



Board of Public Works

Regular Meeting

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

Final Minutes

Monday, November 13, 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:

Eric Rakers, City Engineer
Grace Lahtela, Recording Secretary
Eric Zygarlicke, Water Department Supervisor (remote)
Thomas Blohowiak, Maintenance Supervisor
Tony Wachewicz, City Attorney
Josh Lang, Wisconsin DOT
Andy Fulcer, Wisconsin DOT
Donald Boone, 910 Friendship Lane

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 October 9, 2023 Board of Public Works Meeting Minutes

Aldersperson Ledvina moved to approve the October 9, 2023 Board of Public Works meeting minutes, seconded by Aldersperson Carpenter.

Aldersperson Hansen requested that "Men's Group" be changed to "Men's Club" in Item #9 regarding the service organization signs.

Upon vote, the motion passed unanimously.

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

2. Consideration and possible action on a request for installation of terrace walk at 220 S. Michigan Street

Eric Rakers, City Engineer, explained a request from St Francis Xavier Church to install a terrace walkway on Charles Street to better facilitate funerals. Mr. Rakers explained that the request was in part due to changes on Charles Street related to the Mulva

Development and the cul du sac installation. Mr. Rakers explained that any paving in the terrace needs approval from the Board of Public Works and stated that staff recommended approving the installation.

Aldersperson Hansen moved to approve the request for installation of terrace walk at 220 S. Michigan Street, seconded by Mayor Boyd.

Aldersperson Carpenter asked if City utilities were located under the proposed terrace walk location. Mr. Rakers stated that he believes all utilities were relocated to the street under the pavement when the road was redone in 2018.

Upon vote, the motion passed unanimously.

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

3. Consideration and possible action on DOT – Revised Municipal Agreement for STH 32*

Eric Rakers, City Engineer, explained revision #2 for State Road 32 improvements. Mr. Rakers stated the City cost share increased and explained what work those extra dollars were designated for as part of the project include sidewalk replacement and decorative concrete in furniture zone, along with parking lanes and changes desired to address the slope at train bridge crossing over Main Avenue. Mr. Rakers stated that staff recommended approving Revision #2 and added that there will be additional modifications as design progresses.

Mayor Boyd asked how much the State previously would cover on projects. Mr. Rakers explained that this project was a pavement preservation project was a new type of project for the state and in this type of project the State is only responsible for the area between the curbs, including the curb if it cannot be salvaged. Mr. Rakers explained that in the past the State would have covered sidewalks and now they are only responsible for the sidewalk areas that are directly impacted by the project, such as curb ramps, and that is the biggest change. Mr. Rakers further explained that the City would have still been responsible for the parking lanes on State highways. Aldersperson Hansen asked what the deadline would be if the City wanted to fund changes on Main Avenue to increase from three lanes to four between Sixth and Seventh Streets under the train bridge. Mayor Boyd added that the cost of this change would be over \$20 million.

Mayor Boyd moved to open the meeting for public comment at 7:37 PM, seconded by Aldersperson Raasch. Upon vote, the motion passed unanimously.

Joshua Lang and Andy Fulcer from Wisconsin DOT, 944 Van Der Perren Way, Green Bay, introduced themselves as project manager and project supervisor respectively. Mr. Lang explained that the next milestone for the project is the environmental study which would be wrapping up next fall and the impacts of the road widening would need to be addressed in the study. Mr. Fulcer stated that to stay on the current schedule, the DOT would need to know within a year, and added that including that change may still impact the schedule due to coordination with the railroad.

Alderson Hansen asked what DOT considered when addressing the issue of widening the road and replacing the railroad bridge, whether it was strictly based on structural integrity or included traffic analysis. Mr. Lang stated the DOT analyzed the traffic and found the corridor was acceptable for the level of traffic. Mr. Lang added that increasing the roadway width would require additional intersection improvements at Fort Howard Avenue. Alderson Hansen asked if there is any chance of expediting the project to begin before 2028. Mr. Lang stated the DOT recently completed a rebalancing of projects and moving up the project would be very difficult. Alderson Hansen explained that he had a constituent express concerns over the sidewalk at the railroad crossing of Main Annex and asked Mr. Lang to explain his vision for this sidewalk crossing. Mr. Lang explained that staff is evaluating a few different options with the safety engineer railroad coordinator and design consultant and the plan can be shared after their review is finalized. Mr. Fulcer added that they will work with the City as they progress through design. Alderson Hansen asked if DOT is working with the Railroad Commission for evaluating the crossing. Mr. Lang explained that DOT will be having a railroad diagnostic meeting to discuss all the crossings included in the project.

Mayor Boyd stated the public comment meeting held by the DOT was well attended at West De Pere Middle School.

Mayor Boyd moved to return to regular session at 7:42 PM, seconded by Alderson Ledvina. Upon vote, the motion passed unanimously.

Alderson Hansen asked if there was an estimate on the City cost share for Main Ave at Eighth Street, currently listed as "TBD" on the memo included for the meeting. Mr. Rakers stated that staff is still discussing with DOT regarding design and possible inclusion of dedicated left turn lanes and there is no cost estimate at this time. Mayor Boyd stated his approval of having the Main Avenue slope improvements included early in the design and SMA revisions.

