



PUBLIC WORKS COMMITTEE AGENDA

November 28, 2023 at 5:30 PM

Municipal Service Building - Training Room, 2026 New Jersey Avenue

It is possible that a quorum (or a reverse quorum) of the Sheboygan Common Council or any other City committees/boards/commissions may be in attendance, thus requiring a notice pursuant to State ex rel. Badke v. Greendale Village Board, 173 Wis. 2d 553,494 N.W.2d 408 (1993).

Persons with disabilities who need accommodations to attend this meeting should contact the Department of Public Works at 920-459-3440. Persons other than council members who wish to participate remotely shall provide notice to the Public Works Department at 920-459-3440 at least 24 hours before the meeting so that the person may be provided a remote link for that purpose.

OPENING OF MEETING

1. Call to Order
2. Roll Call
3. Pledge of Allegiance
4. Introduction of Committee Members and Staff

MINUTES

- [5.](#) Approval of Minutes: November 14, 2023

ITEMS FOR DISCUSSION & POSSIBLE ACTION

- [6.](#) Gen. Ord. No. 29-23-24 / An ordinance amending Sections 54-397, 54-398, 54-399 of the Municipal Code relating to sewers and sewerage disposal so as to make changes to service charges.
- [7.](#) Res. No. 104-23-24 / A resolution authorizing Staff to file a claim in the multi-district litigation settlement of Aqueous Film-Forming Product Liability Litigation, District Court for the District of South Carolina, Master Docket No. 2:18-MN-2873-RMG.
- [8.](#) Res. No. 96-23-24 / A resolution directing Staff to develop a Complete Streets policy to improve citizen accessibility and all forms of mobility within our community and to increase safe, comfortable, and convenient travel while promoting public health and sustainable environmental practices.

NEXT MEETING DATE

9. Next Regular Meeting Date: December 12, 2023

ADJOURNMENT

10. Motion to adjourn

In compliance with Wisconsin's Open Meetings Law, this agenda was posted in the following locations more than 24 hours prior to the time of the meeting:

*City Hall • Mead Public Library
Sheboygan County Administration Building • City's website*

CITY OF SHEBOYGAN
PUBLIC WORKS COMMITTEE MINUTES
Tuesday, November 14, 2023

COMMITTEE MEMBERS PRESENT: Alderperson Amanda Salazar, Chair Dean Dekker, Alderperson Angela Ramey, Alderperson Joe Heidemann, and Vice Chair Zach Rust.

STAFF/OFFICIALS PRESENT: Director of Public Works David Biebel, City Engineer Ryan Sazama, Superintendent of Streets and Sanitation Joel Kolste, Assistant City Attorney Liz Majerus, and Business Manager Heather Burke.

OTHERS PRESENT: Diane Lambert, Paul Lambert, Isabel Mueller, Lukas Burke, and Tracy Brunette.

OPENING OF MEETING

1. Call to Order

Chair Dean Dekker called the meeting to order at 5:30 PM

2. Roll Call
3. Pledge of Allegiance

Pledge of Allegiance was recited.

4. Introduction of Committee Members and Staff

MINUTES

5. Approval of Minutes: October 24, 2023

MOTION TO APPROVE MINUTES FROM OCTOBER 24, 2023

Motion made by Vice Chair Rust, Seconded by Alderperson Salazar.

Voting Yea: Alderperson Salazar, Chair Dekker, Alderperson Ramey, Alderperson Heidemann, Vice Chair Rust

ITEMS FOR DISCUSSION & POSSIBLE ACTION

6. R. O. No. 66-23-24 / Submitting a request from Paul Rammer for approval to allow hunters to hunt migratory wildlife within the city limits.

MOTION TO RECOMMEND THE COMMON COUNCIL RECEIVE & FILE THE R.O.

Motion made by Vice Chair Rust, Seconded by Alderperson Ramey.

