



MINUTES OF THE IMPROVEMENT AND SERVICES COMMITTEE

**WEDNESDAY, FEBRUARY 12, 2020, 6:00 PM
CITY HALL, ROOM 207**

A. ROLL CALL.

Present: Ald. Jesse Brunette, Ald. Andy Nicholson, Ald. Chris Wery, Ald. Brian Johnson

Others Present: Rachel Maes, Tina Bunker, Samantha Schwartz-Oscar

B. APPROVAL OF THE AGENDA.

Moved by Ald. Jesse Brunette, seconded by Ald. Chris Wery to approve the agenda of the Wednesday, February 12, 2020 Improvement and Services Committee meeting. Motion carried.
Vote: Yes- Andy Nicholson, Brian Johnson, Chris Wery, Jesse Brunette, No- None, Abstain- None

C. APPROVAL OF MINUTES.

Moved by Ald. Jesse Brunette, seconded by Ald. Chris Wery to approve the minutes of the Wednesday, January 29, 2020 Improvement and Services Committee meeting. Motion carried.
Vote: Yes- Andy Nicholson, Brian Johnson, Chris Wery, Jesse Brunette, No- None, Abstain- None

D. REGULAR BUSINESS.

I. Consideration with possible action on request by Ald. Lefebvre to request committee to look at the issuing of a sidewalk café permit to Titledown Tobacco per Section 6.155 Green Bay Municipal Code – (1) Definitions: (a) sidewalk café is any group of tables, chairs, benches, or partitions maintained within the public right-of-way for use directly in front of an establishment with a valid restaurant license (referred by Protection & Policy Committee from the January 27, 2020 meeting).

Moved by Ald. Chris Wery, seconded by Ald. Brian Johnson to refer to staff the request by Ald. Lefebvre to request committee to look at the issuing of a sidewalk café permit to Titledown Tobacco per Section 6.155 Green Bay Municipal Code – (1) Definitions: (a) sidewalk café is any group of tables, chairs, benches, or partitions maintained within the public right-of-way for use directly in front of an establishment with a valid restaurant license. Motion carried. Vote: Yes- Andy Nicholson, Brian Johnson, Chris Wery, Jesse Brunette, No- None, Abstain- None

2. Consideration with possible action on request by Ald. Nicholson, on behalf of Tina Bunker, to have the City of Green Bay own and maintain the storm water management ponds as part of the Grandview subdivision(s) (held at the January 29, 2020 Improvement and Services Committee meeting).

Moved by Ald. Chris Wery, seconded by Ald. Brian Johnson to open the floor for discussion. Motion carried. Vote: Yes- Andy Nicholson, Brian Johnson, Chris Wery, Jesse Brunette, No- None, Abstain- None

Moved by Ald. Chris Wery, seconded by Ald. Brian Johnson to close the floor for discussion. Motion carried. Vote: Yes- Andy Nicholson, Brian Johnson, Chris Wery, Jesse Brunette, No- None, Abstain- None

Moved by Ald. Chris Wery, seconded by Ald. Brian Johnson to refer to staff to determine estimated costs and funding alternatives and report back at the February 26, 2020 Improvement and Services Committee meeting the request by Ald. Nicholson, on behalf of Tina Bunker, to have the City of Green Bay own and maintain the storm water management ponds as part of the Grandview subdivision(s). Motion carried. Vote: Yes- Andy Nicholson, Brian Johnson, Chris Wery, Jesse Brunette, No- None, Abstain- None

3. Consideration with possible action on review and approval of the 2019 Annual Wisconsin Department of Natural Resources Storm Water Report.

Moved by Ald. Brian Johnson, seconded by Ald. Jesse Brunette to approve the 2019 Annual Wisconsin Department of Natural Resources Storm Water Report and authorizing the Director of Public Works to submit the report to the Wisconsin Department of Natural Resources. Motion carried. Vote: Yes- Andy Nicholson, Brian Johnson, Chris Wery, Jesse Brunette, No- None, Abstain- None

4. Consideration with possible action on request by Department of Public Works to submit bond request to support 2020 Capital Improvement Program.

Moved by Ald. Chris Wery, seconded by Ald. Brian Johnson to hold until the February 26, 2020 Improvement and Services Committee meeting the request by Department of Public Works to submit bond request to support 2020 Capital Improvement Program. Motion carried. Vote: Yes- Andy Nicholson, Brian Johnson, Chris Wery, Jesse Brunette, No- None, Abstain- None

5. Report the award of the following contracts:

A. PAVEMENT I-20 HOWARD STREET RECONSTRUCTION (INCLUDING UTILITY AND STORM LIFT STATION CONSTRUCTION)

B. SEWERS I-20 E. MASON STREET SIPHON REMOVAL

Moved by Ald. Brian Johnson, seconded by Ald. Chris Wery to receive and place on file the report of award of the following contracts:

A. PAVEMENT I-20 HOWARD STREET RECONSTRUCTION (INCLUDING UTILITY AND STORM LIFT STATION CONSTRUCTION) to the low responsive bidder, Advance Construction, Inc., in the amount of \$4,482,486.75.

B. SEWERS I-20 E. MASON STREET SIPHON REMOVAL to the low responsive bidder, Dorner, Inc., in the amount of \$103,000.

Motion carried. Vote: Yes- Andy Nicholson, Brian Johnson, Chris Wery, Jesse Brunette, No- None, Abstain- None

6. Consideration with possible action on applications for Sidewalk Builder Licenses by the following:

A. A&M Concrete and Construction, Inc.

B. Dorner Equipment Sales and Service LLC

C. In The Countryside Concrete

Moved by Ald. Chris Wery, seconded by Ald. Jesse Brunette to approve the applications for Sidewalk Builder Licenses by the following:

A. A&M Concrete and Construction, Inc.

B. Dorner Equipment Sales and Service LLC

C. In The Countryside Concrete

Motion carried. Vote: Yes- Andy Nicholson, Brian Johnson, Chris Wery, Jesse Brunette, No- None, Abstain- None

7. Consideration with possible action on applications for Tree & Brush Trimmer Licenses by the following:

A. A-I Tree Service, Inc.

B. Ripley's Stump Grinding

C. Yesterdays Trees

Moved by Ald. Jesse Brunette, seconded by Ald. Chris Wery to approve the applications for Tree & Brush Trimmer Licenses by the following:

- A. A-I Tree Service, Inc.
- B. Ripley's Stump Grinding
- C. Yesterdays Trees

Motion carried. Vote: Yes- Andy Nicholson, Brian Johnson, Chris Wery, Jesse Brunette, No- None, Abstain- None

8. Consideration with possible action on application for Underground Sprinkler System License by Irrigation Doctors LLC.

Moved by Ald. Brian Johnson, seconded by Ald. Jesse Brunette to approve the application for Underground Sprinkler System License by Irrigation Doctors LLC. Motion carried. Vote: Yes- Andy Nicholson, Brian Johnson, Chris Wery, Jesse Brunette, No- None, Abstain- None

E. INFORMATIONAL.

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

Moved by Ald. Jesse Brunette, 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- Andy Nicholson, Brian Johnson, Chris Wery, Jesse Brunette, No- None, Abstain- None

2. The next Improvement and Services Committee meeting is scheduled for February 26, 2020.

F. PUBLIC HEARINGS.

I. Public Hearing 6:00 p.m.

ASPHALT PAVEMENT

DOTY STREET – S. Monroe Avenue to S. Baird Street

Moved by Ald. Jesse Brunette, seconded by Ald. Chris Wery to open the floor for discussion. Motion carried. Vote: Yes- Andy Nicholson, Brian Johnson, Chris Wery, Jesse Brunette, No- None, Abstain- None

Moved by Ald. Jesse Brunette, seconded by Ald. Chris Wery to close the floor for discussion. Motion carried. Vote: Yes- Andy Nicholson, Brian Johnson, Chris Wery, Jesse Brunette, No- None, Abstain- None

Moved by Ald. Jesse Brunette, seconded by Ald. Chris Wery to order in the improvements constructed, levy assessments, and to refer to staff to consult with Law Department to find a way to cover the special assessment for 138 S. Webster Avenue for the following:

ASPHALT PAVEMENT

DOTY STREET – S. Monroe Avenue to S. Baird Street

Motion carried. Vote: Yes- Andy Nicholson, Brian Johnson, Chris Wery, Jesse Brunette, No- None, Abstain- None

G. ADJOURNMENT.

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

VERBATIM MINUTES

- Okay, everybody ready?
- Good to go.
- All right. Let's bring Improvement and Services Committee to order. Let it be recorded Nicholson, Brunette, Wery are present. Johnson, is he coming, did he call in sick?
- I've not heard from him.
- Okay.
- Approval of the agenda?
- Move to approve.
- Second.
- Motion by Brunette, second by Wery. Under discussion, hearing none, all in favor?
- [All] Aye.
- Nays, motion carried. Approval of the minutes.
- Move to approve.
- Second.

