Purchasing Manager:

- A. Request approval to award the purchase of five V-Box Stainless Steel Spreaders to Monroe Truck Equipment for \$86,905.
- B. Request approval to award the purchase of a V-Box Salter/Sander & V-Plow to Olson Trailer & Body for \$10,166.
- C. Request approval to award the purchase of Traffic Control Equipment to TAPCO for \$48,709.

DPW staff recommends approval of the purchases to the low, responsive bidder. Director Grenier clarified that Item 8A includes the optional factory installed auger speed sensor to optimize the equipment.

A motion was made by Ald. Wiezbiskie and seconded by Ald. Moore to approve the report of the Purchasing Manager:

- A. To award the purchase of five V-Box Stainless Steel Spreaders to Monroe Truck Equipment for \$86,905.
- B. To award the purchase of a V-Box Salter/Sander & V-Plow to Olson Trailer & Body for \$10,166.
- C. To award the purchase of Traffic Control Equipment to TAPCO for \$48,709.

Motion carried.

9. Applications for Tree & Brush Trimmer Licenses by the following:

- A. Ripley's Stump Grinding
- B. Wright Tree Service, Inc.

Both applicants have held licenses in the past. DPW staff recommends approval.

A motion was made by Ald. Wiezbiskie and seconded by Ald. Moore to approve the applications for Tree & Brush Trimmer Licenses by the following:

- A. Ripley's Stump Grinding
- B. Wright Tree Service, Inc.

Motion carried.

10. Applications for Concrete Sidewalk Builder's Licenses by the following:
- A. Fischer Ulman Construction, Inc.
 - B. Larry VanRite Truck & Excavating, Inc.
 - C. Louie's General Construction & Concrete

Applicants A and B have held licenses in the past. DPW staff has not been successful in contacting Applicant C to do reference verification to date. DPW staff recommends approval of A and B and hold applicant C until such time that we can check references.

A motion was made by Ald. Wiezbiskie and seconded by Ald. Moore to approve the applications for Concrete Sidewalk Builder's Licenses by the following:

- A. Fischer Ulman Construction, Inc.
- B. Larry VanRite Truck & Excavating, Inc.

And hold the application for Louie's General Construction & Concrete until references can be verified. Motion carried.

11. Director's Report on recent activities of the Public Works Department.

Director Grenier indicated Operations responded to last night's snow event of 2.7 inches. Director Grenier gave a staffing update, including that Jim Brunette will be starting as the Assistant Director of Public Works on Monday, February 16, 2015. We have an accepted offer for a Special Projects Engineer, so the Special Projects section will be at full staff for the first time since 2011. Last week, we interviewed candidates for an engineer in Project Development section and are hopeful to fill a vacancy there. We did also receive notification today that we will possibly be losing one of our office staff for an opportunity for advancement within the City.

A motion was made by Ald. Moore and seconded by Ald. Nennig to receive and place on file the verbal Director's Report on the recent activities of the Public Works Department. Motion carried.

12. Request by Brown County Port & Resource Recovery Department for a permanent easement for causeway to Renard Island.

Director Grenier explained the easement is requested within the vacated right-of-way of Sauk Avenue to access the causeway to Renard Island from Bay Beach Road. He indicated that the City has been in negotiations with Brown County for some items of interest to the City in exchange for this easement, including:

1. Direct compensation
2. Service in kind (i.e. reduction in solid waste tipping fee)
3. Reverse a previous land swap between the County and City (N Military/Hurlbut; existing City yard waste facility is on Brown County land that used to be City of Green Bay; existing adjacent City land is not usable land for yard waste site due to determined wetlands and ATC facilities)

Director Grenier explained that Brown County has no interest in the above options and has proposed the permanent easement with conditions that allow the City to gain access to Renard Island via the causeway, and that the intermediate or end use of Renard Island would be defined as recreational, compatible with the use of Bay Beach, and require approval by the City of Green Bay Director of Parks and Recreation.

Director Grenier clarified the purpose of the access is to allow the required structural monitoring, quality sampling, and the perpetual need to satisfy conditions. The access by boat

is not possible due to the sheet piling in place. The County would maintain the causeway; this easement grants the access to the causeway and, in turn, eliminates a County cost to remove the causeway.

Ald. Nennig requested feedback from the Parks Director Dawne Cramer. Director Cramer indicated that this is west of the planned improvements on the west end of the park. The Master Plan includes access to the island and the idea is likeable to a lot of people. She recommends considering more options beyond a permanent easement. Director Grenier indicated that the options of limited or revocable easements are not acceptable options to the Army Corps of Engineers (Corps).

Ald. Wiezbiskie expressed hesitation in dealing with Brown County based on his experiences, and questions how the island can be used, as it is limited due to the conditions out there. He desires this easement request to be reviewed by the Parks Committee.

