



MINUTES OF THE IMPROVEMENT AND SERVICES COMMITTEE

**WEDNESDAY, SEPTEMBER 11, 2019, 5:00 PM
CITY HALL, ROOM 207**

PLEASE NOTE TIME CHANGE

A. ROLL CALL.

Present: Ald. Mark Steuer, Ald. Jesse Brunette, Ald. Chris Wery

Excused: Ald. Andy Nicholson, Ald. Brian Johnson

Others Present: Attorney Vanessa Chavez, Ald. Kathy Lefebvre

B. APPROVAL OF THE AGENDA.

Moved by Ald. Mark Steuer, seconded by Ald. Chris Wery to approve the agenda as amended. Items No. 5 and 7 will be discussed first and then the remaining items will be discussed in the original order. Motion carried. Vote: Yes- Chris Wery, Jesse Brunette, Mark Steuer, No- None, Abstain- None

C. APPROVAL OF MINUTES.

Moved by Ald. Mark Steuer, seconded by Ald. Chris Wery to approve the minutes. Motion carried. Vote: Yes- Chris Wery, Jesse Brunette, Mark Steuer, No- None, Abstain- None

D. REGULAR BUSINESS.

I. Consideration with possible action on request by Ald. Brunette on loosening the restrictions and requirements of paved driveways on residential lots to alleviate flooding issues.

Moved by Ald. Mark Steuer, seconded by Ald. Chris Wery to receive and place on file the request by Ald. Brunette on loosening the restrictions and requirements of paved driveways on residential lots to alleviate flooding issues. Motion carried. Vote: Yes- Chris Wery, Jesse Brunette, Mark Steuer, No- None, Abstain- None

2. Consideration with possible action on request by Ald. Brunette on amending the City's ordinance on landscaping, weeds, vegetation, and gardens on residential lots.

Moved by Ald. Chris Wery, seconded by Ald. Mark Steuer to hold the request by Ald. Brunette on amending the City's ordinance on landscaping, weeds, vegetation, and gardens on residential lots. Motion carried. Vote: Yes- Chris Wery, Jesse Brunette, Mark Steuer, No- None, Abstain- None

3. Consideration with possible action on request by Ald. Galvin that the Department of Public Works develop better systems to better and more quickly respond during disasters.

Moved by Ald. Mark Steuer, seconded by Ald. Chris Wery to refer to staff the request by Ald. Galvin that the Department of Public Works develop better systems to better and more quickly respond during disasters and, at the September 25, 2019 Improvement and Services Committee meeting, staff will present a summary of lessons learned from the March 2019 floods. Motion carried. Vote: Yes- Chris Wery, Jesse Brunette, Mark Steuer, No- None, Abstain- None

4. Consideration with possible action on request by Ald. Lefebvre that the gate at the east side yard waste site is left open during the winter.

Moved by Ald. Chris Wery, seconded by Ald. Mark Steuer to refer to staff the request by Ald. Lefebvre that the gate at the east side yard waste site is left open during the winter and report at the September 25, 2019 Improvement and Services Committee meeting the hours of operation and the procedure for closing the gate at the site. Motion carried. Vote: Yes- Chris Wery, Jesse Brunette, Mark Steuer, No- None, Abstain- None

5. Consideration with possible action on request by Ald. Johnson on the authorization of the installation of crosswalk art at the intersection of Broadway and Hubbard Streets (referred to Law Department from the August 14, 2019 Improvement and Services Committee meeting).

Moved by Ald. Mark Steuer, seconded by Ald. Chris Wery to receive and place on file the request by Ald. Johnson on the authorization of the installation of crosswalk art at the intersection of Broadway and Hubbard Streets. Motion carried. Vote: Yes- Chris Wery, Jesse Brunette, Mark Steuer, No- None, Abstain- None

6. Consideration with possible action on request by Ald. Johnson to bring an update on the progress from Storm Lift Stations 110 and 106 and to determine solutions to solve the flooding on Antoinette Street.

Moved by Ald. Chris Wery, seconded by Ald. Mark Steuer to receive and place on file the request by Ald. Johnson to bring an update on the progress from Storm Lift Stations 110 and 106 and to determine solutions to solve the flooding on Antoinette Street. Motion carried. Vote: Yes- Chris Wery, Jesse Brunette, Mark Steuer, No- None, Abstain- None

7. Consideration with possible action on request by Ald. Nicholson to address surface water drainage issues at 1661-1663 Elkay Lane (referred to the Law Department from the September 4, 2019 Improvement and Services Committee Special Meeting).

Moved by Ald. Chris Wery, seconded by Ald. Mark Steuer to receive and place on file the request by Ald. Nicholson to address surface water drainage issues at 1661-1663 Elkay Lane and to approve the City to reimburse Jeremy Kroll \$3,000 of the cost to install the private storm sewer. Motion carried. Vote: Yes- Chris Wery, Jesse Brunette, Mark Steuer, No- None, Abstain- None

8. Consideration with possible action on request by Ald. Nicholson to address pavement ponding issues at 2405 Hampton Avenue (referred to staff from the August 14, 2019 Improvement and Services Committee meeting).

Moved by Ald. Mark Steuer, seconded by Ald. Chris Wery to receive and place on file the request by Ald. Nicholson to address pavement ponding issues at 2405 Hampton Avenue. Motion carried. Vote: Yes- Chris Wery, Jesse Brunette, Mark Steuer, No- None, Abstain- None

9. Consideration with possible action on request by Ald. Nicholson to address chronic flooding in the Schwartz Street/Edison Street area (referred to staff from the August 14, 2019 Improvement and Services Committee meeting).

