Board of Public Works

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

Regular Meeting

Final Minutes

Monday, June 10, 2024 **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	
Mike Eserkaln	Alderperson	Present	

Scott Thoresen, Director of Public Works
Eric Rakers, City Engineer
Chase Kuffel, Assistant City Engineer
Betty Marovich, Recording Secretary
Pat Moran, VFW Post 2113
Jack Drisoll, De Pere Area Men's Club
David Reinhardy, De Pere Rotary

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 13, 2024 Board of Public Works Meeting Minutes

Mayor Boyd moved to approve the May 13, 2024 Board of Public Works Meeting Minutes, seconded by Alderperson Carpenter.

Alderperson Hansen stated item #2i should state The Press Times, not Green Bay Press Times.

Upon vote, the motion passed unanimously.

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

2. Consider and Possible Action on Replacing Existing Service Signs on S. Broadway & Bicentennial Park*

Scott Thoresen, Director of Public Works, explained that this item is a continued discussion with the Board regarding the existing service signs. Mr. Thoresen explained that at the past discussion, the Board asked staff to draft a policy to bring back for consideration. Mr. Thoresen stated the draft policy was included in the packet and had been shared with the civic groups and their comments were also attached in the packet.

Mr. Thoresen stated that staff evaluated the existing sign structure which had been installed in the 1980s and added that the timbers have been in the ground longer than the 20-40 year life expectancy. Mr. Thoresen stated that the signs require maintenance above ground and staff has concerns about the integrity below ground and suggested that the signs be removed until staff can work with the civic groups to get them replaced. Mr. Thoresen stated that a cost estimate of $10,000 to replace two signs was provided to the civic groups. This cost included $7,500 in staff labor and equipment and $2,500 in materials. Mr. Thoresen stated that based on the comments from the civic groups, they are not in favor of the draft policy and the cost sharing as presented. Mr. Thoresen stated that staff recommends removing the existing signs and continuing to work with the civic groups to reach a policy that both parties can agree on.

Mayor Boyd requested Mr. Thoresen explain staff's compromise for the cost of the sign replacement. Mr. Thoresen stated that staff had discussed donating the staff labor and equipment, resulting in $2,500 in materials to be funded by the civic groups. Mr. Thoresen added that another option would be to only replace one sign, which would result in a material cost of approximately $1,250. Mr. Thoresen added that once a policy was agreed upon, civic groups could apply for community service grants to help fund their portion cost.

Mayor Boyd moved to open the meeting at 7:37 PM, seconded by Alderperson Carpenter. Upon vote, the motion passed unanimously.

Mayor Boyd reiterated the compromises Mr. Thoresen had explained and added that it would need to be approved by Board and Council.

Pat Moran, 1225 Suburban Drive, VFW Post 2113, explained how the cost would impact their group and stated that in the thirty years he has been a member of the VFW Post 2113, not one person has joined their group because of the signs and stated he felt the City gained more from the signs than the groups did. Mr. Moran stated that many of the current members are between 65-80 years old and unable to perform maintenance on the sign.

Mayor Boyd stated that if there are nine service groups and two signs, the cost for each service group based on the cost of only materials would be approximately $277, and only half of that if there is only one sign.

Jack Driscoll, 1899 Payton Ct, De Pere Area Men's Club, asked the City's purpose or benefit of the service signs. Mr. Driscoll stated that they have not gained members from the service signs. Mr. Driscoll stated that their club does not gain a profit and distributes all funding that is brought in annually, only keeps a reserve in order to maintain their current level of giving to support groups during years like COVID. Mr. Driscoll explained their fundraising and giving efforts on an annual basis and added that it is hard for their Board to justify allocating money from their limited resources for something that is difficult to tangibly quantify.

David Reinhardy, 446 Wilcox Ct, De Pere Rotary, stated he appreciated the compromise that was presented and the time staff has invested to date. Mr. Reinhardy stated that basically every dollar the Rotary raises goes back into the community and paying for the sign takes away from their contributions. Mr. Reinhardy asked if staff had considered other types of signs, such as an LED lighted one. Mayor Boyd stated that electronic/LED signs were not allowed in the downtown per the new code and would be very expensive to install but thanked Mr. Reinhardy for thinking outside the box. Mr. Reinhardy stated he wanted to suggest it because it would give more flexibility in regards to which service groups were included since it could be programmed.

Mayor Boyd moved to return to regular session at 7:47 PM, seconded by Alderperson Ledvina. Upon vote, the motion passed unanimously.