- Motion to approve by Brunette, second by Wery. Under discussion? Hearing none, all in favor?

- [All] Aye.

- Motion carried. Okay, Steve, do we go right into the hearing?

- Yes sir.

- Okay, do I have to read something?

- No, I'll take care of the engineer's report.

- All right, thank you, go ahead.

- So, Engineer's Report for a Public Hearing held on February 12th, 2020. In accordance with state statute 66.0703, this public hearing is being held to levy assessments for proposed pavement and water improvements which are included in the 2020 Capital Improvements Program. All projects being considered tonight will be included in the contracts administered by the City of Green Bay, Department of Public Works, Engineering Division. All of the proposed assessments are being levied in accordance with the city's Assessment Ordinance. During construction the contractor is required to provide access to businesses at all times and residences as much as practical. When a residential driveway is inaccessible, the property owners or tenants can receive permission from the City Police Department to park on adjoining streets. Problems during construction should be brought to the attention of the Department of Public Works, Engineering Division by calling 448-3100. Asphalt pavement, Doty Street, from South Monroe Avenue to South Baird Street, is classified as a local road in a residential zoned area with a few commercial properties. The existing asphalt is in an urban road section in poor condition and is in need of reconstruction. Doty Street will be reconstructed with an asphalt pavement with curb and gutter over a gravel base, and a typical clear width of 30 feet. The estimated cost of pavement construction is \$1,255,000.00. Sanitary sewer, storm sewer, and water main rehabilitation and construction will be performed prior to pavement reconstruction. The estimated cost of the sanitary sewer, storm sewer, and water main are \$690,000.00, \$1,710,000.00, and \$1,100,000.00, respectively. No assessments will be levied for the sanitary sewer, storm sewer, or water main improvements. And now you can ask three times if anybody wishes to appear.

- Okay. Does anybody wish to appear? Does anybody wish to appear? Does anybody wish to appear? If not?

- We can declare the public meeting closed.

- The public meeting is closed.

- And then we can take up F, and what are your wishes relative to ordering the improvements to be installed and assessments levied?

- What are the wishes of the committee?

- Move to approve.

- Motion to approve by Brunette, second by?
- Second.
- Wery, under discussion? Hearing none, all in favor?
- [All] Aye.
- Nays, motion carried. Johnson is present at the time.
- Okay.
- Now we're at regular order of business, Steve?
- Yes sir.
- Okay. Number one, consideration with possible action on a request by Alderman Lefebvre to request committee to look at the issuing of a sidewalk cafe permit to Titledown Tobacco per Section 6.155 Green Bay Municipal Code number one, definitions, A, sidewalk café is any group of tables, chairs, benches, or partitions maintained with the public right-of-way for use directly in front of an establishment with a valid restaurant license. Referred from Protection and Policy Committee from January 27th. Director Grenier?
- And we're gonna turn this over to Assistant Attorney Maes, and she can give you the background on where we're at and what we're looking for.
- [Rachel] So Law Department has discussed the issue, and is recommending the course of action that the item be referred back to staff. It's been determined that some ordinance review and some possible amendments may be necessary, and accordingly, staff needs time to look into the matter further, and then can report back to the committee with an appropriate course of action. We want to make sure that obstructions to the right-of-way are handled consistently throughout the ordinances.
- I've got a question, where's Kathy? And why is Kathy bringing this forward?
- I believe there is an inconsistency within the ordinance relative to sidewalk cafes versus other establish, in front of a restaurant versus other establishments. So that's where the issue came up. So that's what the Attorney is talking about, it looks like we may have some issues with the ordinance language, and we may need to have a re-visitation and possible revision to the ordinance, so staff needs to--
- Steve, how often does this happen?
- This is the first time we've noticed it on this particular ordinance.
- Okay.

- So the ordinance isn't very old, it's probably, I don't know, maybe two years old, three years old, something like that.

- Two years, so it's fresh still?

- Yeah, it's still a relatively new ordinance and it hasn't been used that often and so a unique situation popped up, caused us to look at the ordinance and say, hm, it looks like we need to do some work here.

- Well, I'm just wondering if someone told Kathy to look into this, or if she did this on herself.

- No, I'm fairly confident that she was approached by the business.

- All right, sounds good.

- Motion to refer to staff.

- Second.

- Motion to refer by Wery. Second by Johnson. Under discussion? Hearing none, all in favor?

- [All] Aye.

- Nays, motion carried. Two, consideration with possible action on request by Alderman Nicholson, on behalf of Tina Bunker, to have the City of Green Bay own and maintain the stormwater management ponds as part of the Grandview subdivision, held January 29th, Improvement and Services Committee meeting. Director Grenier.

- We would suggest that the floor be opened so that we can hear from Ms. Bunker.

- All right, motion to open up the floor for interested parties.

- So moved.

- Second.

- By Wery, second by Johnson. Under discussion, hearing none, all in favor?

- [All] Aye.

- Nays, motion carried. The floor is now open. Just raise your hand, I'll recognize you, state your name and address for the record. And we'll move on.

- [Tina] Tina Bunker, 825 South Huron Road, Green Bay, 54311. I have been working for the development of Grandview Place Estates for a couple of years now. The city has offered to own and maintain afterwards, so what I would specifically like to discuss is how they are done and when they are billed. I have been requesting infrastructure in the City of Green Bay over the past 18 years, of which I'm just asking for this project to be considered similarly, as it has been in the past. The specific

examples that I have is Royal Woods Estates. Roads were requested in 2002, they were installed in 2003. The city actually purchased property for that stormwater pond, which I'm not asking that to be the case, and the pond was dug, and there were two property owners there and there were two phases there. So the pond was put in to cover a greater area. It was done, one phase was done with the first, I think 12 lots, and then lots 12 through 24 were done a couple of years after, after we sold some additional lots. Another project I was involved in, Woodside Heights, just a little off the road there. It borders The Woods golf course, same scenario. The city had actually come in and done a regional pond near that property and incorporated the stormwater to cover that particular project. But again, the developer requested roads. The city did the roads, and when the city did the roads, they did the stormwater. Now we did have a project in 2006, our Eaton Heights subdivision, where we decided to do a developer's agreement. The developer put in their own roads and therefore the developer did their own pond, and the city took over that pond, actually recently. And then Largo Ridge Estates was done in 2013-14, and that pond, the property was actually purchased well in advance of that. The city put a regional pond in again to cover that, and the city did the sewer, water, curb gutter, and therefore did the pond as well. So my precedence of working with the city is that if the city is going to do the roads, they figure a solution for the stormwater management, they own it, they maintain it, and they assess back for different property owners. Now specifically with Grandview, we're willing to dedicate, we're willing to pay, but the problem is I see these more as a regional pond because we have several property owners, they're all encompassed into Grandview Place, which is 240 acres, but there are a number of property owners, and it's very difficult for one developer to go to the other and say, hey, you owe for this, you owe for that, how do we get a loan for it? And that's where the city, as a utility, needs to step in, and say, hey, we have this utility, they have the power to levy and assess as things develop. I realize that there will be stages that things will need to be done. It's a very large development. I like to see development in the city of Green Bay. One owner of the entire project can't come in and put that pond in and hold it for other people, or divvy out, let's say. At 240 acres, there are several ponds to go in. Again, I have no problem in dedicating the land for it, no problem paying the, I call it an ERU, you guys I think call it something different for it. But it would be done at the time of development when that use is done. As I've thought about it and reflected on stormwater management, I think about the fees. It's my understanding that the fees charged to each property owner are the same. So a house that was built in 1900, 2000, 2020, they're all paying the same rate based upon impervious surface. Yet there's a burden on new homes that they have to install and pay for that pond versus someone whose house was built in 1985, 1986, they're getting the benefit of these regional ponds that the city is putting in throughout the area, and they're not having to pay any kind of upfront cost for that. So I think that there should be some sort of benefit when you are paying upfront for this. And I'm not asking a reduction in that monthly cost, I'm saying it is a utility, it's managing water and water flows as it goes through one property to the next, as these stormwater ponds that we've paid to have designed are being implemented, it's picking up property that's coming from the neighbors, just because you have to. It's picking up on existing roads that it just might drain that way. It's a public utility and it should be maintained that way, and I would really like to see the city put the ponds in and assess back during the development, which will allow us to be able to, so as Grandview Place, we developed the subdivision to promote a consistent vision, so the restrictive covenants are the same, we're working on regional ponds in there instead of 100 small ones, we've got a handful of larger ones. But the goal of the owners is actually sell to someone, either in blocks or in chunks, so although there are just a handful of owners right now, there will be many owners in the future to allow development. It's my understanding last year that we had roughly 30 homes built in the city of Green Bay. There's a need for these lots. If we can't find a way, we've got this opportunity to build, to grow the tax base, but we need to work together for it.

