



MINUTES OF THE IMPROVEMENT AND SERVICES COMMITTEE

WEDNESDAY, JUNE 23, 2021, 6:00 PM

Immediately following Park Committee which begins at 5 P.M.

Virtual Meeting. Public may join via Zoom.

A. ZOOM MEETING INFORMATION.

I. This item contains documents which provide call in information and instructions for the Zoom meeting.

B. ROLL CALL.

Present: Ald. Gerlach, Ald. Brunette, Ald. Scannell

Excused: Ald. Wery

C. APPROVAL OF THE AGENDA.

Moved by Ald. Lynn Gerlach, seconded by Ald. Randy Scannell to approve the agenda of the Wednesday, June 23, 2021 Improvement and Services Committee meeting.

Motion Passed.

Vote: Yes- Jesse Brunette, Lynn Gerlach, Randy Scannell, No- None, Abstain- None.

D. APPROVAL OF MINUTES.

Moved by Ald. Lynn Gerlach, seconded by Ald. Randy Scannell to approve the minutes of the Wednesday, May 26, 2021 Improvement and Services Committee meeting.

Motion Passed.

Vote: Yes- Jesse Brunette, Lynn Gerlach, Randy Scannell, No- None, Abstain- None.

E. REGULAR BUSINESS.

1. Consideration with possible action on a request by Bird Rides, Inc. to execute a Memorandum of Understanding (MOU) to establish a pilot program for electronic scooter operation with the City of Green Bay.

Moved by Ald. Jesse Brunette, seconded by Ald. Lynn Gerlach to open the floor for discussion.

Motion Passed.

Vote: Yes- Jesse Brunette, Lynn Gerlach, Randy Scannell, No- None, Abstain- None.

Moved by Ald. Jesse Brunette, seconded by Ald. Lynn Gerlach to close the floor for discussion.

Motion Passed.

Vote: Yes- Jesse Brunette, Lynn Gerlach, Randy Scannell, No- None, Abstain- None.

Moved by Ald. Lynn Gerlach, seconded by Ald. Jesse Brunette to approve the request by Bird Rides, Inc. to execute a Memorandum of Understanding (MOU) to establish a pilot program for electronic scooter operation with the City of Green Bay.

Motion Passed.

Vote: Yes- Jesse Brunette, Lynn Gerlach, Randy Scannell, No- None, Abstain- None.

2. Consideration with possible action on a General Ordinance 17-21 to create Section 40-139, Green Bay Municipal Code, relating to electric scooter regulations.

Moved by Ald. Jesse Brunette, seconded by Ald. Lynn Gerlach to approve as amended the General Ordinance 17-21 to create Section 40-139, Green Bay Municipal Code, relating to electric scooter regulations.

Motion Passed.

Vote: Yes- Jesse Brunette, Lynn Gerlach, Randy Scannell, No- None, Abstain- None.

3. Consideration with possible action on granting easements to AT&T and other public utilities for installation and infrastructure work in the public right-of-way, specifically but not entirely in the area of Parkwood Drive, Fawn Lane, and Packerland Drive. (Ald. Brunette)

Moved by Ald. Jesse Brunette, seconded by Ald. Lynn Gerlach to open the floor for discussion.

Motion Passed.

Yes- Jesse Brunette, Lynn Gerlach, Randy Scannell, No- None, Abstain- None.

Moved by Ald. Jesse Brunette, seconded by Ald. Lynn Gerlach to close the floor for discussion.

Motion Passed.

Vote: Yes- Jesse Brunette, Lynn Gerlach, Randy Scannell, No- None, Abstain- None.

Moved by Ald. Randy Scannell, seconded by Ald. Jesse Brunette to refer to staff on granting easements to AT&T and other public utilities for installation and infrastructure work in the public right-of-way, specifically but not entirely in the area of Parkwood Drive, Fawn Lane, and Packerland Drive.

Motion Passed.

Vote: Yes- Jesse Brunette, Lynn Gerlach, Randy Scannell, No- None, Abstain- None.

4. Consideration with possible action on a request by Department of Public Works to establish limits for the determination of indigency as required under Section 34-42 (f), Green Bay Municipal Code.

Moved by Ald. Jesse Brunette, seconded by Ald. Lynn Gerlach to refer to staff to prepare a draft ordinance and bring back to Committee for approval the request by Department of Public Works to establish limits for the determination of indigency as required under Section 34-42 (f), Green Bay Municipal Code.

Motion Passed.

Vote: Yes- Jesse Brunette, Lynn Gerlach, Randy Scannell, No- None, Abstain- None.

5. Consideration with possible action on a request by Department of Public Works regarding approval of the annual Compliance Maintenance Annual Report (CMAR) and resolution for the Wisconsin Department of Natural Resources (WDNR) sanitary sewer collection permit.

Moved by Ald. Lynn Gerlach, seconded by Ald. Jesse Brunette to approve the request by Department of Public Works regarding approval of the annual Compliance Maintenance Annual Report (CMAR) and resolution for the Wisconsin Department of Natural Resources (WDNR) sanitary sewer collection permit and authorize the Mayor and City Clerk to execute the resolution, and authorize the Director of Public Works to submit the report to the WDNR.

Motion Passed.

Vote: Yes- Jesse Brunette, Lynn Gerlach, Randy Scannell, No- None, Abstain- None.

6. Consideration with possible action on a request by Department of Public Works to enter into a County/Municipal Agreement for safety improvements at the intersection of West Mason Street and Packerland Drive.

Moved by Ald. Jesse Brunette, seconded by Ald. Lynn Gerlach to open the floor for discussion.

Motion Passed.

Vote: Yes- Jesse Brunette, Lynn Gerlach, Randy Scannell, No- None, Abstain- None.

Moved by Ald. Jesse Brunette, seconded by Ald. Lynn Gerlach to close the floor for discussion.

Motion Passed.

Vote: Yes- Jesse Brunette, Lynn Gerlach, Randy Scannell, No- None, Abstain- None.

Moved by Ald. Jesse Brunette, seconded by Ald. Lynn Gerlach to approve the request by Department of Public Works to enter into a County/Municipal Agreement for safety improvements at the intersection of West Mason Street and Packerland Drive and authorize the Director of Public Works to execute the Agreement.

Motion Passed.

Vote: Yes- Jesse Brunette, Lynn Gerlach, Randy Scannell, No- None, Abstain- None.

7. Consideration with possible action on a request by Parks Department and Department of Public Works on acceptance of NRDA Grant to fund improvements at the Green Bay Metro Boat Launch.

Moved by Ald. Jesse Brunette, seconded by Ald. Lynn Gerlach to approve the request by Parks Department and Department of Public Works to accept a NRDA Grant to fund improvements at the Green Bay Metro Boat Launch.

Motion Passed.

Vote: Yes- Jesse Brunette, Lynn Gerlach, Randy Scannell, No- None, Abstain- None.

8. Consideration with possible action on a request by Department of Public Works to award the following construction contracts at a staff level and report the award at the next regular meeting of the Improvement and Services Committee:

- A. LEICHT PARK FENDERING AND MOORING
- B. SEWERS 3-21 N. DANZ AVENUE STORM SEWER
- C. SEWERS 4-21 (MINI SEWER)
- D. SEWERS 5-21 EAST SHORE DRIVE SANITARY LIFT STATION

Moved by Ald. Jesse Brunette, seconded by Ald. Lynn Gerlach to approve the request by Department of Public Works to award the following construction contracts at a staff level and report the award at the next regular meeting of the Improvement and Services Committee:

- A. LEICHT PARK FENDERING AND MOORING
- B. SEWERS 3-21 N. DANZ AVENUE STORM SEWER
- C. SEWERS 4-21 (MINI SEWER)
- D. SEWERS 5-21 EAST SHORE DRIVE SANITARY LIFT STATION.

Motion Passed.

Vote: Yes- Jesse Brunette, Lynn Gerlach, Randy Scannell, No- None, Abstain- None.

9. Consideration with possible action on the review and award of the following contracts:

A. SEWERS 2-21 (BASIN REPAIR)

B. WSG 1-21 TUCK POINTING

Moved by Ald. Jesse Brunette, seconded by Ald. Lynn Gerlach to approve the award of the following contracts:

A. SEWERS 2-21 (BASIN REPAIR) to the low responsive bidder, PTS Contractors, Inc., in the amount of \$717,000.

B. WSG 1-21 TUCK POINTING to the low responsive bidder, Berglund Construction Co., in the amount of \$87,560.

Motion Passed.

Vote: Yes- Jesse Brunette, Lynn Gerlach, Randy Scannell, No- None, Abstain- None.

10. Report of actions taken by Department of Public Works

A. Granting of Licenses

I. Sidewalk Builder

- a. A & M Concrete and Construction
- b. Carter Construction
- c. Complete Concrete Solutions LLC
- d. Douglas J. Maurer Concrete, LLC
- e. Lakefront Flatwork and Construction
- f. Skyline Contractors LLC
- g. Total Construction

Moved by Ald. Lynn Gerlach, seconded by Ald. Jesse Brunette to receive and place on file the report of actions taken by Department of Public Works

A. Granting of Licenses

I. Sidewalk Builder

- a. A & M Concrete and Construction
- b. Carter Construction
- c. Complete Concrete Solutions LLC
- d. Douglas J. Maurer Concrete, LLC
- e. Lakefront Flatwork and Construction

- f. Skyline Contractors LLC
- g. Total Construction

Motion Passed.

Vote: Yes- Jesse Brunette, Lynn Gerlach, Randy Scannell, No- None, Abstain- None.

F. INFORMATIONAL.

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

Moved by Ald. Jesse Brunette, seconded by Ald. Lynn Gerlach to approve the Director's Report on recent activities of the Public Works Department.

Motion Passed.

Vote: Yes- Jesse Brunette, Lynn Gerlach, Randy Scannell, No- None, Abstain- None.

2. The next Improvement and Services Committee meeting is scheduled for July 28, 2021.

G. ADJOURNMENT.

Moved by Ald. Jesse Brunette, seconded by Ald. Lynn Gerlach to approve to adjourn the Improvement and Services Committee meeting.

Motion Passed.

Vote: Yes- Jesse Brunette, Lynn Gerlach, Randy Scannell, No- None, Abstain- None.

VERBATIM MINUTES

- And we are recording so, we are ready to go.
- Yeah, here, here, here, here, the Improvement and Services Committee meeting for June 23rd, 2021 is now in session, I'll take a roll call, Alder Gerlach?
- Yeah.
- Alder Brunette?
- Here, yap.
- Alder, the chair, Alder Wery is excused and the vice chair, myself Alder Scannell is present and running the meetings so, let us go and take a motion to approve our agenda.
- So moved.
- Second.

- Motion by Alder Gerlach seconded by Alder Brunette to approve our agenda, any changes, discussion on it? All in favor?

- [All] Aye.

- Opposed? We have an agenda. Take a motions to approve our minutes from our last meeting.

- So moved.

- Second.

- Motion by Alder Gerlach, seconded by Alder Brunette, all in favor?

- [All] Aye.

- Opposed? Okay, we are minuted and I'll take a deep breath now, slow down a little bit for staff to.

- Ready, Jim?

- Yap, Jim's ready to go.

- Okey dokey. Regular business item number one, consideration with possible action on a request by Bird Riders Inc to execute a memorandum of understanding, MOU, to establish a pilot program for electronic scooter operation with the city of Green Bay. staff.

