



Board of Public Works

Regular Meeting

335 South Broadway
De Pere, WI 54115
<https://www.deperewi.gov/>

Final Minutes

Monday, September 11, 2023

7:30 PM

Council Chambers and Virtual

I. Call to Order

The meeting was called to order at 7:30 PM by Mayor James Boyd

Attendee Name	Title	Status	Arrived
James Boyd	Mayor	Present	
Dan Carpenter	Aldersperson	Present	
Jonathon Hansen	Aldersperson	Present	
Shana Defnet Ledvina	Aldersperson	Present	
Dean Raasch	Aldersperson	Present	

Others present:

Scott Thoresen, Public Works Director
Eric Rakers, City Engineer
Tony Fietzer, Street Superintendent
Larry Delo, City Administrator (Remote)
Pamela Manley, Finance Director
Betty Sellenheim, Recording Secretary

II. Public comment upon matters not on the agenda. Comments made during the public comment period shall pertain only to matters under the jurisdiction of the Board of Public Works. Section 6-3(f) DPMC

None

III. Items

1. Approval of the August 7, 2023 Board of Public Works Meeting Minutes

Aldersperson Carpenter moved to approve the August 7, 2023 Board of Public Works Meeting Minutes, seconded by Aldersperson Raasch. Upon vote, the motion passed unanimously.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Dan Carpenter, Aldersperson
SECONDER:	Dean Raasch, Aldersperson
AYES:	Boyd, Carpenter, Hansen, Defnet Ledvina, Raasch

2. Consideration and possible action for Driveway Request along Main Avenue for the proposed North Shore Bank – 820 Main Avenue

Eric Rakers, City Engineer, explained the request from the proposed North Shore Bank at 820 Main Avenue to install a commercial driveway off Main Avenue, replacing two current residential driveways.

Aldersperson Hansen moved to approve the driveway request along Main Avenue for the proposed North Shore Bank at 820 Main Ave, seconded by Aldersperson Raasch. Upon vote, the motion passed unanimously.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Jonathon Hansen, Alderperson
SECONDER:	Dean Raasch, Alderperson
AYES:	Boyd, Carpenter, Hansen, Defnet Ledvina, Raasch

3. Consideration and possible action on award on Request for Proposals for Phragmites Mitigation*

Eric Rakers, City Engineer, outlined the project limits, budget, and proposal received for phragmites mitigation.

Alderperson Hansen moved to approve the proposal from Merjent for phragmites mitigation, seconded by Alderperson Raasch.

Alderperson Hansen asked if residents will be notified of this work occurring in their neighborhoods. Mr. Rakers stated that staff did not notify in 2022 because the work is currently only occurring on City owner property. Mr. Rakers added that residents may receive notification in the future if mitigation work occurs in easements or other rights-of-way.

Upon vote, the motion passed unanimously.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Jonathon Hansen, Alderperson
SECONDER:	Dean Raasch, Alderperson
AYES:	Boyd, Carpenter, Hansen, Defnet Ledvina, Raasch

4. Consideration and possible action for Consultant Services for Conventional Water Rate Application*

Scott Thoresen, Public Works Director, explained the process the City needs to follow to apply for a conventional water rate case with the Wisconsin Public Service Commission (PSC) and recommended hiring Onward Accounting & Consulting LLC in the amount of \$8,900 to assist in the process. Mr. Thoresen stated that the City was not eligible for a simplified rate case and was encouraged to perform the conventional rate case. Mr. Thoresen added the rate case would likely not be completed and implemented, if deemed necessary, until 2024.

Alderperson Hansen asked staff for additional information regarding a 2022 audit for cash flow and deficits. Pamela Manley, Finance Director, was able to report that the cash flow had improved by approximately \$700,000 but stated as costs increase and additional capital improvement work is scheduled, the rate case will assess if the City will continue to gain or fall further behind. Ms. Manley explained that at the completion of the rate case, the City will be told if an increase can be requested and will need to be approved prior to submission. Alderperson Hansen added that the final decision will be in the hands of the PSC for allowing rates to increase. Ms. Manley agreed that the PSC would need to approve the increase. Alderperson Carpenter asked if the rate case would examine the current debt. Mr. Thoresen and Ms. Manley stated it would examine all expenses and deficits. Mr. Thoresen explained that costs of water main relay during capital improvement projects has almost doubled over the past few years and the PSC recommends relaying 1-2% of water mains annually. Mr. Thoresen added that the rate case will also evaluate how much the PSC will allow for water main relays.

Mayor Boyd moved to approve Consultant Services Agreement with Onward Accounting & Consulting LLC for Conventional Water Rate Application in the amount of \$8,900, seconded by Alderperson Ledvina. Upon vote, the motion passed unanimously.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	James Boyd, Mayor
SECONDER:	Shana Defnet Ledvina, Alderperson
AYES:	Boyd, Carpenter, Hansen, Defnet Ledvina, Raasch

5. Consideration and possible action on the revision of City Ordinance 82.3(5) Storage of Polycarts*

Tony Fietzer, Street Superintendent, outlined the proposed ordinance changes in the red-lined draft included in the agenda packet, as previously discussed at the August Board of Public Works meeting.