Moved by Ald. Chris Wery, seconded by Ald. Mark Steuer to receive and place on file the request by Ald. Nicholson to address chronic flooding in the Schwartz Street/Edison Street area. Motion carried. Vote: Yes- Chris Wery, Jesse Brunette, Mark Steuer, No- None, Abstain- None

10. Report of actions taken by Department of Public Works

A. Granting of Licenses

1. Tree & Brush Trimmer

a. EPIC Innovations LLC

Moved by Ald. Mark Steuer, seconded by Ald. Chris Wery to approve the report of actions taken by Department of Public Works. Motion carried. Vote: Yes- Chris Wery, Jesse Brunette, Mark Steuer, No- None, Abstain- None

E. INFORMATIONAL.

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

Moved by Ald. Mark Steuer, seconded by Ald. Chris Wery to receive and place on file the Director's Report on recent activities of the Public Works Department. Motion carried. Vote: Yes- Chris Wery, Jesse Brunette, Mark Steuer, No- None, Abstain- None

2. The next Improvement and Services Committee meeting is scheduled for September 25, 2019.

F. PUBLIC HEARINGS.

G. ADJOURNMENT.

Moved by Ald. Mark Steuer, seconded by Ald. Chris Wery to approve to adjourn the Improvement and Services Committee meeting. Motion carried. Vote: Yes- Chris Wery, Jesse Brunette, Mark Steuer, No- None, Abstain- None

VERBATIM MINUTES

- So, I'm in the meeting?
- Yeah, I've got you added, permanently.
- Okay.
- I'd like to call to order the Improvement and Services Committee of Wednesday, September 11, 2019. Alderman Brunette, Alderman Wery, and Alderman Steuer are present. Alderman Johnson and Alderman Nicholson, who are vice chair and chair respectively of the committee are not present. They are excused. So, is it okay if I, as member of the committee--
- I make a motion that you chair this meeting.
- Do we need a motion?
- Well, I don't think so.
- I don't think so.
- Just to be safe.
- Motion, I don't know.
- It's never come up before.
- [Vanessa] Yeah, it hasn't. I think it's fine, it's just procedural.

- Okay, so, I'll continue as chair. Temporary chair of the committee. I understand we're gonna have a revision to the agenda. Jim did you want to mention what you have?

- Basically, what we're want to do, is we want to take items five and seven first. And then resume with the remaining items in order.

- Can I get a motion to that effect?

- So moved.

- Motion made by Alderman Steuer.

- Second.

- Second by Alderman Wery to move items five and seven to the front of the agenda. All those in favor say aye.

- [All] Aye.

- Opposed? Motion carries. Motion on the approval of the minutes.

- So moved.

- Second.

- Motion by Steuer, second by Wery to approve the minutes. All those in favor say aye.

- [All] Aye.

- Opposed? Motion carries. Item five, consideration with possible action on a request by Alderman Johnson on the authorization of the installation of crosswalk art at the intersection of Broadway and Hubbard. This was referred to the Law Department from our August 14th Improvement and Services Committee. Jim or Attorney Chavez, would?

- [Vanessa] Yes, the Law Department has looked into this, and there is basically, there's two things that really got into this, and UTC, which is the Standard of, that is required to be adopted by the federal government for the roads. And then from there, it's the Manual on Uniform Traffic Control Devices, from there, the Federal Highway Administration, as the entity in charge of implementing the MUTCD, has issued guidances on it. And so the question is really or not we are permitted to put anything in the sidewalk that is not white lines, or, they have limited things like brick patterns and stuff like that. So there have been two guidances that have been issued on this issue since 2009 when this was first adopted. The first one was from 2011, and so the issue is coming up because there is language in the MUTCD that says that things such as art should not be near the crosswalk. And so because there's a little bit of ambiguity there, people have been struggling with this issue across the U.S. And so the Highway Administration felt it was prudent to issue a guidance to notify people what their position was. In the 2011 interpretation they stated that their position is that nothing should be in the crosswalk if it had the tendency to degrade the visibility and the safety of it. So after that some

issues were still coming up, and so in 2013, they issued another one that said, I don't think that our first one was clear enough, let me be clear, nothing is going to be in the crosswalks with the exception of the authorized items. So we don't care what you frame it as, let's make it clear, no this, no that, no this. And so, what it's really coming down to is whether or not that administrative agency is okaying our interpretations controlling it, and the answer is yes, it is. So because it is not a legislative action, it is an administrative action, there's a differences between laws and regulations, laws are proposed by congress, regulations are adopted by the agencies, interpreting either, so if there's an ambiguity in the law, or they say the entity should create regulations regarding it, they're not going to codify all those, they'll just say, go establish those, that's what's in the Federal Register. When an entity, an agency, actually proposes those rules, those are considered their interpretation of their own rules is considered controlling. So the fact that the Federal Highway Administration has come out and said nothing's allowed in the crosswalk, is controlling. So if we were to adopt any program which puts stuff in the crosswalk, there is no doubt that we are in violation of the Federal Highway Administration's rule. The other question that has come up repeatedly is how other communities are doing this, knowing that this is the position that the Federal Highway Administration has taken. I have reached out just to, so we are a part of the International Municipal League, I'm sorry, International Municipal Lawyers Association, and they have a listserv that I'm part of, and that one is attorneys across the entire U.S. who discuss issues that are coming up on a national level. This has come up a couple of times, and so I reached out to a couple of people. The person who has been handling this the most has been actually out of Madison, and so what she indicated to me is that in her research, when people are adopting these programs they're doing it against the advice of staff.

- If I could, the main reason why I asked this be referred to the Law Department was the young lady, I've forgot her name, but she had approached the community a couple of different times, and I didn't want to have her be discouraged from bringing something forward. And I think our discussion at the committee level was, well let's just get the opinion of the Law Department once and for all, and we did that, and so I'm comfortable with not moving forward with it because I don't want to be in violation of what the Federal Government puts in place to protect people, pedestrians, bicyclists, what not. So any discussion from the Committee? Alderman Steuer?

- Well, I was in the audience for those two meetings, and I forget her name as well, but from On Broadway, and gave a very good presentation, and I understand the dynamics of trying to have art in your city, and all the feeling good about it. But when it comes down to a safety issue, and it was brought up by Director Grenier about the issues of safety and such, certain color and pattern of brick and that, but this might have been a little bit louder, some of the designs, who knows. But part of me wants to say, hey, let's dress up our city in different ways, you can do it in different ways without going into the crosswalks. So I concur with Alder Brunette on this as well.

- Alderman Wery?

- Motion to receive and place on file.

- Okay.

- Second.

- Motion by Alderman Wery, second by Steuer to receive and place on file. All those in favor say aye. What's that?

- Do we have to reject? What do we do?