- This is the next step from a program that started a few years ago, if you remember, we brought through an agreement with LimeBike to operate a dock-less bike share program within the city, that ran for a year or so. For whatever reason, Lime decided not to renew that program and then last year with the pandemic, a lot of these things just didn't operate in many markets, but what we were hearing from Lime was that the bike ridership program on a standalone platform was not as profitable as they were hoping so, they were changing their business model to incorporate the use of electronic scooters and that's, from our conversations around the industry, that's what we're hearing from our industry partners is E-scooters are more popular than bikes and if you're gonna run a program, you start with the E-scooter and then implement the bikes in later, okay. So, we have been in conversation with Bird Rides Incorporated, and Bird would like to develop a pilot program that'll run through the course for the rest of 2021, what we're hoping to do with that pilot program, again, it does end at the end of 2021, is to generate data showing ridership and what the appetite for such a program here in Green Bay would be, and then we could potentially put it out for RFP in 2022. So, what we'd like to do is enter into the MOU with Birds so we can start that pilot program and generate the data that we need that'll help craft how we proceed on into the future and then if we established the pilot program, we will need to amend our ordinances to allow E-scooters to operate within the city, which will be the next item that we'll take up on the agenda so, we've included a copy of the MOU in your packet, this is very, very similar to an MOU that they executed with the city of Appleton recently so, we've got a couple of municipalities here in our area who are investigating very similar items.

- Okay, any questions from the committee or? Alder Gerlach.

- I have lots of questions.

- Oh, my.

- I read the whole thing and I mean, of course, I didn't know about that bike thing in the past 'cause I don't think I lived in Green Bay, a couple of questions and I've put them in the order that they go through the MOU if that will help.

- Sure.

- I'll try not to take up too much time but I really think it's important. First of all, I was surprised to see this coming to I&S because it seemed like a recreation thing, is this considered more of a transportation thing than a recreation?

- Both because they, yes, a lot of what the scooter and E-bike program, one of the big focuses or points of emphasis for these types of programs is what's referred to in the industry as first mile and last mile travel. So, there are other modes of transportation which can get you the longer distance but that first or last mile of your trip oftentimes is by foot and that's where this type of an application really excels, is they're able to get that last distance both from a convenience standpoint and at a low cost.

- Okay and I'm familiar with Dock, this bike rental system, is there someone from this Bird line who is on the call to answer questions?

- Yes, there is.

- Is it too soon? I mean, some of these questions probably would be better for that person than for you, but Mr. Chairman, I don't know, I don't wanna mess things up.

- Well, I mean, if you could keep asking staff questions or if you wanna jump right to or open the floor and then ask staff questions afterwards, I mean, it doesn't matter any way you wanna go.

- I'll just, my next question is for and maybe you wanna wait til the floor is open, I'd just like to get an idea for what duration does a person generally rent one of these scooters and generally speaking across the country, at what cost? And I'd kind of like somebody to describe how a typical rental goes in this MOU and I read every bit of it, I can't quite figure out exactly how it works and some of the things in it, I think if I don't work so, I'm not sure I can support it. In section 2.1, you said you wanna find out how people feel about this, have you, do you have any plans made for how you're going to elicit citizen feedback and input? Obviously people who rent some feedback, but what about the whole community that experiences it but doesn't rent one, have you given some thought to that?

- Well, actually what we're really interested in is more so with the riders who are utilizing the service to find out what we're getting in quantity of riders? What revenue was being generated to keep the company who would be supplying the scooters in a profitable situation, so they can continue to offer that service and some of the demographic information on who's riding, if we can glean that, I don't know necessarily that we can, but again, some of the questions that you've asked, what's the average duration, where are folks going? Help us plan out what this might look like in the future. At this time,

I don't know necessarily that we have planned to have a larger solicitation from the general community, I think we were kind of looking to have the feedback develop organically, but if that's something that you would be looking for to have question and answer, you know, work with community in economic development to put a doodle poll on social media or something like that, those are items that we can definitely could discuss.

- I just think it's important to, I'm sure there'll be many opinions from people who don't ride the scooters about people who are riding scooters, so, it's just something to think about. Also, at some point, maybe when we hear from the representative of the company, I get some idea of what the, just a general idea of what this operations manager will do, because there are so many things, you know, there's, I assume the rent of those kind of online and pretty simple kind of takes care of itself but there are things like, you know, bikes that are parked in the wrong place or bikes that have to be fixed or the submerged bike that has to be pulled out of the water and that sort of thing, and I'm just wondering if that one person is gonna be responsible for everything, but just something, I guess, some of these are just things that I would like somebody to answer at some point before I vote. Another one is about the instructions for riding and renting and parking, I wonder if they're going to be in any other language other than English, because I wonder if they're not who will be using the scooters. Another thing I've found a little confusing is it has to be, I think it said it has to be operated only in city limits so, you know, but is it just parked only in city limits or operated? I'm thinking of somebody who comes to town for a Packer game and they're zooming along on their scooter are they gonna go to jail? 'Cause they took a scooter, you know and is it because of liability, can you maybe answer that question?

- It's because we, because Bird it's more so for their protection, they don't have an MOU with anybody but Green Bay in our market at this time, now, we are actively working with Bird, we would like to see, I'd like to see with this MOU other municipalities executing a similar one with the same vendor so that we do have some seamlessness around the Metro area, but in my conversations and if you look on your screen, you you'll see that Michael Covato is here. Michael is the representative from Bird who'll be able to answer the other questions that you had, because we asked a similar question about operation within the corporate city limits, Michael was gracious enough to give us that answer so, I know that one so I can give it to you. Using GIS, they're able to put a geo-fence around the city of Green Bay, and while the scooter has the ability to operate at a speed of up to 15 miles per hour, the minute you cross that line, the onboard GPS that's on the scooter slows you down to about 1.5 to two miles per hour, making it where you can walk faster and you get a very clear signal that, oops, I went somewhere I shouldn't have gone.

- Oh, that's great. So, now that brings me to my next question because I read in here that an electric scooter can go up to 20 miles an hour but the limit is going to be 15 miles an hour and I'm just asking myself, are the police gonna be enforcing this? I mean, are they gonna give tickets for speeding scooters?

- No, that's actually a limitation that can be built right into the scooter. They can govern the scooter down and control what that maximum speed is.

- Okay, well now I understand that. This one worries me a little bit, about going on biking trails and remember now, first I read the MOU and then I read the proposed ordinance change or the new ordinance and so, they don't necessarily mesh. So, there are trails, I walk on a trail almost every day that is a walking and biking trail that says no motorized vehicles, now, it says in here, they can go

anywhere unless it says no electric scooter, so, what I wanna know is are these electric scooters going 15 miles an hour gonna be coming zooming up behind me and my little dog on a trail that says no motorized vehicles?

- They are not a motorized vehicle, they are governed.

- Wow, I knew you'd say that.

- They are governed as an E-scooter which is why and Deputy Attorney Bungert is on with us so, she can correct me if I misspeak, the way the state has approached this is that E-scooters should be regulated same as bicycles.

- Okay, so where bicycles can go, E-scooters can go?

- Correct.

- So, little old ladies with their dogs better be careful, okay.

- Well, there's the same possibility that somebody on a mountain bike could come racing up behind you and your little dog at 15 miles an hour as well.

- Well, right. Okay, and then also it says, no one under age 18 will be able to ride these according to the MOU?

- No one under the age of 18 will be allowed to ride it solo.

- Okay.

- So, because it's an app that is utilized to rent and the app is gonna have to have a credit card, a method of payment associated with it, somebody under the age 18 is not gonna have, likely not going to have that wherewithal, so, and both Joanne and Michael, when we open the floor, you can correct if I'm wrong on this but I seem to remember the conversation, we don't want the, we don't want the ordinance change nor the MOU to prohibit families from being able to have recreation time together, so, as long as that person, that minor is with an adult, with a responsible adult family member, they'll be able to ride as a family group just not somebody under the age of 18 by themselves.

- Okay, 'cause that's what the ordinance says, but the MOU, I thought it said not under the age of 18 but the ordinance clearly said not ride alone under the age of eight and nobody at all under the age of six, I believe. So, yes.

- Yeah, so the distinction there is that the ordinance is structured, not specifically, it's not entirely clearly tied to the MOU, necessary in order for the activity of E-scooter operation in general to be allowed on city streets, because right now we don't have anything in our code to regulate that operation, so, the ordinance isn't specific to just Bird Ride E-scooters, it's applicable to any E-scooter because a purchase can, a person can purchase their own personal E-scooter and also ride them and...

- Oh, sure. Yeah, that makes sense.

- So, we didn't want the ordinances and structures specifically tied to just Bird and to just Bird Rides but to all E-scooters in general. The MOU is just providing a service where we are partnering and entering into this provision of equipment, through Bird Ride as an introductory kind of program for the community.
- Okay, thank you. Just two more questions. To the MOU, you cannot park this scooter on a sidewalk less than five and a half feet wide, who's gonna enforce that?
- We are.
- Who's we?
- We DPW Parking Division, we will also be relying on partner departments within city hall, and we'll be working in cooperation with Bird Rides and their program manager who's resident here in Green Bay, they are, Bird Rides and their representative here are responsible for redistributing the scooters around the city and when they go to pick them up, if they find that that scooter has been parked improperly, they will have the ability to go back, check and see who rented the scooter and they will be able to deny service if it comes to that.
- Okay, thank you and my last question, I don't see that there's any expense to the city in the MOU, is that right?
- Correct.
- Okay. Thank you.
- Why don't we open the floor and get Mr.Covato, did I say that correctly?
- Way better than I do Mr. Chairman.
- I think you could probably answer a bunch of the questions that your barrage there of, you might have to go through them a little bit again.
- Motion to open the floor.
- To speak, they can speak after him, okay, motion by Alder Brunette.
- Second.
- Seconded by Alder Gerlach, all in favor?
- [All] Aye.
- Okay, the floor is now open, Mr. Covato, if you could state your name and address and then answer questions.

- Absolutely. Thank you very much, my name is Michael Covato, I'm with Bird Rides Incorporated, I'm on revenue and partnerships team located at 406 Broadway Avenue, unit number 369 in Santa Monica, California. Alder Gerlach, I think you raised a number of very interesting questions and certainly I think I have some answers for the, Mr. Grenier answered a lot of them very, very well so, I appreciate that, thank you. You asked initially about the average duration of a ride, we typically see that as around 15 minutes although that does vary from community, typical distance is between one and a half to two miles, it is really ideally optimized for a trip less than five miles, which is about what 60% of the trips within the United States are taken fall under, so, certainly there is a lot of opportunity to see this as an alternative transportation option. In terms of the cost, our pricing structure is \$1 to unlock the scooter plus a certain number of cents per minute, depending on how long the user uses the scooter for. Generally speaking for an area the size of Green Bay and what we would anticipate, your rough average costs would probably be between five to \$6, to get directly from point A to point B quickly, efficiently, cleanly and frankly, with a bit of an element of fun, so, certainly, some advantages in that respect. In terms of the rental process itself, under most circumstances, an individual will download a mobile application onto their smartphone, see one of our scooters throughout the community, scan it to unlock it or via the map functionality within the mobile application, scan it to unlock it, take it where they need to go, hit a button to end their ride. When they do hit that button to end their ride, they are required to photograph the scooter to prove that they have parked it appropriately, we have a real time AI feature that can detect whether a scooter's in frame during that photo so, if somebody tries to pull a fast one, snap a photo of their feet, the system will actually kick them back until they photograph the scooter itself. It's one of the ways we can help with some of that parking enforcement, but I'll come to that in a minute. Before I depart too far from the pricing aspect, I do wanna make sure I mention our community pricing program it is probably the most robust within the micro mobility industry, it is 50% off for those who qualify due to socioeconomic challenges, 50% off for veterans, 50% off for senior citizens. In addition, we have our Bird access program which is \$5 per month for 30 minutes per day on a scooter at no additional charge, which should be more than enough to get somebody to a grocery store and back that's a few miles away. In terms of the feedback at the end of every ride, a user does have the option to fill out a very short survey to rate their ride and indicate if there is any issues in that kind of respect as the city, if there's anything additional that you'd like to do in terms of an email campaign and the like, we're more than happy to work with city staff to implement something along those lines. I believe the next question that was left unaddressed was what our fleet manager will be responsible for? The fleet manager is there to act as a reliable point of contact, the city can have confidence in knowing somebody will be there to address every single question and every single concern that might come up, includes the deployment of the scooters day to day, rebalancing, which is just a fancy word for moving a scooter from a place where somebody has ended their ride, recharging and basic and routine maintenance. More significant maintenance, the scooter get shipped to one of our dedicated service centers and we then send it back. What that means is that we will be checking on every single scooter throughout the day, multiple times per day, usually once every couple of hours to proactively correct any issues if indeed there are any, having said that, if something were to occur in between one of those periods, every single scooter has a sticker on it with a 24/7 customer service number, email address and multiple social media accounts that individuals can use to get a hold of us, we're also the only company to offer a functionality that we call community mode on our mobile application, meaning if you'd like to download our app, never be a rider, you can still scan, photograph scooters and report issues directly to the local fleet manager. For the sake of clarity, I would envision that a local fleet manager will actually be a small team of individuals to ensure that we are very high touch in the day-to-day maintenance of the, and management of the fleet. And for riding, renting, parking, those sorts of things, we have the app available in several dozen languages