Voting Yea: Alderperson Salazar, Chair Dekker, Alderperson Ramey, Alderperson Heidemann, Vice Chair Rust

7. Res. No. 87-23-24 / A resolution authorizing the appropriate City officials to enter into a contract with Buteyn-Peterson Construction Company, Inc. for the construction of the Kiwanis Park pickleball courts, and authorizing a budget amendment.

MOTION TO RECOMMEND THE COMMON COUNCIL ADOPT THE RESOLUTION

Motion made by Vice Chair Rust, Seconded by Alderperson Heidemann.

Voting Yea: Alderperson Salazar, Chair Dekker, Alderperson Ramey, Alderperson Heidemann, Vice Chair Rust

8. Res. No. 91-23-24 / A resolution authorizing the appropriate City officials to enter into a contract with Premier Excavation LLC for the construction of the Butzen Sports Complex parking lot, and authorizing a budget amendment.

MOTION TO RECOMMEND THE COMMON COUNCIL ADOPT THE RESOLUTION

Motion made by Vice Chair Rust, Seconded by Alderperson Salazar.

Voting Yea: Alderperson Salazar, Chair Dekker, Alderperson Ramey, Alderperson Heidemann, Vice Chair Rust

NEXT MEETING DATE

9. Next Regular Meeting Date: November 28, 2023

ADJOURNMENT

10. Motion to adjourn

MOTION TO ADJOURN AT 5:51 PM

Motion made by Vice Chair Rust, Seconded by Alderperson Ramey.

Voting Yea: Alderperson Salazar, Chair Dekker, Alderperson Ramey, Alderperson Heidemann, Vice Chair Rust

CITY OF SHEBOYGAN

REQUEST FOR PUBLIC WORKS COMMITTEE CONSIDERATION

ITEM DESCRIPTION: An ordinance amending Sections 54-397, 54-398, 54-399 of the Municipal Code relating to sewers and sewerage disposal so as to make changes to service charges.

REPORT PREPARED BY: Jordan Skiff, Superintendent of Wastewater

REPORT DATE: November 21, 2023

MEETING DATE: November 28, 2023

FISCAL SUMMARY:

Budget Line Item: N/A
 Budget Summary: N/A
 Budgeted Expenditure: N/A
 Budgeted Revenue: N/A

STATUTORY REFERENCE:

Wisconsin Statutes: N/A
 Municipal Code: 54-397, 54-398,
 54-399

BACKGROUND / ANALYSIS: The referenced ordinance amendments include the 2024 User Charge Rates for users of the City of Sheboygan's sanitary sewers and wastewater treatment plant, as well as charges to the satellite communities. The amended sections also define the concentration of domestic strength wastewater.

STAFF COMMENTS: The present rates are adequate to support the operation of the wastewater treatment plant and sanitary sewer system. For 2024, the fixed charge will be increased by \$2.00/quarter, while the volume charge for City properties will remain unchanged at \$2.16 per 100 cubic feet. These changes will result in an overall cost increase of 1.96% for an average household. Volume rates for satellite communities would increase by 6.25%, and phosphorus concentrations higher than an established concentration would be billed at a rate that is increased by 6.2%. Any increases are based on calculations from a comprehensive rate tool we use each year to forecast which treatment categories—if any—are experiencing increased expenses.

Although we are not obligated to accept hauled-in waste (septic systems, etc.), we continue to accept such waste but have increased those rates for 2024.

ACTION REQUESTED: A motion to recommend the Common Council adopt Gen. Ord. No. 29-23-24 amending Sections 54-397, 54-398 and 54-399 of the Municipal Code relating to sewers and sewerage disposal so as to make changes to service charges.

ATTACHMENTS:

- I. Gen. Ord. No. 29-23-24

**CITY OF SHEBOYGAN
ORDINANCE 29-23-24**

BY ALDERPERSONS DEKKER AND RUST.

NOVEMBER 20, 2023.

AN ORDINANCE amending Sections 54-397, 54-398, and 54-399 of the Municipal Code relating to sewers and sewerage disposal so as to make changes to service charges.

