

**MINUTES OF THE
IMPROVEMENT & SERVICE COMMITTEE
Wednesday, September 14, 2016
ROOM 207, CITY HALL
6:00 p.m.**

MEMBERS: David Nennig, Andy Nicholson, John Vander Leest, Chris Wery

1. Approval of the minutes from the regular meeting on August 10, 2016.

A motion was made by Ald. Nennig and seconded by Ald. Vander Leest to approve the minutes from the regular meeting on August 10, 2016. Motion carried.

2. Approval of the agenda.

To accommodate those in attendance, item number 10 will be discussed first and then the Committee will return to the proposed agenda.

A motion was made by Ald. Wery and seconded by Ald. Nennig to approve the agenda. Motion carried.

3. Consideration with possible action on request by Betty DeKeyser-Hill for an exemption to §16.11(b)2, Green Bay Municipal Code requiring the mandatory connection of sump pump discharge to City's storm sewer system at 3275 Humboldt Road.

New storm sewer is being installed as part of the Humboldt Road reconstruction project. City Ordinances require residents to connect their sump pumps to the new storm sewer. The Improvement & Service (I&S) Committee and Common Council have the ability to grant exemptions to the ordinances. Department of Public Works (DPW) received the request from the resident on or about August 18, 2016.

Director Grenier summarized the main points of the resident's letter to the City. The home has a sump pit and pump but the pump has never run. She has owned the home since February 1999. The home has never had water in the basement. The home is built upon a hill and is much higher than the surrounding area.

DPW reviewed the soil type and saturation characteristics for the home and other factors. The soil characteristics do not support granting the exemption. Based upon all factors reviewed DPW recommends granting the exemption. If in the future there are complaints regarding storm water drainage issues DPW reserves the right to order the storm water connection be made at that time.

A motion was made by Ald. Nennig and seconded by Ald. Wery to approve the request by Betty DeKeyser-Hill for an exemption to §16.11(b)2, Green Bay Municipal Code requiring the mandatory connection of sump pump discharge to City's storm sewer system at 3275 Humboldt Road. Motion carried.

4. Consideration with possible action on request by Yvonne Ebinat to rescind the special waste collection charge of \$70.00 at 416-418 North Maple Avenue.

A mattress was picked up at the subject parcel on July 25, 2016. A City invoice in the amount of \$70.00 was generated and sent to the property owner on July 28, 2016. On August 22, 2016 DPW received an email from the property owner requesting that the charges be rescinded. They stated that their residents did not leave the mattress at the curb and more than likely the neighboring property had placed the mattress at the curb. On August 29, 2016 Director Grenier had sent a letter to the property owner stating that the charges will not be rescinded. Director Grenier advised the property owner that they could appeal this decision to the I&S Committee. DPW recommends that the charges not be rescinded due to prior early set out and move out charges at this parcel.

The floor was opened for discussion and the property owner spoke. Mark Ebinal stated that they were not the owners of the property for the 2011 violation but were the owners for the 2014 violation. He stated that their tenants were not responsible for the mattress in question. He asked what process should be followed if they or their tenants notice material at the curb in the future. Chris Pirlot, Operations Director stated that Operations should be called so that an investigation can be performed prior to an invoice being generated. Most times a determination can be made and then Operations can inform the offending party and an invoice can be avoided.

Ald. Steuer asked if charges can be moved to the actual offending party in a case like this.

Ald. Wery stated he is in favor of rescinding the charge to the Ebinal's and invoicing the neighbor.

A motion was made by Ald. Wery and seconded by Ald. Nennig Wery to approve the request by Yvonne Ebinal to rescind the special waste collection charge of \$70.00 at 416-418 North Maple Avenue and to invoice 414 North Maple Avenue. Motion carried.

5. Consideration with possible action on request by Ald. Moore to review our current policy regarding postcard surveys for scheduling street repairs and to take possible action on modifying or eliminating this process (referred to staff from April 13, 2016 Improvement & Service Committee meeting).

Director Grenier referred the Committee members to item number 5 in their packet. He read the postcard survey memo dated 9/14/2016 into the minutes. A copy of the memo is attached to these minutes. Director Grenier stated that the City allows residents more input than many other communities do regarding the street resurfacing program.