- Because the way it's written is considering with possible action, and if you just place it on file, it could be brought back up. So I think you'd want to--

- [Vanessa] I think we're okay with the words to receive and place on file, it has the same affect as postponing indefinitely, which is essentially how you kill a motion.

- Okay.

- Okay.

- Thank you, Jim, for offering that. So, I have the motion and the second, all those in favor say aye.

- [All] Aye.

- Opposed? Motion carries. Item seven, consideration with possible action on a request by Alderman Nicholson to address surface water drainage issues at 1661 to 1663 Elkay Lane. This was referred to the Law Department at our last I & S meeting. Vanessa?

- [Vanessa] So my understanding of the situation, and I just wanted to recap it so to make sure that my understanding of what the scenario is accurate, and what the Committee's understanding of the scenario is. There was a property that was purchased out of receivership that had orders essentially to provide drainage which were disclosed to that person by the prior owner. And so the question that came to us was whether the City had any obligation to provide notice to subsequent purchasers of requirements that needed to be met in developing the property. So with that, we've looked into this, and essentially, what it comes down is to whether or not the City has control of the property as to whether or not we have an obligation to provide notice of anything. All of the City's records are public. I understand that the property owner did do a due diligence search, but for title purposes only, not for outstanding issues pertaining to the property outside of what would affect title. With that, the way it generally works is if there are issues that are not disclosed, that's something that's brought up against the person they purchased the property from, not against a municipal entity that holds those requirements. These are safety standards that are imposed against a property. And despite the fact that it may have taken more due diligence to find records that are public than most people probably realize they need to engage in, it doesn't change the fact that the City doesn't actually have an obligation to disclose it, because there's no way we could keep track of all of the property transactions in the city, and it would be just unrealistic and unfeasible. And so instead, the way the law works is if you purchase a property, and there was something that was material that wasn't disclosed to you, you have a case for material misrepresentation. I understand that since this was in a receivership, it's probably not going to go anywhere, because those, you're just going back to the receivership at that point, and you take essentially as is where is, but it doesn't change the fact that the City doesn't have an obligation to find people who are purchasing new properties and walk them through that process.

- Alderman Steuer.

- Yeah, Vanessa, I sat in on that meeting as well, and just listened to the sides talk, and it sounds to me like, I mean there should be responsibility somewhere along the way, and it seems like either the realtor or on the deed, you know when they go to the County, isn't there some spot where if things are not divulged that somebody has to have that responsibility, so I know they're looking at the City, and I don't think in this case the City, even though it's a sad situation, it's a sad situation to me that this happened, but the fact that somebody further down the line should have taken responsibility, whether it's the County tax list, or, I don't know, I'm not sure exactly where that point is where responsibility should be.

- [Vanessa] The responsibility would have fallen on the original owner of the property, and it would have transferred, each obligation would have transferred. So let's say this was just two transactions back when the receivership didn't exist. So the first owner was A, they transferred it to B, they didn't tell them about it, then B transfers it to C who's the current owner, and now they find out and they have to go put this in, they could come back against B, and then they would go back and say, you pay this material misrepresentation. The problem in this situation is that there's a receivership, and receivership's clear title of the obligations, and so when you take a property from an owner under those circumstances, you don't have any recourse against them.

- It's as is.

- [Vanessa] Correct.

- Vanessa, this might be like apples and orange comparison, but I think of often as prior to the Wheel Tax, the City's special assessments, a lot of the constituents I represent were surprised that when Hillcrest came up for reconstruction that, oh my gosh, this is a huge amount. Well, I think that responsibility is on the purchaser of the property to look into those things. Obviously as a City we love to inform everyone of every encumbrance or any restriction or anything that's negative towards that property, but it's just simply not realistic, in my opinion. And so I kind of look at it that way. But somewhere along the way, it would have been nice had that property owner been notified, because then it could have saved a heck of a lot of trouble at this point. Alderman Wery.

- Thank you, Mr. Chairman. I know, Attorney, you had mentioned the scenario of A, B, and C, and I think this was that case, right? There was the original owner, then it went to another one, now it's in the current one, I think there were three?

- Right, because, or in this case, C was receivership at the bank, my understanding, the current owner bought it from the bank in receivership.

- But there was one before that, right, that received--

- One or two before that, yes.

- So I think one of the questions was, so there might be D then, we're on owner D. If we ordered A to do something with it, and A didn't, why didn't we enforce it. And then it went to B, a new owner. Did we go back out there and say, hey, you gotta put this drainage in. Then it went to C, and we didn't go back out there and say, you gotta put this drainage in. And then finally it gets to D. Now why get him to put the drainage in when it should have been put in 15 years earlier, probably cheaper.

- I think though, if you go back, and you look at the details of the memo, the memo states at the time the property's developed. Because in its existing state it did not cause the water issues, it didn't block the water. But now once they've built and developed, where they put the home now blocks the water flow.

- That's important.

- I think that's the kicker.

- All right, that is a big one.

- [Kathy] I have a question.

- One second, are you done, Alder? Alder Lefebvre?

- [Kathy] I've got a question then. Right, 'cause the County takes care of that, with the receivership, right, they're the ones that work with the taxes and that. But the City put--

- If it went into receivership for taxes, we don't know how it went into receivership.

- [Kathy] Okay. But I was wondering is there somewhere where it should be on retainers or somewhere, where you can go and say, you know, when something like the City says, that this drainage has to be taken care of, that it has to go the deed for when they sell, so that they don't, like, yeah, 'cause it happened with the person before didn't do it, but then it went into this receivership and then somebody else bought the property, and now they're saying there's this problem with the drainage. If it was on the deed itself.

- [Vanessa] So the obligation is not tied to the ownership of the property. So it wouldn't be considered like a restriction. There's nothing that could be that's prohibiting, nothing of that nature with no easements attached to it. Instead what it is is an obligation that's attached to development. So what really should have happened is when the person who has decided to develop it, that's where they should have done the record search.

- [Kathy] Okay, maybe that has to be out more with people that would maybe, yeah, go with these properties, then they're not in catch-22 because of the restriction.

- I mean, there's a huge risk anytime you buy a property now. I'd love for all these things to be visible and all the people have the knowledge of, but I don't know if it's possible to have everyone aware of everything every time they purchase a property in the city. I think the onus is really on the homeowner, prospective homeowner to really dig, and I think any omission of any wrongdoing, or I don't think that there is anything wrong with what the City did, I think it puts the City at a certain level of liability.

