



City of West Allis

7525 W. Greenfield Ave.
West Allis, WI 53214

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*

Wednesday, June 10, 2015

6:00 PM

City Hall Room 128

SPECIAL MEETING

A. CALL TO ORDER

The meeting was called to order by Common Council President Lajsic at 6:00 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

Also Present: Scott Post, City Attorney; Mike Lewis, Director of Public Works/City Engineer; Joseph Burtch, Assistant City Engineer; Rebecca Grill, City Administrator; Jim Jandovitz, Director of Information Technology/Communications; Nora Holzhay and Christina LaFond, residents.

C. NEW AND PREVIOUS MATTERS

1. [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](#)

Council President Lajsic explained the Ordinance was passed by the Committee of the Whole on June 2, 2015 with a vote of 8-2 with Ald. Roadt and Ald. Weigel voting no. The Ordinance then went to the floor of the Council and was referred back to Committee for further consideration. Council President Lajsic asked if there was any new information from staff.

Mr. Burtch presented the Committee with a spreadsheet which outlined a couple of scenarios if there was a catastrophe in order to give an idea of the liability. One scenario is if 150 extra repairs were needed, and the other is if an extra 500 repairs were additionally needed, and the options if a catastrophe arose and there wasn't any federal funding. It was highlighted in the second year, a worst case scenario, if there were no monies built up in the account, showing it can recover from the extra 150 repairs within three years by adjusting the amount of rehabilitations to 100 laterals for three years instead 170.

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Council President Lajsic asked if there was a catastrophe like this wouldn't homeowner's insurance cover the rebuilding of the house. Mr. Burtch was unsure if homeowner's insurance would cover the lateral, and the scenario he gave was if the City would be liable. Mr. Burtch then presented the second scenario of \$5 million dollars in extra repairs. By holding rehabilitations to 100/year to increase the fee from \$40-\$50/year, the negative balance would come down quickly. This was to show that there is a lot of flexibility to adjust on the financial part.

Ald. Weigel asked Mr. Burtch about starting in year two, and if there was there was no balance built up, he was under the impression that at the start of every year there was a zero balance and all the money from that year would be spent in the same year. Mr. Burtch explained from the report that there are two (2) cost analyses done. The first cost analysis is from the financial auditors which showed you get and spend the monies that year and you go in debt the amount of the special assessment, and after 100 years you are back at zero. The suggested alternative was where in the first three years starting rehabs at 50, then 75, 100, and then 170 keeps it from ever going in debt, and then operating with a balance for emergencies.

Mr. Burtch addressed a question from Ald. May regarding the repairs, and amending to take out the liability of the City having to do the repairs when there is no money in the balance. If there is failure, the City will help, or by taking it out of the ordinance, the City doesn't have to help. Ald. May stated his concern was the repair end of the program. He was concerned if the ordinance was amended to say "the City has no obligation or duty to pay any cost for repair or rehab of sanitary laterals in excess of the amount of the fund" the Council could approve additional funds, but it is not guaranteed to be covered therefore the homeowner would have to go out and purchase additional insurance. The City would need to inform owners this is not meant to be a substitute for insurance. Some people who are in favor of the plan are not for the plan because they wouldn't need to buy insurance. If the language is kept in the ordinance for the repairs then a cautious homeowner would need to buy insurance; or by taking the language out, an actuary would be needed to take a look at the proposed numbers. Mr. Burtch explained the chart is to show the coverage no matter what debt is there. Excessive debt can be alleviated by raising the fee or lowering the rehabilitations per year. It is understood that there is some liability by saying the City will repair if you have a failed lateral, but people are looking for peace of mind. Mr. Burtch suggested not cutting the language out of the ordinance. Council President Lajsic stated that he isn't concerned about liability and he is willing to take the risk.

Ald. Czaplewski stated he likes Mr. Post's recommendation of the addition of "repair or" in the ordinance.

Ald. Weigel questioned if the pipe six (6) feet closest to the house would be covered under this program. Mr. Burtch explained the six foot is for people who don't want people in their basement to get to the cleanout. The closest the machine can get to the house is where the cleanout will be located. Ald. Weigel asked if a person wanted the last six feet done would this be covered under this program. For lining, yes, it is covered, but it would cost the homeowner more than the initial \$3,000.00 if the lateral was in total disrepair and a complete repair is needed. Ald. Weigel stated that the City would be the first community with this program and there are a lot of unanswered