Ald. Nennig asked if there is a list available of all three strikes streets. He believes that residents do deserve input in the process and that with the current process of only getting resident input at the special assessment hearings is too late in the process. Requesting resident input three years in advance would be a better solution. He asked if there is a map that shows the street ratings by district.

Director Grenier stated that the streets with three strikes are manually tabulated currently and that list is not readily available. A citywide map showing all street ratings would be difficult to create and would be very large. He recommended that interested Alders stop in and their district can be discussed with staff.

Ald. Steuer asked if the postcard survey is scored on a simple majority. He also asked how the cost of the postcard survey is paid for. He stated that a three year notice should be adequate for residents to budget for the special assessments.

Director Grenier stated that the cost of the postcard survey is included in DPW's budget. The cost is not that large. The streets are rated in accordance with the State's PASER system in the odd numbered years. The postcard survey is scored using only the postcards that are returned to the City.

Celestine Jefferys stated that the resident at 709 Gallagher had contacted the Mayor's office on this topic but could not be at the meeting tonight. The resident stated he lives on one of the streets that were voted down three times. The current condition of the street is terrible.

The floor was opened for discussion. Steve Seymour, 2544 Heather Road, stated that the Engineering Department knows the conditions of the streets and they should be allowed to determine when a street is resurfaced. The postcard survey is a waste of money. The floor was closed for discussion.

Ald. Dorff stated that the postcard survey needs to be eliminated and DPW should decide which streets are resurfaced. She asked what the current assessment per foot cost is for 2016.

Director Grenier stated that the current cost is approximately \$17.50 per front foot.

Ald. Vander Leest stated he thinks that a three year advance notice to residents should be adequate for the residents to budget for the special assessments.

Ald. Nennig stated that residents need to be told about the program before their street is selected for the resurfacing program.

A motion was made by Ald. Nennig and seconded by Ald. Vander Leest to approve the request by Ald. Moore to review our current policy regarding postcard surveys for scheduling street repairs and to eliminate the postcard survey process and create a new process whereby the residents are notified when the street resurfacing program is up for adoption which will be three years prior to actual construction. Motion carried.

6. Consideration on request by Ald. Nicholson to review, with possible action, the current policy regarding parking of vehicles on vehicle aprons (held over from August 10, 2016 Improvement & Service Committee meeting).

Ald. Nicholson discussed this issue with several constituents of which three are here tonight to present their thoughts. The floor was opened for discussion.

Steve Seymour, 2544 Heather Road, stated he believes allowing parking like currently allowed is a safety issue. He thinks the police department has better things to do other than address parking violations. He calls the police department on a regular basis for vehicles parking on the grass and other areas. He sees violations at the same properties over and over. Most violations are at duplexes. He believes this behavior snowballs into more unacceptable behaviors.

Ken Hazaert, 1716 Cypress Lane, stated he lives in an area with many duplexes. He sees a lot of vehicles parked across the aprons. He feels this is a safety issue and is afraid someone will be seriously hurt sooner or later. The City Ordinance needs to be changed. This parking practice is not allowed in the neighboring communities. The issue stems from allowing too many people to live in a duplex.

Christine Delahaut, 1048 Mary Jo Way, stated that there are junk cars all over her neighborhood. They park with the wheels on the apron and the grass which leads to tracking mud on the street. Current City Ordinances are not being enforced. The edges of driveways are rutted.

Ald. Steuer stated he has the same issue in his district. The issue needs to be addressed and parking on the aprons should not be allowed. The floor was closed for discussion.

Ald. Nicholson stated that concerned constituents brought this issue to his attention in the past. He always gets complaints regarding this practice. The last time he brought this issue to Council it was voted down. The issue stems from allowing too many people to live in a duplex and is partly an Inspection Division problem. The issue does concern citizen safety and he feels the parking ordinance needs to be changed. He would like other Alders input.

Ald. Wery stated he does not get complaints in his district. The residents he had talked to did not know this practice was legal and he is okay with eliminating the practice.

