



Meeting Minutes

Committee of the Whole

*Common Council President Thomas G. Lajsic, Chair
Alderspersons: Gary T. Barczak, Michael J. Czaplewski, Kevin Haass,
Michael P. May, Cathleen M. Probst, Rosalie L. Reinke,
Daniel J. Roadt, Vincent Vitale, and Martin J. Weigel*

Tuesday, June 16, 2015

7:00 PM

City Hall Room 128

RECESS MEETING (draft minutes)

A. CALL TO ORDER

The meeting was called to order by Council President Lajsic at 7:00 p.m.

B. ROLL CALL

Present 9 - Ald. Lajsic, Ald. Czaplewski, Ald. Haass, Ald. May, Ald. Probst, Ald. Reinke, Ald. Roadt, Ald. Vitale, and Ald. Weigel

Excused 1 - Ald. Barczak

Others Present: David Wepking, Assistant Director of Public Works; Michael Lewis, City Engineer/Director of Public Works; Yuriy Ksenidi; Jane Ford-Steward, Community NOW Newspaper; Ed Lisinski, Director of Building Inspections and Neighborhood Services; Steve Bane, Fire Chief; Mark Wyss, Finance Director/Comptroller; Rebecca Grill, City Administrator; Jane Barwick, Human Resources Department; Tim Johnson; Laurie Buss; Chet Parker; Heather Parker; Steve Beyer, Police Department; Jim Jandovitz, Director of Information Technology/Communications; Peter Fantle, Information Technology/Communications Department; Karen Amundson.

C. NEW AND PREVIOUS MATTERS

- 6. [O-2014-0073](#) An Ordinance to Create Section 1.060 of the Revised Municipal Code Relating to User Fees for the Residential Private Property Sanitary Inflow and Infiltration Reduction Program.

Sponsors: Public Works Committee

Attachments: [Attachment for Ordinance](#)

Mr. Burtch explained that administrative amendments were made to the following sections of the proposed ordinance "Accessible point outside of Building", "Repair", "Rehabilitation", "Property Owner Responsibilities", and the change to 1 percent penalty for late charges for clarification. Discussion ensued.

Ald. Weigel questioned the following: The MMSD program and their one dollar and four dollar program, how MMSD establishes their policies and procedures, and if the city adopts MMSD's ordinances to which Mr. Post responded Chapter XIII of the Revised Municipal Code is derived from the ordinances passed by the MMSD. Mr. Lewis stated all MMSD's Policies and Procedures go in front of their commission.

(continued)

Ald. Weigel commented on the concept of the I/I by not having a cap on funds, that this is a complicated process, he doesn't want to make a mistake, and he questioned the clean-out and access to basements. Mr. Burtch reiterated the process of the clean out as not every house has clean out which in that case the clean out will be installed closest to the outside of the home and that this part of the pipe will not be rehabilitated. Those homes with cleanouts located in the basement will be lined, if given access to the basement, then allowing the contractor to line from the clean out.

Ald. Weigel commented on Section 3 of the proposed ordinance "Obtaining Program Benefits" regarding fee versus tax and clarifying that it is considered a fee when everyone obtains benefits and the benefit they are getting is the I/I even though work may never be done on their home. Ald. Weigel questioned the ordinance were it states "In order to obtain the benefits of the RPPSI/IR Program a residential property owner must meet the following conditions for the benefit". Ald. Weigel questioned "meet the following conditions" that it doesn't sound like everyone will benefit if the criteria isn't met which would then make this a tax and this is what concerns him with the city being the first to institute this program.

Mr. Post stated that he disagrees with Mr. Burtch on the benefit. The general benefit is the reduction of the I/I but comes to more of a tax than a fee. The fee is to repair or rehabilitate your home and that is the benefit you are receiving out of the program. That is of the opinion of Mr. Post and outside legal opinion and what makes this sustainable as a fee not a tax. If you were to adopt this as a general I/I and your home didn't receive any benefit then this would be a tax. Mr. Post stated if the program is discontinued and we had to pay monies back the argument could be made that you did receive some benefit from the program.

Ald. Czaplewski commented on 5(a) on the proposed ordinance and questioned that what was discussed in the past was included in this section. Mr. Burtch confirmed.

