

**AGENDA
STORM WATER UTILITY
COMMITTEE**

**WEDNESDAY, DECEMBER 14, 2011
ROOM 202
4:30 P.M.**

*Anthony Nudo, Chairman
G. John Ruffolo, Vice Chairman
Steve Bostrom*

*Patrick Juliana
Jan Michalski
Ray Misner*

A. APPROVAL OF MINUTES

A-1 Approval of minutes of special meeting held on December 5, 2011.

C. REFERRED TO COMMITTEE

C-1 Final Report from City Administrator and Mayor on June 30, 2011 storm damage cleanup. (Report to be handed out at meeting).

CITIZENS COMMENTS RELATED ONLY TO JURISDICTION OF STORMWATER UTILITY COMMITTEE

STAFF COMMENTS

ALDERMAN COMMENTS

IF YOU ARE DISABLED AND IN NEED OF ASSISTANCE CALL 653-4050 BEFORE NOON ON THE DATE INDICATED FOR THIS MEETING.

NOTICE IS HEREBY GIVEN THAT A MAJORITY OF THE MEMBERS OF THE COMMON COUNCIL MAY BE PRESENT AT THE MEETING, AND ALTHOUGH THIS MAY CONSTITUTE A QUORUM OF THE COMMON COUNCIL, THE COUNCIL WILL NOT TAKE ANY ACTION AT THIS MEETING.

STORM WATER UTILITY COMMITTEE
- MINUTES -

MONDAY, DECEMBER 5, 2011
6:00 P.M.

Anthony Nudo, Chairman
G. John Ruffolo, Vice Chairman
Steve Bostrom

Patrick Juliana
Jan Michalski
Ray Misner

A special meeting of the Storm Water Utility Committee was held on Monday, December 5, 2011 in Room 202 of the Municipal Building. The following members were present: Chairman Anthony Nudo, Vice Chairman G. John Ruffolo, Aldermen Steve Bostrom, Jan Michalski and Ray Misner. Alderman Patrick Juliana was excused. The meeting was called to order at 6:11 pm. Staff members in attendance were Mayor Bosman, Frank Pacetti, Jeff Warnock, Mike Lemens and Shelly Billingsley.

A-1 Approval of minutes of special meeting held on October 26, 2011 and regular meeting held on November 2, 2011.

It was moved by Alderman Michalski, seconded by Alderman Misner to approve. Motion passed 5-0.

C-1 Disbursements for the month of October 2011.

It was moved by Alderman Bostrom, seconded by Alderman Michalski to receive and file. Motion passed 5-0.

INFORMATIONAL:

1. Storm Water Utility Budget Line 501-09-50106-219-824 Excessive pricing of tree removal resulting in being extremely over budget.

Chairman Nudo recognized Alderman Bostrom for bringing this issue to his attention and thanked former Public Works Director Ron Bursek for coming to the meeting as he was the Public Works Director when the storm happened and asked Ron what happened the night of the storm.

Ron Bursek, 5111 24th Place, said he received a call about the storm and called John Prijic, Street Superintendent, and Jeff Warnock, Park Superintendent. The next morning Ron drove through town assessing damage. Dirk Nelson, City Forester, estimated there were 150 to 175 trees down. Ron asked Jeff if he needed additional staff, Jeff said no but additional chain saws were needed so Ron approved that purchase as street and park division employees were starting cleanup. Ron said his priorities were trees in streets, getting the areas for the Fire Cracker Run, parade and fireworks cleaned up. When Ron was asked about hiring tree contractors he said he didn't know how the city could do that without a bidding process and didn't think he had the authority to hire tree contractors. City staff was directed to not deal with trees caught in electrical wires and worked north to south and south to north assessing the damage. Ron then apprised the Mayor stating he thought there was one million dollars in damages. Ron said while he was discussing the damage with the Mayor, Frank Pacetti came in to the meeting saying he instructed Dirk to contact every tree contractor in the city to get on board. Ron said he thought that was a mistake as Public Works has a limit on how much can be spent without bids. He thought the city would have to go out for quotes or proposals and also had issues with making sure contractors would have liability insurance and would be paying the county prevailing wage rate. He also thought the city should be using the

contractors that the city already had contracts with for tree removal. He felt with the trees down contractors would not give the city a fair price.

Ron was asked if Jeff was aware that Dirk had been told by Frank to call tree contractors. Ron said yes because Dirk had called during Ron's meeting with the Mayor to say he had called tree contractors.