Ald. Nennig asked if this is an issue that affects snow plowing.

Director Grenier stated that this issue does not affect plowing snow. If a resident decides to park on the apron they are doing so at their own risk. The City is not liable if vehicle damage occurs from plowing snow. The issuance of a driveway permit allows residents the right to park on the driveway apron or use in any way that does not violate a City Ordinance.

Ald. Nennig stated that it sounds like existing City ordinances are not being enforced. Existing ordinances should be enforced prior to creating new ordinances. He is sympathetic to residents needs for more room. Residents in his district have narrow short driveways. An ordinance change will cause this Committee to hear more requests for overnight parking exemptions. He does not have a problem with this issue in his district. He will talk to his constituents and will bring in people to defend the current practice. If the ordinance is changed it will create additional problems.

Ald. Vander Leest does not have this issue in his district. He thinks this issue should be decided at Council.

A motion was made by Ald. Nicholson and seconded by Ald. Wery to have Department of Public Works work with the Law Department to modify Chapters 13 and 29 of City Ordinances to not allow parking in the right-of-way. Motion carried on a 3-1 vote, Ald. Nennig voted nay.

7. Discussion with possible action on a request by Ald. Nicholson to review Section 9.02, Green Bay Municipal Code, regarding storage of recycling and garbage carts.

Ald. Nicholson placed this item on the agenda so that it can be discussed. He stated that he has had several occasions where he had called in a complaint to Operations and it seemed like there was a lapse in response.

Director Grenier stated that once a complaint is received, the Sanitation Superintendent is notified of the address. DPW staff will investigate the situation and will attempt to meet with the owner to offer code compliant options and educate the offender. They will also perform follow-up inspections to verify compliance.

Chris Pirlot, Operations Director stated that current policy allows carts to be at the curb 12-hours prior to and after collection. Operation staff does attempt to educate residents when they see policy violations.

Director Grenier stated that he will discuss this issue with Operations staff to determine what has caused the lapse in response times and they will correct the issue.

A motion was made by Ald. Wery and seconded by Ald. Vander Leest to receive and place on file the request by Ald. Nicholson to review Section 9.02, Green Bay Municipal Code, regarding storage of recycling and garbage carts. Motion carried.

8. Consideration with possible action regarding adjustment of project-specific special assessment rates for Monroe Avenue – Cass Street to Main Street.

The funding source for the Monroe Avenue project included Federal Aid monies. As such, the City is not allowed to receive more money from assessments than what the total project cost. In situations like this DPW will calculate a project specific assessment rate. The original assessment was based upon the estimated construction costs. The rates originally approved at the February 26, 2014 I&S meeting were \$13.10 per front foot for residential zones and \$65.45 per front foot for all other zone classifications. Based upon the actual construction costs the rates are proposed to be adjusted to \$11.00 per front foot for residential zones and \$54.90 for all other zone classifications. DPW recommends adopting the new assessment rates for the Monroe Avenue-Cass Street to Main Street project.

A motion was made by Ald. Nennig and seconded by Ald. Vander Leest to approve the adjustment of project-specific special assessment rates for Monroe Avenue – Cass Street to Main Street to be \$11.00 per front foot for residential-zoned properties and \$54.90 per front foot for all other zoning classifications. Motion carried.

9. Consideration with possible action regarding a parking agreement for Lot CC between City of Green Bay and Washington Street Depot LLC.

Parking Lot CC is at 100 block of Admiral Flatley Court. The prior parking agreement had expired when the previous controlling LLC had disbanded. The new parking agreement will follow the City's standard parking agreements. The 2016 rate will be \$43.60 per stall per month and the 2017 rate is anticipated to be \$44.50 per stall per month. DPW is requesting approval of the Parking Agreement and to authorize the Director to execute the agreement.

A motion was made by Ald. Vander Leest and seconded by Ald. Wery to approve the parking agreement for Lot CC between City of Green Bay and Washington Street Depot LLC and to authorize the Director to execute the agreement. Motion carried.