- Okay, any questions from the committee?

- I have just one.

- Johnson.

- Tina, when you're looking at the development that you're doing out there, is this all residential, or are you anticipating any commercial development?

- [Tina] So it's a PUD, there is a portion of it that is commercial. There is some townhome type development. And there is some mainly residential, both in multifamily and townhome and condos. We look at this particular project and look at the workforce housing problem that is out there. This project was designed that we can have smaller footprints, smaller sizes, so that we can attract a variety of buyers. Not that the whole project has to be, but it allows for an entry level to provide some workforce housing out there that is in dire need. I know it's the city's goal to extend the I-43 Business Park to the east. This is going to provide much needed housing to support that commercial construction that's likely to move forward.

- Okay, and so on that commercial front, and I think you probably are aware of this, at least, one of the things I inquired about at one of our last meetings, was the possibility of a creation of a TID that could help with some of the costs of this. My understanding is that if more than 35% of the development is residential, then the TID would not qualify over there, so that's kind of why I was asking about commercial development and how much of that might be included.

- [Tina] Yes, it is roughly 10% of the acres, is commercial at this time. I have met with Director Vonck. We have brainstormed. We talked about some pending legislation at the State of Wisconsin that they are looking to change that TID language to allow for workforce development, which would be ideal for this. What I have suggested, there is, south of Finger Road, now I'm a little directionally challenged, but south of Huron Road, as we look at where that business park is supposed to expand, there is an existing TIF, and my suggestion to Dr. Vonck, which he is looking into, is expanding that TIF to include this area. It's my understanding that that's a large process. I would like to see it done just to be able to help development as this goes, but it just doesn't really change how I feel in terms of the stormwater as a utility managing water and rates that we pay, and how we've been treated in the past.

- Sure, and the value of the TID discussion is really more about what tools do we have at our disposal to come up with a solution. Okay, thank you.

- Anybody else? I've got a, Steve, has the city maintained stormwater management in the past with these projects?

- Maintaining, yes.

- Okay.

- Relative to the Huron Sitka pond, which is where Woodside Heights discharges, we did include a memo that's in the packet. Huron Sitka was originally designed primarily to take the runoff from

Huron Road when Huron Road was constructed. Because we had to build a pond there we built it big enough that it would also accommodate, and we charged a fee in lieu of, to allow the residential to come in, but it wasn't built for the residential development, it was actually built for the road. Royal Woods Estates, there they charge fee in lieu of and require the developer to pay for the land on which the stormwater facility was built, about 1-1/2 acres. The city opted to design and construct that facility due to the encouragement and significant concerns expressed by both the city Park Rec and Forestry Department and the Baird Creek Preservation Foundation, about letting stormwater discharge from the subdivision unchecked and uncontrolled and ultimately eroding out the steep slopes immediately adjacent to the subdivision going into South Baird Creek. Eaton Heights, as Ms. Bunker indicated, that one was built and paid for entirely by the developer up until 2019 when they dedicated it over to the city. Largo Ridge, the farm pond was actually constructed in 2007. That was going in as part of a larger development which did not necessarily include Largo Ridge, but did include Brown County property. Again, it was built large enough to accommodate. So just a little clarification on the ponds that were referenced.

- Okay, so what's different? If the city's been involved, they?

- The differences is here, but for, and this goes back to one of the things that Ms. Bunker talked about relative to the utility and the function of the utility, yes, everybody pays into the system to maintain the system. The reason that individual fees or the requirement for individual stormwater management within a subdivision is there is because but for that development, there's no need for stormwater management. So that development is increasing the amount of the system that's out there, and rather than pass that out to the entire system, the entire system will pay for it after it's constructed and it's been accepted by the city, because it becomes part of the larger utility, but much like the roads within a subdivision, the roads are assessed whereas other roads are not, they're covered by the Wheel Tax, because but for that development there's no need for it. Those ponds wouldn't serve any purpose if the subdivision never went in.

- So Tina, just a question for you, based on that, and this is maybe where I'm maybe a little bit confused by the agenda item, that is, are you just looking for us to dedicate a pond, or are you looking to construct it, looking for us to construct it?

- [Tina] The city has agreed to construct and own the pond, but they want to tax back to be paid in full at the time it's complete, just like roads are. So what I'm asking is that you construct it, you own it, and as the development occurs that funnels into it, that that would be done. Now I will say I think that this project is a lot like Royal Woods Estates because on the first 70 acres that we're talking about in this project, it does, at the south portion of it, border the south branch of Baird Creek. So I say there is some validity to the ponds that are there. If you think about what an open farm field does to contaminate our creeks and so forth, this is, I think, exactly like the Royal Woods situation where we're looking to clean up these creeks and that stormwater pond is gonna stop all that open field that erodes over the winter and leads to, I don't remember the exact portion of it, but the biggest culprit when it comes to clean water in our area, it isn't construction, it's not roads, it's actually farming. So this pond would actually help to clean up that south branch of Baird Creek and where it eventually it goes onto.

- How much is it? Do we have any idea?

- [Tina] There's a couple of different ponds, I know that it was discussed, the question was asked last time about the cost. I have never seen any estimates for it though.
- Director Grenier, any sense of what that?
- We don't have a cost on it because we don't have a design on it yet.
- Sure, okay.
- Anything else, Brian? Well, how far would this project, how far is it along? Is it started yet?
- [Tina] I've been asking, it's hung up, I've...
- So nothing has happened yet.
- [Tina] Nothing has happened, nothing can happen. I seem to be moving backwards more than forwards when it come to trying to get this stuff.
- So you're looking for a retention pond for the project, then, correct?
- [Tina] So if you look at, so... When two years ago when I met with the department heads, actually it was about two and a half years ago, I met with the department heads and I said, why isn't this going anywhere, what can we do? And it was said, well we need a full, complete stormwater retention plan. And Director Vonck suggested that I go in, I amend the PCD, and we break up the retention stormwater management plan into two phases, one on the west side of Grandview and one on the east side of Grandview. So there are three ponds I believe, on the west side of Grandview, right?
- Three or four.
- [Tina] Two up top and then I don't know if it's one or two on the bottom.
- Yeah, there might be one or two at the bottom.
- [Tina] At this point I'm really just talking about the three ponds that are there, and I would be guessing, but I would say that we're talking about being able to develop 150 acres, 120, do you guys have any?
- I'd say that's close.
- [Tina] 150 acres by putting three ponds in and protecting the water that flows into the south branch of Baird Creek. So what they cost, if I had to take a guess, the larger one at the bottom's gotta be in excess of \$100,000.00?
- Well the, yeah it...
- [Tina] And the other two, I, would be less, I would think they would be \$30,000.00 to \$40,000.00 each.

- Oh no no, they're gonna be significantly more than that. The pond that we just put in that's being built at Huron Sitka is?

- It's a million bucks.

- Almost a million right now.

- Almost a million, and that's gonna treat substantially less than this.

- [Tina] That's gonna pick up a lot of the existing development though, isn't it?

- No, that plan is only picking up from Dan Schmidt's house down to Superior, the old Dallaire's property south of that, and a small undeveloped piece that's on the west side of Ontario south of Sitka.

- [Tina] So I have no idea on the cost, but I can tell you it hinges on whether we can develop 150 acres or not.

- Right, right, and so I presume the risk here for you as the developer is the cash outlay to construct ponds with no guarantee that the lots would be sold, right, so you're putting the money up front--

- [Tina] I would say no, the problem that we have is that we have multiple owners.

- Mm hm.

- [Tina] That how do you...

- People that own parcels already?

- [Tina] Different parcels that flow into it. So how do you, we don't have a mechanism to be able to assess someone else, the property is all on one person's property, but it is gonna be doing the stormwater management for multiple different owners. So looking for a vehicle that like, a municipality, that can assess, that has that arm, that has that function. And then doing it at the time of development. And these ponds on the south isn't something that has to go in right away, it would be something, it's not like I'm asking you to build these ponds today and let them sit forever, someone would have to come in and want them built. Now the first two ponds, we have a need for those at this time because we're trying to put in 15 residential lots, it's about 30 townhome sites, as well as an 11 acre multifamily development which, the value of this has gotta be in, of the total, has to be in excess of over \$20 million. Each one of those buildings that an apartment complex that he builds, have to be, basically, million dollar buildings, and it's my understanding that he has 14 of them going in. I haven't seen a final plan to this date, but then we've got 15 home sites. I can't build a new home for less than \$300,000.00 right now, so we're talking \$300,000.00 to \$400,000.00 homes, and then you've got your condos across the street. Now another nice thing is we're providing a really nice variety of housing availability out there, from your rentals that are much needed, rents are soaring right now, your townhome, which is getting someone in an entry level new home, and then your residential home as well.