Although there was no motion and second, the Mayor called for a vote and it passed unanimously.

RESULT:	ADOPTED [UNANIMOUS]
AYES:	Boyd, Carpenter, Hansen, Defnet Ledvina, Raasch

4. Consideration and Possible Action on PFAS Class Action Litigation

Tony Wachewicz, City Attorney, stated there has been a lot of media coverage on PFAS contamination and pending litigations. Mr. Wachewicz explained that the City received formal notice about a month ago of pending class action litigation that included virtually all water systems across the country and was received by a wide variety of communities. Mr. Wachewicz explained there were two separate settlements and lawsuits; one against 3M and one against DuPont. Staff felt it was important to bring the item to Board of Public Works for discussion of the impacts, lawsuits, and potential deadlines. Mr. Wachewicz explained that staff has been doing research in order to make an informed decision and Council will need to decide whether the City wants to participate as part of the settlements or opt out. Mr. Wachewicz further explained that staff and Council need to weigh the potential recovery from the lawsuits by participating in the settlement now compared to the possibility of better recovery by opting out now and not limiting action the City can take later. Mr. Wachewicz stated that Council will need to make a decision

next week on the DuPont litigation as that deadline is December 4. Mr. Wachewicz stated that staff found that even if the City is a qualifying member of lawsuit, the PFAS levels are so low we might not be eligible for a financial recovery. Mr. Wachewicz further added that the City might not qualify because of how we purchase water and possibly being viewed as a wholesaler as part of the settlement. Mr. Wachewicz stated there will be ongoing discussions at the staff level but also amongst attorneys for Wisconsin communities. Mr. Wachewicz indicated that staff was in favor of opting out of the settlements at this time, which aligned with other communities in the Central Brown County Water Authority.

Mayor Boyd stated that the good news is that the City water supply is not that contaminated. Eric Zygarlicke, Water Department Supervisor, agreed with the Mayor's statement and further explained that during well testing back to 2014, the City only had one positive notification of PFAS contamination and at a microscopic level that did not require notification to customers based on EPA or DNR guidelines. Alderperson Carpenter asked what type of water bodies contain the highest concentrations. Mr. Zygarlicke stated that the Bay of Green Bay had some of the highest concentrations and added that many utilities pull their water from over a mile out in Lake Michigan and that helps them have better water quality. Mr. Zygarlicke stated that Central Brown County Water Authority has an informational webpage for PFAS that lists their detections, tests, and studies, and added that the City levels will be released as part of the upcoming CCR (Consumer Confidence Report). Mr. Zygarlicke stated that to the best of his knowledge, there have not been any PFAS levels of concern at Manitowoc Public Utilities, where the City water supply comes from, or any other filtration plant along Lake Michigan. Mayor Boyd asked if research is being done to find a way to break down these "forever chemicals". Mr. Zygarlicke stated that while these chemicals do last a long time in the environment, they are not forever and do break down over time. He also added that carbon filtration can remove these carbon chains from the system and Wausau has carbon filtration on their system and it is very expensive, but there is some financial assistance such as grants. Mayor Boyd explained that he was not looking to take action at the Board meeting but was hoping to get information to the Alderpersons and residents to make informed decisions. Mr. Zygarlicke explained how staff determined eligibility for financial recovery in the DuPont settlement. Alderperson Raasch stated that he did not believe the City should pursue any financial recovery as part of the DuPont settlement, as it does not appear the City qualifies and it limits the ability to pursue financial recovery in the future. Mayor Boyd agreed with Alderperson Raasch's assessment.

Discussion only. No action taken.

RESULT:	NO ACTION
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5. Consideration and Possible Action on City Hall Roof Fall Restraint Project*

Tom Blohowiak, Maintenance Supervisor, explained that the City Safety Advisors recommended installing a safety fall rail if persons are on the Green Roof at City Hall. Mr. Blohowiak explained that Robert E. Lee prepared the project and went out for bids. Mr. Blohowiak explained that the City had budgeted \$100,000 for the project and that the project was under budget including design and consulting services.

Alderperson Carpenter asked if the City had been non-compliant since the green roof was installed. Mr. Blohowiak explained that if personnel is more than 6 feet from the edge,

they do not need to be harnessed and tied off; but within 6 feet of the edge they should be. Alderperson Ledvina asked how much of the roof would have the railing installed. Mr. Blohowiak explained it would just be the area with the Green Roof.

Mayor Boyd moved to approve the installation of a safety fall rain on the Green Roof at City Hall by IEI General Contractors in the amount of \$62,500, seconded by Alderperson Raasch. Upon vote, the motion passed unanimously.