questions. Mr. Burtch said there would be minimal digs. Ald. Weigel confirmed that if it is collapsed the City would dig to the point of the collapse and then blow the lining in; only in a rare case would the City trench up the front yard and replace the whole pipe. Discussion ensued regarding the guaranty being 50 years or a lifetime guaranty. Milwaukee went through this, and there was a lot of piping that was bad. In the projection there is .3 f.t.e for administration and asked if this is a realistic estimate. Ald. Weigel read from the MMSD I/I Program Statement of Policy "The municipalities will be eligible for an additional \$1 of Design, Planning, and Investigation funding for every \$4 of non-District cost match (may include Municipal funds, property owner contribution, grant proceeds, or similar) Program Construction Implementation Rehabilitation (CIR) work approved and verified through the Work Plan process" it sounds like MMSD will send the city additional monies for this project above the monies already received from the MMSD. Ald. Weigel addressed his concern that everything isn't vetted out for the program. MMSD actually has the authority to do exactly what is being discussed in the city, and could impose the program in all 28 communities. If the MMSD wanted to begin this program, what would that do to the West Allis program. Ald. Weigel wanted to remind everyone that the lawyer that was hired stated the WI DNR issued a WPDS permit to the City of West Allis and it is in compliance with the permit. Mr. Burtch explained the permit is a discharge permit, and the City has not bypassed and is in compliance. The City is not in compliance with MMSD because the flows go over their allowable limit. Ald. Weigel expressed his concern about being out on the front end of this program.

Ald. Weigel asked Attorney Post if the numbers were adjusted, and more of the burden was put on the property owner, what would happen if the dollar amount was used in its entirety. Mr. Post explained that there is one instance that Mr. Burtch addressed which isn't in the ordinance with a dig and/or repair of a collapse, and that is \$3,000 dollars, and then the decision is made to line it, would the homeowner get both fees? There is no provision in the ordinance at this time. Ald. Weigel expressed that it wouldn't make sense for the homeowner to just fix the collapsed pipe without inspecting the whole pipe because the homeowner could come back next year with a collapse 6' away. So the City probably isn't going to be charging failures \$3,000, but probably charge \$1,500. Mr. Post said the flip side was that if there was a collapse the homeowner gets a new lateral for \$3,000. There would be two different contractors at two different times, or would the lining be done as part of the repair and this would have to be defined. It was the recommendation of Alderpersons Lajsic and Weigel that homeowners would be directed to reline at the same time of the repair at the \$3,000 cost.

Council President Lajsic would like the Committee to gather questions and submit those to Mr. Post and Mr. Burtch, and for Attorney Post and Mr. Burtch to iron out the questions about to line or not to line and be specific to the level or repair or standard thereof.

This matter was Held.

2. [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](#)

This matter was Held.

3. [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](#)

This matter was Held.

4. [2015-0226](#) Communication from Director of Public Works/City Engineer introducing a proposed Park policy.

Attachments: [COMM-2015-0226 policy and memo](#)

The question was asked by Mr. Lewis if the City is going to allow alcohol in the parks. Ald. Weigel recommended paralleling what Milwaukee County enforces which is no alcohol is allowed in their parks without a permit, and to create a tool that would allow the Police Department to fall back on for violators. Ald. Weigel recommended opening this up to include wine and fermented malt beverages and being more stringent on intoxicating. Ald. Probst recommended not allowing alcohol at the skate park. Ald. Vitale was cautious about all parks because of parks in the neighborhood and then the park size. Council President Lajsic recommended staff to make a determination about which parks due to the size of the event. Ald. Reinke does not recommend alcohol at parks and foresees problem. Ald. Weigel pointed out the County doesn't allow all alcohol, beer and wine are allowed and he asked if the Farmer's Market is considered a park. Mr. Post suggested defining a park. Ald. May agreed with Ald. Lajsic to allow some flexibility whether the sale of alcohol would be allowable, and to specify the exact location of where this would be allowable. Ald. Weigel suggested three types of permits: 1. Beer, 2. Wine, or 3. Full alcohol which would allow the sale of alcohol; and above a certain number of guests at an event a caterer would have to be obtained, and then determine what department would receive the application for the permit (Clerk's Office or Public Works). The bigger license applications would go before the License and Health Committee and no background check would be conducted. Ms. Grill stated that there isn't a temporary liquor license and in order to purchase liquor (i.e. cash bar at a wedding) the liquor would have to be sold at the caterer's licensed establishment. Ald. Czaplewski questioned which department would be issuing the permit, with or without Committee approval, since the Clerk's Office has concerns about being the issuer. Mr. Lewis stated the meeting is to get the feeling of what the committee wants to do. Mr. Lewis stated currently it is first

come first serve when requesting a site. Ald. Weigel would like to see consistency at the skate park with set times for reserving the park, not adding more features, supply independent security based on size, etc. and raising requirements so people hosting events know what they are doing. Ald. Vitale commented that the skate park was created for the kids to use and there shouldn't be a special permit for that park. Ald. Probst reminded the committee that from the beginning the skate park would be self-sustaining; she doesn't want to see organizations renting this park and then charging for the use of the park since that wasn't the intent of the park; and not to allow outside sales, for example key chains, shirts, etc. If this was done, then a direct seller's permit would have to be acquired. It was recommended by the Committee to block times and/or dates in advance for community events, not to charge for renting of the skate park, the Committee can always consider altering at a later date, and to mimic the county policy.

This matter was Held.

5. [2015-0229](#) Communication from Director of Public Works/City Engineer regarding application for Park Use Permit.

Attachments: [COMM - Park Use Permit](#)

This matter was Held.

D. ADJOURNMENT

The meeting adjourned at 8:04 p.m.

*Respectfully submitted,
Janel Lemanske
Secretary to the Committee*