- Anything else, Brian? Any other questions? So Steve, I've got a question. Are there retention ponds already in the plan?
- In the concept plan, I don't think they've been final designed yet, but yes, there are, for the subdivision there are ponds out there, yes.
- How many ponds?
- That's what she was just talking about, for that segment on the west side of Grandview there's at least three, I don't remember if there's three or four.
- Three.
- Okay.
- There are three, okay. So there are three.
- [Tina] Two smaller ones and then by the creek. So the one by the creek basically takes all the, like the whole path in front of the creek, and it puts stormwater management between the residential homes and the stormwater, to collect all that water to treat it. It's also gonna be part of the Green Bay parks system that Baird Creek Preservation Foundation was, I met with them a number of times during their planning process. I allowed them access, and where they wanted a parking lot, and I really tried to protect that property. In the past the city's had to purchase that. We are completely dedicating it to the city.
- So then you're looking for?
- [Tina] I'm looking for the city, as development occurs, on the west side of Grandview Road, to install and maintain the ponds and assess back as development occurs.
- Okay.
- So I presume that would be a one time assessment to the home to cover their portion?
- [Tina] Yep, just like we had in the Royal Woods Estates, the Largo Ridge Estates, so there is a fee in lieu of instead of having to do the actual pond that we paid, and all the subdivisions that we had you do the roads and the sewer, gutter, road, curbing, all that kind of stuff, you did those ponds at those times, and each one of those had a fee in lieu of, on my sheet it said ERU, I don't know what the means or what not, but any time we've done this we've had this fee that we pay.
- And so I presume then that when you do a purchase agreement with somebody that that would just be a disclosure that you would provide that says the city is going to assess you for this?
- [Tina] I don't even think that's necessary. What happens when you request roads in the city of Green Bay you have to follow their stormwater procedures, and that requires that you pay the fee in lieu of or you put in your own stormwater, so I don't feel like that's even something that has to be--
- So that's kind of like a connection fee? Is that the comparable?

- [Tina] Well, you have to, we have to, as the developer, provide stormwater, right, so either you're putting that pond in or you're paying a fee in lieu of that's going towards a regional facility.

- Got it, okay.

- [Tina] So it's a one or the other thing, but as a developer you have to provide for that stormwater management. And it's not any different, and that's, it's not like there's a disclosure that you would make for that as you're selling it. It would be on the, so when you send the letter in and say, I would like roads next year, they do some engineering, we've gotta provide a survey and some other things, and then they get you a one page sheet of paper that provides you a summary of all the costs, so the roads, the sewer, the water, they're all like line items on there and one of the line items is that ERU or that fee in lieu of. And if you have a developer's agreement, if you decided you wanted to do your own roads, let's say, but that pond is still existing there, that would have to be something that's covered in that developer's agreement between the developer and the city.

- Okay.

- [Tina] Am I correct?

- Close enough for what we're talking about, yes.

- [Tina] Okay.

- Any other questions, Brian?

- No.

- Any other questions? Well Steve, is that a possibility? Is what Tina's asking for?

- When she's talking about a fee in lieu of, I think the Huron Sitka pond would be a good example of how that fee in lieu of works. Again, we needed the pond for Huron Road to be constructed, because although it's a county road, the county doesn't take care of the drainage, that's our responsibility. So any of the water falling completely on the road that gets into the stormwater system, we've gotta collect, and then we need a treatment pond for it. So we built the pond big enough to handle everything that was coming off of Huron. We knew there was development that was going to occur adjacent to that that would flow into that storm sewer system, so we built the pond bigger than what we needed, and then we took proportionately, the stormwater utility paid for what needed to be done for the road itself, and then the contributing acreage beyond the road that was flowing into that pond, we charged a fee in lieu of and had them come into one central pond as opposed to having many small ones. So we portion out and we charge back the incremental cost. The one difference with this particular pond is all of the flow that's going into these two small ponds up in that northwest corner of Grandview, everything that's gonna be flowing in there is going to be coming from that development, so the fee in lieu of will be the cost of the pond, the entire cost. The difference I think is, if I understand Ms. Bunker correctly, they don't want us to charge that up front, they want the city to front the money and then charge it back over time as that development occurs, which is a little different from what we do now. Now if you have, if there's a large regional pond over here and an

undeveloped piece of land here that would flow in, as soon as you record the plat for that development, we charge that fee up front, and you just pay it for your acreage, and that's pulling in.

- And did we do that in the past as what Tina was saying?

- This would be a deviation from what we've done, more so on the deferral end of things. What it's gonna do, it's gonna require the city to front the money and carry those costs until the development occurs. And with that, again, you guys know all about budgets and bonding and programs, the stormwater utility only has so much capacity, and if we were to do something like this where we actually fund it and then charge it back over time, and we're carrying those costs, that's money that we can't use for other projects.

- Like trimming trees?

- No, like other stormwater projects, like Antoinette.

- I'm partially teasing. Well you guys get it.

- In my opinion--

- Well it's the same pot of money that our lift station projects come out of--

- We used to that in the past, now we've got a developer, now we're saying no to the developer.

- It's a difference from what we've done in that past.

- Right, well that's like a kick in the teeth somewhat, 'cause they're relying on that, and then all of a sudden the city's changing.

- We're not changing, we're staying consistent with what we've done in the past.

- It doesn't sound like it.

- What the developer's asking for is a little bit of a change from what we've done in the fact that they're asking for us to carry those costs. Normally, again, if you're building a larger pond for a different reason, and this is gonna go into it, we only charge for that part that's coming in, the rest of the pond is being paid for by some other mechanism. Here, everything flowing into that pond is the development, so normally, we can go ahead and build it, but we're gonna bill it back immediately because everything in the development is what's flowing into that pond. Except for the development, the pond's not needed. So in essence we'd be doing the same thing. We'd be charging the developer the fee in lieu of, but we'd be charging all of it right now. I think, if I understand her correctly, what she's really asking for is for us to defer the payments that they would be making to us. Instead of making those payments now, they would make them as the land is sold and developed, so the city would have to carry those costs forward over a period of time, which is the bigger difference from what we've done in the past.

- Okay.

- [Tina] But this isn't any different than our Royal Woods Estates. It's contained for that whole water, we've got a part of Baird Creek on it. You can give me other examples that it's differed from, but I have an exact example of, and I'm not asking for anything different. If that pond too had, that subdivision had two phases to it, the ponds went in for that first phase, there was no, this has to go in, there was no set timetable, there was no expectation, it was this pond was done and this water's gonna go into it, and it was that ERU or that fee in lieu of was held for that part that when the water went into it, then they had to pay for it.

- So Steve, with the Royal Woods Estates, what took place in that project I guess?

- There again, there was knowledge of a larger common development, so the pond was designed ultimately to handle what the future development was and then it was charged back.

- Okay.

- So it's more consistent with the way I've described it. That one also was very early. We only enacted the stormwater management ordinance back in 2000 and... Around 2001 is when we started putting ponds in, and Royal Woods Estates was in 2003, and some of the lessons we learned at that time is how we've developed the program and how the program's evolved over time. One of the things that we found at Royal Woods is that we wound up carrying some costs out there and limited what we could do with the stormwater utility.

- So because of the Royal Woods Estates, we're not doing the same thing anymore because--

- No, that was one of the things that caused us to revamp the program, but there were many things along the way.

- Did we make mistakes with the Royal Woods Estates?

- We wound up having to finance part of that thing for a longer period of time, which limited our ability to utilize that money for other projects.

- How much was that, roughly?

- Offhand I don't know, it's--

- Are we talking millions?

- Again, I don't know, that's years before I even came to the city.

- Okay. All right. Any other questions?

- Just two.

- Whichever, go ahead. It doesn't matter.

- When you work with other municipalities or villages, have you done subdivisions like this with other areas?

- [Tina] I didn't research that before, yes we have, and I didn't research that. I do believe the two others that I can think of right now were ones where we opted for a developer's agreement. So it wouldn't have been this particular...

- Right.

- [Tina] I do know from talking to other developers that regional ponds are very common. Certainly if there's a lot of developers that prefer to do their own roads, they might have a relationship with the utility contractor and whatnot and then they would be responsible for those ponds at that time anyway.

- Okay.

- [Tina] I think it's less common that someone actually has the city do something for them unless they're offering deferral payments or bonding.

- Got it, okay.

- Any other questions? Chris.

- Sure, thank you, Mr. Chairman. Tina, I was wondering, is the main concern, is there one main concern or is it two? Is it the upfront cost or is it how you're gonna recoup it, like you were saying, you don't have a mechanism to do that?

- [Tina] I would say that there's two main concerns. One is we don't have that mechanism. Two is to be able to say, well, you property owner owe this much for it, and you property owner own this much for it. We have... In my opinion, a precedence, but I think we disagree on that, and then we also have just the idea that this is a public utility managing water that comes from the sky that has to go somewhere. I think a pond in there, as opposed to a farm field does have an immediate benefit to the quality of the lakes and streams that funnel from there.

