

**STREETS AND SANITATION COMMITTEE
MEETING MINUTES**

November 23, 2009
7:00 p.m.

MEMBERS PRESENT

Dave Soeldner
Jason Sladky
Nick Levendusky
Ray Geigel
Jim Brey

STAFF PRESENT

Valerie Mellon
Greg Minikel
Sonja Birr
Juliana Ruenzel

OTHERS

Bruce Matte, 1465 N. 8th Street
Janice Matte, 1465 N. 8th Street
Cary Klager, 1507 N. 8th Street
Brandon Nickels, Student
Taylor Grall, Student
Travis Ruzek, Student
Ald. Scott McMeans
Ald. Eric Sitkiewitz

MEMBERS ABSENT

Approval of the Minutes from 11/09/09

N. Levendusky made a motion to approve the minutes from the November 9, 2009 meeting. R. Geigel seconded the motion. Motion carried unanimously, no further discussion.

Request 09-669 from Mark and Christine Nickels, 3104 Wildwood Drive, to waive fee for sidewalk repair.

This issue was table. The Nickel's will be dealing directly with MPU. If they do not get the repair work done to their satisfaction, they will then bring back the issue.

New Sidewalk on Magnolia Ave. - RR Tracks to N. 18th Street

Mr. Matte was present to question why the property owners who live on Magnolia are not being required to have sidewalk installed when he was required to put in sidewalk where he lives on N. 8th St. He said that there is an ordinance that says sidewalks are supposed to be constructed within a year after installing curb and gutter.

D. Soeldner clarified what the ordinance actually says; where curb and gutter has been installed and any one of the following conditions exist:

1. 50% or more of the property by frontage is improved with building improvements
2. 50% or more of the property owners have installed sidewalks
3. 18 months have expired after the issuance of a building permit or
4. 12 months have expired since the installation of curb and gutter.

The ordinance also says that it shall not apply to properties zoned for agricultural, recreational or industrial purposes.

J. Ruenzel said that the code should be cleaned up. We have to comply with the State Statutes and that says that a notice needs to go out to the property owners first in order to assess. One of the properties in question, The Cawley Co. is zoned industrial so it doesn't apply to the 12 month time period and even in that case they still would have to have notice. Under State Statutes, the common council has the authority and discretion to determine if sidewalks need to be constructed. They look at budget concerns, having to bid it out and a lot of different aspects are considered in the decision about whether to put sidewalks in. Because it is a discretionary issue, the council does not have to require a property owner to install sidewalks.

Mr. Matte also questioned the City's liability if someone would get hit walking in the street since there is no sidewalk. J. Ruenzel clarified that the liability factor is the same as the street. The city doesn't have any increased liability just because there isn't a sidewalk. The liability comes in if we put the sidewalk in and someone trips and falls because there is a defect in the sidewalk. Even then that doesn't automatically guarantee that the city would be liable. A pedestrian has a responsibility to protect themselves. Just because somebody walks in the street and gets injured that doesn't mean that the city would be liable. Statute also requires pedestrians to walk facing traffic and to use the outer most edge of the traveled way.

J. Ruenzel recommended amending the ordinance to clarify the section to indicate the notice requirements of the Statute and council discretion. She will draft it and bring it to the committee for approval.

R. Geigel wanted to know if this section of sidewalk was in the budget for the 5 year plan. G. Minikel said that it was originally programmed for construction in 2008 and then it was reviewed on the driving tour in 2007 and the committee wasn't interested in constructing the sidewalk because there were no businesses or buildings adjacent to it.

J. Sladky commented with budget constraints it has been a practice of this committee not to put in sidewalks everywhere that there is a curbed street.

S. McMeans questioned what the zoning is. Discussion took place about the patterns changing over time and changes with the budget.

Right now the sidewalk on the south side of Magnolia Ave. is scheduled for construction in 2012. R. Geigel made a motion to include it in the plan for 2011. No second. Motion died.

A student, B. Nickels commented on traffic traveling fast on Magnolia and his concern with observing numerous people walking in the street.

D. Soeldner thanked him for his comments but said the only action at this time was to clarify the ordinance language.

Refilling the Part-Time Clerk Position

Val explained the need to fill the open part-time position. R. Geigel made a motion to fill position. N. Levendusky 2nd the motion.