THE COMMON COUNCIL OF THE CITY OF SHEBOYGAN DO ORDAIN AS FOLLOWS:

SECTION 1: **AMENDMENT** “Sec 54-397 Categories Of Users; Amounts; Reassignment” of the Sheboygan Municipal Code is hereby *amended* as follows:

A M E N D M E N T

Sec 54-397 Categories Of Users; Amounts; Reassignment

(a) *Category A.* Category A users of the city wastewater treatment system shall be subject to the following:

(1) *Definitions.* The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Category A means normal domestic strength wastewater, that is, wastewater having concentrations of biochemical oxygen demand (BOD) no greater than 186 mg/L, suspended solids no greater than 468 mg/L, and total phosphorus no greater than 7.70 mg/L.

(2) *Amount.* The sewer service charge for Category A wastewater is as follows:

- a. Fixed charge: ~~\$50~~52.00 per quarter.
- b. Volume charge: \$2.16 total charge per 100 cubic feet.

(b) *Category B.* Category B users of the city wastewater treatment system shall be subject to the following:

(1) *Definitions.* The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Category B means wastewater having concentrations of biochemical oxygen demand greater than 186 mg/L, suspended solids greater than 468 mg/L, and phosphorous greater than 7.70 mg/L. Users whose wastewater exceeds the concentrations for any one of these parameters shall be in category B. The minimum category B charge will be based on a concentration of not less than

186 mg/L for BOD, 468 mg/L for suspended solids, and 7.70 mg/L for phosphorous.

- (2) *Amount.* The sewer service charge for category B wastewater is as follows:
- Fixed charge: ~~\$50~~52.00 per quarter.
 - If billing is on a monthly basis: ~~\$16.67~~17.33 per month.
 - Volume charge: \$2.16 per 100 cubic feet.
 - Surcharge, total (per pound):
 - BOD greater than 186 mg/L: \$0.3441.
 - Suspended solids greater than 468 mg/L: \$0.2029.
 - Phosphorus greater than 7.70 mg/L: ~~\$4.8473~~5.1479.
- (3) *Computation.* The category B sewer service charges for volume, BOD, suspended solids, and phosphorus shall be computed in accordance with the following formula:

$$C = F + (V \times C^V) + .00624V[(B - B^R \times C^B) + (S - S^R \times C^S) + (P - P^R \times C^P)]$$

Where:

Table 1

C	=	Charge to sewer user for collection and treatment of wastewater
F	=	Fixed charge per billing period
B	=	Concentration of BOD in mg/L in the wastewater
B ^R	=	Concentration of BOD in mg/L as defined for Category A users
S	=	Concentration of suspended solids in mg/L in the wastewater
S ^R	=	Concentration of suspended solids in mg/L as defined for Category A users
P	=	Concentration of phosphorus in mg/L in the wastewater
P ^R	=	Concentration of phosphorus in mg/L as defined for Category A users
V	=	Wastewater volume (per 100 cubic feet for Category B users; per 1,000 gallons for Category C users)
C ^V	=	Cost per volume of wastewater (per 100 cubic feet for Category B users; per 1,000 gallons for Category C users)
C ^B	=	Cost per pound of BOD
C ^S	=	Cost per pound of suspended solids
C ^P	=	Cost per pound of phosphorus
	=	Conversion factor

0.006 24		
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- (c) *Reassignment of users.* The city approving authority will reassign sewer users into appropriate sewer service charge categories if wastewater sampling programs and other related information indicate a change of categories is necessary.
- (d) *Sampling requirement.* Sampling frequency for category B users to determine concentrations of BOD, suspended solids, total phosphorus and pH shall be determined by the wastewater discharge loading by the industry. Results of all analyses shall be submitted to the wastewater treatment plant superintendent. Sampling shall be conducted as follows:
- (1) Samples collected shall be flow-proportional 24-hour composite samples.
 - (2) Sampling periods shall be two consecutive days during normal operation.
 - (3) Flow-weighted average may be used if data is presented.
 - (4) Samples shall be analyzed for BOD, suspended solids, and total phosphorus.
 - (5) Sampling frequency shall be quarterly or more frequently as determined by the superintendent of the wastewater treatment plant. The quarterly sampling periods shall be during the months of January through March, April through June, July through September, and October through December.
 - (6) All data shall be submitted to the superintendent of the wastewater treatment plant.