actually, indeed, we also have the partnership with a real-time text translation service that can cover about 300 languages in the event that we have a customer support concern that is not available through one of our native speakers. Mr. Grenier answered the questions around fencing so we can control where the scooters go. As a followup to that, you mentioned the trails, certainly we wanna make sure everybody has a comfortable experience on the trails and one of the benefits of an implementation like this is the city will have a relationship manager that all city staff can come to on a day-to-day basis if there was ever any questions, we can dynamically impose slows zones on the trails if it is becoming a concern that reduces the maximum speed from 15 miles per hour, say down to 12 or even 10, so, certainly we can create an environment where everybody feels comfortable and nobody with their dog has to dodge anything past them. Parking and enforcement, I believe Mr. Grenier addressed, but I do wanna stress, we intend to be incredibly proactive and that is what our operational model has been designed to do to address the concerns that do come up prior to any kind of report coming into the city, having said that, we'll provide contact information to all the relevant departments, the police department, public works, so that if for whatever reason somebody calls into them instead, it's simply a matter of providing a telephone number so that we go out there to correct the issue and don't put any additional strain on city resources, and I can confirm there is no additional expense, no subsidy, no financing that we're looking for from the city of Green Bay. Believe I answered all the unaddressed questions but I'm more than happy to speak to anything that I might've missed.

- Thank you so much, I would hire you in a heartbeat to represent an organization, that was superb. I just have one last question. So, is there a limit to how long a person can rent this scooter or keep it before, you know, keep paying for it and before they lock it up and leave it?

- Like a limit would be until the battery actually discharges, there is a secondary battery on it so that we can still keep tabs on the scooter itself if somebody discharges the main battery. Having said that, there are notifications that do pop up on the individual's smartphone if they are using it for an extended period of time. Pardon me, additionally, there is, sorry, knocking things over here. Additionally, there is, I'm sorry, I lost my train of thought, oh yeah, notifications that will come up with somebody is using it for an extended period of time to ensure that nobody is running into any kind of issues.

- Thank you, awesome.

- Worried that maybe you're having an earthquake.

- That's my fat thumbs here, unfortunately.

- I do have a couple of questions. How many scooters do you plan on operating within the city?

- The MOU states a cap of 100 and the discretion of the city to increase beyond that if the utilization justifies it, our experience with other Wisconsin communities has indicated that there's a significant demand so, certainly, it's a potential for a city the size of Green Bay that it might be justified.

- Okay, so, you'll start right at a hundred then, okay, and I don't know if you're aware, if you would know this, this might be a Grenier question, where will the stations be?

- I can actually speak to that. There will not be any dedicated, any stations within the public right away, instead, we operate on what's known as a dockless system so, we'll deploy in the Boulevard strip or the furniture zone, depending on the terminology used, that area between the curb and the sidewalk or on the edge of a sidewalk with more than five and a half feet of clearance. What that means is there's nothing that needs to be drilled into sidewalks, somebody's day-to-day in that kind of respect, it also means that snow clearing is substantially easier because prior to any snowfall, we will collect all the scooters and remove them from the public road.

- Are they gonna be going through the winter? This is for all year round?

- No, for the time being, they would be a seasonal vehicle but give us a couple of years, I'm sure we'll have something cool for the winter.

- Okay. So, this will go, so, September October-ish?

- We tend to see, we work in a number of far more Northern communities so, the Nordics cities in Canada that are quite a bit more north so, we tend to see kind of some variability in terms of the temperature, we won't deploy if there's any hazardous weather but considering that people from Wisconsin tend to be a bit braver than people from Southern California we might see utilization all way into November, the like, as long as there's no snow on the ground.

- Okay. Any questions or comments Alder Brunette? No, good. Everything answered for you, Alder Gerlach?

- Yes, I have, you know, this helped a lot, both of you, Director Grenier and Mr. Covato really helped, I'm willing to give it a try now, I was very leery when I first read this but I would approve this, I would move to approve.

- Make a motion.

- You gotta close the floor before we do any of that.

- Oh, sorry.

- There might be some more people who would like to speak, is there anything else you'd like to get covered, Covato?

- I can only say that we are incredibly excited to work with the city of Green Bay and look forward to being able to implement something, hopefully in the very near future.

- Yeah ever since that lost LimeBike, been looking forward for something to step up so thank you. Is there anyone else you would like to speak on this item? Going once, going twice, I'll take a motion to close the floor.

- Moved.

- Second.

- Motion from Alder Brunette to close the floor seconded by Alder Gerlach, all in favor?
- [All] Aye.
- Opposed? Okay, we're closed, Alder Brunette.
- Yeah, Attorney Bungert, I see also Attorney Mather's on the line. From a legal standpoint, is this sort of basic memorandum of understanding, are there any legal concerns that came up during the review?
- No, any legal concerns were addressed, I actually drafted the MOU, basically using the MOU that was entered into with the city of Appleton and then just made some tweaks based on comments from Director Grenier and other department heads that had some comments to make, so, we're happy with the structure and don't have any concerns.
- Okay, thank you, that was all I had, chairman.
- Okay. Just kind of piggybacking on where the stations will be, Alder Grenier, geographically, do you see them concentrated downtown or will they be kind of scattered around, where do you see them geographically being located?
- It would be my expectation that at least originally the bulk of the scooters are gonna be operating in the downtown area, both east and west sides, to that end, we did offer up to Mr. Covato where community and economic development had painted the green rectangles for the LimeBike and offered those locations as potential areas for first distribution as well so. They know their market a lot better than we do, their business model, we gave them our suggestions and they're free to use as much or as little of those as they desire.
- Thank you. I believe now if there's no other comments or questions, we could have a motion.
- Move to approve.
- I'll second.
- Motion by Alder Gerlach, seconded by Alder Brunette. I'm certain you're all in favor, all in favor?
- [All] Aye.
- Opposed? That passes unanimously. Thank you.
- Good, we're ready.
- All right, item number two, consideration with possible action on a general ordinance, 17-21, to create section 40-139, Green Bay Municipal Code relating to electric scooter regulations. Gee, I wonder what that's all about. Staff?
- And as deputy attorney Attorney Bungert had identified earlier, we do not currently have any ordinance regulating the use of E-scooters in Green Bay. There are folks, I know even in my

neighborhood, I see folks riding by on these electrified scooters and generally speaking, the ordinance language significantly mirrors how bicycles are regulated within the city, so, Deputy Attorney Bungert was responsible for crafting this language, she is available to answer any specific questions that you may have.

- Questions anyone, comments anyone?

- The one thing that I am going to bring up just so that we're aware of it, because of the meeting schedule as it pertains to council meetings throughout the course of the summer, with having no meetings in July, it is our intent to bring this forward should it be recommended for adoption tonight at committee, the ordinance language will be brought forward to the council meeting next week as a first and final requiring super majority, that way we can get some meaningful data instead of having to wait until August.

- Yep, yep, excellent idea, love that, super majority. There was just one question I was gonna ask, kind of related. I mean, at one time we had kind of discussed mobile, sort of like go-karts or the golf carts, is that something that this might segue into eventually, maybe perhaps, is it something that we should kind of maybe look at again? I don't remember how that all panned out exactly.

- [Mather] I can jump right in on this one if nobody minds . I'm Attorney Mather, I, that one was before PMP and it was put on hold at the request of the person who brought it to the committee and it never got brought back, so, that's where it is as far as status is on that communication. It also is an entirely different type of vehicle than these recreational vehicles that we're talking about and the issue there was whether they should be allowed to actually drive on the streets, so, it's really an entirely separate issue from the scooters or E-bikes or those kinds of modes of transportation that you guys have been discussing.

- Well, the scooters should be on the street too, correct? We don't want them on the sidewalks, correct? Yeah.

- [Mather] Yes, but the, yeah, they're intended to be used more as like a traditional vehicle than the scooters would, I mean, I understand you can use a scooter to get from point A to point B but I hope you know what I'm trying to say .

- I think I do, I mean, a scooter can fit in a bike lane, I'm not sure if a golf cart can and that would make it a different kind of vehicle road.

- [Mather] Correct and there's a whole set of, a whole other set of statutes that apply to those vehicles.

- Okay.

- So, yeah.

- Just kind of wondering that, you know, a little bit felt like an advocate, Alder Brunette?

- Yeah, real quick on the golf cart, that was actually a constituent of mine who brought forward the idea, I did talk to him about a year ago and due to COVID, he didn't really think that that was a,

needed to be brought forward, it wasn't pressing so, I'm gonna follow up with him to see if he wanted to continue that conversation so, that may come up again, but I do have a question about the age limits on the document that was shared, you have one question though, my son has a scooter, he doesn't ride it that much but under age limits, it says, a person six or seven, may operate an electric scooter on city road way if accompanied by an adult also on electric scooter, I will say that, you know, I personally don't have one and if I'm going to be following my daughter, who's six, around, chances are I'll be walking fast as I can or riding a bike so, I think that, you know, we have to consider not every family member will be on a scooter, I'd feel safer if my daughter would ride a scooter accompanying her with a bike and so I, it seemed like that language in there made it sound like a family member has to be on a scooter, Attorney Bungert, can you clarify that, is that how I am to understand it?

- Actually, the way that you're putting it forward, it is the way that it is written, so, we can certainly change that so that it's either on an electric scooter or on a bicycle or accompanied by an adult in general.

- In running shoes.

- Right, and the section is qualified slightly by the fact that it states in the last sentence that the purpose of that section is to essentially allow the usage of scooters by families, so it's, there are children who are younger but they're scooting or operating in an electric scooter with their parents or guardians, they could do so. So, it's more of clarification to allow that group usage or that family usage more than like a prohibition, but to make that clearer, we can also add in or I can rework that language so that it's a little bit more clear that the adult presence isn't, the adults present doesn't necessarily have to also be on a scooter solely but at least present and/or on a bicycle, so, but we can make that revision for council for Tuesday.

- Yeah. With that change, I'm in favor of the ordinance, I see no issues with it.

- So, is that a motion to approve with the recommended amended?

- Yeah, to be presented to council for final adoption, yes.

- Seconded.

- Motion to approve as amended, seconded by Alder Gerlach, any further discussion questions? All in favor?

- Aye.

- Aye.

- Opposed? Okay, that passes unanimously.

- We're ready.

- Onto item number three, consideration with possible action on granting easements to AT&T and other public utilities for installation and infrastructure work in the public right-of-way, specifically, but not entirely in the area of Parkwood Drive, Fawn lawn, lane, Fawn Lane and Packerland Drive. Staff.

- We would actually defer this to Alder Brunette who's .

- Alder Brunette, okay.