Chairman Nudo asked who picked John's Tree Service.

Chairman Nudo asked the Mayor if he had anything to add. The Mayor stated he was at an Emergency Management meeting the night of the storm and said the damage was a disaster. For example the south side had streets that were not passable and looking at the damage in Lincoln Park left him in awe. The next morning the Mayor said he felt the city did not have the manpower or equipment to deal with the emergency and tree contractors were needed to take care of public safety issues.

Vice-chairman Ruffolo asked about John's Tree Service invoices. The invoice for work done July 2nd to July 7th he agrees is considered an emergency. Invoices for work done August 10th to September 17th are not considered emergency so why was the contractor still working on trees down in parks at \$550/hour?

The Mayor answered that they didn't realize the extent of the damage.

Vice-chairman Ruffolo asked why they continued to work at the high hourly rate?

City Administrator, Frank Pacetti, said he agreed the first two weeks after the storm were an emergency. By state statute, the Mayor had full authority to hire tree contractors. He also said that there is no question in his mind that the city should have taken a moment after the streets and sidewalks were passable.

Vice-chairman Ruffolo asked why John's Tree Service was still working for the city a month later.

Frank answered that after the first two weeks they should've assessed the situation and bid out the remaining work but for whatever reason that was not done. It was our error, the city's error and park division staff is not to blame. There are now procedures in place so this does not happen again.

Vice-chairman Ruffolo questioned a bill for work done at the golf course. The invoice dated September 11th is for \$22,000 at \$550/hour and is marked emergency. What was the emergency? He does not think this bill can be explained.

Alderman Misner asked Frank which state statute he was referring to giving the Mayor authority. Frank answered he didn't know that he was given the information by Emergency Management. Alderman Misner said from what Ron said it seemed as though the Public Works Director at the time together with the Mayor had a plan in place and then Frank directed Dirk to contact all tree contractors. Why did Frank override the Public Works Director? Frank answered that he took direction from the Mayor and said the Mayor wanted this done at a more rapid pace as this was an emergency. The Mayor augmented the Public Works Directors plan by saying if the city needed additional help and equipment then go get contractors. If park division was familiar with a contractor then hire them. Alderman Misner then asked if when contacting contractors was there an understanding on how much they would charge for the work. The Mayor said there was no directive on cost and that he looked

at it in terms of getting the job done. Public Safety issues were number one also getting trees out of the streets and helping We Energies. The Mayor agreed the city should have taken stock of clean-up efforts a few weeks later. Alderman Misner asked when the Mayor considered the costs of clean up. The Mayor answered he didn't see any of the invoices until September. Frank said it wasn't until Alderman Bostrom brought up the issue of invoices that he and the Mayor saw the invoices. Alderman Misner stated that there was a We Energies command station parked outside and asked the Mayor how often did he meet with We Energies. The Mayor answered that he was not in constant contact with We Energies. Alderman Misner said he feels the frustration of Department Heads who come up with a plan as Ron did plus his experience with We Energies that were ignored as the Mayor and Frank have final say. The Mayor said he felt that if Ron needed the help that he should get it. Alderman Misner said he thought the outside contractors were put upon Ron by Administration and on day one cost should have been in mind with parameters. Frank said cost is always at the forefront on projects and spoke of the February 2nd blizzard as an example. He also said Administration was not on top of it, they admit it, they had no idea they were paying \$550/hour and thought the clean-up was being handled in a prudent way and thought they were getting the job done at a reasonable price.

Vice-chairman Ruffolo listed some invoice amounts: golf course \$51,700, Alford Park picnic area \$60,000.

Alderman Bostrom asked if someone could address the plan of attack after the emergency because looking at the invoices that came in it looks like for two weeks no work was being done by the contractors. Jeff answered that they continued to assess what work city crews could do along with taking care of the stacks of citizen complaints that came in. John's Tree Service asked if they could take other jobs. Alderman Bostrom asked if city crews were still working on cleanup. Jeff answered waste and street division personnel were assisting with cleanup as well as paying some workers out of classification to get work done.