Alderperson Raasch asked how a property without storage (sheds or garages) would store their carts, specifically corner lots. Mr. Fietzer explained the screening this type of property would be required to install in order to properly store the polycarts.

Alderperson Hansen moved to approve revisions to City Ordinance 82.3(5) Storage of Polycarts, seconded to Alderperson Carpenter.

Mayor Boyd suggested an educational campaign upon approval and allow a portion of time for residents to react for compliance.

Upon vote, the motion passed unanimously.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Jonathon Hansen, Alderperson
SECONDER:	Dan Carpenter, Alderperson
AYES:	Boyd, Carpenter, Hansen, Defnet Ledvina, Raasch

6. Consideration and possible action on polycart storage enforcement timeline

Tony Fietzer, Street Superintendent, outlined the memo and request from Alderperson Hansen to have the enforcement timeline reviewed for polycart storage compliance. Mr. Fietzer explained that staff currently sends three letters with 15 days between each, prior to citations being issued.

Alderperson Hansen further explained his request. Alderperson Hansen recommended sending two letters with 15 days between each. Alderperson Hansen stated there has previously been concerns that residents need time to be able to erect structures for proper screening and explained that the new ordinance changes discussed during this meeting offer options for residents to put their carts in the backyard until their screening structure is completed.

Alderperson Carpenter suggested having a single 30 day notice sent certified prior to having citations issued. Alderperson Carpenter agreed that the new ordinance language allows for flexibility in the storage location that would allow residents to complete their screening without being in violation. Mayor Boyd agreed with having a single notice with either 30 or 45 days to comply. Scott Thoresen, Public Works Director, reminded the

Board of the financial obligation of erecting a screening for carts and stated it could take longer than 30 days to complete the purchase and erect the screening. Mayor Boyd stated his belief that simply receiving a letter may be enough for some properties to find room in a garage or other area to be in compliance. Alderperson Raasch agreed with shortening the number of days following notification for compliance but cautioned the use of certified letters. Mr. Fietzer stated staff currently sends the first two letters through regular mail service and the third one is certified to prove to the court, if a citation is issued, that multiple efforts were made to notify the property. Mr. Thoresen explained that Legal has advised that having multiple notices and documentation stands as proof when citations would be addressed at court and more likely to hold up and require payment. Alderperson Carpenter stated that with the new ordinance language, properties have new options for polycart storage and would not be required in many cases to pay for a structure for screening or receive a citation. Mayor Boyd suggested waiting to change the timeline until staff can see how many properties become compliant with the flexibility allowed in the new ordinance language. Alderperson Ledvina stated that if a property receives a citation for polycart storage and claims to have not received prior notification, the court notice could serve as their first notification and would still require their carts be screened. Mr. Fietzer stated his belief that in a situation like that the judge may state that the citation would be waived if the polycarts are screened with a set number of days; which would ultimately still gain compliance of the ordinance. Mayor Boyd asked how staff will address properties with violations that had been put on hold. Mr. Fietzer explained that staff will readdress the properties on the list after the new ordinance language is approved by Council and send notices to those properties still in violation. Mayor Boyd asked the Board how to proceed. Alderperson Carpenter asked how staff would like to proceed. Mr. Fietzer explained that checking properties and sending multiple notices is burdensome on staff but ultimately leaned towards how a judge or legal would suggest proceeding for best results. Alderperson Raasch asked how many complaints staff receives in a year that require three notices. Mr. Fietzer stated he receives approximately 100 polycart storage violation complaints per year.

Alderperson Raasch moved to maintain status quo on polycart storage enforcement timeline and revisit in six months, seconded by Alderperson Carpenter.

Alderperson Hansen requested staff consult with Legal to determine whether sending two versus three notices makes a difference for the judge when citations are brought to court.

Upon vote, the motion passed unanimously.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Dean Raasch, Alderperson
SECONDER:	Dan Carpenter, Alderperson
AYES:	Boyd, Carpenter, Hansen, Defnet Ledvina, Raasch

7. Consideration and possible action on City Engineer Parking and Traffic Recommendations*

Eric Rakers, City Engineer, outlined the parking and traffic recommendation to install three stop signs in new subdivisions including one on N. Honeysuckle Circle at Lawrence Drive, on Willie Mays Circle at Lost Dauphin Road, and on Battery Avenue at Lost Dauphin Road.