- Now with this project, the city would maintain it, right?

- [Tina] Either way, they had already agreed to maintain it, either way, it really comes down to when do you actually pay for it, do you pay for it when it's absolutely complete or do you pay for it when you kind of start to use it?

- Okay, that's all I have right now.

- [Tina] Thank you.

- Anything else, Chris?

- No.

- Okay. Any other questions from the committee? Johnson.

- Sorry.

- It's good, go ahead.

- So when we talk about ways to recover that expense, would it not be possible to just charge more for the lots? And so what's going through my mind is, and again, just exploring all the possibilities, right, is it plausible for the stormwater utility to do some type of low interest loan to the developer to put this in where you could recover it through just an additional price in the lot?

- [Tina] The additional price of the lot automatically is gonna pay for it later, you know what I mean, like when they come into it, you know what I mean? So when you say later, it's when you, their water kind of goes into it when you put that impervious surface to it.

- Mm hm. I'm trying to figure out though the upfront construction of the pond. It seems to me that we're--

- [Tina] We don't have that vehicle to be able to say, okay, this parcel, you owe this much for it, this parcel you owe this much.

- Well you would just charge a higher price for the parcel?

- [Tina] But I still don't have a vehicle to assess exactly what that is.

- Unless you were to, I guess, calculate that out?

- [Tina] But we're also talking about different property.

- 'Cause you don't know how much impervious surface they'll have?

- [Tina] Well we're talking about different property owners that go to one piece of property. You've got one owner is burdened with the cost for several owners.

- Okay. I'm just trying to figure out how we, how to come to a resolution with the thing.

- [Tina] I mean, if you charge interest on it before it's... I don't expect money to be free.

- So and the city does have that angle?

- [Tina] Ability, yes.

- Anything else, Brian?

- Essentially, Director Grenier, we're just, we don't even know how much this is gonna cost yet, right?

- Correct.

- So if we, how do we determine that? I feel a little bit ill-prepared to make any kind of decision without knowing what it's gonna cost. Typically is that burden on the developer or is that on the city staff?

- Oh we can definitely come up with some estimates on what we think it's gonna cost. I think the contract designs that have been constructed, especially for the first two ponds, that would foster this initial phase of development, I think those are far enough along that we could probably come up with an estimate by the next time that we meet.

- And then from there, I presume that we could have a conversation that if the city were to take on that responsibility, how would we do that?

- I think that's fair.

- And then again, without any idea how much it's going to cost to construct, it sounds like it's probably not gonna be covered through the stormwater annual budget. We'd have to bond for it in some capacity?

- That is correct.

- Okay. But the bond, the debt retirement on the bond could be paid through for the regular stormwater, right, until we're able to assess that back?

- Correct, that's what we would have to do.

- Right, okay.

- Any other questions, Brian?

- Last one, if I could.

- Go ahead, Chris.

- Do you have any other developments outside the city of Green Bay where you do differently, or have a different experience.

- [Tina] We typically have done our own. The city of Green Bay is where we've had the city do the roads, they have the capacity to do that a little bit easier. In other municipalities we've actually done a developer's agreement with the town because they don't have that ability for the most part.

- But you also have ponds on those developments?

- [Tina] There were ponds on the developments, yes.

- Oh, already?

- [Tina] Mm hm.

- So you didn't--

- [Tina] They were much, most developments, most developments are much smaller. What we're looking at here is this is, this is big. It covers an immense amount of area. It's not just, most developments when they go in, you're talking about 10, 20, 30, maybe 40 acres. We're trying to work with the city to provide a vision, to provide consistent zoning to provide what the city wanted to see in that area. And my goal right now is to sell blocks or sections of acreage, but I can't do that right now because how do we, the plans that we have for the stormwater won't work, because I just can't sell them 20 acres here, and then we've got this pond over here. How do they pay for that, how do they get their stuff to it, how do they do anything, and that's where the city steps in as this is our requirement, this is your cost for it.

- Is this really the only missing link that you have?

- [Tina] This is my missing link to be able to sell property in there. If I would like to sell individual lots, well then we need to talk about some deferred assessments, but to be able, for me to sell blocks to a developer that will come in and build houses, yes, it is a function that we need to be able to move forward. And it's, frankly holding things up at this point. And we're coming up to a big selling season. I will tell you I think we're going to have a fantastic year this year for development. Interest rates are a full point lower right now than they were last year at this time, which means that buyers actually have a 10% purchasing power, they can afford 10% more house than they could last year, and rising prices went up about 6% to 7%, but they're still ahead, so their affordability actually went down, or up I guess, I think that's the better way. Their affordability actually went up from last year to this year. Typically in our election years we see things move pretty well, so I do anticipate that we have a great opportunity for the spring, but I think everyone can agree, elections can put the brakes on certain things, so in my opinion we've got a good eight months to really get things moving here, and then, your guess is as good as mine as to how things occur after the election. So I've been working on this long time. I really hate to delay things all the more because we're coming up into our prime selling season.

- Well Tina, is that fair enough if we have one more meeting, get the numbers, and then we'll make a decision?

- [Tina] If that's what you need to do.

- I believe to get a census here, I believe we do.

- I think the rest of the council, if we sent them this without any, somewhat of an idea of what the numbers would be, it would be kicked right back, right? I think we're kind of starting to get our heads around it, but it would be nice to have some more firm data.

- Any more information, Steve or Tina?

- No I'm, originally I was getting a little lost with, when Ms. Bunker was talking about different owners, I was trying to reconcile that, because every, this big block of land that the development, all that's flowing in, but if you're selling this chunk off, how much of that chunk is going into the pond, how much of this chunk, now I get it, now I get where you're going.

- Okay.
- [Tina] In addition though--
- Now I understand.
- [Tina] Just the development has different owners.
- No, yeah, yeah.
- But then beyond that--
- That point notwithstanding, when you were talking about the city has the ability to apportion those costs out, I was like, well wait a minute, this development, this large piece of land, that's what's flowing into the pond. But if you're going to sell to others to develop this 10 acres, and this seven acres, now you're gonna have different, now I get it.
- [Tina] Yeah, it's not our goal, we don't have the ability to build on all those lots. So for example, if you think about this is kind of that parcel here--
- No, I'm.
- [Tina] You know, we want to put in like a J--
- I get, yes, I've got it.
- [Tina] And then each block that comes out of it, we want to be able to sell, because let's face it, there's no builder in this town that can swing 150 acres, 200 acres, I've tried, it's not working. But I do have people that I think will come in and buy a block. So I'm talking with people out in the valley, I'm talking with different local, it might be even a couple of local builders that will come in and buy a block. That's something that we did in Woodside Heights. But it's kind of small piecemeal and we can't, it's just too hard for us to be able to manage that.
- Question, go ahead, Chris.
- Director Grenier, have we had other developments like that, with that type of puzzle?
- No, nobody's tried to do something on this scale before.
- So that does add a different--
- Absolutely.
- Okay.
- Yeah.
- We certainly don't want to delay this, but we're going to be meeting in three weeks again?

- It's probably going to be, I don't know what the schedule looks like in March, but it would be I believe the second week of March is when we'd meet next.
- Do you know the date on that, 'cause I don't think I'm here then.
- No, you know we could meet anytime, really Steve? Say the first week of March?
- Well, he needs some time to put together--
- I think this is a significant enough thing. Can we do a special meeting and go over it?
- We can do that too. We could have a special meeting just on this.
- Well there's no way we could pull stuff together that fast.
- All right, anything else? Okay, I'll entertain--
- [Tina] I just appreciate your consideration and your time, thank you.
- Thank you, thank you for your time, thanks, Steve.
- Motion to close the floor.
- Second.
- Motion to close the floor by Johnson, second by Brunette. Under discussion, hearing none, all in favor? Nays, motion carried. Okay, I'll entertain a motion by the committee.
- Motion to refer to staff... to come back to the next committee meeting with an estimate on pond construction and proposals for how we could fund it.
- Anything else you need, Steve?
- So what I've got is refer to staff to develop cost estimates and proposals on how to fund.
- Will that cover it? Steve?
- Yes.
- All right.
- Second.
- Okay, a motion by Johnson, second by Brunette, under discussion? Hearing none, all in favor?
- [All] Aye.

- Nays, motion carried. Moving forward. We are at number three. Consideration with possible action on review and approval of the 2019 Annual Wisconsin Department of Natural Resources Storm Water Report. Director Grenier.

- Actually if the committee will oblige, we did have one person that stopped in late who wanted to speak relative to the public hearing, although the public hearing has been concluded and the action has been taken, I think it's still valuable to hear from the public, so if you wanted to suspend the rules to allow her to speak on that item?

- Motion to open the floor.