Alderman Bostrom asked when costs were discussed. Frank said costs were never discussed. Alderman Bostrom said there seems to be some staff confusion when asked how much contractors were being paid. Mike Lemens had told Alderman Bostrom he didn't know but would find out and Dirk had said he thought John's Tree Service and Lakeside Tree Service was being paid at the same rate as Drop Rite Tree Service. Alderman Bostrom asked why did only John's Tree Service work with the city during the emergency and asked if the work could have been spread out longer for city employees to work on. He said the emergency was mismanaged and the city was flying by the seat of their pants. He asked when would this have stopped if he hadn't kept digging into this issue. Frank answered that he doesn't know why it happened but it won't happen again and from now on emergencies will be handled differently. Alderman Bostrom asked Frank if he would bring this to the committee next time it happens. Frank said he would do things completely different if he could.

Chairman Nudo asked Ron if he wanted to respond. Ron said he thought getting tree contractors was premature and that the city needed to do triage and assess the damage. He worked at We Energies for 30 years and handled many emergencies like this one. Ron also stated that Frank said to the Mayor that he directed Dirk to hire contractors. Frank said he respectfully disagrees with Ron and that he was given a direction from the Mayor. He said he felt the city should grab contractors while we could on day one and day two after the storm. He said Administration made a decision to get contractors to augment city crews.

The Mayor said he felt the city should hire contractors and use them as needed. Chairman Nudo said he understood that the city needed all hands on deck but the problem is that after two weeks the city spent a lot of money that it didn't need to spend. The Mayor said the city

was still dealing with issues within the parks with some potential danger and used its best judgment since the city didn't have all the equipment it needed.

Alderman Michalski said his district got hit hardest by the storm and he received more calls to get things done. He asked what constitutes an emergency, is it when streets are blocked? When is it not an emergency? The Mayor said after two weeks it wasn't an emergency. Alderman Michalski said he was still getting calls in September about hanging limbs still being dangerous. Jeff said he considered hanging branches, split trees and everything that was documented as an emergency and he felt comfortable moving ahead. Frank said there are different levels of emergency. He agrees with the committee that Administration never took the opportunity to look at cost. He said he considered the cleanup no longer an emergency after streets and sidewalk were cleared.

Vice-chairman Ruffolo thanked Ron for coming to the meeting and thanked Alderman Bostrom for looking into this issue. He said the city spent thousands of dollars at the golf course and picnic shelters in September, he asked who is responsible for no one watching the bills and going over budget and paying over \$200,00 for work. Frank answered that Administration is responsible. Vice-chairman Ruffolo mentioned the tornado that hit a few years ago. After the tornado hit he, Ron, and the former city administrator looked at the damage and came up with a plan. Now Ron is saying he was circumvented for storm cleanup and Vice-chairman Ruffolo has a problem with that.

Alderman Misner said it is important to understand the difference between an inconvenience and an emergency. He is concerned about the Mayor and Frank because there is no reason why anyone wasn't watching the city's checkbook. He also mentioned that the one death from the storm happened in his district. The tree had been dangerous before, during and after the storm. He had been told that the tree had been reported several times before. The amount of money being paid to the contractor in September does not constitute an emergency because the city has trees all over the city. Alderman Misner asked Chairman Nudo if he has received anything in writing with regards to new procedures for this kind of emergency and that he would like a policy update for the future.

Chairman Nudo said in closing it is apparent there was a failure on oversight, communication and many aspects after the initial emergency. He thanked Alderman Bostrom for bringing this to his attention. The Chairman demanded that there be oversight and the committee is hopeful to stop this from happening again. He would like a formal report and a policy and procedure. He said this not only affects Storm Water Utility but it affects the committees on Public Works, Finance, Public Safety & Welfare and Park Commission. He asked how long the report and policy and procedure would take. Frank answered that the final report can be ready for the next meeting. Chairman Nudo directed to have this item on the next agenda to receive and file. Frank said the policy and procedure will mirror that of snow and ice control with the exception of bringing in outside contractors.

Alderman Bostrom said the policy and procedures should have a level of expenditures that need authorization.

CITIZEN COMMENTS:

Ted Ruffalo, 5140 6th Avenue, Alderman for the 2nd district, said that Common Council has had emergency meetings for cabaret licenses but no meeting for a real emergency.

ALDERMAN COMMENTS:

Alderman Bostrom thanked Ron for coming to the meeting and thanked Alderman Ruffalo for

his comments.

ADJOURNMENT - There being no further business to come before the Storm Water Utility Committee, it was moved, seconded and unanimously approved to adjourn the meeting at 7:11 pm.