A concern was brought up about the Engineering department doing other work that doesn't need to be done by our department. There was discussion about Kim's job duties and possibility of assuming the clerks job duties. R. Geigel rescinded motion and said that he would like numbers on phone calls that come to our office, how many permits are taken out, how many customers come to our counter and so on; anything to quantify the customer service aspect of the position.

Estimate from MPU to Rebuild Electrical Service and Upgrade Street Lighting on parts of York, Maritime Drive and North 9th Streets

V. Mellon said this issue came to light when the Dermatology Associates development happened. V. Mellon said that one of the things that Dave Less asked was how come we are not requiring all of the utilities to go underground in the area down Maritime Dr., 9th St. and York St. and recommended we take advantage of this opportunity to cleanup the ROW and make it aesthetically pleasing and install decorative lighting. V. Mellon asked MPU to provide an estimate of how much it would cost. This was included in the packet. Estimate is about \$250,000 to put existing overhead electric underground and we would need to add Comcast & AT&T to that to go underground with whatever they would charge. Our Ordinance says new facilities in the downtown need to be underground, but this is an existing overhead facility so the City would have to pay to have facilities relocated underground. V. Mellon questioned the feeling of the committee. Should we consider this project especially if we could charge it to the TIF? G. Minikel suggested that we could bond for it under the regular bonding for the 2011 budget vs. a special additional bonding in 2010.

N. Levendusky questioned the TIF bonding and that we are proposing to bond one million dollars for the Dermatology project and then there may be environmental cleanup costs that may be occurring as well. This money is not currently included in the 2010 budget.

R. Geigel questioned if the work is necessary? V. Mellon said that the overhead facilities that we have now work just fine but this would make it look more aesthetically pleasing.

D. Soeldner questioned if this is a cost savings to do it now vs. later. G. Minikel said that we are required by the proposed TIF agreement to install new sidewalk and new curb along the south side of

York and east side of 9th and that this work will probably take place in 2011. There may be things that we can do as part of this work to prepare for future underground utilities.

N. Levendusky questioned where the money is going to come from for the environmental cleanup. In R. Geigel's mind, it's not a priority and questioned if this may be a burden to Dermatology if later on down the road we decide to do this. N. Levendusky suggested that overhead cables are easier to repair and to wait to see what the environmental costs are going to be.

Discussion of Pedway Snow Removal

D. Soeldner said that this was brought to his attention by some of his constituents and also J. Sladky. The basic setup is that the City is split in half; DPW maintains the south and Parks does the north. A couple of issues have occurred with the pedways. He questioned how much they are actually used in the winter. Also, if the pedways are just an exercise tool or if people really are using them as a transportation tool. J. Sladky felt that snow removal equipment that we use on them is not effective. Pedways were clarified that we are talking about the sidewalks between homes. The discussion was how necessary it is to clear these pedways through all the residential areas in the city. G. Minikel reminded everyone about a recent complaint on Quay St (by the car ferry) where a person was adamant that we clear these sidewalks. V. Mellon suggested that if we don't do it that we will most certainly hear from citizens that they are required to clear their sidewalks and question why the city isn't required to clear theirs.

D. Soeldner said that it does not tend to be a priority to clear them on overtime, so when they do get to them, the snow is packed down and he wonders what the cost is and what is the benefit of doing these? Is this all that the city uses this machine for? V. Mellon said that we also use it to clear the downtown curb-side sidewalks in conjunction with other equipment to remove the snow at the corners. She said that we use the trackless in a lot of locations. R. Geigel questioned if the city comes by to put sand down afterwards. D. Soeldner repeated his perception that most people aren't using sidewalks as a mode of transportation in the winter and he isn't sure that they need to all be cleared. No action was taken to change the existing procedures.

Discussion of December Meeting Dates

No meeting on the 14th due to the party at the Elks.

No meeting on the 28th due to the holidays.

Next meeting is on Tuesday Dec. 8th at 5:00 p.m.

D. Soeldner adjourned the meeting at 8:04 p.m.

Valerie Mellon, P.E.
Director of Public Works
and City Engineer