(Code 1975, § 34.5-87; Code 1997, § 122-403; Ord. No. 93-96-97, § 1, 12-16-1996; Ord. No. 96-97-98, § 1, 12-15-1997; Ord. No. 119-98-99, § 1, 12-21-1998; Ord. No. 75-99-00, § 1, 12-20-1999; Ord. No. 66-00-01, § 1, 11-6-2000; Ord. No. 54-01-02, § 1, 11-19-2001; Ord. No. 60-02-03, § 1, 12-2-2002; Ord. No. 48-03-04, § 1, 12-15-2003; Ord. No. 50-04-05, § 1, 12-20-2004; Ord. No. 56-05-06, § 1, 11-21-2005; Ord. No. 49-06-07, § 1, 11-20-2006; Ord. No. 59-07-08, § 1, 11-5-2007; Ord. No. 70-08-09, 12-1-2008; Ord. No. 47-09-10, § 1, 12-21-2009; Ord. No. 44-10-11, § 1, 11-15-2010; Ord. No. 29-14-15, § 1, 10-6-2014; Ord. No. 36-15-16, § 1, 11-16-2015)

SECTION 2: **AMENDMENT** “Sec 54-398 Categories Of Users; Amounts; Reassignment For Other Municipalities” of the Sheboygan Municipal Code is hereby *amended* as follows:

AMENDMENT

Sec 54-398 Categories Of Users; Amounts; Reassignment For Other Municipalities

Other municipal users shall be charged pursuant to the guidelines established under this section.

Table 2

		Village of Kohler	City of Sheboygan Falls	Town of Sheboygan Sanitary District No. 2	Town of Wilson Sanitary District	
					No. 1	No. 2
Fixed Charge		None	None	None	None	None
Volume Charge:						
	Volume	\$0.5702 <u>0.6120</u>	\$0.5702 <u>0.6120</u>	\$0.5702 <u>0.6120</u>	\$0.5702 <u>0.6120</u>	\$0.5702 <u>0.6120</u>
	Debt retirement	<u>0.0680</u>	<u>0.0680</u>	<u>0.0680</u>	<u>0.0680</u>	<u>0.0680</u>
Total volume charge, per 1,000 gallons:		0.6382 <u>0.6800</u>	0.6382 <u>0.6800</u>	0.6382 <u>0.6800</u>	0.6382 <u>0.6800</u>	0.6382 <u>0.6800</u>
Surcharges (per pound):						
	BOD	0.3441	0.3441	0.3441	0.3441	0.3441
	Suspended Solids	0.2029	0.2029	0.2029	0.2029	0.2029
	Phosphorus	4.8473 <u>5.1479</u>	4.8473 <u>5.1479</u>	4.8473 <u>5.1479</u>	4.8473 <u>5.1479</u>	4.8473 <u>5.1479</u>

(Code 1975, § 34.5-87.1; Code 1997, § 122-404; Ord. No. 93-96-97, § 2, 12-16-1996; Ord. No. 96-97-98, § 2, 12-15-1997; Ord. No. 119-98-99, § 2, 12-21-1998; Ord. No. 75-99-00, § 2, 12-20-1999; Ord. No. 66-00-01, § 2, 11-6-2000; Ord. No. 54-01-02, § 2, 11-19-2001; Ord. No. 60-02-03, § 2, 12-2-2002; Ord. No. 48-03-04, § 2, 12-15-2003; Ord. No. 50-04-05, § 2, 12-20-2004; Ord. No. 56-05-06, § 2, 11-21-2005; Ord. No. 49-06-07, § 2, 11-20-2006; Ord. No. 59-07-08, § 2, 11-5-2007; Ord. No. 70-08-09, § 2, 12-1-2008; Ord. No. 47-09-10, § 2, 12-21-2009; Ord. No. 44-10-11, § 2, 11-15-2010; Ord. No. 36-15-16, § 8, 11-16-2015)

