

**MINUTES OF A MEETING OF THE BOARD OF PUBLIC WORKS OF THE CITY OF  
CUDAHY, WI TO BE HELD AT THE CUDAHY MUNICIPAL BUILDING,  
5050 SOUTH LAKE DRIVE, CUDAHY, WI ON  
Monday, July 11, 2016 @ 5:30 PM**

**ROLL CALL**

The Meeting was called to order by vice –chair Ald Hollenbeck at 5:30 p.m. with the following answering “present” to roll call: Mr. Lohr, & Mr. Clark, Ald Litkowiec & Mr. Magestro absent & excused.

Also Present: DPW Director Mary Jo Lange & DPW Superintendent Scott Rewolinski.  
Proper open meeting statement was made at this time.

Approval of the Minutes: Motion made by Clark seconded by Lohr to approve the Minutes of the April 25, 2016 meeting. All voted in favor.

**OLD BUSINESS**

1. **Discussion & action regarding the appeal of sidewalk snow abatement charges at the following address: 3545 Van Norman.** This appeal was brought back to the Board of Public Works at the request of the property owner who could not make the April meeting. Director Lange stated that the City received a complaint regarding the snow covered sidewalks. The DPW was sent out to verify and clear the public walk. They are always sent out after 24 hours has passed since a snow or icing event has stopped. Lange had provided a date stamped photo and information from Milwaukee’s Mitchell Field on the time the snow stopped falling. Member Clark made the motion to deny the appeal seconded by Lohr. The appeal was denied because the evidence showed that the department had followed all protocol. All voted in favor of denying the appeal to waive the abatement fee for the snow removal abatement at 3545 E. Van Norman.

**NEW BUSINESS**

1. **Discussion & action regarding the request of property owner at 2603 E. Vogel Avenue to allow encroachment onto the Delaware Avenue public right of way for a fence.** Director Lange had provided the members with a plan outlining the right of way, adjoining property lines and the location of the fence and play equipment. The fence was discovered by the Building Inspection Department. The property owner did not take out a building permit and as part of the requirement the property owner must show the location of the property lines and fence location. When the inspector stated that the fence was not in compliance and they had to move the fence off the right of way, the property owner asked if they could appeal. Because it is located in the right of way the appeal first goes to the Board of Public Works. Director Lange stated that the pictures show that the fence was located well into the right of way of Delaware Avenue where a public sidewalk would be located. Director Lange stated that she was not able to say why the sidewalk was never extended from the south across this parcel as she was not employed with the City at the time of the Delaware Avenue improvements. In addition, the fence was located in a major drainage easement and also on the neighboring property. The play equipment is also located in a major drainage ditch of which the property owner filled. Lange stated the drainage ditch carries surface flow to the MMSD pipe located below the drainage easement. Maintaining the ditch free and clear of fill and obstructions is very important as it protects the property structures from being flooded. A motion was made by Lohr seconded by Clark to deny the request to

allow the encroachment of the fence onto the right of way and that the fence not only be removed from the right of way but the fill and the playground equipment be removed from the drainage easement by November 1, 2016. All voted in favor of the motion.

2. **Discussion & recommendation for the approval to enter into an engineering contract with R.A. Smith in the amount of \$3500 for the 2016 Illicit Discharge Screening of Outfalls and Investigation.** Lange told the Board that the City is required to test and monitor the City's storm water outfalls annually. The City got a proposal from two firms and they were the same annual cost for the same service. Since R.A. Smith did it last year and the City was satisfied with the work member Clark made a motion to approve the \$3500 contract with R.A. Smith, seconded by Hollenbeck. All voted in favor of the motion.
3. **Discussion & recommendation for the use of City street light poles by Crown Castle for the installation of a small cell device.** Director Lange told the Board that a small cellular company has asked to install small cell devices on some of the City's street light poles. According to newly passed State law the City cannot denied them access to the right of way. They could install a power pole but have chosen to use the street light poles. The use of the City's street light poles requires an agreement. Lange stated that there were three things that the Board needs to recommend to the Council that being the terms, the annual fee and any fee adjustments. The term of the lease is 10 years with a renewal of up to 3-(5 year terms). Lange asked is the Board comfortable with a 25 year lease. The second is an annual fee per pole of up to \$400.00. Currently they are looking at leasing 3 poles but it could be more. And lastly any fee adjustment is every 5 years. Tanya Rosin, representing Crown Castle was at the meeting to answer any questions. After some discussion the motion was made by Clark seconded by Lohr to accept the lease terms, increase the fee per pole to \$600 per pole and have adjustments in the fee be annually based on the normal CPI. All voted in favor of the motion.
4. **Discussion & recommendation on the Classification of Service for residential garbage and recycling service.** Lange stated that the DPW replaced nearly have the residential garbage and recycling carts in May of this year. During the project it was discovered that anyone and everyone was being serviced by the City's garbage and recycling collection. The current ordinance states that the City provides residential garbage service to 1 through 4 family dwellings. There was an ordinance that allowed certain condo projects to receive City garbage and recycling services but not all condos get City refuse service. Lange stated that they discovered non-profit entities had carts, group homes, mixed use properties and others. Mixed use properties were grandfathered in when the City gave up collecting dumpsters about 15 years ago. Lange stated however that it is illegal to offer one use a service and not offer the same service to another with the same use. Lange stated that the City has a lot of "mix use" properties that realize the cost savings in having the City do it so they are requesting City garbage pick-up. Lange also stated that the condo developments are an issue since the private condo roadways were not designed for cart pick-up at every dwelling and more for a dumpster pick-up. Lange stated that we either have to re-write the ordinance to include mixed use and other properties or we have to stick with the code and remove service from anyone other than a 1 to 4 family. After much discussion Lohr made a motion to stick with the intent of the original ordinance to serve single to four family zoned units only but also include the current language that allows the current condo developments. Motion seconded by Clark. All voted in favor.