- Yeah, thank you, I'll give a brief high level understanding of the issue. Some of the council members were also included on an email from concerned residents in that specific area about AT&T doing some work, they were installing, I believe fiber optic lines and they were installing above grade, many concerns that the neighbors had, primarily, the lack of communication from multiple perspectives and their feeling that they should have been notified if a permit was granted to AT&T and so, public works and mayor's office got involved, I actually met about a dozen or so residents out there about a month ago and AT&T to their credit worked out a fairly good resolution, but again, it was a good resolution that our assistant director of public works presented to me, but AT&T didn't communicate that to the neighborhood so, there was, again, additional frustration. So, the reason I'm bringing it forward one, is to give the residents avenue to express their concerns and how we can prevent this, but also for the committee to understand when AT&T or any other entity, please don't, I hope AT&T is not offended by me using them by name, it's just happens to be the company that was doing the work. How can we prevent, how can we ensure that the public is well notified for things that while it occurs within the public right-of-way on city land, it does affect the person's property? So, that's just a very basic explanation of the situation, I guess I would let Director Grenier respond to that and then I would like to make a motion to open the floor, I see a gentleman here would like to speak to the committee.

- Certainly. There are a number of regulated utilities in the state of Wisconsin and by regulated, I mean that they are governed by the Public Service Commission of Wisconsin. Most of the utility service providers that we're accustomed to here in the area, your Wisconsin Public Service Corporation, Time Warner or Spectrum as a telecom company, AT&T, any of your cell comm or cellular companies, those are all regulated utilities . Those regulated utilities operating under PSC approval and regulation have certain statutory authorities and certain statutory requirements that they need to meet. Provided that they are meeting the statutory obligations that have been set forth, they have, one of the rights that they are granted under state statute is a right of occupation of the public right-of-way and any recorded, recognized utility easements that they are party to. So, as long as they are operating in a manner which is consistent with the industry standard for their industry, they are allowed to go ahead and locate those facilities within the public right-of-way. There is an opportunity, the city can impose requirements above and beyond what are the industry standards, but under PSC 130, the city then bears the financial obligation of the upcharge required, and this is one of the areas where it's, the law department is gonna be listening to what I say very closely. We also cannot discriminate when we enforce that type of or that type of a, an obligation on somebody. So, for instance, if we have a historic neighborhood, okay, and because of the historic nature of that neighborhood, we don't want something above ground so, we're gonna force an AT&T or a Spectrum to put their splice locations and that's what we're talking about, it's the location, 90% of the infrastructure that was put out there as part of this project is underground, it's the splice locations where the main line provides the service feed to an individual's residence, those were put into above ground pedestal type mounts as opposed to a flush Mount underground handhold location. We could not, for instance, require that nothing above grade be present in a historic neighborhood, but then

allow it in my neighborhood on the far east side which is not historic, that would be a discriminatory practice against my neighborhood. So, if we're going to do it, we have to be prepared to do it everywhere and for everyone who asks, that's a financial obligation the city cannot make. So, we're not going to request that somebody do something outside of their normal industry standard business practice, and what was done over here, AT&T came to us with a plan to do a fiber upgrade to service the neighborhood, everything was being done in accordance with industry standards, as a result, they met their statutory obligation. We have no choice, we have to statutorily grant them that opportunity because they have that right of occupation within the public right-of-way. I understand that residents in that area have some frustration relative to notification. Simply stated, this is, that's a concern that they have with AT&T, that's not a city issue, we're not the ones who are putting that facility in, when we do a project in the neighborhoods, all of you Alder should be very aware of that, we send out letters ahead of time, we have public meetings talking about it. There's no requirement for a utility company to do that so, if the company decides to do it, that's fantastic, we would strongly encourage them to do that, but there's no obligation for them to do that.

- We make that as a blanket requirement everywhere in the city? I mean, you've mentioned how we just couldn't do one section against another but if we said, could we make it a city requirement that anybody coming in would make notification, is that?

- Where do you, where would you propose that we start and stop that? Every time Wisconsin Public Service replaces a utility pole, they take one old pole out and they put a new pole in, they're doing a project, when they put 200 feet of new service in, when they replace a service, pretty soon, you're gonna have a couple of staff members on my staff doing nothing but chasing utility contracts, franchise or regulated utilities, the work they're doing and ensuring that they're holding these public meetings. I mean, we permit several hundred of these types of things every year.

- Okay, Alder Gerlach.

- I would like to ask some really basic questions because I don't understand this technology at all and I really don't want to understand it. Is AT&T the only company in the city of Green Bay that is erecting these green pedestals in the terrace, is anyone else doing it?

- To be honest with you, I don't know. This is the only one that we've received any complaints on.

- Okay, I mean, I have a street in my district, Manitowoc Street where my district ends and those people about six or eight houses have these pedestals in their front yards, they have no sidewalk there so it appears to be in their front yard, but it's in the city right away, and you know, they complain that they have to mow around it, they have to trim around it, one of them was all bent over, I don't know what, I think maybe they said a snowplow hit it or something, I don't know, but there aren't any in my neighborhood and thank God, I don't want front yard, but I would have no choice even though, I mean, to me, I know Alder Brunette is talking about being notified but my question is, are they gonna take over the city and put these little things all over the city if they want to?

- Well, there is a possibility. Again, with, I don't design AT&T facilities, I don't control what their industry standard is, if you're asking me about a sewer, I can give you answers all day long, but I don't work in the telecom industry. I know that back in the 90s when AT&T and, you know, that's before the internet, so, it was largely telephone at the time, when they came through the city and did their

upgrade project then, in your district, you will find them if you look, I know of several of them in other Corpus taxes area because I drive through that quite frequently, they're referred to as the V-red cabinet and the V-reds were about a six by eight cabinet and they're either painted dark green or they're tan in color and they were largely put on property lines between two properties and not always necessarily in the right-of-way, a lot of times because of the size of it and because of the visual obstruction, AT&T went out and acquired easements on private property to place these things and there was a lot of consternation that was expressed by folks over those because of the size and the unsightly nature of them, some folks planted shrubs around them, what have you, what you're describing, I believe Alder Gerlach is similar to what I have in my yard. The telecom and cable TV come up to a common, there's two or three boxes all clustered together on the lot line between my house and my neighbors and then that gets distributed off to a couple of houses. Yes, that type of an approach is an option that each of these companies have. The alternative to it, you know, there's been a lot of talk and with the federal infrastructure bills that are out there right now, one of the things that that's being talked about is bringing high-speed internet, especially to rural areas which are currently underserved, but as we start even within our own urbanized area, as that progression to the 5G technology is underway right now and what's coming next, the 6G technology at some point in the future, what we're talking about is bandwidth and the ability to transmit higher quantities of data, these companies are gonna have to upgrade their facilities and they're gonna have to have the ability to tie that in and make the distribution off to the household level, to tie various trunk lines together in a common area and that's all gonna require some sort of above ground infrastructure, so, is this something, do I necessarily see the exact same pedestals operating in Green Bay? Possibly, you know, that would be the utilities discretion. Do I see a future for us, a foreseeable future where we're going to have more above ground tie in points or splicing points? Absolutely, I see that as the demand at the consumer level for higher speed internet and higher bandwidth is there, yeah, I see these guys providing that service and it's gonna require some of this above ground. Absolutely, I see that.

- Is the aboveground thing simply less expensive or is it absolutely necessary for some technology to put it above ground?

- Again, that I don't know, I don't work in that industry.

- So, you know, I'm concerned not only with, I mean, I got that email too, that Alder Brunette got, 'cause that happened to be coming from a personal friend of mine who just moved into his district and so, she copied me on it and I think what you're saying is, I mean, Alder Brunette is saying people should have been, should have been notified but it isn't just a matter of being notified, even if you're notified you might not be able to do anything about it, right?

- Correct.

- Okay, thank you.

- Alder Brunette.

- Yeah, thank you for all those comments, a bit of a sin of omission on my part when I was explaining the situation, the lack of notification, that was part of it but the fact that the neighbors grouped together, put some public pressure through the media and also through the council, the mayor's office, I believe the attorney's office, public works, they were able to get AT&T to concede and I

would imagine and I'm not gonna mention the utility anymore, I'll just say, a utility company, if they face some backlash or pushback from the neighborhood, I could see sometimes them conceding to what the desire of the neighborhood is. I said a lack of notification, that is true, that's part of it but the other part is that the group of citizens that assembled around this issue were frustrated with their connections or conversations with, most of them have stated that they were asking the city for the permit, like, okay, if you're telling us that this is permissible and the PSC says that it is such, where's the permit, where's the documentation that the city signed in order to do the work that while in the public right-of-way, is directly in front of my home and I think that was the frustration. So, the reason I brought this forward, although this situation was, at least as far as I'm concerned, we don't know what the end result will be because I believe the utility company will begin work this week or next week to finalize the project, I think we ought that discussion because when a utility company shows up on a street and has 10 to 20 properties starting digging holes in the front lawn, we're gonna be getting these sorts of emails and we're gonna be seeing media reports and I don't think from a public's perspective to be told, well, it's just the right of utility and they can do what they want, we gotta be prepared for that and to have a better documentation to give to them from a city perspective so, that's like, that's part of it and one quick correction is actually not my district, it's Alder district although there's one or two properties that overlap with mine so, I would like to make a motion to hear from Mr. Jazgar if he's interested in presenting to the committee his perspective on this.

- I second.

- All in favor?

- [All] Aye.

- Opposed? Okay, the floor is now open, if you could just state your name and address and address the committee.

- Jeff Jazgar, 2055 Fawn Lane. We had noticed the pedestals, they're all above ground, they're about four, five, four feet high. We noticed them on a Thursday, we had a discussion about it on a Friday, we started contacting certain people on Monday because we hadn't received any communication that these pedestals were gonna go up in our front yards and they're basically every other house, you know, on the other, on every property line so, some houses could have two on their property, the outlines one might have one, and so, we were concerned about how that aesthetically was gonna start looking in the community. So, we ended up doing a little research and we were aware that this was just a contractor that was doing it, it wasn't AT&T directly. I found a letter laying on, by our front porch and it indicated, you know, AT&T was doing this, however, AT&T has denied that they sent the letter so, contractor was using AT&T as the, you know, the business side of the notification that they were coming in to doing this construction. So, we started doing some digging and I guess part of our concern is number one, this seems like new construction, they weren't replacing old lines and that's what the letter indicated, that they were basically replacing existing structure. Well, if you're replacing an existing structure, you're using the boxes that are already present in the neighborhood, and so, when we called the Public Service Commission because service commission has to go through a certain process in order for this to be new construction, well, they said that they had never gotten any requests and that they were not part of this process because the public service go through a flow chart of communication alerting the public in certain area prior of what is going on. So, they never received any requests. What happened is then we reached out to the city to see what