Mayor Boyd stated that he feels the signs are quaint and antiquated and don't serve much of a purpose for recruiting and visibility and added that hiring a consultant or social media team would be a better way of getting the word out about the service groups. Mayor Boyd stated that with a policy in place if a location could be determined to install one sign, he would be willing to do that, if that is what the service groups wanted to move forward with. Alderperson Ledvina clarified that the cost of materials ($2,500) would be expected to be covered by the service groups. Mayor Boyd stated that would be the intent or half of that amount if only one sign was installed. Alderperson Carpenter asked if there were nine interested groups. Mr. Thoresen stated that there are nine logos on the current signs, but staff has not received feedback from all nine groups. Alderperson Carpenter commented that while traveling he notices these signs in other communities but added that residents may be overlooking the service signs because they are seeing them everyday and they become oblivious to it, like white noise. Alderperson Carpenter stated he was in favor of finding a location for one sign if that was the direction the service groups wanted to go and suggested that staff continue to work with service groups to come to an agreement and maybe a donation will come in for the materials. Mr. Thoresen stated that the first step will be for staff and the service groups to come to agreement on a policy and if they cannot then no signs will be installed. Mr. Thoresen added as part of staff's recommendation, the current signs would be taken down sometime this summer. Mr. Thoresen stated there is above ground decay on the timbers that will require more than a paint job, but staff's main concern is the damage that might be occurring below ground that cannot be seen and is creating unnecessary liability. Alderperson Hansen clarified that the civic groups would need to create or obtain their own plaques to be installed on the sign(s). Mr. Thoresen stated that was separate from the material cost. Alderperson Hansen clarified the $100 application fee for new groups would not be owed by groups on either of the existing signs. Mr. Thoresen stated that with the new signs, all service groups would pay the $100 application fee unless Board and Council chose to waive it. Alderperson Hansen asked if there had been any additional discussions with the Legal Department about what constitutes a non-profit for the definition listed in the policy. Mr. Thoresen stated that the definition provided in the policy was provided by the Legal Department. Alderperson Hansen suggested further clarification including 501c3 vs. 501c4. Alderperson Hansen stated the phrase "jointly and severally" seemed contradictory. Mr. Thoresen stated that some language surrounding the cost will change based on the recommendations from Board and Council. Alderperson Hansen clarified the section that stated "the civic group shall be responsible for the cost of the plaque" referred strictly to their logo'd sign. Mayor Boyd stated that referred to their individual plaques if they become deteriorated while on the main sign. Alderperson Hansen stated he was in favor of the compromise including the City covering the labor and equipment costs and was in favor of having at least one sign installed. Alderperson Ledvina stated she agreed with having at least one sign installed at a City entrance. Mr. Thoresen reiterated staff's recommendation to remove the existing signs and continue working with the civic groups to create a policy agreeable to all entities. Mayor Boyd requested that staff attempt to reach out to all nine groups with a deadline to reply to determine interest in being included on the potential new sign(s) and if they do not respond they would be excluded. Alderperson Carpenter expressed concerns about the cost split if all nine current groups are not included. Mayor Boyd stated that once the policy was in place there would be further discussions prior to any monetary requests.

Alderperson Carpenter moved to open the meeting at 8:01 PM, seconded by Mayor Boyd. Upon vote, the motion passed unanimously.

Mr. Driscoll reiterated his questions of what the purpose of the sign is to the City. Mayor Boyd stated he was unsure if the Board could answer that question, except that members like having it for visibility for visitors. Mr. Driscoll stated he would like to see the purpose included as part of the policy. Alderperson Hansen stated that it was in the first paragraph and read for the audience:
"The City of De Pere hereby establishes limited public forums via this Policy regarding the placement of plaques for the purpose of publicizing civic groups active in the City and to foster an engaged community spirit".

Mr. Moran, stated concerns about funding and how many groups may be splitting the final cost. Mayor Boyd stated he was pretty sure staff had heard back from at least seven of the current groups and community service grants could be applied for and added that would be further discussed at a later date. Mr. Moran asked how long the service groups would have to make a decision. Mr. Thoresen explained that a policy needs to be developed first and once that was in place, funding could be discussed and if the cost becomes prohibitive, the civic groups decide not to have a sign installed. Mr. Thoresen added that it would likely be closer to the end of the year before a policy was in place. Mr. Moran asked if the City had restrictions on construction during winter months. Mr. Thoresen stated that if an agreement was reached during the winter, construction would be put off until the spring.