- Motion to open up the floor for interested parties by Wery, under discuss, second by?

- Second.

- Second.

- Brunette, under discussion, hearing none, all in favor?

- [All] Aye.

- Nays, motion carried. The floor is now open, just raise your hand, state your name and address for the record, and you will be recognized.

- [Samantha] I appreciate it.

- You're welcome.

- [Samantha] My name is Samantha Schwartz-Oscar. I live, own the house on 138 South Webster. And my understanding is, I apologize if I don't fully understand the issue, but my understanding is that the pavement or the asphalt's going to be replaced on Doty Street. And I apologize for my tardiness, I was at the previous meeting. But my house is zoned as a condo. It was previously owned by a group of people, my two neighbors and myself, and so the property, we share a driveway, but we have separate houses, separate garages and everything, it operates like it's a regular house. If you drove by it it looks just like a house. And because my understanding is the Wheel Tax covers pretty much all the other houses for the pavement that's going to be replaced, but because we're zoned as a condo, it does not cover our costs so we are paying out of pocket for the pavement that everyone else gets covered. So my bill was sent to me for \$3,100.00, that's a lot of money, and I'm just asking that our situation, it's pretty unique, be considered as we pay Wheel Taxes just like everyone else, we live in a house just like everyone else, we don't get any of the benefits of it being zoned as a condo. To my understanding we don't have a condo association, we don't have anything existing that gives us any sort of benefit for it being zoned as a condo. So it's kind of a unique situation, but I'm just bringing your attention to it and asking that we could get the same benefit everyone else does in terms of the pavement being paid for by the Wheel Tax.

- Question.

- Go ahead.

- Is your property in the name of a business?

- [Samantha] No, it's not, so I'm the sole owner of the property, and it's my personal, I own it personally. I'm actually surprised my neighbor's not here, maybe he doesn't understand what's happening, but we all own our houses separately, just as separate, independent individuals. The only reason I even know that this is a thing is because in taxes they say it's a condo, and then when it was sold to me they warned me that it was a condo. I really didn't know what that meant at the time, because in asking questions it was kind of just said, it's called a condo but it operates just like a house. There's no, like I said, no condo association, no, like when we plow the driveway, we just all talk as neighbors and decide who's responsible for plowing the driveway, we pay for that out of pocket, like, there's no condo association or any benefit or any difference, I think, that I see, other than it's zoned as a condo instead of a residential property. But like I said, if you drove by it, it would look like a regular house on the block. All of my neighbors and myself. And I think one neighbor isn't affected because they're on Webster if I'm correct, so it's just my neighbor to the left of me, well I'm on the corner, so I have a neighbor on Webster and then a neighbor on Doty, so it may be just him and I that are affected by this. But yeah, it was a, my understanding is there was an LLC that bought those properties, and they rezoned it as condos at that time. I'm not sure if it was because it was under the name of a business or why, or because there's that shared driveway, but yeah.

- Any questions from the committee? If not I'll entertain a motion to, now do we gotta close the floor or?

- Close the floor.

- Motion to close the floor.

- Second.

- Motion by Johnson to close the floor, second by Wery. Under discussion, hearing none, all in favor?

- [All] Aye.

- Nays, motion carried. Okay, I've got a question, Steve. Now the ordinance states that it excludes condos, correct? Is that why she?

- Not necessarily.

- Okay then why is she billed 3,100?

- The ordinance stipulates that vehicle registration fees are used to offset, 100% offset, one and two family residential. Any other zoning classification gets a 50% reduction. So multifamily, like apartment buildings, are considered for the purposes of pavement special assessments, are considered to be other than one or two family residential. They operate more like a large scale facility, not like a single family residential because of the density. I'm not a lawyer, please don't hold me to this, this is the engineer's version of why a condo? Zoning ordinance prohibits more than one living structure per lot. Rather than subdivide the lot through a CSM or plat, the developer in this case decided to create a condominium plat which allows multiple independent homes on one single piece of property. It was a

way to get three houses on the property without having to do a subdivision. So that's why it's condo, or at least that would be my guess as to why it's condo as opposed to three separate lots. Again, the ordinance provides for the relief for one and two family residential. This is a unique case that I don't think we anticipated... when the Wheel Tax discussion came up. As the resident has described, this does not function like an apartment building, it doesn't function like a multifamily. The function of it is more like single family residential. The ordinance doesn't have, the ordinance obligates us to levy assessments. What I would ask in this case, again, we've already taken the action, but if the committee asked us, which I'm anticipating you're going to do, ask us to talk to Law Department to see what if anything we can do and report that back out to you at a future meeting. I have a feeling that there's a possibility Law may look at this. And we can't eliminate the assessment because the ordinance doesn't provide for that, but to see if there's some way that the city could participate in this to lessen or eliminate the burden to the individual property owner. Again, this whole condo association, a single family residential, a three unit condo that functions as single family residential, in the spirit of what we were trying to accomplish would, I could see how that would fall under being exempted, however, the ordinance doesn't provide for that. So what we'd like is the ability to talk to Law Department to see if we can find something.

- A loophole, basically?
- Not a loophole, a way to make it happen.
- All right, Johnson?
- So I wasn't here when the vote was conducted.
- Nobody showed up.
- So what was the action that was taken by the committee?
- The action was to order the improvements constructed and levy assessments.
- Okay, because I wasn't here, am I allowed to make a motion to reconsider?
- It would actually have to be somebody who voted in the majority, any of the three.
- Well you say it and we'll do it.
- It doesn't matter.
- Go ahead, one of you two reconsider it.
- Well wouldn't that just be the easiest way to do it, and can't we in that motion, create an exemption?
- No, because the exemption would violate the ordinance.
- We need an opinion from Law, Brian. All right, go ahead.

- I'm hoping that Law can find a way to pay the assessment somehow.
- This is a similar situation we just had with Hillcrest where there are a few constituents who are concerned about the water assessments. We approved it, then after the fact, then engineering was working with the affected constituents to work out a way to see if we could reduce the, either the assessments or redesign the project. Would you say that that's a similar, not identical, but--
- Kind of.
- What's the way that we can do, I guess, what's your solution, how can we--
- Steve, again, if we reconsider, send it to Law, we get an opinion, is that what you're looking for?
- I would not necessarily look for reconsideration because that's gonna delay the projects. We need to move, with the construction schedule we're only in February, but we need to get these things out, bid, and built, with over a mile of road to build over there, that's gonna take us up until November to get done. Again, I think with the action you've already taken, if you just give us direction to discuss this with Law Department to see if there are other solutions available, I think that gives us enough latitude and we can report out to you whatever we come up with from Law Department.
- I would make a motion to direct staff to talk to Law Department to find a way for this assessment to be waived, considering that it is in violation of the spirit of the intent behind the law.
- Well again--
- First we gotta get out of, we've gotta get out of opening up the floor. We've gotta close it up.
- Are we still in that?
- Yep.
- Motion to close the floor.
- Second.
- Motion to close the floor by Johnson, second by Wery. Under discussion, hearing none, all in favor? Nays, motion carried. Wishes of the committee?
- I'll make the motion as stated.
- What was stated?
- With all of the fluffiness too?
- Oh my God.
- Yes, with all the. Did you have it written down or did you just wing that?

- He winged it.
- Do you have it Steve?
- Motion to refer to staff to find a way to waive the fee. Waive it or cover it, whatever legal language you need to make us in compliance.
- I like cover.
- I don't. Why don't we just have an opinion from our Law Department and then we'll decide it then.
- You can do that too.
- It's up to you.
- I want to keep the motion as is.
- All right, sounds good.
- Second.
- Motion by Johnson, second by Brunette. All in favor?
- [All] Aye.
- Nays? I'm a nay. Motion passed, it will go to city council. Moving forward.
- Mr. Chairman, if I could?
- Council is in two weeks, so we send the recommendation to them and they'll have final say on it. It's Tuesday, 6:00 o'clock.
- Room 207 just right down the hallway.
- We're basically asking staff to work with the Law Department to see if your situation is kind of what we meant for the Wheel Tax.
- [Samantha] I will hear some news in two weeks?
- Pardon?
- [Samantha] I will hear news in two weeks, you are saying?
- Two weeks on Tuesday, so that will be--
- You might even want to come to that meeting.
- [Samantha] That's what I was .