permit was signed and who was ultimately responsible for approving this type of construction. Well, we reached out, we talked to the news and subsequently they have stopped the construction as of today's day. I still have not received a copy of the permit, none of my neighbors have received a copy of the permit for what was approved and part of the neighborhood's frustration is what power does the city have? And how did this get approved without some review that these pedestals were going everywhere? Because we are aware that if you look on certain places, TDS has flat boxes everywhere, you can see the flat boxes, so, TDS does fiber, even their ad on TV shows a flat box. With all due respect, I don't know what the industry standard is, it could be just AT&T's standard because other fiber optic companies could be actually doing what's right in burying these things, burying these fiber optics. So, our biggest concern is, I know it stopped, my understanding is that they're going to bury this, but I appreciate Mr. Grenier, indicating that this isn't supposed to be our neighborhood, we're not fighting for our neighborhood, we're just aware that this is the first spot or we've been informed that this is the first spot in the city of Green Bay that has started and so, that's part of the reason why we notified everyone in the city, because if you come through our neighborhood and I don't know how many, I know what Alder Brunette has, but if you come through our neighborhood, you are not gonna like what you see. This is not just a couple of boxes that are sitting back or a couple on your backyard, they're in your front yard and the street, all you see are these green boxes and it's not just even on one side of the road, they're on both sides of the road. So, all you see are these four foot tall boxes up and down the street, and so, who should have more power? Like, what I don't understand is why the city of Green Bay, even though it's a public easement, can't force the utility to do it the right way? That's what I'm confused about and that's what we haven't gotten answers on, is who ultimately holds the power? Our understanding is the city of Appleton has all flat boxes, how did the city of Appleton get all flat boxes or whatever they're called, so that they're all surface? Our understanding is other communities are able to achieve flat boxes so, why cannot the city of Green Bay achieve those flat boxes? And that's what we're concerned about and we want it for the whole city. It's not an issue for our neighborhood, it's just that we were the first, we still have not seen the permit which I think the city council should be in receipt of so they understand what the flow of communication was, because as Mr Grenier says, there are gonna be upgrades, they're gonna be additional, additional upgrades of fiber optics, 5G, whatever it may be, and if there are additional upgrades as a city council, don't you wanna be able to oversee what's going in your neighborhoods? So, that's one of our concerns and then, we don't understand the communication and I understand that where's that communication flow? Who is required to communicate to the customer? Is it AT&T and they didn't do a very good job, is it the city to communicate and send out a letter that this new construction is coming to existing construction? And these are questions we don't have the answers for and situations keep arising, you're going to get those emails. You're going to get these nasty grams from constituents, and something should be done on the communication and I think, part of our frustration is we weren't communicated to in the beginning so, then we're happy but at the end, but if we had gotten notices and maybe a picture of what was going in our front yard, there might've been the opportunity to stop it or at least have an honest discussion between before this committee or city council so that there might've been a resolution. We're not aware that there would be additional cost and obviously there is additional cost, but I would think the AT&T is supposed to be the ones bearing that additional cost. Now, because for me, if they have the public easement and they're supposed to do right by the city because the public easement, the public granting that permission for them to be in that easement, because I believe the city can pull that or the public service commission. An easement isn't granted into perpetuity, parties have the ability to remove an easement and my understanding is that an easement is never supposed to depreciate the value of the person's property that it goes over. So, if I'm granted an easement over someone's property to get to my cabin up north, I'm not supposed to destroy that

easement or destroy the property that I'm going over in order to get to my property, and that's what we feel that is happening here, is that we fully respect the fact that these utilities are granted easements and we fully respect the fact that they're able to provide and so, the dispute isn't that they're not able to do this, how are they able to go about doing it in this manner without any oversight from the city? And then, so, I think I have a list here that, we're concerned about the approval of the permit and how that occurred, we haven't seen a copy of the permit, this is only because it's a local, it first started here and that's our issue is that, that's the reason we brought it up and we want the whole entire Green Bay community 'cause we live here, we work here, we support Green Bay, we've lived here for 25 years, that we don't want pillars in everyone's yard and I invite anyone on this committee or anyone on the city council to come through our neighborhood and you'll see, I mean, you'll be aghast at what you're seeing, because it just doesn't look right. And so, I truly believe that the communication has to get better and I do appreciate, my understanding is that AT&T is going to fix this, but other than it's gonna fix this in our neighborhood or are they gonna go through city, wherever they have this easement and make sure it's done the right way? And so, I'd appreciate that the oversight of the city council makes sure that it's done the right way. It's brought to the city council, they vote on it, there's some instruction given because these big companies, they don't care. They're gonna come and do whatever they want to, they hire contractors. My understanding is that there are two or three different contractors, they probably bid on who can do the cheapest, AT&T sitting in the middle of Texas and they say, Hey, go ahead and the next thing you know, our yards are ripped up and some guy's driveway is all busted up because of the construction company and there's no oversight from AT&T and then AT&T throws up their hands and says, oh, well. Entirety of the city of Green Bay. And the other issue is we don't know Ashwaubomay and, my wife just told me to say this Ashwaubomay pier, Suamico Howard, are they gonna handle it the same way? Are they gonna want pillars in every, every corner of their yards? So, I really appreciate your time, I respect everyone on this committee, I know it's a significant debate, but I think it can be resolved, I just think, I don't, I haven't figured out how the process is to resolve it but I think it can be resolved for the betterment of the city of Green Bay. So, I appreciate everyone's time.

- Any questions? Alder Gerlach.

- Just a comment, I just wanna tell you thank you very much, that was very helpful and I really appreciate it. I really got an education tonight and I'm all in favor of looking into this and learning more about it and working with you and Alder Brunette to see what we can do.

- Well, thank you but it is for the whole city of Green Bay and we really want it so that the whole city, when I'm driving over on the east side or driving in another neighbor that it covers the whole city of Green Bay and who knows, it could impact Brown County at some point, too, right? So, be doing certain easements a certain way versus the city of Green Bay and is there gonna be a conflict in the future? I don't know all those answers, but I appreciate you listening to our concerns tonight.

- Yeah, thank you, I appreciate that too though I do have a question, you brought up contractors ripping up yards and breaking up concrete, did that happen?

- It did, there was a gentleman on Parkwood where they had come in and they had busted up part of his driveway and then supposedly, they said the city would come out and fix it, I don't quite know but he probably filed a separate type of claim or whatever, but he had just moved into the neighborhood and the house was up for sale, he just bought it and so, we're just concerned from the city of Green Bay's perspective.

- Yep, thank you, thank you very much. Anyone else here to speak on this? Or did you have a question or?

- Not a question, I just wanna make some comments but I'll make a motion to close the floor.

- Yeah, is there anyone else here to speak on this? Anyone else? Take a motion to close the floor?

- That's me.

- I'm gonna second it.

- Motion by Alder Brunette, seconded by Alder Gerlach, all in favor?

- [All] Aye.

- Opposed, okay, the floor is now closed, Alder Brunette.

- Yeah, thank you, chairman Mr. I'm gonna maybe pronounce your name wrong, but Jazgar, I believe, you gave a very, very good summary of the situation when I met you and your neighbors out there, this is for the sake of the committee more than anything, very reasonable, the whole group was very reasonable and each property owner did have concerns as a whole but also specific towards their actual property, things that they had been seeing, and so, I think this is a bigger discussion, you know, going forward, I get what Mr. Grenier is saying but also as an Alderman, I know that when things are not communicated as a whole to the city, to the community, to Aldermen, that these problems will arise again if AT&T feels like they can do the above grade boxes rather than burying them, which is what the outcome of this situation likely will be so, I don't think we can get a real affirmative solution tonight but what I would recommend is making a motion to refer to the staff just for a little more depth and reporting back to the committee, unless Mr. Grenier has a better solution for this situation right now.

- Well, I do have a couple of things that I would like to get out there and make sure that they are part of the record because there is some misinformation that did come out tonight that we do need to clarify. This is not new construction, there is an existing facility out there that's twisted pair of copper that this fiber optic line is replacing, just because you have a system in place that doesn't go back in the exact same spot with the replacement, that's common practice in a lot of utility industries, even with our own construction. If you think about water main, when water goes in, the existing facility has to remain in service and hooked up to the house until the new water pipe is installed, decontaminated, safe back to your logical samples are taken, then and only then can you transfer the services over to the new pipe. Similarly, with not being able to deny service to the customer, AT&T has to keep the existing line in service and active until the new fiber optic line is installed, spliced and run to the consumer, so, there's duplicate systems in there. Because of the need for the duplicate systems to exist, you can't put it back in the same spot, this is not new construction, this is replacement of an existing facility. There is not an easement at play here, this is the public right-of-way, it's completely different under law than an easement. We did not grant an easement here, it's public right-of-way that's dedicated over and statutorily, those utility companies have the right to occupy. Now, what I was talking about, instead of me paraphrasing, I'm going to read you directly from PSC 130.03, special design and construction conditions, "Except as provided in subsection two,

a municipal regulation that requires a utility to install at the utilities expense, transmission or distribution facilities which are not consistent with the utilities practice for designer construction of utility facilities is unreasonable, unless there is an adequate health, safety or public welfare justification for the requirement. Aesthetics alone is not an adequate basis to justify a requirement to install facilities underground," that is read verbatim from PSC 130. What I've been trying to say is we don't have a lot of latitude, if they are consistent with the industry, with their practices, that's very explicitly stated in the code, with their practice, if that's their standard of practice, I can't deny them the ability to conduct that business, state statute prohibits me from regulating that, I don't have that latitude. Now, can we provide a copy? Sure, I'll provide a copy of the permit tomorrow, what you're going to see is an aerial view, what we call a plan view, so, a view from above and it's gonna show lines approximately where the intendance all these facilities. It's not gonna say whether or not there's pedestals there, they're not required to divulge that information as part of the plan, and that's also spelled out in PSC 130. Staff did their job, we reviewed this consistent with the regulations given to us by the state of Wisconsin and we issued the permit. This is not our project. If the residents were upset that they didn't have adequate communication, they need to be upset with the utility who came in and did the work, this is not a city issue.

- That's what I was afraid of, I remember with cell towers, we've had some problems in that, the state took away what authority we had to in placing those towers and it became, someone, they came in and placed them, I think the last one we had a big issue on was right by a school and we have absolutely no authority at all to make any kind of change or any thing to negotiate with the cell company to change that, it's all by their grace, if they want to and do something different, but we really have very little authority, a lot of our authority has been taken away by the state. So, Alder Gerlach.

- Please, what is PSC, what does that stand for?

- PSC is the chapter of the, the chapters of Wisconsin Administrative Code that refers specifically to the public service commission and PSC 130, the title of the chapter PSC 130 is municipal regulation of municipal rights-of-way, that's exactly what this is about.

- Okay. It seems to me that as you just said, Alder Scannell, you know, with the cell towers, there wasn't much you can do, on the other hand, how was Appleton managing not to have any of these pedestals? I think if we could just take this, not from a position of blaming anyone, it's not anyone's fault and we just heard the statute, I mean, it's law, but I think we can take an opportunity to learn and discover and find out if there is anything we can do to make things better as time goes by so that we don't continue to have these pedestals if there's some way around them, and I suggest we start learning from Appleton.

- Great, I was gonna suggest that perhaps the communicate motion, it would be for staff to find out about Appleton and I think there were a couple of other communities mentioned, if indeed, I mean, is it true that they just have the flat ones or is that just a rumor? And how they were able to pull that off and maybe we can learn from that, so, I don't know Alder Brunette...

- That's great, I'll second that motion, chairman.

- Oh, then I make that motion that staff look into, if there's a, if the communities that have had this work done and if they indeed do have flat beds and how they're able to pull that off and if there's anything we can do going forward for ourselves, Alder Brunette?

- Yeah and Alder Gerlach, thank you for that, I agree with you, I think sometimes, we all get defensive and whatever our posture is, it's usually because of, you know, communication and I don't think it was blaming anyone, it's just a whole bunch of things that happened that led to this point and I tried to bring this forward as a positive situation like, we really should talk about this and I think we did. AT&T is, we always talk about partnerships, community partnerships, they wanna service our area, they want customers, they want goodwill, they want all of that, so, if it's just something simple as, Hey, this has come to our attention as a municipality, moving forward, please consider one, either communicating to the neighborhood properly or secondly, installing where you can, underground, which will prevent, I know what the PSC says but if there's any visible ice way, I don't know if that's the exact word but you get the point, there's a better way and so I think that the motion is good it just continues the conversation, hopefully, not just this situation in all situations is a positive outcome. I think Director Grenier is correct, 5G's here, 6G, who knows how long the infrastructure will grow and we need infrastructure, we need high speed internet and whatnot, so, I fully support the motion.

- [Mather] Whoa, are you just getting an echo?

- Yep, could you turn down, could you try again?

- [Mather] Okay, sure, sorry. I thought it was actually on my own.

- It was but you're good now.