Mr. Reinhardy, asked if the grants would be for each individual civic group or for all civic groups on the sign. Mayor Boyd explained that would need to be addressed at a later time, after the policy was in place. Mayor Boyd added that the grants have ranged from $300 to $600 for projects in the City. Mr. Reinhardy asked if the current nine groups were not all involved, if more could be invited over the original nine (i.e. Pink Flamingos). Mr. Thoresen stated that other groups could be invited. Mayor Boyd stated that more than nine groups total could cause issues due to size constraints and cost of increasing the size of the sign to accommodate more plaques.

Mayor Boyd moved to return to regular session at 8:07 PM, seconded by Alderperson Carpenter. Upon vote, the motion passed unanimously.

Alderperson Carpenter asked staff to reiterate staff's recommendation. Mr. Thoresen stated that staff recommends removing existing signs this summer, continued discussions with civic groups to amend policy based on their feedback and that of the Board, bring the policy back to Board around the end of summer, discuss funding with civic groups, and determine location for single sign.

Alderperson Hansen moved to remove the two existing signs, amend the policy to include the City covering the labor and equipment costs and waiving the application fee for service groups on existing signs, seconded by Mayor Boyd.

Alderperson Eserkaln asked if the number of service groups needed to be capped. Mr. Thoresen stated the structure that was designed could potentially accommodate twelve but it depend on the size of each individual plaque, so the exact number is not known at this time. Alderperson Carpenter asked if the civic groups could get materials donated. Mr. Thoresen stated that once the policy was agreed upon, if a group wanted to work on getting the materials donated they would be accepted by the City. Alderperson Hansen asked to have the definition of non-profit reevaluated as part of his motion. Mayor Boyd agreed to the amendment.

Upon vote, the motion passed unanimously.

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

3. Consideration and possible action on Award of Contract 24-08 Manhole Rehabilitation*

Alderperson Ledvina moved to approve award of Contract 24-08 Manhole Rehabilitation, seconded by Mayor Boyd. Upon vote, the motion passed unanimously.

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

4. 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 (DNR) 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.

Mayor Boyd moved to approve submission of Compliance Maintenance Annual Report for Wastewater Collection System to Wisconsin DNR, 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, Eserkaln

5. Consideration and Possible Action on Updates to the City of De Pere Municipal Code to Mandate Sump Pump Installation*

Chase Kuffel, Assistant City Engineer, explained that the point of this item is to explain the recommended ordinance revisions to allow mandating sump pumps as early as 2025. Mr. Kuffel outlined the contact he has had with residents and the number of volunteering properties that have gone through the process and amount of money expended. Mr.

Kuffel explained that the ordinance revisions would require sump pumps city-wide, except at exempt locations per the uniform dwelling code. Mr. Kuffel explained that properties would be mandated to install sump pumps based on City televising operations that show clear water discharging into the sanitary sewer, rather than by sections of 100 properties as originally proposed. Mr. Kuffel explained the ordinance revisions including allowable inspections by the City, mandating sump pumps city-wide, outlining exemptions, and noncompliance ramifications. Mr. Kuffel stated he is talking to 1 or 2 new properties each week and guiding other properties through the process including preliminary inspections and reimbursement. Mr. Kuffel explained that the mandate could go into effect as soon as January 1, 2025 and at that time the reimbursement would drop from 80% to 50%. Mr. Kuffel stated that staff would recommend budgeting $200,000 annually from the sewerage fund to fund the 50% reimbursements.