10. Consideration with possible action on request by Department of Public Works to discuss Master License Agreement between the City of Green Bay and Wisconsin Technology Networking, LLC contingent upon placing on file with the City applicable insurance, obtain all necessary City approvals, and authorize the Mayor and City Clerk to execute the agreement and to authorize the Director of Public Works to execute the supplemental licenses for each site.

Wisconsin Technology Networking, LLC (WTN) is a regulated Utility that will be providing data handling services similar to a cell company. They will differ from most cell companies in that they will own most of their infrastructure instead of leasing from other providers. Their system will operate by mini-macro installations communicating with the transport poles. The transport poles will be hardwired to existing fiber optic network.

WTN is proposing to install their equipment in the right-of-way; the Alders were directed to see the map in their packets for locations. The initial network will include approximately 26 locations. The mini-macro poles will be 75 feet tall and the transport poles will be 120 feet tall. Several of the proposed sites include extending City owned poles.

WTN is proposing a Master License Agreement for the general use of the right-of-way. A supplemental license will be issued for each individual site. The Master License Agreement is in the negotiation phase. The Master License Agreement will determine the term of the license, license fees, approval and permitting process, insurance requirements, and maintenance expectations.

WTN has been very cooperative and responsive to City requests. DPW has brought this item forward to inform the Alders. Once the Master License Agreement is in final form it will be brought back to Committee for approval.

A motion was made by Ald. Nennig and seconded by Ald. Wery to receive and place on file the request by Department of Public Works to discuss Master License Agreement between the City of Green Bay and Wisconsin Technology Networking, LLC contingent upon placing on file with the City applicable insurance, obtain all necessary City approvals, and authorize the Mayor and City Clerk to execute the agreement and to authorize the Director of Public Works to execute the supplemental licenses for each site. Motion carried.

11. Consideration with possible action on request by Department of Public Works to award a sole source contract to Toter for garbage and recycle carts.

Director Grenier referred the Committee members to item number 11 in their packets. This item is related to item number 13 B. DPW purchased carts from two different manufacturers. Two years of operation has taught sanitation division that the carts from Toter are more durable and reliable. The cost difference between the two manufacturers is minimal. Essentially this is a pass through cost. The City makes the initial purchase and then resells the carts to the residents.

A motion was made by Ald. Wery and seconded by Ald. Nennig to approve the request by Department of Public Works to award a sole source contract to Toter for garbage and recycle carts. Motion carried.

12. Consideration with possible action regarding request by Department of Public Works to amend Section 9.15, Green Bay Municipal Code.

Director Grenier referred the Committee members to item number 12 in their packets. DPW is proposing to add the following bold text to the end of Section 9.15(1)(a): **Pursuant to Wis. Stats. §62.15(1), the City may elect to perform any public construction, in part or in whole, using their own forces, whenever or wherever it is determined that the best interests of the City would be served by doing so. This determination shall be made by the Director of Public Works.** Inclusion of this verbiage would add greatly to DPW's flexibility on completing a project or addressing an infrastructure issue. An example of where this language would apply is the Traffic Signal Repair projects. City electricians can perform the installation of the equipment at a lower cost than utilizing a contractor. DPW recommends adopting the new language as proposed.

A motion was made by Ald. Nennig and seconded by Ald. Vander Leest to approve the request by Department of Public Works to amend Section 9.15, Green Bay Municipal Code, allowing City staff to perform Public Works construction activities on City projects. Motion carried.

13. Consideration with possible action on report of the Purchasing Manager:
 - A. Request approval to purchase a Used 2008 Bobcat ToolCat from Bobcat Plus for \$25,900.
 - B. Request approval to purchase replacement recycling and trash carts from Toter for the estimated amount of \$50,000 per year. This is a 1-year agreement, with four 1-year renewal options by mutual consent.

Rick Jensen, Purchasing Manager stated that a new Bobcat Toolcat is \$54,000.00. The City was able to find two used units. The unit from Bobcat Plus was in better shape and an overall better purchase.

In conjunction with item number 11, the recommendation is to award a one year agreement to Toter for the purchase of replacement recycling and trash carts for an estimated cost of \$50,000 per year. This agreement would include four 1-year renewal options by mutual consent.