- [Kathy] Well it's the original owner, but then it went receivership, so they didn't do anything at all, or let the people know, or anybody know.

- Any other?

- I agree with Alderman Brunette too. I used to work in the Planning Department, and people, I think, sometimes spent more time buying a pair of shoes than they did checking out their land use, or zoning, or soil types, I was guilty of that too, because I didn't realize clay soils, so what I'm saying is when you purchase the property, it would be nice to have a guide for people to look at and say to check out this, this, this, and that. But I think in this case, like I said, let the buyer beware.

- [Kathy] Is there anything when you do, like you said, Mark, where people know where to look, because there's a lot of people, it's their first time maybe, and they don't, they're not aware of all this stuff, and there should be some kind of guide, kind of telling them, well this is things you should be checking into, I don't know.

- I agree, and we're getting a little off the subject, we can discuss that as a different agenda item, but. Alder Wery.

- If I would have just called the City and said, hey, is there anything on this property? Would we have been able to say, well, yeah, there's something?

- Well I know when I worked up in the Inspection Department, it was pretty common for mainly on the commercial properties, but we did also people who would come up on buying residential properties and go through the paper files.

- If it was in there, it's--

- Yeah, apparently this memo was in the paper files.

- Thank you.

- Can I get a motion?

- Do you want to?

- Motion to receive and place on file.

- Second.

- Okay, a motion by Alderman Wery, second by Steuer, all those in favor?

- [All] Aye.

- Opposed? Motion carries. Thanks, Vanessa, appreciate it. Item one, consideration with possible action on a request by Alder Brunette on loosening the restrictions and requirements of paved driveways on residential lots to alleviate flooding issues. I put this agenda item out there, kind of ironically, the brother of the gentleman who was here on the issue we just discussed mentioned there's one way you can alleviate some of the flooding throughout the city is allowing people to have gravel driveways. And I did discuss this with Director Grenier briefly. He was of the opinion that it really wouldn't affect flooding much at all.

- No, the way that you look at, when you model for flooding and things like that, you look at areas, and basically the areas are categorized by how well water will run off of them, whether you do concrete, asphalt, or gravel, is you consider all three of those materials as the same run-off coefficient because as gravel sits in place, I mean, if anybody has tried to regrade a gravel driveway after it's been pounded with traffic for five years, you'll know that it's rock hard. And so you look at that with the same run-off coefficient. So in essence there would be no effect on flooding at all. Now if you wanted to go after the flooding is, there are options out there that are allowed, I think, by planning, is the permeable pavers, things like that, where you put down like a block that has like hollow cores, and then you fill that with like, I think it's pea gravel, and you plant grass in it. So there are alternatives out there for residents if they don't want to do the hard surface. And that is allowable under the current City--

- Under current Code, yes.

- Okay.

- Yep.

- I'm fine with the person who's--

- I'm just curious, it's related, I don't see them anymore, but growing up, I used to see a lot of driveways where they would just have kind of the two tracks.

- Two strips, yeah.

- Was that like abandoned, or not in force, or nobody does it anymore? 'Cause then you'd have a strip of grass down the middle.

- I don't work in Inspections, so I don't know if that's allowed on the street.

- Design.

- Yeah, it used to be common, but.

- Okay, can I get a motion?

- Motion to receive and place on file.

- Second.

- Motion by Alder Steuer, second by Wery to receive and place on file. All those in favor?

- [All] Aye.

- Opposed? Motion carries. Item two, consideration with possible action on a request by Alder Brunette on amending the City's ordinance on landscaping, weeds, vegetation, and gardens on residential lots. The constituent who requested this, I spoke with him over the weekend, and he would like to hold it. So if I could get a motion to hold until the next meeting.

- Motion to hold 'til the next meeting.

- Second.

- Okay, motion by Alder Wery, second by Steuer to I guess hold until our next meeting, an agenda item. All those in favor say aye.

- [All] Aye.

- Opposed? Motion carries. Consideration with possible action on a request by Alder Galvin that the Department of Public Works develop better systems to better and more quickly respond during disasters. I've seen this in motion today.

- Has anybody heard from Alder Galvin to know what his intent is? Because the issue we have with this is the types of disasters that you're having, what is it, how bad is it, where is it?

- I think the inkling initially, I've talked to him on other matters, and it seems to be the flooding that happened along the East River, that was where he, I went down and took a look at it too, and he was down there as well, so that seemed to be the main thrust I think, and at least, if I can speak for him, that that's why he was concerned.

- Well I think we've talked about that after that had happened at previous meetings where after that event, the various entities that are involved with the EOC had met to do a kind of like a post-mortem, and see what went right, what didn't. Since that time there's been a vast improvement in the communication between essentially fire, police, and DPW. We came up with a different reporting system where if staff is out in the field they can snap a picture with their phone with this app that's available, and then they can get that recorded and it gets into the system faster as a complaint. So I think there has been, that was a good learning experience on trying to come up with better ways to communicate, because one of the other things that came up with that item was communication with the public. And just for example today, one of the things that we did is we put up a couple of notices into the media source that we use with the City to let residents know about the heavy rains we're flooding, some of the street issues that we're having, and those types of things. So I think there's been much better effort and effective of getting the information out to the residents so that they can minimize the effects of the flooding.

- Alder Lefebvre.

- [Kathy] Yeah, I'm glad to hear this, because I'll go way back to 1973, I lived on the Bay before the dike, and I'll tell you, back then we knew that this was coming, and it was on the radio and the TV, they were talking about it, they had contacts for you to contact with the City, and they told you where you could get your sandbags, we went to fill the sandbags, the National Guard helped. There was a lot that went on back then in the City, it was really coordinated. Of course they knew in advance that this was coming. And sometimes the rains, you don't know how much you're going to get, and with the flooding, but they were well coordinated, and they really helped the residents out there. So I was surprised when the other flooding happened at the East River that people said, well they tried calling all these different numbers, and nobody could help them. This one lady, nobody

could help her. She didn't know where to go. So this is why we think, Alderman Galvin, why he wanted something to make sure.