Ald. May inquired if the reason for this program is at the direction of the DNR or EPA to reduce the water coming into the meter sheds. Ald. May is concerned if the DNR or EPA reviewed the proposed program and if they could say this is great but not enough is being done. Mr. Burtch explained what the DNR requires us to address the I/I on the property. Mr. Lewis stated the DNR doesn't care how it is done as long as it is done, but this will satisfy the DNR. Goals or expectations could be adjusted in the future at the request of the DNR or EPA. Ald. May questioned why is this program only for linings and why not sump pumps or other means to provide people benefits to the program? Mr. Burtch explained that sump pumps will not be possible with this program because sump pumps are a controversial subject. Homeowners with sump pumps don't want to pay for those people without sump pumps, but everyone needs a lateral at some point. Ald. May questioned if the life expectancy of the linings is fifty (50) years then why isn't the program on a fifty (50) year scale instead of the 100 year scale. Mr. Burtch explained that this pipe is within a pipe and is as strong as PVC giving an expectant 100 years.

On the financial side Ald. May asked Mr. Wyss if he is comfortable with the risk that is being taken. Mr. Wyss explained that he cannot tell what the cost will be or if there is enough funding because this program hasn't been done before. Mr. Wyss questioned if there is language incorporated within the ordinance saying that we aren't going to be

turning anyone away for a collapse. Mr. Burtch explained that first they'll be addressing the failed laterals and then rehabilitations (lining) can be scheduled out at other times. Ald. May asked why not do an educational campaign and set up a low interest loan type program to help people with these repairs. Mr. Burtch explained a tool is needed for the I/I and this program has multiple uses.

Ald. Czaplewski questioned if we are doing this for lateral, but not for I/I, isn't the City walking a fine line and potential for a lawsuit. Mr. Post explained the program is to reduce I/I and a way to do that is to target the laterals and either repair or reline them, and that benefit is specific to property and that is how it is received as a fee.

Ald. May stated that as a Civil Engineer this program makes sense, but on the financial side the idea of user fee versus a tax is concerning. This is an \$85 million dollar program with no assurances the City can never pull out of without some drastic amount of monies being owed to the citizens. Ald. May questioned why the rush and why can't this go to referendum. Council President Lajsic explained that a very large public hearing was held, a survey was sent out to the citizens with a very large response in favor with proceeding with the program, and both the City Attorney and outside counsel reviewed the user fee versus tax issue. Council President Lajsic supported the program and he is receiving calls from people wanting to get their laterals fixed. Ald. May made a comparison between the public hearing which was to get people's thoughts, and pointed out the ordinance has been revised a few times, and the City doesn't have a clear projection if people want this and this is where the survey would come in. Mr. Burtch stated the changes made didn't change the information that went out to the public, and that the changes were for clarification. Ald. May commented on a scenario where a roof collapses, is the City paying for the roof, and why not set this up as a loan program. Council President Lajsic remarked that not everyone is able to accept another loan financially so they may lose their home.

A motion was made by Ald. Vitale, seconded by Ald. Haass, to pass as amended.

Votes: Aye: 4 - Ald. Haass, Ald. Lajsic, Ald. Reinke, and Ald. Vitale

Noes: 5 - Ald. Czaplewski, Ald. May, Ald. Probst, Ald. Roadt, and Ald. Weigel

A motion was made by Ald. Haass, seconded by Ald. Reinke, that this matter be Recommended to be Placed on File. The motion carried unanimously.

7. [R-2015-0138](#) Resolution to create the Policies and Procedures Section 2823, Engineering Division of Public Works, to describe the standard policies followed by the Engineering Division in regard to administering the Residential Private Sanitary Inflow/Infiltration Reduction Fund Program (Private Sanitary Program).

Sponsors: Public Works Committee

Attachments: [Policy Draft rev2](#)

A motion was made by Ald. Vitale, seconded by Ald. Probst, that this matter was Recommended to be Placed on File. The motion carried by the following vote:

Aye: 9 - Ald. Lajsic, Ald. Czaplewski, Ald. Haass, Ald. May, Ald. Probst, Ald. Reinke, Ald. Roadt, Ald. Vitale, and Ald. Weigel

No: 0

8. [2015-0016](#) Communication from the Assistant City Engineer regarding an update on the proposed Residential Private Property Inflow/Infiltration Reduction Fund.

Attachments: [2015-0016 - ORDINANCE DRAFT](#)

[2015-0016 - FAQ](#)

[2015-0016 - POLICY DRAFT](#)

[2015-0016 - MEMO](#)

[2015-0016 - MAP](#)

A motion was made by Ald. Vitale, seconded by Ald. Probst, that this matter was Placed on File. The motion carried by the following vote:

Aye: 9 - Ald. Lajsic, Ald. Czaplewski, Ald. Haass, Ald. May, Ald. Probst, Ald. Reinke, Ald. Roadt, Ald. Vitale, and Ald. Weigel

No: 0

D. ADJOURNMENT

The meeting adjourned at 8:19 p.m.

Respectfully submitted,

Janel Lemanske

Secretary to the Committee