Board of Public Works

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

Regular Meeting

Final Minutes

Monday, June 12, 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	Alderperson	Present	
Jonathon Hansen	Alderperson	Present	
Shana Defnet Ledvina	Alderperson	Present	
Dean Raasch	Alderperson	Present	

Eric Rakers, City Engineer
Thomas Blohowiak, Maintenance Supervisor
Larry Delo, City Administrator
Pamela Manley, Finance Director (Remote)
Betty Sellenheim, Recording Secretary
Jared and Kayley Goffard, 1964 N. Cross Creek Cir

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 May 8, 2023 Board of Public Works Meeting Minutes

   Alderperson Carpenter moved to approve the May 8, 2023 Board of Public Works Meeting Minutes, seconded by Alderperson Raasch. Upon vote, the motion passed unanimously.

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

2. Consideration and possible action on Election of Vice Chairperson

   Alderperson Hansen nominated Alderperson Raasch as vice chairperson, seconded by Alderperson Carpenter. Upon vote, the motion passed with a 4-0 vote with Alderperson Raasch abstaining.

RESULT:	**ADOPTED [4 TO 0]**
MOVER:	Jonathon Hansen, Alderperson
SECONDER:	Dan Carpenter, Alderperson
AYES:	James Boyd, Dan Carpenter, Jonathon Hansen, Shana Defnet Ledvina
ABSTAIN:	Dean Raasch

3. Consider and Possible Action Regarding Carriage Walk Request for 308 S. Superior Street

Eric Rakers, City Engineer, outlined the request from the property owners, Craig and Courtney Smith, to install a carriage walk on their property at 308 S. Superior Street. Mr. Rakers explained that a carriage walk is a section of sidewalk in the right-of-way/terrace that connects City sidewalk to the curb/street.

Alderperson Carpenter moved to approve the carriage walk request for 308 S. Superior Street, seconded by Alderperson Ledvina.

Alderperson Raasch asked for additional clarification regarding location and description of a carriage walk. Mr. Rakers further explained that a carriage walk is a specific name used for the sidewalk in the right-of-way. Alderperson Hansen noted that the property owners were in attendance if there were questions for them.

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

4. Consider and Possible Action Regarding Installation of Fence for Parcel WD – 1540*

Eric Rakers, City Engineer, outlined the request from the property owners, Jared and Kayley Goffard, to install 111 feet of fence on Parcel WD-1540. Mr. Rakers explained the Board needed to approve the installation because the parcel is zoned conservancy. Mr. Rakers stated the fence would not impact drainage or maintenance of the City owned pond.

Mayor Boyd moved to approve the installation of fence for Parcel WD-1540, seconded by Alderperson Raasch.

Alderperson Ledvina asked for clarification of the location of the proposed fence according to the map included in the packet. Mr. Rakers explained the blue highlighted line indicated the fence on Parcel WD-1540 along the backside of the neighbors property. Alderperson Ledvina asked if fence was proposed along any other portions of the parcel. Mr. Rakers explained the other abutting properties are primarily city-owned.

Alderperson Carpenter moved to open the meeting at 7:38 PM, seconded Alderperson Raasch. Upon vote, the motion passed unanimously.

Alderperson Raasch asked if fence was being installed along the other abutting property, WD-1515. Jared and Kayley Goffard, 1964 N. Cross Creek Cir, explained the proposed fence is only being installed along WD-1514 to allow them to utilize the property they own and have their dogs remain safe. Mr. Goffard stated they currently have an invisible fence along their property (WD-1515). Alderperson Ledvina asked if the neighbors were aware of the proposed fence installation. Mr. Goffard stated they were aware. Alderperson Ledvina asked if the neighbors were okay with the fence installation. Mr. Goffard stated the neighbors asked to have their privacy respected in regards to the Goffard family dogs and the proposed fence is the solution. Mrs. Goffard further explained the situation and stated the fence was a recommendation from the police department. Mayor Boyd asked for clarification whether WD-1514 was the only proposed fence location. Mr. Goffard stated it is the only one proposed at this point. Alderperson Raasch asked to clarify the proposed fence along the back and/or side lot of WD-1514. Mr. and Mrs. Goffard explained it was only along the back lot line and that an invisible fence exists along the side lot line between Parcel WD-1514 and WD-1515. Alderperson Raasch expressed his frustration with this neighbor conflict. Alderperson Ledvina asked if this fence would fully remedy the situation. Mrs. Goffard believed it would based on the other abutting properties and current fences. Mr. Rakers displayed an aerial map of the area and Mrs. Goffard explained the area of confusion that had been cleared by the previous owner of WD-1514 with the approval of the Goffards. Mrs. Goffard stated this was the area their dogs were in and the current owners of WD-1514 might have believed it was their property. Alderperson Hansen stated that the neighbors reaction was not consequential and the Board needs to consider if the drainage or pond maintenance would be impacted and staff had stated it would not.