SECTION 3: AMENDMENT “Sec 54-399 Charges For Disposal Of Septic Tank Sludge, Holding Tank Sewerage, Or Hauled Wastewater” of the Sheboygan Municipal Code is hereby *amended* as follows:

AMENDMENT

Sec 54-399 Charges For Disposal Of Septic Tank Sludge, Holding Tank Sewerage, Or Hauled Wastewater

Category C. Category C users are persons with a permit for disposing of hauled wastewater into the wastewater collection and treatment facilities and shall be subject to the following charges and requirements:

- (a) Septic tank sludge: ~~\$48~~60.00 per 1,000 gallons.

- (b) Holding tank sewage: \$~~10~~15.00 per 1,000 gallons.
- (c) Portable Toilet Disposal Charge, \$91.00 per 1,000 gallons.
- (d) Other hauled wastewater:

- (1) *Sampling and characterization.* Hauled wastewater shall be sampled and characterized on the basis of suspended solids, BOD, total phosphorous, and pH. Frequency of sampling shall be based on experience and under the direction of the superintendent of the wastewater treatment plant.
- (2) *Amount.* The sewer service charge for other hauled wastewater is as follows:
 - a. Volume charge: \$0.6~~382~~800 per 1,000 gallons.
 - b. Surcharge, total (per pound):
 1. \$0.3441 per pound of BOD.
 2. \$0.2029 per pound of suspended solids.
 3. \$~~4.8473~~5.1479 per pound of phosphorus.
- (3) *Computation.* The other hauled wastewater service charges for volume, BOD, suspended solids, and phosphorus shall be computed in accordance with the following formula and subsections (c)(1) and (2) of this section or in accordance with this subsection.

$$C = (V \times C^V) + (B \times C^B) + (S \times C^S) + (P \times C^P)$$

See Table 1 section 54-397(b)(3) for definitions.

- a. Other hauled wastewater analysis data shall be applied to the formula set forth above.
- b. The discharge fee per 1,000 gallons shall be determined on the result of subsection (c)(3)a of this section, multiplied by 1.25.
- c. Charges for high strength waste will be determined by the superintendent of the wastewater treatment plant based on the frequency of the hauled wastewater and the needs of the wastewater treatment plant.

(Code 1975, § 34.5-88; Code 1997, § 122-405; Ord. No. 93-96-97, §§ 3, 4, 12-16-1996; Ord. No. 96-97-98, § 3, 12-15-1997; Ord. No. 119-98-99, § 3, 12-21-1998; Ord. No. 60-02-03, § 3, 12-2-2002; Ord. No. 48-03-04, § 3, 12-15-2003; Ord. No. 50-04-05, § 3, 12-20-2004; Ord. No. 56-05-06, § 3, 11-21-2005; Ord. No. 49-06-07, § 3, 11-20-2006; Ord. No. 59-07-08, § 3, 11-5-2007; Ord. No. 70-08-09, § 3, 12-1-2008; Ord. No. 47-09-10, § 3, 12-21-2009; Ord. No. 44-10-11, § 3, 11-15-2010; Ord. No. 29-14-15, § 9, 10-6-2014; Ord. No. 36-15-16, § 9, 11-16-2015)

SECTION 4: REPEALER CLAUSE All ordinances or resolutions or parts thereof in conflict with the provisions of this ordinance are hereby repealed to the extent of such conflict.

SECTION 5: EFFECTIVE DATE This Ordinance shall be in effect from and after its passage and publication according to law and as of January 1, 2024.

PASSED AND ADOPTED BY THE CITY OF SHEBOYGAN COMMON COUNCIL

Presiding Officer

Attest

Ryan Sorenson, Mayor, City of
Sheboygan

Meredith DeBruin, City Clerk, City of
Sheboygan

**CITY OF SHEBOYGAN
RESOLUTION 104-23-24**

BY ALDERPERSONS DEKKER AND RUST.