Mayor Boyd clarified that 80% reimbursement would terminate January 1, 2025. Mr. Kuffel stated that was the intent and added that staff also included a letter that they would like to send to homeowners outlining the drop in reimbursement amount, assuming it will spur additional volunteers. Mr. Kuffel stated that properties that contact staff before the end of the year would be added to a list and reimbursed at 80%, provided the work was completed by July 1, 2025. Mr. Kuffel added that feedback staff has received has been positive. Alderperson Hansen asked staff to explain the inequities with the former plan to mandate a section of 100 properties annually. Mr. Kuffel explained that one part was the cost; installing in year one may be significantly cheaper than year twenty. Mr. Kuffel explained that the other part was that residents in year one do not have the chance to save for the cost like residents in year twenty would. Mr. Kuffel explained that televising does rotate through the City, but there will be an added aspect of identifying the properties that are discharging clear water. Alderperson Hansen asked how water rates may be impacted. Mr. Kuffel explained that water rates are set by other agencies and not controlled by the City, but the City could see a reduction in the amount of clear water the City is paying to have treated. Eric Rakers, City Engineer, added that the treatment plant is considering expansion at the plant to accommodate increased flow and those costs would be passed on to the municipalities and decreasing the clear water could result in De Pere seeing less cost associated with an expansion. Alderperson Ledvina clarified that the City would not be penalized for being proactive in reducing the flow. Mr. Rakers explained that any amount of I & I reduction saves the City money. Mr. Rakers added that staff is contacted annually by the treatment plant to provide an update on the volume the municipality thinks they will contribute. Mr. Rakers stated that between the sump pumps and full length lateral replacements, the City is working to get the whole system in better shape. Scott Thoresen, Director of Public Works, stated that the treatment plant and surrounding communities have been reaching out to De Pere staff for information on the programs being implemented and how the resident response has been. Mr. Thoresen clarified that sewer rates could still increase from the treatment plant for their capital projects and not be related to the $200,000 being budgeted for this mandate. Alderperson Hansen asked staff to clarify what an active foundation drain was. Mr. Kuffel explained that for the point of the letter an active foundation drain would be one that was connected and discharging to the sanitary sewer and that staff intends to continue completing preliminary inspections for these connections. Mr. Thoresen stated there are many homes, especially in older neighborhoods, that have foundation drains connected to the sanitary system. Alderperson Eserkaln asked staff why 1973 was the present date for requiring sump pumps. Mr. Kuffel explained that was the date of updates to the uniform dwelling code and prior homes were grandfathered in. Mr. Rakers added that years ago, the City had combined sewers and having the foundation drain connected to the sanitary was standard because there was only the one pipe and that was how they were built. Alderperson Eserkaln asked how long a sump pump typically lasts. Alderperson Carpenter, Mayor Boyd, and Mr. Thoresen shared their experiences with sump pumps at their homes ranging from three sump pumps in twenty years to one sump pump in twenty five years. Alderperson Ledvina stated there are also alarm systems that can be installed for sump pump failures. Alderperson Carpenter questioned the inclusion of "sanitary sewer leaks" as part of the ordinance updates. Mr. Kuffel explained that staff's intention was to have the ordinances established for moving forward with full length lateral replacements and that City ordinance presently allows for staff to require a property to correct illicit discharges, which could include a leaking lateral. Mr. Rakers further explained that when staff sees clear water discharging into the sanitary, it will be used as a catalyst for contacting the property owner to complete an inspection for a sump pump. Mr. Rakers added that staff will be bringing back the full length lateral replacement program at a later date for consideration. Alderperson Hansen asked who will get mandate for sump pump installations if more than 100 properties are identified in a year. Mr. Kuffel explained it would be based on when they were identified with the first identified properties being contacted first. Alderperson Hansen clarified that once funding was exhausted for each year, no additional properties would be mandated. Mr. Kuffel stated that would be true as staff would be restricted by budget and unable to reimburse if the funds were exhausted. Mr. Thoresen stated if trends show the funding being exhausted annually, staff may request to increase the budget in future years. Alderperson Carpenter questioned the wording about surcharge fees for noncompliance. Mr. Kuffel explained that staff may identify a property that refuses to install a sump pump and this language allows for that property to be charged a surcharge for their clear water discharge. Mr. Kuffel added that surcharge would be brought back to Board for further consideration and approval prior to levying. Alderperson Carpenter asked what was being done with downtown businesses that likely do not have sump pumps. Mr. Kuffel stated that the program was geared towards residential but some downtown businesses have been inspected and exempted from the program. Mr. Rakers added that staff has been working with these businesses as projects are being proposed in the area and explained that many of the basement inspections have been completed along Main Avenue, along with inspections for roof drains. Mr. Rakers added that downtown businesses cannot discharge to grade, so staff has been working with businesses to get them connected to laterals when roof drains are present.

Mayor Boyd moved to approve the proposed revisions to the City Municipal Code and proposed mailer to residents provided in Exhibit 4, seconded by Alderperson Eserkaln.

Alderperson Hansen asked if the surcharge would be in addition to a fine for noncompliance. Mr. Kuffel stated that the surcharge would be the fine. Alderperson Carpenter clarified that ARPA funds for this program need to be expended by the end of 2024. Mr. Kuffel stated that was correct. Alderperson Hansen asked staff to clarify the funding on 80% reimbursement in 2025 if ARPA funding was not available. Mr. Kuffel explained that it would come from the $200,000 budgeted from the sewerage fund.

Upon vote, the motion passed unanimously.

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

IV. Future Agenda Items

None

V. Adjournment

Mayor Boyd moved to adjourn the meeting at 8:43 PM, seconded by Alderperson Carpenter. Upon vote, the motion passed unanimously.

Respectfully submitted,
Betty Marovich