A motion was made by Ald. Vander Leest and seconded by Ald. Nennig to approve the report of the Purchasing Manager:

- A. To report the purchase of a Used 2008 Bobcat ToolCat from Bobcat Plus for \$25,900.

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

- B. To purchase replacement recycling and trash carts from Toter for the estimated amount of \$50,000 per year. This is a 1-year agreement, with four 1-year renewal options by mutual consent.

Motions carried.

14. Consideration with possible action on the review and award of the following contracts:

- A. PARKS PROJECT 5-16 (FOX RIVER TRAIL – MAIN ST. TO 1000’ W/O MONROE AVE.)
- B. REROOFING FIRE STATION #5
- C. WEST MUNICIPAL GARAGE PIPE INSULATION

PARKS PROJECT 5-16 (FOX RIVER TRAIL – MAIN ST. TO 1000’ W/O MONROE AVE.) had one bidder in the amount of \$661,379.80. Parks Department has decided to not award this contract.

REROOFING FIRE STATION # 5 was advertised to bid but no bids were received.

One bid was received for the WEST MUNICIPAL GARAGE PIPE INSULATION project contract. DPW recommends awarding the contract to the low, responsive bidder, Hurckman Mechanical in the amount of \$16,015.00.

A motion was made by Ald. Vander Leest and seconded by Ald. Wery to deny the award of the following contracts to the low, responsive bidders:

- A. To deny to award contract PARKS PROJECT 5-16 (FOX RIVER TRAIL – MAIN ST. TO 1000’ W/O MONROE AVE.).
- B. To deny to award contract REROOFING FIRE STATION #5.

A motion was made by Ald. Nennig and seconded by Ald. Vander Leest to approve and award the following contracts to the low, responsive bidders:

- C. To approve to award contract WEST MUNICIPAL GARAGE PIPE INSULATION to Hurckman Mechanical Industries, Inc., in the amount of \$16,015.00.

Motions carried.

15. Request by the following businesses to allow objects to be placed within the City of Green Bay Rights-Of-Way.

<u>NAME</u>	<u>LOCATION</u>	<u>TYPE OF OBJECT</u>
a. Kavarna	143 N Broadway	Tables & Chairs
b. Monkey Tailz	155 N Broadway	Tables, Chairs, Flag Sign
c. Prohibition Lounge	159 N Broadway	Table & Chairs

All three of these requests involve table and chairs in the right-of-way on Broadway. None of the installations were ever permitted in the past. DPW recommends approval of the Hold Harmless Agreements contingent upon receiving the applicable insurance certificate, the owner receiving all necessary City approvals and authorizing the Mayor and Clerk to execute the agreement for the items to be in the right-of-way.

A motion was made by Ald. Vander Leest and seconded by Ald. Nennig to approve the following businesses to allow objects to be placed within the City of Green Bay Rights-Of-Way contingent upon Department of Public Works staff review and approval, contingent upon receiving the applicable insurance certificate, executing the required Hold Harmless Agreement, the owner receiving all necessary City approvals and authorize the Mayor and City Clerk to execute the agreement.

<u>NAME</u>	<u>LOCATION</u>	<u>TYPE OF OBJECT</u>
a. Kavarna	143 N Broadway	Tables & Chairs
b. Monkey Tailz	155 N Broadway	Tables, Chairs, Flag Sign
c. Prohibition Lounge	159 N Broadway	Table & Chairs

Motion carried.

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

Director Grenier stated that there will be more Hold Harmless Agreements anticipated from businesses to allow objects to be placed within the City of Green Bay Rights-Of-Way. DPW is in the process of trying to identify all installations that are not covered by a current agreement. As an installation is noticed DPW staff works with the owners to educate them regarding the process and to assist them in completing the required documents. Most owners to date are very agreeable to work out the agreements.

DPW has completed the third curbside bulk collection week of the year. They are now actively collecting brush. Recently the Snow Plow Rodeo was held and the City again had drivers place very high.

The sewer group has completed their third quarter grease clean-up list.

DPW is actively preparing the list of infrastructure projects that will be funded using the excess sales tax funds.