5. **Discussion & recommendation on the # of carts (fee) for multi-family units.** Lange stated that during the cart change out they discovered that a number of people in multi-unit complexes were stealing carts from other properties to avoid having to pay cart fees. With the new carts they are registered to the property so when a cart shows up missing it typically showed up in a multi-unit complex. Typically a multi-family unit needs a cart per unit. The current ordinance allows the multi-unit complex to have one less cart than the # of units. Do avoid the stealing of carts and the other nuisances that are created by not having a cart per unit Lange recommended that the Board ask for a revision of the ordinance to require a garbage and recycling cart per unit. That being said the minimum for a duplex would be 2 garbage and 2 recycling. Motion made by Lohr seconded by Clark to require that the ordinance be change to require that each residential unit be required to have a cart per the number of residential units on a property. 1 garbage cart per single family, 2 garbage carts for a duplex, etc. All voted in favor.
6. **Discussion & recommendation on the termination of City provided residential garbage and recycling service to mix-use (residential & commercial) and other non-residential uses effective January 1, 2017.** Based on the discussion under Item # 4 a motion was made by Lohr seconded by Clark to terminate service to all mixed use and all other customers who are not classified as a single family, duplex, tri-plex or four-family effective January 1, 2017 and that letters be sent out in October notifying them of the termination of service. All voted in favor.
7. **Review & acceptance of the Annual 2016 CMOM report and the 2016 Sanitary Clear Water Compliance Report.** Lange told the Board that the Department is required to submit an annual report for Sanitary Sewer operations and maintenance and is asking the board to accept the report. Motion made by Clark seconded by Hollenbeck to accept report. All voted in favor.
8. **Discussion & recommendation regarding block party or road closure requests for the 4<sup>th</sup> of July or weekend of July 4<sup>th</sup>.** Lange stated that the City was getting several requests for road closures during the July 4<sup>th</sup> holiday for private block parties and there are not enough barricades and personnel to accommodate the requests. Lange asked the Board to consider denying request for road closures during July 4<sup>th</sup>. Motion made by Lohr seconded by Hollenbeck to continue to allow roads to be closed off during July 4<sup>th</sup> for block parties. All voted in favor.
9. **Discussion & recommendation to charge a \$20 fee for the furnishing of block party barricades.** Lange asked the Board if they would consider recommending a \$20 fee to cover the DPW cost of providing barricades when requested to close off a road for block parties. Motion made by Lohr seconded to Hollenbeck to request a \$65 fee from businesses and a \$20 fee from residents to cover the cost of barricading streets for private functions. Lohr & Hollenbeck voted yes and Clark voted No. Motion carried 2-1.

- 10. Discussion & authorization to have staff apply for the 2016 Wisconsin RPC & DNR Emerald Ash Borer (EAB) Mitigation Grant Program. (Resolution)** Lange stated that she is applying for a \$16,000 grant to replant trees. As part of the grant, the City is required to approve a resolution of support and to authorize a person to sign the documents. Motion made by Clark seconded by Lohr to recommend the resolution authorizing the Director of Public Works to sign and submit said application for the 216 Wisconsin RPC & DNR Emerald Ash Borer (EAB) Mitigation Grant Program. All voted in favor.
11. Update on Free Yard waste drop-off and Spring Clean-up ticket procedures. No Action Necessary
12. Update on Projects: 2016 Road Resurfacing, Packard Avenue – downtown landscaping, Packard Avenue Sewer & Water Relay Project– Cudahy to Lunham, Kirkwood Ave Street Reconstruction – Grange to 500' n/o Mallory Ave, 2016 Hazardous Sidewalk Project, 3500 block Squire alley reconstruction, 3500 block of Squire parking lot reconstruction, Barnard Avenue street extension- Sweet Applewood In to Nicholson Ave. No Action Necessary

Motion made by Lohr seconded by Clark to adjourn the meeting. All voted in favor.

Meeting adjourned at 7:50 p.m.