Mayor Boyd moved to close the meeting at 7:45 PM, seconded by Alderperson Raasch. Upon vote, the motion passed unanimously.

Upon vote, the motion passed unanimously.

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

5. Consider and Possible Action Regarding Alderperson Hansen's Request Regarding Driveway Repairs*

Alderperson Hansen outlined a request he received from a resident regarding a patch completed by the City following a water main break that impacted the residents driveway approach and would not be repaired with concrete until the fall. Alderperson Hansen further explained his request to consider creating a policy that would allow residents to hire a contractor to complete water break repairs outside the City contract and be reimbursed, provided the hired contractor could complete the work at the same rate or cheaper than City contract.
Mayor Boyd asked staff to comment on liability/warranty. Eric Rakers, City Engineer, stated if the City completes the work, the City is responsible for making sure the work is completed properly. Mr. Rakers added if the homeowner is allowed to hire their own contractor it could create issues regarding the quality of the work and who would be at fault, the utility repair contractor or the hired concrete company. Mayor Boyd asked how many water main break repairs occur annually. Mr. Rakers explained there are over a dozen water main breaks a year; some at driveways, some at sidewalks and sometimes there are repairs following the leak detection survey. Alderperson Carpenter expressed concerns over pricing on the City contract if residents were given the chance to repair on their own. Alderperson Carpenter stated he was not in favor of creating a policy for this purpose. Alderperson Raasch agreed with Alderperson Carpenter's concerns and stated he was also not in favor. Alderperson Ledvina stated she was also not in favor and stated it could be different if the driveway had been left in poor condition but stated the driveway looks to have been repaired very well following the water main break. Alderperson Carpenter stated he was not unsympathetic towards the concerns of the resident.

Alderperson Carpenter moved to maintain status quo for driveway repairs, seconded by Mayor Boyd. Upon vote, the motion passed unanimously.