NOVEMBER 20, 2023.

A RESOLUTION authorizing Staff to file a claim in the multi-district litigation settlement of Aqueous Film-Forming Product Liability Litigation, District Court for the District of South Carolina, Master Docket No. 2:18-MN-2873-RMG.

WHEREAS, as a public water system, the City of Sheboygan Water Utility is committed to providing the City with safe, clean drinking water; and

WHEREAS, detectable levels of “forever chemicals” such as PFAS and PFOA have been located in public water system sources throughout the State; and

WHEREAS, many of these chemicals were introduced into public water sources via their presence in common products such as clothing and other fabrics, personal care products, fire-fighting foam, and non-stick and stain-repellant coatings; and

WHEREAS, 3M and DuPont were sued in U.S. District Court over their development and sale of these forever chemicals and, as part of the settlement, public water systems may qualify for a portion of the claim settlement funds to be used for the testing and treating of PFAS contamination; and

WHEREAS, the City desires to file a claim in this settlement with the hope that settlement proceeds may be received to aid the Sheboygan Water Utility in its mission of providing safe, clean drinking water.

NOW, THEREFORE, BE IT RESOLVED: That the Common Council hereby authorizes and directs the City Attorney's Office, in collaboration with the Sheboygan Water Utility, to file a claim in the 3M and DuPont settlements and to take those steps necessary to receive settlement proceeds.

PASSED AND ADOPTED BY THE CITY OF SHEBOYGAN COMMON COUNCIL

Presiding Officer

Attest

Ryan Sorenson, Mayor, City of
Sheboygan

Meredith DeBruin, City Clerk, City of
Sheboygan

**CITY OF SHEBOYGAN
RESOLUTION 96-23-24**

BY ALDERPERSONS DEKKER AND RUST.

NOVEMBER 20, 2023.

A RESOLUTION directing Staff to develop a Complete Streets policy to improve citizen accessibility and all forms of mobility within our community and to increase safe, comfortable, and convenient travel while promoting public health and sustainable environmental practices.

WHEREAS, the City of Sheboygan is a vibrant and diverse community that enjoys an existing street and sidewalk network connecting residents, local workforce employees, and visitors to shopping, employment, recreational, and public transportation opportunities; and

WHEREAS, the City recognizes that street rights-of-way are our most prominent public spaces, and that great communities must achieve a balance between mobility needs, adjoining land uses, and environmental and community interests; and

WHEREAS, many people prefer walking, bicycling, or utilizing public transit as convenient, economical, or sustainable alternatives to driving a motor vehicle; and

WHEREAS, the City was named a Bronze level Bicycle Friendly Community by the League of American Bicyclists and desires to increase its designation level; and

WHEREAS, increasing walking, bicycling, and the use of public transit offers the potential to improve the health of our community; decrease traffic congestion, air pollution, dependence on fossil fuels and their foreign supply sources; and increase the efficiency of road space and transportation resources; and

WHEREAS, Complete Streets are those designed to improve mobility and connectivity; increase physical exercise and safety; enhance neighborhoods, businesses, and institutions; and advance the quality of life for Sheboygan citizens, businesses, and visitors.

NOW, THEREFORE BE IT RESOLVED: That the Common Council reaffirms its commitment to Complete Streets and directs departments and staff to follow, to the extent possible, Complete Streets concepts for all new developments, redevelopments, new street construction, and street reconstruction projects.

BE IT FURTHER RESOLVED: That the Common Council supports the development of a Complete Streets Policy that supports ease of use and safety for all users of transportation systems within the City of Sheboygan.

PASSED AND ADOPTED BY THE CITY OF SHEBOYGAN COMMON COUNCIL

Presiding Officer

Attest

Ryan Sorenson, Mayor, City of
Sheboygan

Meredith DeBruin, City Clerk, City of
Sheboygan