Alderson Carpenter moved to approve the City Engineer Parking and Traffic Recommendations for stop signs, seconded by Alderson Ledvina. Upon vote, the motion passed unanimously.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Dan Carpenter, Alderson
SECONDER:	Shana Defnet Ledvina, Alderson
AYES:	Boyd, Carpenter, Hansen, Defnet Ledvina, Raasch

8. Consideration and possible action on Brown County Municipal Agreement for South Bridge Connector Segment GV-15*

Scott Thoresen, Public Works Director, explained that Brown County is requiring Municipal Agreements for each segment of the South Bridge Corridor including the four segments being presented at today's meeting. Mr. Thoresen outlined the limits of each segment. Mr. Thoresen explained that each agreement includes design, right of way acquisition, and construction.

Mayor Boyd commented that some Board members may be seeing construction costs for the first time as outlined in the agenda packet and asked if there were questions. Alderson Hansen stated he thought the City share was more than the \$11.6M listed on the memo. Mr. Thoresen clarified that amount is only for segment GV-15. Mr. Thoresen stated the total City contribution is estimated at \$27.27M. Alderson Carpenter questioned the funding source for the South Bridge project. Mayor Boyd explained that a good portion of the funding will be through multiple TIDs. Alderson Ledvina requested additional funding information be presented during Council. Mayor Boyd stated additional information can be available but full funding discussions will be brought forward as additional items in the future. Larry Delo, City Administrator, stated that additional information can be presented regarding the estimated percentage to be funded by each TID. Mr. Delo explained that the estimates are based on projected growth in each TID moving forward and amount each TID can afford to contribute to the South Bridge Corridor.

Alderson Carpenter moved to approve Brown County Municipal Agreement for South Bridge Connector Segment GV-15, seconded by Alderson Raasch.

Mayor Boyd explained that the City continues to solicit additional funding for the South Bridge project to reduce the City cost share and anticipates more will become available. Alderson Hansen questioned a feature illustrated as a round circle on the proposed design maps and asked if it would be a roundabout. Mr. Thoresen confirmed they were proposed roundabouts.

Upon vote, the motion passed unanimously.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	James Boyd, Mayor
SECONDER:	Dean Raasch, Alderson
AYES:	Boyd, Carpenter, Hansen, Defnet Ledvina, Raasch

9. Consideration and possible action on Brown County Municipal Agreement for South Bridge Connector Segment GV-16*

Mayor Boyd moved to approve Brown County Municipal Agreement for South Bridge Connector Segment GV-16, seconded by Alderperson Raasch.

Alderperson Hansen commented that he has had constituents reaching out to him regarding public information meeting and asked staff if Brown County has provided an update on when those may be. Scott Thoresen, Public Works Director, explained the process and stated public information meetings would be scheduled once design was further along.

Upon vote, the motion passed unanimously.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	James Boyd, Mayor
SECONDER:	Dean Raasch, Alderperson
AYES:	Boyd, Carpenter, Hansen, Defnet Ledvina, Raasch

10. Consideration and possible action on Brown County Municipal Agreement for South Bridge Connector Segment GV-17*

Alderperson Hansen moved to approve Brown County Municipal Agreement for South Bridge Connector Segment GV-17, seconded by Alderperson Raasch.

Scott Thoresen, Public Works Director, stated that Town of Ledgeview has approved their portion of segments GV-17 and GV-18. Alderperson Ledvina asked if Town of Lawrence had approved their segments. Mr. Thoresen stated he did not know. Mayor Boyd stated that Town of Lawrence was likely seeing the agreements around the same time De Pere is and would likely be approving soon. Alderperson Hansen asked if the bike and pedestrian facilities were still planned for the north side of the corridor. Mr. Thoresen stated it would be designed as an option and further explained that it will be dependent on the acquisition of right-of-way. Mayor Boyd and Mr. Thoresen briefly outlined current ruling against condemning property. Alderperson Carpenter asked how the County planned to approach the acquisition of property. Mr. Thoresen stated he did not know at this time how the County planned to approach property owners.

Upon vote, the motion passed unanimously.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Jonathon Hansen, Alderperson
SECONDER:	Dean Raasch, Alderperson
AYES:	Boyd, Carpenter, Hansen, Defnet Ledvina, Raasch

11. Consideration and possible action on Brown County Municipal Agreement for South Bridge Connector Segment GV-18*

Alderperson Carpenter moved to approve Brown County Municipal Agreement for South Bridge Connector Segment GV-18, seconded by Alderperson Ledvina. Upon vote, the motion passed unanimously.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Dan Carpenter, Alderperson
SECONDER:	Shana Defnet Ledvina, Alderperson
AYES:	Boyd, Carpenter, Hansen, Defnet Ledvina, Raasch

IV. Future Agenda Items

Alderperson Raasch asked staff to research installation of a guard rail/barricade at 117 Fort Howard Ave. This item will be referred to Parking & Traffic.

V. Adjournment

Mayor Boyd moved to adjourn the meeting at 8:16 PM, seconded by Alderperson Hansen. Upon vote, the motion passed unanimously.

Respectfully submitted,
Betty Sellenheim