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

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

Eric Rakers, City Engineer, outlined the recommended parking and traffic changes including:

1. Restricting parking on one side of street in new subdivisions
2. Installation of a school crossing sign assembly at Lourdes and St Marys Street
3. Relocation of school zone sign on George street to the west near Michigan Street
4. Install street light at East River trailhead off Tenmile Drive

Alderperson Carpenter moved to approve all City Engineer Parking and Traffic Recommendations as outlined, 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

7. Discuss City Engineer Recommendations on No Action Parking and Traffic Discussion Items

Eric Rakers, City Engineer, outlined the discussion items for no-action parking and traffic including:

1. Restricting parking on the south side of Helena Street from Outward Avenue to Sixth Street. Mr. Rakers explained the street is 36 feet wide which can accommodate parking on both sides, but added that the City did adopt a parking policy for the high school on the east side and further explained how that policy would impact the high school on the west side. Mr. Rakers stated that staff visited the area several times and found the most parked cars on any given day was eight. Mr. Rakers stated that staff was not recommending any changes as there did not appear to be any parking issues during the school day hours.

Mayor Boyd asked if the West De Pere High School charged their students for parking in their lots. Alderperson Raasch stated that he did not believe they did and added that they recently increase parking on-site by installing underground stormwater retention system. Mayor Boyd stated that the high school on the east side charged for parking and that caused the increase in the on street parking. Alderperson Carpenter confirmed that staff did not intend to limit parking at this time. Mr. Rakers stated staff was not recommending

changing the daytime parking on Helena Street at this time. Mr. Rakers added that it can be brought back as a standalone item in the future, but did not believe the parking issues were during the day, but more likely during special events. Alderperson Carpenter asked if the temporary signs would still be used for special events. Mr. Rakers stated he believed they would be and added that staff had previously looked at creating a policy for parking during special events, but added that defining a special event becomes difficult.

Alderperson Carpenter moved to open the meeting for public comment at 8:13 PM, seconded by Alderperson Ledvina. Upon vote, the motion passed unanimously.

Donald Boone, 910 Friendship Lane, expressed his concerns with regards to traffic and pedestrian movements with parked cars on Helena Street including resident's ability to leave their homes with the large volume of traffic and exiting driveways between parked cars causing visibility issues. Mr. Boone requested parking be restricted from Friendship Lane to Outward Avenue at a minimum. Mr. Boone added that the parked cars, traffic, and special events have also impacted garbage and recycling collections on Friendship Lane.

Mayor Boyd moved to return to regular session at 8:20 PM, seconded by Alderperson Raasch. Upon vote, the motion passed unanimously.

Mayor Boyd asked staff if parking could be reviewed during special events. Mr. Rakers explained that the parking policy for schools does not address parking after school hours (4 PM). Mr. Rakers offered to have staff continue monitoring it and get drone footage during morning drop off and afternoon pick up times. Mayor Boyd asked staff about the collection concerns brought up by Mr. Boone. Mr. Rakers explained that Tony Fietzer, Street Superintendent, is trying to minimize having garbage and recycling collection trucks back into or out of streets and requested that garbage and recycle carts be brought out to Helena instead of Friendship. Alderperson Raasch explained that during the school redevelopment, the plan was to separate the bus traffic from the student traffic, putting the student parking up front by Grant Street and bus traffic off Helena Street. Alderperson Raasch added that former Alderperson Crevier had questioned parking and traffic concerns on Helena Street during the redevelopment planning, but Alderperson Raasch stated he has not received complaints or seen any issues since the school redevelopment happened. Alderperson Raasch added that he noticed when parking was restricted for special events after school hours, the speed of traffic increased because the road was wider without the extra parked cars to act as traffic calming. Alderperson Carpenter asked staff to complete the drone work to evaluate the parking and traffic during drop off and pick up hours. Mr. Rakers stated he would work with the GIS department to get that completed.

2. Request for wrong way signs on American Boulevard. Mr. Rakers explained there have been two complaints and no issues while it has been monitored by police. Mr. Rakers added that in locations where a driveway enters American Boulevard, it could be confusing because of the median, but for normal traffic flow, there are signs to indicate traffic should stay right of the median.

Alderperson Raasch stated he had made this mistake one time when exiting Tail Waggers.

Mr. Rakers listed the future agenda items including restricting parking on Superior Street, installation of RRFB on Broadway at Randall, installation of School Zone signs, and installation of beam guard on Fort Howard Ave.

Mayor Boyd asked if the item he had discussed with Mr. Rakers regarding the bus driver was listed as a future agenda item. Mr. Rakers stated it was not because this list was from the meeting just prior to when that conversation took place.

RESULT:	DISCUSSED
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8. Consideration and possible action on proposed easement- Project 23-09*

Eric Rakers, City Engineer, explained that Project 23-09 was the pond built with DNR grant funding between Front Street and Franklin Street and Fox River Trail. In order to construct the pond, staff was told the easement was approved, but needs to be recorded. The easement document is included in the packet and once approved by the City and Brown County, will be forwarded to the State for recording.

Aldersperson Hansen moved to approve the easement for Project 23-09 pond outfall, seconded by Aldersperson Ledvina. Upon vote, the motion passed unanimously.

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

IV. Future Agenda Items

None

V. Adjournment

Mayor Boyd moved to adjourn the meeting at 8:32 PM, seconded by Aldersperson Ledvina. Upon vote, the motion passed unanimously.

Respectfully submitted,
Betty Marovich