A motion was made by Ald. Wiezbiskie and seconded by Ald. Moore to open the floor for discussion.

Craig Dickman, President of Brown County Harbor Commission (2914 Westline Road, 400 S. Washington) appeared before the Committee. Mr. Dickman explained the main goal is to obtain closure of Renard Island. In order for the causeway to be considered permanent, the County invested in the upgrades from temporary to permanent. The Corps required (1) a Chapter 30 permit be obtained, (2) a fish and other habitat be installed, and (3) a permanent easement from the City to allow the causeway to be permanent. The County has completed two out of the three conditions by the Corps. The County's intention is to obtain closure of the island and meet the Corps requirements; maintain flexibility of use of the island; and enhance and not detract from Bay Beach. Previous assessments show the options for the land are pretty limited, even with extraordinary costs, but could be access for recreational (i.e. fishing, picnic). The County would maintain the liability of maintenance or any environmental issues associated with the causeway and island, and would be responsible for the resulting long term costs. If the easement is not granted, the causeway would be removed.

Ald. Wiezbiskie sees no real advantage of ownership by the County, but would like if could work together and make an enterprise to be a City/County function. Ald. Danzinger says this appears to be a regulatory requirement, rather than for ownership. Mr. Dickman stated the County has been cooperating with the DNR and State, and that in previous discussions with the City, the City expressed support of the closure and cooperation, and therefore views this as a mutual interest. Mr. Dickman clarified Ald. Wiezbiskie's concern about who is regulating this facility. He explained that the Corps put in the temporary causeway and the Corps believed that the citizens of the County and City would prefer to make this permanent, and therefore gave the requirements in order to maintain the causeway as permanent. The discussions regarding this easement started last October, and the time sensitivity is that the County needs to provide an update to the Corps as it is their responsibility to let the Corps know if the easement will not occur, as they have been notifying as they have completed the habitat work.

Ald. Wiezbiskie maintains his opinion that he would like the Parks Committee and staff the chance to review, and he is against this agreement and has concern of this affecting the Park and a possible need by the City and wants to see a joint ownership. Ald. Danzinger stated he sees the agreement is trying to offer a level of input/approval by the City of what is out on the island. He sees this may be the only option to allow the County to have access to the causeway while we still have the input.

A motion was made by Ald. Moore and seconded by Ald. Nennig to return to regular session.

Ald. Moore asked Director Cramer how much involvement she has had in this; Director Cramer stated she has not been involved and is here gathering information. He sees the two options as (1) Parks having final say on what happens out there, yet Brown County will maintain and upgrade the causeway, or (2) the causeway comes out. He views the land is more valuable to the City with the causeway there and nothing can happen without the City approving. Ald. Moore is against referral to another committee, since the terms by the Corps are the same.

Ald. Nennig stated it is in the public interest to maintain the island and preserve the causeway, but has concern on how the easement may interfere with Bay Beach development or redevelopment. Director Cramer said that this easement is off the parkway; and every piece of land is part of the Master Plan; however, the master plan changes as pieces come forward, and options to be interchangeable throughout the whole park would be desirable.

Ald. Wiesbiskie thinks the causeway gone is not in the interest of the County as they need it to maintain. He thinks that both staffs deserve input and there is no reason for hurry. He thinks the public interest is the right decision for the long haul. He has heard talk on both sides of possibly using the land by the City and possible uses by the County.

Director Grenier clarified that the vacated Sauk Avenue is public right-of-way and is under DPW, and clarified that this easement is only for the gravel road, to get from Bay Beach Road to the causeway. The causeway is not currently owned by the City, as the causeway and land beyond is the County's ownership and always has been.

Ald. Danzinger stated these are terms of the Corps and not the County. He sees three options: (1) we don't want to do this and the causeway gets removed, (2) we do want to allow this and the causeway remains and the Park Director would have approval of how Renard Island gets used, or (3) we give the easement and the County maintains the causeway, and the land never gets developed. We are allowing the County easier access to maintain, test, repair, and respond to the causeway.

Director Grenier offered an option to change the listing of the Parks Director to DPW if there is a concern; it was thought that Parks would be more appropriate to determine if usage would be consistent with Bay Beach. Ald. Danzinger thinks Parks is appropriate for it.

A motion was made by Ald. Nennig and seconded by Ald. Moore to approve the request by Brown County Port & Resource Recovery Department for a permanent easement for causeway to Renard Island with a provision that the item may be referred back to staff if Parks and Department of Public Works staff have concerns during their review prior to the next Council meeting. Motion carried.

A motion was made by Ald. Moore and seconded by Ald. Nennig to adjourn the meeting. Motion carried.

Meeting adjourned at 7:19 p.m.