- Without Alderman Galvin here I don't know his intention. Perhaps he reached out to the Chair, so I don't know if we have to discuss this too much. So if we could get a motion to either hold it or refer it--

- Before we do that, though, I think maybe that's a communication that we'd have to put in, but, Jim, you were mentioning that the coordination's a lot better, et cetera, I think a lot of it is just information, so for the Alders, I mean, I would look at it if you had some kind of a one page handout or something on file, something that you could send out saying, this is what's going on, this is the protocol, this is what's happening, be really proactive.

- Well, what we could do is, staff could maybe come up with a summary, and take this motion tonight and just refer it to staff. And what we could do is bring that report back at one of the, because now we're meeting twice a month. And then we could bring it back as a report.

- I'd be in favor of that.

- So can I get a motion to--

- Okay, I'd make a motion to that effect to--

- Refer to staff?

- Refer to staff to report back at, I don't know, the next meeting, or do you want no time limit, you don't need a time limit? Could be two weeks, a month?

- After, well, I would say probably two weeks we'd be able to pull something together.

- Refer to, motion to refer to staff to refer back to the I & S Committee in two weeks, made by Steuer.

- Second.

- Second by Wery. I have a feeling, it might seem kind of ironic, Alderman Galvin, with the flooding, might be out dealing with constituent issues right now. It just occurred to me, that might be why he's not here. So anyways, I have a motion and a second. All those in favor say aye.

- [All] Aye.

- Opposed? Motion carries. Item four, consideration with possible action on a request by Alder Lefebvre at the gate at the east side yard waste site is left open during the winter. Alder Lefebvre.

- [Kathy] I believe for that one, it's only open in the winter on the weekends. But residents say nobody closes it, it's open all the time. And there's a big problem with the deer coming out. And actually I think it's also not being closed properly during the summer months too, because I've gone by 9:30 at night, the gate's open yet. So, they had asked me to come and say, what's going on, why

isn't the gate being closed? It's supposed to close at sunset during the spring, summer, fall. Winter, it's supposed to be only open on the weekends, I believe, so they would like that gate closed when it should be closed. Normally what they were doing out there.

- Can I ask their staff for their opinion, Jim.

- You know, really, that's not one of the areas that I'm charged with, as far as responsibility. So I would say right now, I guess I'd recommend to refer to staff, and then that way we can come back and I think, and it's just my opinion, that closing it might be on our system. I don't know if we actually have staff to go and close the gate or not, and that's something I'll have to check into. I really don't know.

- First I thought it was Parks, but Parks doesn't know, it was DPW that handles that, so that's why, maybe you knew here.

- So if you refer to staff I can find out.

- If you can find out, sure.

- Sure.

- What's going on, and yeah.

- Okay.

- Okay, appreciate it.

- All right, thank you for bringing that forward.

- [Kathy] Sure.

- Can I get a motion?

- Motion to refer to staff.

- Motion to refer to staff, by Wery.

- Second.

- Seconded by Steuer, all those in favor say aye.

- [All] Aye.

- Opposed? Motion carries. We have item six, is consideration with possible action on request a by Alder Johnson to bring an update on the progress from Storm Lift Stations 110 and 106, and to determine solutions to solve the flooding on Antoinette Street.

- And I can answer that. I know that Alder Johnson was in last night to our office talking to Matt about this. I think he got the update then. But with this Station 110, we're working on the plans and specs right now. We noticed the contractors went out today, so we plan on bidding that on October 1st. We anticipate that that station should be up and running for next spring's flood season. So that's the goal at this time. One of the problems that you have with these stations is the equipment used for these stations is rather unique, and it takes a long time to construct it. The pumps are actually coming from Sweden, and part of the pumps, the discharge to, is fabricated down in Illinois. Typically it's a 12 to 14 week delivery time. So the pumps and the tubes are in Green Bay as we speak, I believe, and so this one is just going to be a matter of constructing the station and getting the equipment in it. Storm Lift Station 110 is going to be in, if you know where the slip is, where the ball diamond was going to go, this lift station is on the south half of that site. So this'll take the basin that runs from there all the way out basically, kind of sort of following Clinton up to Oneida. It's a fairly large basin of several hundred acres I believe. And then the sister to this station is Station 106. This one will be at the intersection of Howard and Pearl. That one is also in design right now. The pumps are essentially on order, but I've been working through the shop drawings and those types of things. It hasn't been finalized yet. With that station also we would, our intent is to try to get that one out the door as quickly as possible as well. But that station will take care of the flooding that goes up Howard Street, all the way up to, I believe up to Oakland, and it'll take like the Seymour Park area. I'm not positive how far to the north it extends though. But both those stations are in the works to be completed.

- Well, Alder Wery.

- Thank you, Mr. Chairman. Jim, so it sounds like for pump 110, we have everything, we're bidding it out?

- Yep.

- That one's ready, so 106 you said that, did we order the parts yet?

- No, the pumps are not ordered yet because we have to finalize the design to be able to finalize the actual dimensions and capacities of the pump.

- When will that be?

- I'd anticipate probably in a month or two. I mean, it'll be fairly quickly.

- And then 12 to 14 weeks to get them delivered?

- Yes, so the anticipation is to try to get that one up and running for spring as well.

- Okay.

- A motion?

- Motion to receive and place on file.

- Second.

- A motion by Alder Wery, second by Alder Steuer to receive and place on file. All those in favor say aye.

- [All] Aye.

- Opposed? Motion carries. Thank you, Alder Lefebvre. Item seven, I noticed the gentleman just walked in. Sir, item seven was moved up to the beginning of the agenda. Were you here for the Eklay Lane?

- You were here for Eklay, right?

- [Jeremy] Yeah.

- Yeah.

- Yeah, so.

- It was moved up.

- I'll explain, Alder.

- Oh, go ahead.

- So that item, the City Attorney was here. At the last I & S meeting we referred it to the City Attorney's office.

- [Jeremy] Yeah.

- And she was here, we did not have a member of the public present, so we moved it up to the beginning of the agenda with another agenda item. So the motion that we made and approved was to receive and place on file. Now that basically is no action one way or the other. It's just to receive and place on file. It will go to the full City Council for action of that full body next Tuesday at 6:00 o'clock.

- [Jeremy] Okay.

- So, I would entertain, if you wanted to address this committee I'd be happy to.