- [Mather] Okay . Sorry, now I'm coughing, okay. I just wanted to point out two things really quickly from a legal perspective. I think it's great that there's desire on the council to work with, you know, utility partners to get some, you know, some kind of resolve but it is important to note that these are, this is part of the State Administrative Code and so, even though we, as a city may want to suggest to the utilities that they do things a certain way, we're still bound by what's codified in the administrative code and so, just keep that in mind with whatever requests are potentially made in the future, we still, even if we want to see things a particular way, we still have to make sure that we're complying with that state code and it is important that it's a state code because we can't have anything that is in violation or opposition to what's been made law at the state level. The other thing that I wanted to mention is that in addition to events, we also have some contractual relationships with some of the utility companies with cell phone towers and other things, any suggestion by the council of potential changes that should be made in the interim could potentially affect the contract, like existing contracts or potential contracting in the future, and so, just caution you to make sure that what's being done is not only in accordance with the law but it's not going to put us in breach of any of our existing contracts.

- Okay, thank you, and I think just getting the information right now, we're not really prepared to do anything else and it could very well be, we just come to that point where we say when they come to town to the city, we just make the suggestion in Bay and hope they listen to us, but we may not have any authority or anything for anything else. We'll see what happens with the information we get. Was there anything else?

- One more item. I would appreciate it if by the end of the week, one, all could submit to me a list of which communities in particular you want us to reach out to.

- Oh, okay. Well, I think Appleton for sure and then, I don't know if anybody else can think of any other ones.

- This is my concern, Alder Scannell, we always refer things back to staff and give the staff more work, we have a group of citizens that are very enthusiastic about helping, we have some Alders that are enthusiastic about helping, I don't know how we can use that energy but I just hate to keep always referring things back to staff and say, do more work, do more work.

- It certainly, but it's their job and that's the way it said, we wouldn't want to find this out, I don't think, I think we want to keep this within the city purview, within the city procedures and I mean, yeah, we're throwing work on staff, that's what we do as Alders, but we do wanna be careful, we're not overburdening staff or we're being unreasonable in our requests, I mean, years back, I know Alders had made some very political, crazy, time-consuming requests of staff that thank God, we're not doing that anymore. I think this is well worth staff's time, I think it's well worth the city's time to take a look at this, I don't think we're gonna, we're asking too much here, we just want a ballpark idea of what's going on in other places and what, you know, what's happening and it just could be that even at Appleton as we all know, we've got, you know, some of the stand-up ones too, I don't know why people are saying that and then, you know, we're, whatever, but we'll just wait and see. But I do think that this is not something we wanna ask a citizen to do and then, you know, they get busy in their life and they can't get back to us for several months or whatever, you know what I mean, this is appropriate for staff to do and if staff needs more time, they can come to us and let us know. We can work with staff, this is typical, so, this is I think appropriate.

- Okay, so, I will support the motion then. We have a motion, right, to refer to staff?

- Motion by Alder Scannell, seconded by Alder Brunette, any further discussion? All in favor?

- [All] Aye.

- Opposed? Okay, that passes unanimously.

- We're good.

- Okay. I don't number four.

- Thank you for listening, I appreciate all of you listening.

- Thank you for your comments and your help. Item number four, consideration with possible action on a request by the public works to establish limits for determination of indigency as required under section 34-42 subsection F, Green Bay Municipal Code. Staff.

- Included in your packet, we have provided a copy of section 34-42, deferment of special assessments for indigent persons and we've got two requests for tonight. Under subsection F, limits for the determination of indigency, the council shall establish by resolution limits for the determination of indigency, such limit shall include the maximum combined annual income of husband,

wife and dependants, and the maximum combined assets of husband, wife, or dependants. This section of our Green Bay Municipal Code provides the ability for a petitioner to request deferral of a special assessment levied against the property by an indigent person. We have not revisited this section for the determination of indigency, at least in the 13 plus years that I've been employed with the city, I was talking to some longer-term employees, one who's been with the city for over 30 years and he doesn't remember, in his tenure here at the city council ever taking this up yet we have the section within our municipal ordinances so, the reason it's come to the fore is we had a, I received a request from an individual to defer the cost of their sidewalk improvements due to indigency, that's the second portion of this. This allows, provides opportunity for deferral of special assessments, repair, replacement of existing sidewalk and that's one of the reasons I've got Attorney Mather here and I see she's got her hand raised, so, we're gonna have her weigh in on this. As defined under state statute, the repair or replacement of sidewalk is not listed as a special assessment, it is rather referred to under state statute as a special charge which is different. So, should we, I'm not expecting action tonight, I'm expecting a hold on this because I do think this is a larger discussion, we wanted to bring it up and start the conversation. Number one, should we be expanding beyond assessments to also include sidewalk repairs as contemplated under this section of the code? And then we are going to have to set these limits and I think that's something that the council should do, this is not a staff decision, council has to adopt this by resolution, we need feedback from the council as far as what those limits should be. So, I see Assistant Attorney Mather has her hand raised, I would suggest to the chair that we hear from her.

- Certainly.

- That, actually, I literally have no idea how that happened 'cause I switched my audio to my phone, I don't know how I might have raised my hand, but I don't have anything to add unless there are specific questions from a legal perspective.

- Alder Brunette.

- Yeah, Director Grenier, thank you for the heads up, I agree, it's not pressing, especially if the claimants, I don't know if that's the right word in this case or in fact, indigent, there's no opportunity that they will have to pay the bill so, I think for as far as I'm concerned, if the request is to hold, I will make that motion but before doing so, I just appreciate Director Grenier bringing this to our attention at this stage, then we could discuss it at a future meeting.

- Would that be appropriate, motion Alder Brunette to hold?

- Yeah.

- Okay. Is there a second?

- I'll second it with questions.

- Okay, go ahead, start with your question or is there?

- Attorney Mather wanna say something?

- [Mather] I did just have a question. The, and maybe Director Grenier can weigh in on this, I believe there is a pending request for a waiver, so, there may be a little bit of an urgency in that our ordinance currently doesn't allow for waivers of, for indigency waivers of things like sidewalk repair, which under statutes are considered special charges instead of special assessments, because our code only allows for indigency for deferral of special assessments, and so, the person that has asked for this deferral under our current ordinances is not eligible because it does not apply to special charges. So, in that regard, if there's still a pending request, there would be more, it would need to be resolved a little bit more timely.

- How about a referral to staff to come up with the language and then we can discuss that at committee and pass it onto council, would that make more sense?

- That's fine.

- [Mather] Fine with me.

- Then I'd also like to add, oh, go ahead Alder Gerlach.

- I was just gonna say, just to make sure that under F, section F, one and two, that we make that more gender appropriate, it's very old fashioned but I don't think it should say husband, wife and dependants we need to find a different way of saying that.

- [Mather] I just caught that Alder Gerlach, thank you for bringing that to my attention. If, when I bring back a revised or proposed revised version of the ordinance, I will include that among the changes so that it just references both spouses and then their dependants.

- Okay, so, my other, I wanna be sure that I'm clear about this. So, Director Grenier, you brought this up tonight because there is somebody who wants to use this in a way that it isn't allowed to be used, for sidewalk repair, is that right?

- Both because there is somebody who's applying for it that currently is not covered by the code and also we would, that's the first item, secondly, I could see in the future as a result of the pandemic, although we're not currently assessing for a lot of things, if we start assessing again, so, a type C, what we refer to as a type C street, a street that's being urbanized, in that opportunity, we would assess for storm sewer because those roads are typically being served by ditch section and if we have somebody in that situation, they could then petition for, because that's a special assessment. Once we got the first request determined that it's not applicable under code, we started digging into it and realized my word, we haven't touched this in over 30 years, we probably should go back and at least have something so that if we have a situation where it applies, we now have the limits to compare against as well so, there's multi-facets to this.

- Okay, because I have had a constituent, you know that my district is full of these sidewalk X's right now, some are being repaired this summer, some are just marked for next year and I have had a constituent actually use the term indigent with me, you know, say I have all these Xs on my sidewalk and I don't know how I'm gonna pay for them because I'm indigent and this isn't a person that I know but I just wanna make sure that as Attorney Mather said that we have some kind of, some way of addressing this now, not just leave these people in limbo, it might be very easy for us to say, okay, they're indigent, so they're not gonna, we're not gonna expect them to pay anyway, but they might be

losing sleep over that. So, I don't know what the answer is but we just need to make sure that we're not just saying to people well, you'll hear from us in a month or two when they're saying, you're fixing my sidewalk this summer and I don't have the money to pay you and , I don't know what the answer is.

- But are we, and as we work through this, are we suspending collecting payments or are we?

- Well, the payment won't, the invoice for the work won't be coming forward until sometime later this year.

- Yeah, so, there's time.

- Yeah, we have some time but I'm sure the person who sent me the request is waiting for an answer.

- Right. We don't wanna, we wanna get going on this.

- Correct.

- Yeah.

- Now, one of the things I will say and one of the reasons that we are gonna want significant input from the common council, there are mechanisms already out there whereby any unpaid balance after 30 days automatically goes into a five-year payment plan and I'm gonna have to go back and refamiliarize myself with the particular section, I believe due to extenuating circumstances there's an opportunity on a case by case basis to bring that out to a ten-year plan, so, seeing as you've already got a five and a 10 year payment option, or potentially a five and a 10 year payment option available to you, I do believe that a determination of indigency, true indigency, is gonna have to take that into consideration as well, that somebody wouldn't be able to make those longer term payments on a regular basis so, we may wind up and again, what we're gonna have to do, among the things that need to be part of that determination is gonna have to be a dollar value for the annual income of both spouses, any spouses and dependants residing or, you know, and then the maximum combined assets because those assets could be liquidated to generate the money, just because you don't have cash in your pocket doesn't necessarily mean indigent. So, this is gonna get into some touchy touchy area and we had one person who petitioned to have deferral of special assessment charges on a project and when they were informed that they were going to have to disclose their financial data, they withdrew the petition immediately. People are gonna have to and this, I'm glad that Attorney Mather is still with us because she can correct me if I'm wrong, I do not believe that this type of an analysis would be subject to closed session, so, all this discussion and these folks' financial records are gonna be open record, it's gonna be discussed in the open because there's no competitive bargaining reason and there's no, no financial position on behalf of the city that would warrant us going into closed session for those discussions, so, just things to keep in mind, again, I wasn't looking for action on the item tonight, I wanted to start the conversation with the hopes that maybe we could tidy this up at the July meeting into July.

- Yeah, well and I think Attorney Mather can take some of these things into consideration as a draft, you know, a dollar amount and everything else, fill in those blanks just to get us going and then we can discuss that at committee and certainly Alders can be made aware of this, they can jump in a committee or wait til council and then, with draft come forward with a working framework that we

can kick around at committee and council and I would like to add, I'm interested in at the end L and M where interest may be charged, but there's really no criteria there, I mean, it may be charged, may not be charged, so how do we determine if it should or shouldn't be charged? That might be something we should be looking at as well, as far as indigent, do we charge interest or not, what criteria do we use? Right now, there's none there so, if we could, if Attorney Mather, you could also look at that section and see what you might be able to come up with.

- That language is very similar to the language we use for unpaid special assessments, the interest would be charged and what we would charge would be the borrowing rate plus 2%, which is the standard language that we approve every year for unpaid outstanding, special assessments, the reason for that is if somebody is successful in their petition, the city is going to have to cover that charge until such time that the house is sold. The city's gonna have to borrow that money so, we're gonna have to pay the bonding rate, plus we're gonna have the administrative expense that goes along with that, state statute allows you to charge 2% for that administrative charge so. Although it says interest, maybe read that to mean interest shall be charged.

- And I wonder if we should change that then so there's no ambiguity there, especially if anybody, indigent person is coming forward, they may try to wanna make a pitch that they shouldn't be charged, if we are gonna definitely charge, perhaps we should use the appropriate language for that then.

- If we're taking the opportunity to take a look at the ordinance for content, I think that would be inappropriate thing to look at.

- [Mather] We can certainly look at that.

- Okay. It sounded awful familiar, Director Grenier, I thought we'd had this discussion somewhat before. Okay, so, Alder Gerlach?

- Last thing, I just wanna point out 'cause I knew I had seen this in, I had read this, this afternoon and yes, it's here, in H section two, it does say, "The schedule of net worth and income set forth in subsection H1 of the sections shall be considered and treated as privileged information and shall not be made public without the applicant's consent."