DPW recently rented a diesel powered tub grinder to grind the material at the west side yard waste site. Currently, DPW staff is working with Brown County staff to work through the lease agreement for the west side yard waste site.

DPW is prepping to get ready for the fall leaf collection season and the snow removal season that will follow.

The Engineering staff is back up to full strength again. Two staff engineers were out on leave. One Assistant City Engineer is scheduled out on leave sometime in October. She will be out until approximately the first of January.

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

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

Meeting adjourned at 8:00 p.m.



Inter-Office Memo

Date: September 14, 2016

To: Improvement & Services Committee

From: Steve Grenier, Director of Public Works

Re: Post Card Survey

In response to a communication from Ald. Moore, staff has prepared the following memorandum summarizing the existing post card survey process. This background information will be used to foster a discussion regarding any need to modify or eliminate the use of the post card survey in the future.

ORIGIN

The post card survey process was originated in the early 1980s. When adopted, this process applied to both resurfacing and reconstruction candidate streets. Post cards were sent to property owners in the year of the proposed improvement asking if the property owner was in favor of the improvement or not. Failure to respond to the post card survey was interpreted to be implied consent, as the property owner had not objected.

This approach caused considerable difficulty in developing and delivering a street improvement program. As committee and council could remove a candidate street from the program depending on the survey results, the full program could not be identified until after the survey results were tallied. This, in turn, impacted the timing of requesting bond funds to complete the projects. The timing also began to infringe on the construction season.

MODIFICATION

During the 1990s, several modifications to the program were introduced.

- ❖ Reconstruction projects were no longer subject to the post card survey process.
- ❖ Resurfacing projects were now proposed 3 years in advance
 - Allowed staff to create programs in a forward-looking environment
 - Allowed residents to save up for potential future assessments
- ❖ Non-responses to the post card could not be interpreted as implied consent – they are simply “no response”:
- ❖ Common Council developed a “3 strikes, you’re out” directive related to post card surveys
 - If a project fails a survey, wait 3 years then survey again
 - After 3 successive failures, project is removed from consideration for survey
 - Once a project is removed from consideration, no routine nor preventative maintenance is performed and street is allowed to deteriorate until street needs to be reconstructed.

CURRENT PROCESS

The following process is currently utilized to develop a list of candidate streets which becomes the annual street resurfacing program:

- ❖ Streets are rated using the PASER rating system in odd-numbered years
- ❖ Pavement ratings of “3” are targeted for resurfacing, but limited instances of “4” rated streets may be included
- ❖ List of candidate streets is developed
 - Geographic distribution is taken into account
 - Try to limit travelling over recently completed streets to get to streets needing repair
- ❖ Info packet and post card sent to each property owner along candidate street
 - Post card must be returned by date indicated
 - Options are “in favor of” and “Opposed To”
 - One property – one vote
- ❖ Results are compiled and a program year street list developed by DPW staff
 - Overwhelming “No” votes typically do not make it into program
 - Staff may recommend street based upon condition and location if they believe it is in the best interests of the City
- ❖ Program year list is brought forward to I&S, typically 3 years prior to year of improvement
- ❖ In the year of improvement, a public hearing is held as a condition of levying special assessments.
 - It is common for a street or two to be dropped from the program as a result of opposition voiced at the public hearing
 - Most often, opposition is not to the project need, but rather to the paying of special assessments

OPTIONS

Three options have been brought forward to date. These options are:

- ❖ Do Nothing or Status Quo – The post card survey program for asphalt street resurfacing projects would continue to operate as it has in the past.
- ❖ The 3/7 Option – An option proposed by Ald. Moore calls for amending the post card survey, giving residents the option of having the street resurfaced in 3 years or 7 years. This option provides the residents with advance notice of the project, providing the ability to save up for the future assessment.
- ❖ Eliminate the Survey – Under this option, the post card survey is completely eliminated. Much like the street reconstruction process, staff would then compile the candidate street list, proposing the program to the Improvement & Services Committee for recommendation to the Common Council. Once approved by the Council, the list would be set for the program year. At this time, staff would continue to recommend developing program lists 3 years in advance if this option is selected.