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

6. Consideration and possible sction on proposed water rate increase*

Pam Manley, Finance Director, outlined the water rate increase from the budgeted 3% up to 8% as determined after submission of the Public Service Commission (PSC) Report effective September 1, 2023.
Mayor Boyd stated from the memo that increase would capture approximately $210,000. Ms. Manley stated that was her estimate based on 2022 numbers. Alderperson Carpenter asked for water loss percentages for 2021 and 2022. Eric Rakers, City Engineer, stated he did not have those numbers. Ms. Manley asked for clarification on the numbers being requested. Alderperson Carpenter further explained the loss information he was requesting between the amount of water bought by the City and sold to the customer. Alderperson Carpenter further explained that large percent water losses could impact proposed rate increases and the PSC would insist the City correct leaks prior to charging extra to residents. Larry Delo, City Administrator, outlined the process including: the 3% increase from the approved budget, the issues with submission of the report concurrent with the retirement of the finance director, rules governing rate increases, simple rate increases, and review times. Mr. Delo stated staff would research the water loss, but stated it would not change the recommendation from staff. Alderperson Carpenter expressed concerns with the increase from 3% to 8% rate increase. Mr. Delo explained why staff is recommending the max increase allowed by PSC. Alderperson Carpenter asked if approval was premature based on the review time. Mr. Delo explained that staff is requesting authorization to apply for the increase with the least amount of waiting time following the 45 day review. Alderperson Carpenter stated his desire to be fair with the customers and not increase rates unnecessarily. Alderperson Raasch stated one of the biggest complaints he receives from residents is the cost of water. Alderperson Raasch asked for information regarding the rate of return for the water utility, the amount of money coming in versus the cost of utility projects. Mr. Delo explained that City rarely bonds for construction and without the rate increases, construction will start being bonded in order to cover the costs. Bonded construction projects will accrue interest and increase overall costs. Mr. Delo provided history of the federal funding provided for infrastructure in the 1970s (90% federally funded) and explained these systems are coming to an age that they require replacement and are now 100% locally funded. Mr. Delo also explained the water quality regulations have become more strict and require additional equipment and testing that also increases the cost. Alderperson Raasch reiterated his request for rate of return numbers. Mr. Delo explained the rate of return window was between 4% and 8.5%. Alderperson Raasch asked where the City rate of return currently is. Mr. Delo stated he did not know the exact number off the top of his head. Alderperson Raasch stated he was not comfortable making a decision without the numbers the Board is asking for. Mr. Delo stated he would have those numbers at the Council meeting on June 20. Alderperson Raasch stated he would not support this increase tonight without the numbers. Mayor Boyd explained the situation could get worse if the increase is not moved forward from Board to Council for consideration. Alderperson Ledvina asked if the rate increase would be brought back to Board or

Council following the PSC review. Mr. Delo and Ms. Manley explained the process and stated the rate increase would not be brought back for Board or Council following the application and 45 review time.

Alderperson Carpenter moved to approve the proposed water rate increase up to 8%, seconded by Alderperson Ledvina.

Alderperson Carpenter commented on the lack of follow through on the completion of the PSC report. Alderperson Raasch commented on the lack of preparation for the meeting. Mr. Delo explained an increase was discussed as part of the budget process but admitted staff did not have the numbers available that Board members were requesting, nor had they been requested to be presented in advance of the meeting. Mr. Delo explained that staff will have the requested information available during the Council meeting. Mr. Delo further explained that the former Finance Director had indicated he would complete the PSC report and then told staff about a week before he retired that it would not be done. Alderperson Carpenter requested staff indicate on memos if they can be contacted prior to the meeting with questions. Mayor Boyd stated that the concerns were heard and understood and that answers would be provided at the Council meeting. Alderperson Carpenter and Alderperson Raasch stated they did not want to have the City bond for utility construction, but limit the rate increase as much as possible.

Upon vote, the motion passed 4-1 with Alderperson Raasch voting no.

RESULT:	**ADOPTED [4 TO 1]**
MOVER:	Dan Carpenter, Alderperson
SECONDER:	Shana Defnet Ledvina, Alderperson
AYES:	James Boyd, Dan Carpenter, Jonathon Hansen, Shana Defnet Ledvina
NAYS:	Dean Raasch

7. Consideration and possible action on award of Contract 23-16 Bridge Rehabilitation*

Alderperson Carpenter moved to approve the award of Contract 23-16 Bridge Rehabilitation, seconded by Alderperson Raasch. Upon vote, the motion passed unanimously.

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

8. Consideration and possible action on award of Contract 23-21 MSC Flooring Replacement Rebid*

Alderperson Raasch moved to approve award of Contract 23-21 MSC Flooring Replacement Rebid, seconded by Alderperson Ledvina. Upon vote, the motion passed unanimously.

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

9. Consideration and possible action on award of Contract 23-17 MSC Complex Gutter Replacement and Roof Repairs Rebid*

Alderperson Hansen moved to approve award of Contract 23-17 MSC Complex Gutter Replacement and Roof Repairs Rebid, seconded by Mayor Boyd.

Alderperson Carpenter requested additional bid details. Tom Blohowiak, Maintenance Supervisor, explained the bid was lump sum. Staff displayed the quote from Security Luebke Roofing for each buildings repairs. Mr. Blohowiak explained that the bid documents included the emergency and remedial repairs described in the quote. Alderperson Carpenter requested additional information regarding the line item for gutter cover installation. Mr. Blohowiak explained the location and the issues the building is experiencing without them.