- March the 3rd.
- That make sense?
- First Tuesday in March, correct, Steve?
- [Samantha] City council meeting first Tuesday in March.
- First Tuesday in March.
- Because we only kind of recommend to council. And then council takes that--
- That's 17 10, three, March 3rd.
- [Samantha] Okay, thank you.
- We only recommend to the council, and then they make the final decision.
- Is that the one that got changed to Wednesday?
- But we'll be there too.
- I've got no idea.
- Maybe even in ties.
- Is that the meeting that got changed to Wednesday?
- Whatever it is, we will...
- You'll contact her?
- We will make a note to follow up and send a letter advising you of when the council meets.
- [Samantha] Thank you very much.
- All right, we are at three. Consideration of possible action on review and approval of the 2019 Annual Wisconsin Department of Natural Resources Storm Water Report. Director Grenier.
- As you are well aware, that's our annual report we submit. We included it in the packet, we've given you the highlights.
- Oh, I gotta read all that. Go ahead, Steve.
- We had over 250 construction or utility projects, 244 of those in 2019 required erosion control permits. Staff has been very diligent in following up and making sure that the erosion control and stormwater management ordinances have been applied. And DNR has conditionally released us from

our notice of violation that we were under for failure to enforce. We have a total of 356 outfalls from our storm sewer system. Staff has been busy completing the major and minor outfall samplings throughout the course of 2019. By completion of the screening and inspection, we did update our GIS mapping to include those results. Some stormwater facilities that were completed in 2019, we have the Superior Road pond that is constructed, it's not fully vegetated, that'll happen in the spring. The Angie Street pond that's being constructed cooperatively with Brown County that will service the Green Bay Packaging project. The Pine Acres Estates subdivision pond. The depressed vegetated boulevard for the North Webster Avenue project. The Rail Yard Innovation District pond, and we've got some aerial photos showing some of those projects. We did complete our biannual inspections of our stormwater quality ponds noting where we had plugged outfalls, burrows within the pond, or any vegetation that needed to be addressed. We did perform garbage and debris removal. The stormwater technician partnered with the McArthur Neighborhood Association and Sanimax for their Spring Clean-Up of Beaver Dam Creek again this year, we've been doing that for six years. One of the things that always seems to elicit a chuckle when we talk about it is our muskrat problems at the ponds. We did employ our trapper, Mr. Schrader again this year. 21 of our facilities were trapped and we removed 111 muskrat, again those are a concern because they burrow holes in the pond and instead of it being a pond it's more of a sieve. The stormwater technician did, we've had a longstanding collaboration with NWTC and with their environmental club we're actually taking those students out into the field to do water sampling on outfalls, so it's education and providing practical experience for those folks before they enter the workforce. Another successful year of street sweeping and fall leaf collection, about 2,600 tons of material was collected with the 17 street sweeping operations. We did nine leaf collection rotations, four in the spring and five in the fall. Completed a Green Bay outfall maintenance inspection from April through September for flood insurance assistance. Progressing forward, we've got two lift stations that will aid in minimizing the high water qualities in basins 108, 110, and 106, the 108 110 station is currently under construction, and the 106 we're gonna be talking about later tonight with a bid. Completed our inspection of the dike on Green Bay. We'll begin a phased implementation to correct deficiencies that were noted, especially those ones that occurred after the December storm. Operations cleaned 77 catch basins and 703 inlets across the city. Again, where the stormwater inlets collect the road runoff and direct it into our storm sewer system, a lot of times in those inlets we wind up with heavier solids that settle out at that point and we've got a crew of people that go around with a vac truck and we suck that out to stop that debris from getting into the storm system and ultimately into rivers, creeks, streams, and the bay. And that's pretty much the highlight. What we're looking for is approval of the report and authorize the Director of Public Works to submit that to the DNR for compliance with the LS4 permit.

- Motion made by who?

- So moved.

- Johnson, second by?

- Second.

- Brunette, under discussion?

- One question.

- Oh my gosh. Go ahead.
- Okay, now I have two questions.
- Make it three.
- Thanks, Steve.
- Sure.
- Can I get that on tape?
- It is on tape, who cares.
- A full-time tape, the whole thing.
- Move forward.
- What on tape?
- I'm just trying to delay this now 'cause he's annoyed, so. The dike upheave, are we gonna get more of a detailed plan this year, on dates when it will be done?
- We are still working on options. We had, I think there were a total of seven things that we were looking at and we were trying to weed through those. Several of them were thrown out because we physically can't complete. For instance, one of the options that actually wound up being the lowest cost, we were looking at driving sheet pile in through the top of the dike. When we got into the weeds and started digging in to how that, unfortunately there's not a lot of real good records on how that dike was constructed back in the '70s. But what we were able to find was it's not a clay core with arbor on top of it. That's actually all rock and then there was clay placed on the private property side so that it would support grass. You can't drive through quarry rock.
- But we want to work on it this year, so we'll be seeing some, all right.
- Yes, oh yeah, yes, staff continues to work on options. We want to get something done this year, you bet.
- All right, thanks.
- Well you've got question two coming up. And you've got three after that.
- What'd you have for lunch today? No, go ahead.
- I actually have a question.
- Oh, go ahead, take his third question.

- Director Grenier, obviously the budget process, we added the forestry cost to the stormwater utility, and I know this is just a report, but are we going to look at amending that ordinance at some point to talk about, like in the budget I was critical because we had street trees put in the stormwater utility costs. In that ordinance I read it and trees were not mentioned in that ordinance, so my thought is as we look at--

- I'm sorry, I'm confused, what ordinance?

- The stormwater--

- The stormwater management ordinance?

- Yes.

- Okay, I'm sorry, gotcha.

- Yeah, I'm sorry. I thought I was, yeah. So, my question is, we should probably look at amending that ordinance to reflect stormwater utility, the inclusion of trees and whatnot.

- Good suggestion. I know the Law Department is going through a re-codification of the municipal code, so it would be a good time to take a look at that.

- I as gonna submit a communication, but I just, while you were talking about it, I thought I would maybe ask you.

- We need a full leaf count, the more leaves you have on your property the bigger discount you'll get. If you don't have any leaves, you get a higher--

- Any other questions?

- That is all.

- I don't know if we got a motion.

- We had a motion to approve.

- I can't remember.

- Yes.

- All right, all in favor?

- [All] Aye.

- Nays, motion carried. Number four, consideration with possible action on a request by DPW to submit bond request to support 2020 Capital Improvement Program. Question, Steve, what do you got for Main and Mason?

- Right now there is not a formal project for Main and Mason.
- Okay.
- Again, that's, we're still looking at options down there.
- All right, sounds good. Question?
- Yeah, thank you, Mr. Chairman. The vehicle registration fees, 2,285, is a portion of that the carryover from 2018?
- Yes.
- You know how much or?
- About 585,000.
- Okay.
- How much are they gonna be at? They still remaining the same price?
- Yes, we are not recommending a change in that.
- I thought you needed more? Didn't you state that, roughly, no?
- We could always use more.
- Yeah I know that, government always need more money.
- I need more money.
- Yeah, but you're not the government. You might invest it.
- We took in approximately \$1.7 million last year.
- And make money off of it. The government just wastes it.
- The committee and council did authorize us to use up to \$100,000.00 for blacktop materials. Of that we spent \$98,529.17. We further had \$1,091,170.27 that otherwise would have been paid in special assessments. The breakdown on that, resurfacing was \$438,833.33. South Chestnut Street under our pavement 2-19 project was \$47,388.15. South Chestnut on pavement 3-19 was \$68,050.92. 4-19, which was Haven Place, the full construction cost out there was covered, \$96,070.97. The North Webster Avenue reconstruction, that was the part between East River and Radisson Street, the assessments covered up there totaled \$182,432.32. The pavement 5-19, which was Webster Avenue between Main Street and the East River was \$48,707.09. If that seems a little disproportionate, it's because that section from the river down to Main is all other than residential, so it's assessed at the commercial rate, not the residential rate, which the north part was. Okay, I'm

sorry, the 96,000 I gave you for Haven Place, that's what would have been assessed out there. The remaining construction cost out there was \$209,687.49, and again, that totals up to \$1,091,170.27.

- Steve, do you have a breakdown of all the projects this year that the Wheel Tax is offsetting?

- We don't have that full breakdown because we're still working through the public hearings on the projects, and that could affect whether or not, what those assessments would be.

- Well we're using all of it this year, but we might not need it all? It's all being applied right now.

- That I had a meeting to go through the draft CIP with the Mayor, and at the Mayor's direction I was told to take all that Wheel Tax money and put it into this line item.

- You know where I'm going because--

- I know exactly where you're going.

- If we aren't using it all, we wanted to carry that over for the next year's roadwork, and not have it applied towards maybe other projects, 'cause it's really just kind of bulked in here.

- So what it's doing right now is anything that's not applied directly towards offsetting assessments is going to offsetting bonding needs, because of the high bonding needs.

- And that's the kicker, right, that's what we talked about a year ago is, I don't want it going to offsetting bonding, I want it to go towards the roads.

- Well that was what the idea of the whole thing. I knew that was gonna happen. Once you have a pot of money, everybody's reaching into it.

- Well and that's what I'm looking at here, I would like the breakdown or I'm not gonna vote for it. And what percentage more, we might have to look at this, I don't know, what percentage more roads are we doing this year than last year, however you want to--

- And I don't have those exact numbers. There is more, especially seeing as we're doing that reconstruct on Doty, but we can definitely have those numbers for you for the next time that we meet in March.