- Okay.

- So, one of the questions I was planning to ask tonight is, does that mean that if the council has to be involved, we would have to go into closed session? I certainly hope that council doesn't have to, I guess what this is suggesting is that the clerk would come to, would make, would gather the data and then would come to us and say, I think I have made a determination that this person is indigent, please confirm, is that, and then we would go into closed session and look at the figure she brings us?

- We'll look into that and find out what that means.

- Okay.

- It could be, once you get this, I'm sorry, go ahead Attorney Mather.

- [Mather] I'm sorry. If this ordinance is as Director Grenier says it is, that language probably needs to be updated to be more in line with current statutory language 'cause I don't know if that's still the standard for readapting under the current public records. So yeah, it's something we'll need, we'll definitely need to flag and look into.
- And with this, might even be something that once we get the criteria pegged down, perhaps it wouldn't even need to come to committee or council. If we've got the guidelines there, this could just be a function of staff, perhaps? Or I suppose the council can...
- [Mather] I defer to the Director on that one.
- Right, I suppose that's something council could decide whether they.
- Well, again, as Attorney Mather indicated, we're gonna have to take a look at what the current statutory language is, the statutes may prohibit that from being a staff level decision and they may actually vest that requirement with the city clerk for some reason.
- Okay, all right, yep. All right and I think we've given Attorney Mather enough to do. There's a motion to refer to staff to come back with a draft, did I make that?
- No, I think the motion was to a poll but if you preferred that motion, I'd be happy to make that.
- Yeah, I think that's the more appropriate one right now.
- Okay, a motion to refer back to staff to report back to the committee.
- Okay, thank you, by Alder Brunette.
- Second.
- Second by Alder Gerlach, any further discussion?
- Aye.
- [All] Aye.
- Opposed? That passes unanimously.
- And we are good to go and I think, Attorney Mather that may be the last of the items that require your input so, if you have other things to be doing on a Wednesday night, I don't know that necessarily you need to stick around but you're always welcome to do so.
- [Mather] Hard to top an I&S meeting but I think I'm gonna sign off for the evening, thank you all.
- Thank you, have a great night. Alder, oh, Alder , item number five, consideration with, oh shoot, then I touched it. Hang on my screen, all right, consideration with possible action on a request by Department of Public Works regarding approval of the annual Compliance Maintenance Annual

Report, CMAR and resolution for the Wisconsin Department of Natural Resources, WDNR, sanitary sewer collection permit, staff.

- We'll try to get through this quickly as possible. Included in your packet is a copy of the CMAR report that would be submitted to the Department of Natural Resources, and there's an interoffice memo from Matt Heckenlaible, utility manager to the improvement service committee providing the background in summary of the CMAR in very brief fashion, what Matt has done is given a background on the sanitary sewer system, then provided a summary table that goes back from 2006 through 2020. In that table, we show what the financial rating and sewer system rating, the system, the actual pipes, that's a letter grade from A through E and then an overall rating. Again this year as has been the case for the last 10 years, we received A's in both financial and sewer system rating so therefore, an overall system rating of A, comparison of the percent of system we're cleaning over on an annual basis, the percent of the system being televised on an annual basis, the total number of sanitary sewer complaints, the total number of backups from the city main and the total number of sanitary sewer overflows. With that, in 2020, we had cleaned 55.4% of our sanitary sewers, televised 19.6%, we had a total of 192 sewer complaints, of that, only six of them were determined to be a city issue and we had no sanitary sewer overflows, so, nothing actually got out of the system. Anything that that caused a backup went back down the pipe by the time we got the issue resolved. With that, the backups, that does exclude complaints due to flooding, contractor damage or a water main break, there were two due to contractor damage, eight due to a water main break and two due to surcharging sanitary means due to excessive rain events, so, that's not a reflection on how the sanitary sewer's working, it represents that we had external factors outside of the sanitary sewer system that were impacting the system and we are actively taking action to address those. So, the action we are looking for, if you have no questions, we would be looking for a motion to approve the CMAR report, authorize the mayor and city clerk to execute the resolution, which will be included in the council pack and allow the director of public works to submit these documents to the Department of Natural Resources.

- Mr. Chairman, I have read the whole thing, I understood it and I so move.

- Motion by Alder Gerlach.

- I'll second that.

- Seconded by Alder Brunette, any further questions, discussion? All in favor?

- [All] Aye.

- Opposed? That passes unanimously.

- All right.

- Number six, consideration with possible action on a request by Department of Public Works to enter into a County/Municipal Agreement for safety improvements at the intersection of West Mason Street and Packerland Drive, and I am so sorry, I should've noticed that before, that's what I had . I wondered, I couldn't remember what, we should have changed our agenda, put that at the top, I am so sorry, Mr. Fontechio, you've waited all this time. Okay, staff?

- Director Fontechio has been an absolute trooper sitting with us through this entire meeting and we appreciate that so much. Director Fontechio approached me a couple of months ago, this intersection has been rated over, at least the past 12 years that I've been involved with, 13 years that I've been involved with the Brown County Planning Commission, periodically, the Brown County Planning and Zoning Office does, works with an insurance group, I can't remember who exactly it is, but they look at high crash intersections and this is, this has been consistently the highest crash, severe crash data in the county, it's the worst, we talk about the worst road here or the worst whatever there, this, I can say with all qualification, is the most dangerous intersection in all of Brown County. So, we've been looking at possible solutions there, I've talked to the Wisconsin Department of Transportation because at this point, West Mason Street is also a connecting highway, it's part of the Wisconsin Highway 54. You know, there's been a lot of back and forth in trying to figure out what can we do? And a lot of it is because of the sheer number of conflict points created by the frontage roads and then the volume of traffic that's out there. And we've largely come to a lot of head scratching over the years and you know, like I said, a couple of months ago, Director Fontechio reached out to me and asked if the city would be interested in working jointly with the county on taking a fresh look at it, and they came up with some fantastic ideas that I think are definitely worth exploring so, included in the packet is a copy of the draft municipal project agreement and along with the agreement itself, Director Fontechio has provided a large number of attachments, aerial photos that very clearly document what they're looking at and I think it's a fantastic idea to study, potentially putting a roundabout in at Trojan Drive, restricting some access off of some of those access roads, they've come up with a great approach to it. We don't have the staff time to dedicate to it and Director Fontechio said, Hey, we're interested in taking the lead on this, are you guys willing to come along with us and enter into an agreement? And we think it's a fantastic idea, so, staff is recommending approval of the municipal project agreement and authorizing the director to execute.

- Any questions or comments, Alder Gerlach?

- I'm prepared to make the motion, I looked at all of these pictures and I think it's great, I move that we approved this.

- Alder Brunette?

- Yeah, thank you. Mr. Fontechio, how do I pronounce your, I'm not always good, but you get the idea.

- Fontechio.

- Fontechio, I've talked to you a few times through the year, so thank you for bringing this to the city's attention and partnering, this is in my district, it's, as Director Grenier said, it's the worst intersection that any person in this city will visit or will drive through, I drive through daily and the things that I see are scary stuff for anyone who lives or travels that road and so, I'm thrilled that the county and the city are working in partnership. Director Grenier, can you, I know it said project date of 2024 as far as the funding goes, does this have to go through the county, the city partnership road pat's out? How does that work? The wheel tax, is this for sure gonna happen in 2024 or is it a number of things that could go wrong to derail the project?

- Well, I don't know that I'd characterize it as things going wrong, it starts off with an analysis and design. We need to determine whether or not is the improvement gonna solve the problem and if it

will solve the problem, can it be built? So, that's the first stages. We're committing to entering into, you know, at least the design phase and then if the design phase pans out and comes to approval by both entities, Brown County Public Works and Green Bay Public Works, then we will go forward with the actual construction. Based on what Brown County has brought to us, what they anticipate for the level of analysis and design, this would fit into a 2024 construction year, that is subject to change based on funding availability, whether or not the analysis and design takes shorter or longer than what we've anticipated, other projects that might pop up on Paul's end or mine, I mean, you know, 2024 is still three years out there, a lot can change at three years, but it's Paul's expectation and my expectation that between the two of us, we're committing to including this in our capital requests for the 2024 construction year. And obviously, we bring you revisions on an annual basis if something's moving, if Paul comes to me and says, "Hey, Steve, something popped up and we need to move this to the 25 year or what have you," we'll keep the council and the committee informed through regular channels.

- Thank you, I'd like to open the floor, motion to open the floor.

- Motion to open the floor by Alder Brunette.

- Second.

- Second by Alder Gerlach, all in favor?

- [All] Aye.

- Opposed, okay, floor is now open, could you please state your name and address?

- Sure, Paul Fontechio, 892 Division Street. Okay, I appreciate you guys listening to me tonight and considering this. We tried, this is a tough little section of road, you know, there's competing interests there, there's obviously public safety which is paramount, there's also the concern of access of all those businesses and what we tried to do with, and these are concept drawings, I mean, there's, I literally copied a roundabout circle from another area and dropped it in and that's what that is so, it's nothing engineering, it's very conceptual, but the idea was to provide as much access to those businesses as humanly possible, that's why the roundabout at Trojan makes a lot of sense. We've incorporated some ideas on Mason Street there with the right in right out and left in very similar to what we have on GV by Costco and Bellevue. So, we tried to work that in, so, there are competing interests there. The reason for the 2024 date was two fold, number one, we wanted to do this as soon as possible because we are seeing significant injury accidents like one every other month at this location, and number two is that, to pull this off, if we do, in a very rough schedule, we do design in 2022, we buy right-of-way in 2023, then we can build in 2024, I mean, in a very simplistic manner. And from the county side, last night at my committee, they approved our six year capital plan and this is in it so, we have, I'm not sure it'll go to county board and be approved in July, we have the commitment on our end to see this through. As Director Grenier said, there's always things that pop up, some road that slides into a river which we're addressing now in Wrightstown, so, we have things that come up like that from time to time. We also, on our end, we did look and we exhausted every other funding source We looked at the Highway Safety Improvement Program and unfortunately they would only participate in maybe \$50,000 to actually close the medians up at the frontage roads, a lot of this is what they would call an access control project. So we looked and we talked to the DOT quite a bit about other funding sources, it came down to the city and the county partnering and I'm

very thankful that you are willing to look into this. Of course, once we get into the design, we'll hire a consultant and we will have a heavy, heavy involvement with the businesses and the people that are affected by this. You know, we're not just gonna plant green boxes in people's yards. So, we will talk to them, we will work with them, you know, at the end of the day, it's a trade off with the access control, but I think this is an important project for the safety and long-term for that corridor and community so, I do appreciate you considering it.

- Motion that close the floor.

- Second.

- Motion by Alder Brunette to close the floor, seconded by Alder Gerlach, all in favor?

- [All] Aye.

- Floor is closed, Alder Brunette.

- Yeah. I'm so thrilled to have seen this on the agenda, I know we had talked about it loosely over the last several years of first me being an Alderman out here, I know the issue well. I used to work at a business right, actually two businesses right in that general area and I went to the Technical School for a few years and now I live out there, out here, so, I know that that is a critical intersection to figure out for the safety and if it was just said that there are an accident every month or two resulting in physical injury and that is a pretty serious thing. So many Frontage road, a lot of confusion, but I appreciate the fact that we're also considering the businesses, the success of those businesses, that's a huge part of this project as well so, thank you for both of you gentlemen for speaking to this and partnering, so, I think it's needed. So, definitely a yes.

- Well and that's, that's one of the things that I liked the most about this project, not only is it a necessary safety improvement and a thorn in everyone's side that's been there forever, but one of the things that I made a commitment when I took over as director of this department was, to get more involved in an intergovernmental cooperation and, you know, Paul taking the position at Brown County has been very much a proponent of that as well on behalf of the county. The fact that we can work together, we've done many, a handful of successful projects, this is the next one in the list and being able to work with another partner agency who's got the same interests in mind and both of us, you know, leveraging our assets to get a better project for it, I think is definitely important. So, you know, you hear the two of us, it's kind of a little bit of a love fest when we get in front of our respective boards but I do appreciate that Paul's been very, very willing to work with us and partner on things and I think it makes for better project in the end, so, we appreciate the county and everything they're bringing to this.