Upon vote, the motion passed unanimously.

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

10. Consideration and possible action on BOPW Resolution #23-01 Amended

Alderperson Hansen moved to approve BOPW Resolution #23-01 amended, seconded by Alderperson Carpenter.

Alderperson Hansen commented on the minor change and asked if staff planned to address the change in the notice being mailed to residents. Eric Rakers, City Engineer, and Betty Sellenheim, Recording Secretary, explained that impacted properties saw the previous resolution during the public hearing but would only be mailed the amended resolution.

Upon vote, the motion passed unanimously.

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

11. Consideration and possible action on Compliance Maintenance Annual Report for Wastewater Collection System*

Eric Rakers, City Engineer, outlined the Compliance Maintenance Annual Report with the Wisconsin Department of Natural Resources for wastewater collection systems. The report verifies multiple aspects of funding and maintenance of the system. The City received good grades in all aspects of the report.

Alderperson Carpenter moved to approve Compliance Maintenance Annual Report for Wastewater Collection System, seconded by Alderperson Raasch. Upon vote, the motion passed unanimously.

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

12. Consider and Possible Action Regarding Alderperson Hansen's Request Regarding Tree Plantings on Webster Avenue*

Alderperson Hansen outlined the conversation he had with the City Forester with regards to planting trees on County and State roads/highways. Alderperson Hansen further explained his request to create a policy giving the City Forester authority and discretion to plant trees on County and State roads with the approval of the County and/or State. Alderperson Raasch asked why this item was being discussed at Board of Public Works rather than Board of Park Commissioners. Larry Delo, City Administrator, stated it was because the topic was planting in the right-of-way which is covered by the Board of Public Works. Eric Rakers, City Engineer, shared that Brown County, Village of Allouez, and City of De Pere have been in discussions regarding possible removal of the medians on Webster Avenue when it is reconstructed in the future. Mr. Rakers also clarified that medians on Lawrence Drive by Humana were City controlled. Alderperson Carpenter asked if the City was in charge of grass maintenance on the Webster Avenue, Scheuring Road, and Lawrence Drive medians. Mr. Rakers stated the he believed the City maintained those locations for grass clipping. Alderperson Carpenter stated that adding trees could complicate the maintenance of the medians. Alderperson Raasch stated his appreciation of the update for future changes to Webster Avenue and the possibility of increased snow storage on the terrace with the elimination of the median and other potential changes, since Parks Department staff currently clear portions of sidewalk along Webster due to the small terraces. Alderperson Raasch suggested waiting to create a policy with the possible changes. Mayor Boyd clarified that the request was for all County and State roads within City limits and not limited to Webster Avenue. Alderperson Hansen stated that was his intent. Mayor Boyd asked how the Board wished to proceed. Mr. Delo clarified the request of policy creation to allow the City Forester the option of planting on County and State roads with County and State permission. Mayor Boyd stated he did not see a problem with creating the policy. Mr. Rakers stated he would want to avoid having trees planted in areas that were knowingly being removed. Mayor Boyd asked if the approval would come back to Board to be discussed for each donation planting. Alderperson Carpenter expressed concerns over providing the power exclusively to the Forester. Mr. Delo explained how trees would be obtained for planting; 1) a donation, which would need to be approved if over $250, or 2) budgeted, which would need to be approved by Council. Alderperson Ledvina and Alderperson Hansen stated the policy could require consultation with Public Works and Engineering.

Alderperson Hansen moved to approve creation of policy for tree planting on county and state roads/highways at the discretion of the City Forester with consultation with Public Works and Engineering, seconded by Alderperson Ledvina. Upon vote, the motion passed unanimously.

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

IV. Future Agenda Items

None

V. Adjournment

Mayor Boyd moved to adjourn the meeting at 8:33 PM, seconded by Alderperson Raasch. Upon vote, the motion passed unanimously.

Respectfully submitted,
Betty Sellenheim