- [Jeremy] Yeah, I would actually, I'd like to get in a couple of words.

- If that's, can I get a motion to reconsider.

- I'll make a motion to reconsider.

- I'll second it.

- Okay, we've got a motion to reconsider item seven to offer public comment by Steuer, second by Wery. All those in favor say aye.

- [All] Aye.

- Opposed? Motion carries.

- Can I get a motion to open the floor to hear--

- Motion to open the floor.

- Second.

- A motion made by Steuer, second by Wery. All those in favor say aye.

- [All] Aye.

- Opposed? Motion carries. Sir, just come on up, identify your name and address for the record, and address the Committee. By the way, the chair and vice chair are not here, that's why I'm running the meeting, you're probably like.

- [Jeremy] Yeah, okay, cool. I'm Jeremy Kroll, address 2744 Glendale Avenue, Green Bay, Wisconsin, phone number too?

- No, it's all right.

- [Jeremy] Okay. What I would like to address is, since this has all been going on, and today actually, just took the cake for me because it's, since this has been going on, it's been taking months and months and months and months. So I went to get occupancy for my place. They said they're not giving me occupancy until this is worked out. Alderman Nicholson called, took care of it. They said they're going to give me occupancy. However, I feel that they had no, they're not going to give me occupancy. Now this has been dragging out for another two, three weeks, where the inspectors come, they inspected the whole property, said it's fine. Electrical inspector came. Gave me a list of everything to do. Did everything on the list. Now he's like, comes back, oh, by the way, you've got to do this to get occupancy. Okay, fine, do all that, schedule another inspection. He comes back, oh, by the way, you've got to do this. By the way, you've got to do this. And it's, now it's coming into where they really going to give me occupancy 'til this is resolved, or not? And that's where I'm at right now. Today he, everything was done, finalized. I mean, I have to put a step in the back because I can't get concrete in because of the water problem back there, okay? Build a step, it's just rough grade. The step was 1/2 an inch in one spot, 1/2 an inch too low so they said. I took a tape measure, went back there, I should have video recorded it. A 1/2 inch, denied me occupancy for 1/2 an inch? On a step that's not even going to be used? It's a mud pile back there, you can't get back there, there's too much water. So now today, with the, well you've gotta have this done, that done, it's all done, no, sorry, can't do it. Schedule another inspection down the road.

- Do you have a list of all the things that, do you have a list of those things?

- I have no list of nothing. They keep making it up every time they come there. I haven't gotten list, I don't even get a phone call, I don't get nothing. I get a text message today, this afternoon, finally, for the final, final. He said, 'cause it's a duplex, I need smoke detectors, plugs and switches on another side. Had my electrical guys go there, do it all. Comes in, no, now you have to finish the whole project. It's not even the same building.

- So this is City Inspection?

- Yes.

- Okay.

- And I don't know, because this is happening, like they're like, it took me a while to get that off to even get them to give me an occupancy, but it's like were they really going to or not? I mean, it's really frustrating. I own the other two lots next to it which I plan on building on, but it's like for what? To go through all this again, it's like, what's next? You open this up, and you don't even know what's, oh, we found a memo from 2006 that says you have to pay 10 grand to get this figured out or whatever. Really?

- Yeah. Sir, I don't, any other questions from the Committee?

- [Jeremy] I mean, I don't know what to do at this point.

- Yeah, I do have one. Thank you, Jeremy, for coming. When you bought the lot did you call the City at all, and ask is there anything that needs to be done with this lot?

- [Jeremy] No, I didn't call them because the title company, I reached out to everybody. This property has changed hands numerous times.

- Did you know that--

- [Jeremy] It has never been brought up, nothing was ever written, nothing.

- Did you know the improvements that were to be done on that lot were only when development was going to be done. So the previous people didn't have to do it because they didn't develop it.

- [Jeremy] No. But when the project went through, they were developing it. So if the City's going to require somebody to do that, when the guy started the project on the first one, he should have been required to put that in right away.

- What do you mean the first one?

- [Jeremy] Well, because he must have owned, I'm assuming he owned all those lots in a row, I don't know, I'm just guessing kinda on what happened. So I'm guessing he had this thing laid out, and was like, oh, but if they're like we're going to require you to do this, okay, when they sold him the property, I don't know. But there's no record of it anywhere as far as the title companies, I've called everywhere, turned up every stone and there's nothing. But a memo, this memo, allegedly.

- Now, you referred to he, is that previous person who owned it, or is that, back?
- [Jeremy] It may have been back, back, I'm not even sure. I don't know who owned it when or what.
- So when did you--
- One second--
- Go ahead.
- I'm sorry. Alder Steuer.
- I was just going to ask, Jeremy, when did you purchase this property?
- 2018.
- Okay, so, like Alder Wery said, he was wondering if you had checked with the City, was there anything?
- I didn't check with the City, no. All I was told from them--
- From who?
- The City, when I got the permit, was you have to run sewer and water in the front of the house. They never said you have to run a whole private sewer in the back. I mean, wouldn't she have said that when I came and go the original permit? I put \$18,000.00 to run the sewer and water in the front of the house, okay.
- So that's there now?
- That's there, it's in, done. Now, I'm going to get occupancy, and all of a sudden this memo comes up from 2006, saying, hey, you've gotta do this. It's like, well, all these permits went through, all these inspections have been going through, and not a word is said. Not one word.
- So, when did you start building your project?
- In 2018.
- So how long did you work on this before you found out that all this--
- It was, well I got the plans approved from the City, all the heights, you've gotta go through a huge process in Green Bay to get a building permit. All the heights, the elevations, everything has to be figured out. The pitches of the thing, the environmental stuff, where all the dirt, it all has to be drawn out on a map, where the dirt's gonna be put, everything, fencing, everything.
- So you had a professional site planned right out.

- Yes, Mau & Associates did it all for me. And that costed me thousands of dollars to do that. Because we wanted it to be perfect, because we know the City of Green Bay is a little bit more difficult working with from what I hear, and we wanted it to be perfect, we didn't want there to be any, hey, you guys did this wrong or that wrong. We had it done by the book and perfectly.

- That's all I have right now.

- Okay, any questions.

- No.

- Okay, any other comments?

- [Jeremy] No, I think that's it.