- Okay, I'd just like to say two things, one, this is a dangerous corner and Alder Brunette, you go through it pretty regularly, I'm wondering, have you thought maybe you're the problem? No, Hey, that problem exists well before I moved out here, no, it's.

- Just asking.

- Any time I have to go anywhere west of my or east of my home, I have to go through that intersection, at least 20 to 30 times a week, it's a mess.

- I just thought maybe, as part of the study, maybe you should go a different way and see what happens, you know.

- Yeah, maybe.

- Again, I wanna apologize, Paul, it was so much easier when we had meetings to figure out who was in the room and figure things out and I gotta get used to Zoom, asking people and we should have got you ahead, you're a busy man, really appreciate your taking the time here. In the future, hopefully I'll be put together enough to get you closer to the top. We have a motion and a second by, motion by Alder Brunette, second by Alder Gerlach, all in favor?

- Aye.

- Aye. Opposed? That passes unanimously, thank you very much.

- We're good.

- Okay. Item number seven, consideration with possible action on a request by Parks Department and Department of Public Works on acceptance of NRDA Grant to fund improvements at the Green Bay Metro Boat Launch, staff.

- Staff applied for an NRDA Grant through the US Fish and Wildlife Service for improvements out at the Metro Boat Launch, included in your packet is a letter from US Fish and Wildlife Service and the Fox River Trustee Council informing us that the council has agreed to allocate \$200,000 towards the necessary improvements out at Metro Boat Launch, when combined with the \$450,000 that we've requested in the bond issue, that gives us \$650,000 to fund the improvements that are necessary out there, we can't accept the award without council approval so, staff is recommending and requesting approval, council approval to accept this award.

- My fellow Alders.

- No, no questions, motion to approve.

- Second.

- Motion to approve by Alder Brunette, second by Alder Gerlach, sounds like a no-brainer to me, all in favor?

- [All] Aye.

- Opposed? That passes unanimously.

- Let's keep going.

- We're good.

- And Director Grenier, do I take these one at a time? A-B-C-D or can we...

- No, we can take them collectively.

- We can, okay, very good. Item number eight, consideration with possible action on the request by the Department of Public Works to award of the following contracts at a staff level and report the award to the next regular meeting of the Improvement and Services Committee. A, Leicht Park Fendering and Mooring, B, Sewers 3-21 North Danz Avenue Storm Sewer, C, Sewers 4-21, mini sewer, D, Sewers 5-21, East Shore Drive Sanitary Lift Station.

- All four of these projects will be bid within the next two weeks or so and because of the council meeting schedule where we're not meeting in July, we would like to be able to award these at a staff level so we can get construction started as soon as possible.

- Move to approve.

- Second.

- Motion by Alder Brunette to approve, second by Alder Gerlach, all in favor?

- [All] Aye.

- Opposed? Passes unanimously.

- We're ready.

- And again, can I take these two together?

- Yes, we can.

- Okay, item number nine, consideration with possible action on the review and award of the following contracts, A, Sewers 2-21, Basin Repair, B, WSG 1-21 Tuck Pointing. Staff.

- So, recently we had bid openings for sewers 2-21. Every year we go out and we televise certain sanitary sewer basins to determine whether or not, that's all part of that CMAR report that we just talked about a few items ago and we identify whether or not there are items that need repair that aren't necessarily associated with a larger road improvement project, so, that's the basin repair contract. We had five contractors respond, all the bids were extremely competitive and very close to each other, PTS Contractors is the low responsive bidder in the amount of 717,000. WSG refers to the West Side Garage, there's some masonry that needs tuck pointing over there, quite a bit of it. Led a contract, we had six responding firms, low bid was Berglund Construction in the amount of \$87,560 so, staff recommends award of both each individual contract to the low responsive responsible bidder, so we will list it out sewers 2-21 basin repair to PTS Contractors in the amount of 717,000 and WSG 1-21 tuckpointing to Berglund Construction in the amount of \$87,560.

- I move to approve.

- Second.

- Motion to approve Alder Brunette, seconded by Alder Gerlach, all in favor.
- [All] Aye.
- Opposed? Okay, those contracts are approved then.
- We're good.
- Number 10, report of actions taken by the Department of Public Works, A, granting of licenses, one, sidewalk builder, A, A & M Concrete and Construction, B, Carter Construction, C, Complete Concrete Solutions, LLC, D, Douglas J. Maurer Concrete, LLC, E, Lakefront Flatwork and Construction, F, Skyline Contractors, LLC, G, Total Construction. There's no questions, we can just take a motion to receive and place on file.
- Motion to receive and place on file.
- Second.
- Motion to receive place on file by Alder Gerlach, seconded by Alder Brunette, all in favor?
- Aye.
- Aye.
- Opposed? Passes unanimously.
- And we are good.
- Okay, informational. Director's report on recent activities of the Public Works Department.
- Three brief items for you tonight, just to let you know, we are working with Green Bay Water Utility on the report for Alder Wery's communication regarding the increase in the amount of roads being to be done annually, working up some cost figures to bring that back, hopeful, to be able to bring that to the July 28th meeting. I don't know if you're aware, but I have been a member of the Brown County Planning Commission for the last 13 years or so, and at our last Brown County Planning Commission meeting, there was an amendment to the state Tran, oh God, now I've got a, Transportation Improvement Program, their TIP, which is analogous to our CIP, Capital Improvement Plan, and WISDAT introduced some projects into that TIP that are here in the city of Green Bay that we were unaware that DOT was submitting so, they have submitted the resurfacing of Shawano Avenue from Oakland to Hudson. It's currently programmed for 2028 but it's in the plan, so, that's further than we were a year ago. So, at least we have, there is a light at the end of the tunnel as it were. Main Street from Baird to the Fox river, it's a similar type of, similar type of a project that was done in 2008 or 2009, that's in the program for 2029. The resurfacing of Monroe Avenue from Cass to the south city limits in 2030 and the rehabilitation of the Walnut Street bridge, downtown, Green Bay in 2029 program year so, DOT has identified those projects here in the city so, we at least have some target year program you're still look forward to. Then the last thing I wanted to bring up was, I've been getting some questions from a couple of the Alders, we have staff out marking sidewalk right now for the 2022 program year, that's part of this routine, systematic

inspection that the council approved back in 2019 from a communication that was first sent forward by Alder Galvin. So, what the folks are doing is they're going out and we're using the American Disabilities Accessibility Guidelines as we have forever as our criteria for evaluating the sidewalk. When a sidewalk in need of repair is being identified, it is being spray painted, marked by the field, staff in the field and they're leaving a tri-fold brochure with the property owner, it's in an envelope. If somebody's home, it's being directly handed to them, if not, it's being slipped over the door handle and on the face of the envelope, it very clearly identifies that this is for the 2022 program year. I think some of your constituents are looking past the envelope or throwing the envelope out and then wondering if this is a sidewalk being done this year or next year. And in that brochure, that's being handed out, it's a very brief explanation of the program and identifying that it doesn't necessarily mean you have to replace the sidewalk, there are alternatives. We have seen a larger uptake in folks exercising those alternates this year and I think as the program continues to grow and we do a better job of explaining it and providing information to property owners on what those alternatives are, we're gonna start seeing more and more people start doing that. Just in my neighborhood or in close proximity to my neighborhood, I had three residents reach out to me within the last couple of weeks, one of which the sidewalk was tipped, so, I met with him and told him that his best bet would be to get a company that does concrete grinding, so, they ground off the two high edges so there wasn't a trip hazard anymore and it worked out great. Instead of replacing two panels of concrete, he got by it like one fifth of the cost. Two other neighbors of mine collaborated with each other and hired a mudjacker to do all of the sidewalk at once, the guy came in there, mudjacked the sidewalk, backs of the trip hazards were eliminated, problem solved at a fraction of the cost of what it would cost to replace, so. If you, if we're in your district, which I think we're in Alder Gerlach's district right now, or if constituents in somebody else's district reach out to you, we just wanna make sure that the council is aware our staff is out there and that's marketing for the 22 program year. If you've got any questions on items that come up relative to that, by all means, reach out and we'll get those questions answered for you.

- Alder Gerlach?

- Quick question right now, so, if they choose to do it themselves, like get a mudjacker or something, the city, someone from the city will inspect it and approve it, right?

- Correct, what we ask is if somebody is gonna do it themselves, we ask them to let us know that they're going to do it, then we put it on a watch list. When they complete the work, we ask that they send a notification that the work is done, we'll then go out and inspect, make sure that it's being, that it complies with city standards, but the most important part of that is we need to know when it's done because at the beginning of the year when the council adopts the resolution ordering the improvements, we send a whole big stack of work orders to our contractor and he's just waiting for that 60 days to expire and then he goes great guns. So, it's possible, it's plausible that somebody could perform the work but the X is still on the sidewalk and two days after they get done doing it, our contractor comes in there, rips that panel out and replaces it 'cause there's still an X on it. So, we need to know that they did that work so we can go out, obliterate the X and tell the contractor not to fix it.

- Okay and I just wanna be sure of the timeline because, so, the people whose sidewalks have been replaced this summer received that brochure last year and got their Xs but this spring, they got a certified letter?

- Correct.
- And so, these people who are getting it now and getting the brochure, they will get a certified letter next spring?
- That is correct.
- Okay, thank you.
- The certified letter is a statutory requirement as part of the resolution.
- It all makes perfect sense when it's all explained correctly.
- Right, and one of the other items that we're trying to do a better job of explaining to the residents, that language sounds very nasty but that language comes from the statute, so, when it says you have 60 days, you must do this, okay? Nobody's standing there on day 61 with a whip. What we want is if the folks are intending to do something within that 60 day window, let us know, you don't have to have the work done within 60 days. If within that 60 days, let's say just for the sake of discussion purposes, the 60 days expires on June 1st, if a resident were to call in or email or notify us somehow so we've got it documented, that I intend to do my own sidewalk but I can't get it done until July 17th, beautiful, you let us know within the 60 day window, we're great, we marked that in our database that resident won't have it done until this about the 17th of July or so, we start waiting for another email to come in telling us the work is done so we can inspect it.
- Okay, because you know that it's very hard for them to find contractors who are able to do this work.
- Oh yeah.
- They're all scrambling now to get and it has to be a city approved contractor, right?
- If they're replacing.
- Oh.
- If you're doing the concrete grinding or mudjacking, then you're not replacing the sidewalk, it doesn't have to be a sidewalk builder.
- Okay.
- So, in addition to being lower costs, some of those other types of contractors are more readily available 'cause it's not as labor intensive and they don't have to, they're not regulated by the Sidewalk Builder License, either.
- Okay, thank you.
- Which the Sidewalk Builder License shouldn't be an impediment to anybody, it's \$25 for the year, and you, it's a very basic form that you have to fill out to get approved.

- Okay.
- I think when it comes to sidewalks, it's always very wise to not say, let them have cake.
- Yes.
- That's right.
- You've used that joke before, maybe you need a new material.
- You'll notice that we've already, we've lost a TV set.
- I've walked on that one before.
- You can even get on TV with that, he's done.
- If there's nothing else then.
- Motion to receive and place on file.
- Second.
- Motion to receive and place on file by Alder Brunette,
- Second.
- Second by Alder Gerlach, all in favor?
- [All] Aye.
- Opposed, okay, that's receiving and placed on file, our next Improving and Service committee meeting it is July 28th, 2021, take a motion to adjourn.
- So moved.
- Second.
- Motion by Alder Brunette, second by Alder Gerlach, all in favor?
- [All] Aye.
- Opposed? Good night everybody.
- Bye bye.