- Which numbers, the how much percent more?

- Both.

- Yeah, okay, if you could do that. Is this going for approval at council right away, or is that, this is just the?

- No, what we would be looking for would be a recommendation to forward onto Finance Committee for inclusion in the bond request.

- Well didn't we last year pull that out, and put that--

- But we don't know the number.
- The directive was to put that into a segregated account.
- It is in a segregated account.
- Oh, it is.
- But it's all back in now.
- Yeah, and that's my point, yeah.
- With about six different figures in it.
- So who has the authority to pull that out of the segregated account? Or this is just a recommendation of the bond request to do that?
- I think we're getting confused. The money is tracked in its own fund. Always has been, always will be. That's why I was able to give you those numbers down to the penny, is because it's not mixed in with the pavement money.
- But we don't have that, right, I'd love to see here's the projects we're doing, here's exactly the Wheel Tax amount, here's the total.
- Yeah, and that we can do, that's what I'm saying.
- And then the leftover holding over until next year.
- When we fund projects, we can pull from multiple pots for individual projects, that, okay, so I want to be clear, the money is not being mixed, it's not lost anywhere. What we would do is we'd bill part of the project here and part of the project over here. So the money's still separate, it is in a segregated account. Always will be.
- But, it's all being used in this year's roadwork, right, all of it?
- Correct, yes.
- So it's all gonna be gone, whether or not we technically used it for Wheel Tax road offset, some of it might be used towards lessening bonding, right?
- That is correct, yes.
- So that is what I'm looking for is... You know what I mean.
- I understand exactly what you're asking for, again, I just want to make sure that we're clear, it is in a segregated fund, it is completely trackable, yes.

- But it will all be empty by the end of the year because we're putting it into--
- That is correct.
- Bonding.
- All of it.
- Yeah.
- I'd just like an itemized list, here's streets one through 12.
- Yep.
- What are the wishes of the committee? Chris, you want to make a motion?
- Well, when is bonding, is it...
- I believe bonding is gonna be in, I think it's gonna be in April.
- This is a recommendation to Finance.
- Yeah, I'm not ready to recommend anything 'cause I don't know the details of that, so.
- All right, so what do you want to do, make the motion.
- Hold 'til the next meeting?
- Yeah, I'd make a motion to hold this item for the--
- Motion to hold by Wery.
- Second.
- Second by Johnson. Under discussion? Hearing none, all in favor?
- For the information.
- Nays, motion carried. Correct, Steve, you've got what he's looking for, right?
- Absolutely.
- Bingo.
- Thanks.
- All right.

- The percentage and then the other amounts, thanks.
- Yep.
- Okay, you got any issues with any of these contractors, Steve?
- No issue with the contractors. All I want to do is, because we do not have, in your packet, 'cause we just opened Howard Street yesterday. I want to make sure you guys have that information.
- Okay, is this for five?
- Yes.
- Okay.
- On five, the committee--
- Let me read it, please.
- Sure.
- Just one second, report on the award of the following contracts. Howard Street reconstruction and East Mason Street siphon removal, go ahead, Steve.
- Okay, these were two contracts, again, timeliness was of the essence on both. So we had requested and the committee and the council did approve authorization for staff to make those awards at a staff level and report out, so that's what we're doing. The first one, okay, now I've got two different places I've got to.
- Over here.
- No, that's that one. So the first one is pavement I-20 Howard Street reconstruction including utility and storm lift station. That is the basin 106 project, so that's gonna alleviate the flooding on the north end of Broadway up at Howard and, the lift station's going in on Howard and Pearl, and then as part of that, we're going to do some upgrades on some storm sewer feeding into that lift station, and I believe it's from Chestnut to--
- [Matt] Chestnut to Ashland, before it.
- Ashland is actually gonna be reconstructed on Howard Street, so it's a combination project. That we opened bids yesterday. We had four contractors come in. Low bid was Advanced Construction at \$4,482,486.75. So staff is going to go forward with that one. Then sewers I-20 East Mason Street siphon removal, I think I described that to you. There's a siphon that goes under the East River near the Mason Street Bridge where the flood was last year. We want to get rid of that siphon, so we're gonna take that out of service and we're gonna connect the sewer to a drop manhole that serves into the GBMSD. Four bidders on that one. Dorner Incorporated came in at \$103,000.00 even. That was a fantastic bid. So we have gone ahead and awarded that one.

- Okay, motion to approve by?
- Move to receive and place on file.
- Second.
- Is that what we need, receive and place on file?
- That would be fine.
- All right, receive and place on file by who, Johnson.
- Second.
- Second by Wery. Under discussion? Hearing none, all in favor?
- [All] Aye.
- Nays, motion carried. Six, consideration with possible action on applications for Sidewalk Builder Licenses by the following. Any issues with any of them?
- All have held in the past, recommend approval.
- Motion to approve?
- Second, oh, motion to approve, yeah.
- By Wery.
- Second.
- Second by Brunette. Under discussion? Hearing none, all in favor?
- [All] Aye.
- Nays, motion carried. Seven, consideration with possible action on applications for Tree and Brush Trimmer Licenses by the following. Any issues, Steve?
- All good, recommend approval.
- Motion by?
- Move to approve.
- Brunette. Need a second.
- Second.

- By Wery. Under discussion, hearing none, all in favor?

- [All] Aye.

- Nays, motion carried. Consideration with possible action, Underground Sprinkler System by Irrigation Doctors, LLC. Director Grenier.

- Recommend approval.

- So moved.

- Motion by Johnson to approve.

- Second.

- Second by Brunette. Under discussion? Hearing none, all in favor?

- [All] Aye.

- Nays, motion carried. Informational, Director's Report, Steve.

- We just completed our eighth full plow event. I think we've got 35 spreading events behind us already this year, and tonight we've got another event on the way in. Today and tomorrow staff is completing a snow plow in the downtown area because people can't get to the parking meters right now, it's kind of unsafe to get up on the sidewalks, so we're gonna complete that. I hope it's evident, and I hope it's been working the way that we wanted to, but I did just want to give you a brief description. We have kind of changed one thing this year with snow removal, and that is we're going in, getting the snow plowed as quickly as possible, and the weather has been fantastic, I couldn't have planned things any better from a temperature perspective. It seems like just about every snow storm that we've had that's required us to plow even those that we did where we only had spreading operations, in the days following that event we had temperatures come back up into the 20s. So one of the things that we've adopted as a standard operating procedure this year is we'll go in, we'll do a plow event, and then as soon as I can get the drivers relieved, we send them home and get them rested because those folks also have houses and they haven't shoveled themselves out of it at that point. So they take care of whatever needs to be done at home. We get them rested, we bring them back in the following day. The very first thing we do on the following day is we take anything and everything that we've got that has down pressure capability, and we immediately deploy back into the residential areas and we've been starting scraping with the trucks following to pick up the windrows that they're leaving behind, and it sure seems to be paying off because, in my opinion, it looks like we're getting back down to bare pavement in residential areas a lot quicker than we ever have in the past, so I just wanted to let you guys know what we were doing and it does seem to be paying off.

- It sounds good, any questions for the Director, if not--

- Yeah, I have one.

- Well go ahead.

- All right, thanks, I wanted to get your permission first.
- Permission granted.
- I have noticed that with the streets though.
- Good.
- But on a different note, bulk pickup, the one in spring, remember we talked about it last year, have we looked ahead to that, are we keeping it the same, or are we adjusting it?
- At this point we're intending to keep it the same because again, when we pick the weeks, we actually look at historical data and those were the two weeks that had the highest numbers. If you would desire us to move that, let me know, we'll take a look at it.
- I think we left it up to you to kind of fit it in between our different seasons, right?
- Right.
- All right.
- Good?
- Yeah.
- Johnson?
- Director Grenier, you mentioned you're doing the removal of the snow banks on the east side because that's where the meters are. Any plans to do anything on the west side? And I bring that up because if the concern is safety--
- Safety concern, absolutely, I'll pass that--
- People are climbing over snow banks on the west side as well, making it equally unsafe
- I will pass that along, you bet.
- In fact, let's do the west side first.
- Motion to adjourn.
- Brian, west side first?
- Sure.
- Well a motion to receive and place on file first.
- Oh okay, good catch. Motion to receive and place on file, Brunette.

- Second.
- By Wery.
- Reconsider.
- Under consideration.
- Reconsider.
- Under consideration?
- I'm good. Under discussion, hearing none, all in favor?
- [All] Aye.
- Nays, motion carried. Motion to adjourn by Brunette.
- Reconsider.
- Second by?
- Second.
- Johnson. Under discussion, hearing none, all in favor? Nays, motion carried, we're done. That was a short meeting, Steve.