- I'll accept a motion to close the floor.

- Motion to close the floor.

- Second.

- Motion to close the floor made by Steuer, second by Wery, all those in favor say aye.

- [All] Aye.

- Closed. So, this doesn't come up that often, Jeremy, so having decided an issue, and having a member of the public who the issue relates to. So the motion we made was to receive and place on file. The City Attorney offered some information to us, I don't want to speak for her, I don't want to paraphrase what she said exactly at risk of getting it wrong, so this meeting is recorded, this is a public meeting, so what I would recommend you do is--

- [Jeremy] Listen back.

- To continue reaching out to City staff, Alderman Nicholson, as you know as well, where in the situation, perhaps watch the recording of this meeting so you understand what the City Attorney said, and then if Alderman Nicholson doesn't pull this item for consideration at the Council meeting, I'd be happy to do so so you can address the City Council. City Council decides final authority on the situation.

- Thank you, Mr. Chairman. Now, since we reconsidered it there really is no action, so we have to retake it. And under that, I have some questions for staff.

- Sure, yeah, thanks.

- There was a mention of the previous developer doing work in the area. Should we have required them to put this in as they were doing that work?

- But they didn't develop the lot in question. I think what they did is, I think what he is referring to is I think, the guy who had this first might have put in the street, the utilities, the pavement, and then broke this out into the lots, I think is how this whole neighborhood started, I believe. I don't know the whole history of how, 'cause there was like five lots left or something like that.

- [Jeremy] Yeah, and I thought originally it was the City of Green Bay that owned it, originally.

- And that I don't know.

- [Jeremy] So what I said was, if you owned it originally, and you put the storm sewer in on Debra, and you knew you didn't put it down deep enough in case you ran that through, then you should've known that right away, right off the bat.

- Yeah, and Jeremy, I don't, it's a very important issue, so I don't want to cut you off, it's just the protocol, I guess, is for the staff and the Council, so the floor is, I'd be willing to open the floor again, if you want to make some more comments, but we have to. Go ahead.

- Thanks.

- [Jeremy] No, I'm all done, thank you.

- So it's a storm sewer that was required in the--

- Yes.

- And how would that not have been caught when all the building plans were approved?

- That I don't know. That's one thing I wanted to clarify is the building permits and the reviews that he's talking about are all done in the Inspection Department, not DPW. The one thing that DPW might look at, and with this being a one and two family home, is the most we might see would be the site plan, and so with some of his concerns, I can't answer it because DPW does not have a lot of participation.

- Alder Steuer, you want to.

- Thank you, Chair. I was at the last meeting, or when you were here speaking on this, and I, it could be he said, she said kind of stuff, but I would, from the time you had that memo, and to the history of this particular property, it would, I think we need to go back and take a look at what the history was, in 2006 this happened, in 2009 this happened, you know, blah, blah, blah. There's got to be a record of that. So whether it's DPW or Inspection, I think it's important that at least we have that, and I don't know how the Committee feels about that, but, it's hard for us to make decisions on things that, well, we're not sure if they said it or you said it. I would like to see something, some concrete information stating that this is the timeframe that all these things happened. So I don't know what the protocol is on that.

- Alder Wery.

- I do have a question for Mr. Kroll, so.

- Yeah, go ahead.
- I'd make a motion to open the floor.
- Motion to open the floor.
- A motion made by Wery, second by Steuer to open the floor to hear from interested parties. All those in favor say aye.
- [All] Aye.
- Opposed? Motion carries. The floor is open.
- Thank you. I was wondering, Mr. Kroll, when did you initially plan to have these up and open, to have tenants?
- [Jeremy] Already. The problem is it took them six weeks to give me my permit.
- But by already, do you mean January 1st, or do you mean June 1st?
- [Jeremy] I wanted them at least by June 1st, July 1st at the latest.
- And did you have people lined up already, or were you--
- [Jeremy] Yep, I do now, I have people lined up to move in there, and it's, this has been going a two week process of getting an occupancy permit, for like ticky-tacky stuff. Which I understand it has to be done.
- Would you have had them back in July?
- Yes.
- Those tenants?
- [Jeremy] Yes.
- For both sides? Is it a duplex?
- [Jeremy] Well, just the one side. The other side I was planning on moving into. But I said I was going to check the market and see how it was, 'cause I've had a lot of action over there of people wanting to move in, so I was thinking maybe I wouldn't move in, and then start developing the next two.
- So how much will it cost to run your utility line, the storm sewer?
- [Jeremy] It's like \$8,700.00.
- And I'm going to ask you how much you're charging for rent?

- [Jeremy] 1,500.00 1,350.00 to 1,500.00, I got 1,350.00 on the first side, but now I had a lot of interest, so I'm thinking about jacking it up to 1,500.00. And the way I kind of look at it is, okay, if it's a building, it's going to be generating \$4,000.00 to \$5,000.00 in taxes per year. If I have one, two, three, I mean, that's 12 grand worth of taxes for \$8,500.00, we're fighting or arguing over \$8,500.00, who's going to pay for it. I mean, if it was me, I'd be like, hey, let's run this thing and let's get this guy up and moving. But it seems like they're trying to kick me at every turn. It's insane.

- That's all I had right now.

- Okay, any other?

- Nah, I appreciate the comments. I don't have anything right now.

- Okay, a motion to close--

- Motion to close the floor.

- Second.

- Motion made by Wery, second by Steuer, all those in favor say aye.

- [All] Aye.

- Opposed? Motion carries. So, continue discussion or make a motion?

- Yeah.

- Wery?

- I think at some point here we do need better communication between the departments so then when somebody comes in to build something they know exactly what's needed because they have timelines and they have income they're expecting and counting on. And I think the delays here are on our end. And I'm not even going back that far, I'm just going from when he came in to get your building permit, you're not told about this, and we've already lost two months of rental income, three grand. This has to be a way, and it's not completely done yet, but.

- Yeah, this other layer now is who should the City provide some of the work or the funding to get the work done so this gentleman could lease his property. And so I think that that's a discussion that it will be helpful to have the City Attorney and Director Grenier, not that Jim is not capable of that discussion, but, it's almost like we don't know what this Committee could do at this point.

- Well, there's a number of threads here, so.

- Jim, that figure, really would be more work that he estimated for to have done, it's not permitting fees or anything, right? To run that storm line?

- No, well, I think it's, what he's referring to is he probably got an estimate on what the present plan is for that additional, what we would call private storm sewer.
- Well, is there a fee for that, I'm not sure we have a fee for that.
- I don't know if we would have a fee for that or not.
- Okay.
- So we cannot move forward without that lateral, so to speak, is that what it is? In the back. Well, like I said, I still would like to see the history--
- Oh, what I meant, I know that I've made, Alder Steuer, is that, I'll make sure that Steve has a copy of a summary of the timeline for Council, when this, 'cause I'm sure Andy will pull this for discussion, so.
- We need to see that, I really think we need to see that. As far as proceeding I'm not--
- It'd be nice if we had a motion to bring to Council, and then for them to receive and place on file.
- Well I'm going to have a motion to reimburse up to \$3,000.00 worth of the installation costs. I think it sounds like everybody--
- I'm thinking that the way it is right now, I think that would be best just to have whole Council discuss it, because without Vanessa here.
- Well, that's going to be my motion though. And they can affirm my motion.
- Affirmative motion is like an action item that Council can say, this is a recommendation of the Committee other than receive and place on file.
- I'm basing this off of the fact that we should have know this when we gave out the permits, loss of income, it's clearly our fault. And then it sounds like two months, it might be more. Hopefully we can get this up and running, and it not be toyed with by Inspections, I hope. I hope not.
- I hope so.
- Maybe it's oversights on your part, I don't know. So, it could be either one. So my motion is to reimburse up to \$3,000.00 of the expense of putting in this storm sewer.
- Okay, motion made by Alder--
- 'Cause if it's less, you don't want to be.
- Yeah.
- Alderman Wery.
- If you second, we can have a discussion.

- I'll second for discussion.
- Second by Alderman Steuer, any discussion?
- This is going to go to Council.
- Well it's going to go to Council.
- And it's going to be hashed over, I just want to get something.
- Okay.
- Yeah, that's fine. Well, we'll talk about it.
- All those in favor say aye.
- [All] Aye.
- Opposed? Motion carries. So this goes to the City Council on Tuesday. At 6:00 o'clock we'll pull the item. Be in contact with Alderman Nicholson, and you can kind of.
- Okay.
- I'll talk to him as well.
- Thank you, I appreciate your guys' time.
- Thank you, Jeremy.
- Yeah, all right, you bet.
- All right, item eight, consideration with possible action on a request by Alder Nicholson to address pavement ponding issues at 2405 Hampton Avenue referred to staff from the August 14th meeting. Anything on this Jim, or?
- Yeah, when staff went back and looked at the scenario of what's going on in Hampton there, what we found is on this particular block of Hampton where this lady lives is her side of the street for that whole block does not have an inlet in the area, so water's expected to flow from mid-block around to the two intersecting streets. And Hampton is very, very flat to begin with. So after looking at it is as staff, we thought, well, instead of putting in material into the flow line of the gutter or something, and moving the water over to her neighbor's house, I came up with the idea, why don't we just put an inlet in there and get the water off the street to begin with, then we don't have to worry about it. So that's what we're looking at doing. We've got an estimate from a contractor that does a lot of our emergency repairs already, we're just trying to coordinate the installation so that inlet will go in in front of this lady's home, probably in the next month or so.

- And they're not correcting the issues that she has with water in her driveway apron and by the mailbox.
- Is there any cost to the homeowner?
- No.
- Okay. That's good, thank you. Any questions?
- Awesome, Jim.
- Yeah.
- Very much so.
- Well, thank you.
- So what would be a proper motion, just to receive and place on file?
- Receive and place on file.
- Action to staff?
- I would move to receive and place on file.
- Motion by Alder Steuer, second by Wery, to receive and place on file. All those in favor say aye.
- [All] Aye.
- Opposed? Motion carries. Item nine, consideration with possible action on a request by Alder Nicholson to address chronic flooding there seems to be a lot of those issues, in the Schwartz Street, Edison Street area, referred to staff in our last meeting. Jim?
- Okay, this one is a little interrelated with dealing with the flooding on Main and Mason, which we found today that, obviously you guys are aware, that we have a consultant looking at this and trying to come up with possible solutions that would be viable and cost-conscious, basically. And Matt and I received an email this afternoon where it looks like we may have something that's very promising, which would alleviate the flooding at Main and Mason, and part of alleviating that, the side-effect of that is it goes back over into this neighborhood as well. One of the other things that we found is, City staff had gone out in this neighborhood over the last week and started televising the storm sewer, and we did find some deficiencies as well that we were going to take care of, which should help alleviate some of the flooding here. And again, seeing as this is one of the known areas, what we do when we plan for future projects in this area is we also look at taking care of stormwater issues that would be there, so that's how we're handling this one.
- Okay, any questions from the Committee? Can I receive a motion?
- Motion to receive and place on file.

- Motion by Wery.
- I'll second.
- Second by Steuer, to receive and place on file. All those in favor say aye.
- [All] Aye.
- Opposed? Motion carries. Item 10, Reporting of actions taken by Department of Public Works. A, Granting of Licenses, Tree & Brush trimmer to EPIC Innovations, LLC.
- This contractor, or licensee, he has had a license in 2018. We haven't had any complaints, and so we issued the license.
- Okay.
- Motion to receive and place on file.
- Second.
- Okay, a motion made by Steuer, second by Wery to receive and place on file. All those in favor say aye.
- [All] Aye.
- Opposed? Motion carries. Informational, item one, Director's Report on recent activities of Public Works--
- There's no Director's Report tonight.
- No director, no report, very well.
- Motion to receive and place on file.
- Motion to receive and place on file no report.
- There's no report.
- Motion by Steuer, second by Wery. All those in favor say aye.
- [All] Aye.
- Opposed? Motion carries. Item two, I & S meetings are fluid depending on the discretion of the Chair and Public Works. No Public Hearings. Can I get a motion to adjourn?
- Motion to adjourn.

- By Steuer. Second by Alderman Wery. All those in favor say aye.
- Opposed? Motion carries. We are adjourned.
- Good job.
- Thank you.
- Two minute break.
- Two minute break.
- I'm older now.