



City of Neenah
COMMON COUNCIL AGENDA
Wednesday, February 5, 2020 - 6:30 p.m.
(or immediately following the 6 pm Committee of the Whole)
Neenah City Hall
Council Chambers

I. Roll Call and Pledge of Allegiance

UPDATE ON EVOLVE (NEW INSPECTIONS SOFTWARE) - BRIAN WALTER & KATIE OSTHELDER

II. Introduction and Confirmation of Mayor's Appointment(s) **(None)**

III. Approval of Council Proceedings

- A. Approval of the Council Proceedings of January 22, 2020 special session and Committee of Whole minutes of January 22, 2020. **(UC)**

IV. Public Hearings **(None)**

V. Plan Commission, Public Services & Safety Committee or Finance & Personnel Committee report pertaining to the Public Hearings **(None)**

VI. Public Forum.

- A. Speakers should give their name and residential address (not mailing address) and are allowed five minutes to speak on any topic.

VII. Mayor/Council consideration of public forum issues

VIII. Consent Agenda

- A. Approve Beverage Operator License Applications for Bradley Clements, Kendal Donson, Amy Gitter, Jean Harvath, Maria Hilgart, Kayla Jensen, and Holly Krusick. **(PSSC)**
- B. Approve temporary Class "B" Beer License to Bergstrom Mahler Museum, 165 N. Park Ave, for Art After Dark to be held on February 20, March 19, April 16, May 21, June 18, July 16, August 20, September 17, October 15, November 19, and December 17, 2020. **(PSSC)**
- C. Approve the Temporary Class "B" (Picnic) Beer License Application for St. Gabriel Parish, 900 Geiger Street, for their Friday Fish Fry to be held on February 28, March 6, March 13, March 20, March 27, and April 3, 2020. **(PSSC)**
- D. **(UC)**

IX. Reports of standing committees

- A. Regular Public Services and Safety Committee meeting of January 28, 2020: (Chairman Bates/Vice Chairman Lang) (Minutes can be found on the City web site)
1. Committee recommends Council approve the installation of new vinyl flooring by D&M Flooring America for an estimated cost of \$23,000 and

- purchase of a new floor cleaning machine for an estimated cost of \$7,000. **(RollCall-Pro)**
2. Committee recommends Council authorize the Police Department to negotiate the immediate purchase of vehicles to maximize incentives for a 2020 Chevrolet Equinox LT Crossover SUV, a 2020 Hyundai Santa Fe SE SUV (or alternate 2020 Hyundai Tucson SEL Crossover SUV), a 2019 Dodge Caravan SE Van, a pre-owned 2019 Dodge Ram 1500 SLT Pick Up, and a 2020 Chevrolet Colorado W/T Pickup up to a maximum of \$175,000 using 2020 Capital Equipment Funds. **(RollCall-Pro)**
- B. Regular Finance and Personnel Committee meeting of January 27, 2020: (Chairman Erickson/Vice Chairman Boyette) (Minutes can be found on the City web site)
1. Committee recommends Council approve the updates to Policy 2014-2: CDL Policy. **(RollCall-Pro)**
 2. Committee recommends Council retain Attorney Amy Seibel to represent the City in the assessment appeals filed by CVS Drug Store and Wal-Mart at a stated rate of \$200 per hour, with Attorney Godlewski to inform the Common Council as to the estimated hours and scope of work from Attorney Seibel prior to Common Council action. **(RollCall-Pro)**
- C. Neenah-Menasha Fire Rescue Joint Finance & Personnel Committee of January 28, 2020: (Council President Stevenson) (Minutes can be found on the City web site)
1. Committee recommends the City of Neenah and City of Menasha Common Councils approve the Memorandum of Understanding for the Fire Response on Interstate 41 with Neenah-Menasha Fire Rescue, Town of Vinland Fire Department, and Town of Neenah Fire Department. **(RollCall-Pro)**
 2. Committee recommends the City of Neenah and City of Menasha Common Councils approve the Combined Recruit Class Memorandum of Understanding between Neenah-Menasha Fire Rescue and Oshkosh Fire Department. **(RollCall-Pro)**
- X. Reports of special committees and liaisons and various special projects committees
- A. Regular Plan Commission meeting of January 28, 2020: **(Cancelled)**
 - B. Report from the February 5, 2020 Committee of the Whole meeting: (Council President Stevenson)
 1. Consideration of Committee recommendation regarding Arrowhead Park. **(RollCall-Pro)**
 - C. Landmarks Commission
 1. Report from the Landmarks Commission – Alderperson Lang
 - D. Sustainable Neenah Committee
 1. Report from the Sustainable Neenah Committee – Alderperson Kunz
 - E. Reports on neighborhood groups.
 1. Business Improvement District Board (BID Board) – Alderperson Lang
 - F. Bergstrom Mahler Museum
 1. Report from the Bergstrom Mahler Museum – Alderperson Spellman

- XI. Presentation of petitions
 - A. Any other petition received by the City Clerk's Office after distribution of the agenda.
- XII. Council Directives
- XIII. Unfinished Business
- XIV. New Business
 - A. Any announcements/questions that may legally come before the Council.
- XV. Adjournment

In accordance with the requirements of Title II of the Americans with Disabilities Act (ADA), the City of Neenah will not discriminate against qualified individuals with disabilities on the basis of disability in its services, programs, or activities. If you need assistance, or reasonable accommodation in participating in this meeting or event due to a disability as defined under the ADA, please call the Clerk's Office (920) 886-6100 or the **City's ADA Coordinator at (920) 886-6106 or e-mail attorney@ci.Neenah.wi.us** at least 48 hours prior to the scheduled meeting or event to request an accommodation.

Proceedings of the Common Council of the City of Neenah

Wednesday, January 22, 2020 - 7:00 p.m.

The Common Council of the City of Neenah, Winnebago County, Wisconsin, met in regular session at 7:00 p.m., January 22, 2020 in the Council Chambers of Neenah City Hall.

Mayor Kaufert in the chair.

Present: Alderpersons Boyette, Bates, Lang, Lendrum, Erickson, Spellman, Steele, Kunz & Stevenson, Director of Finance Easker, Director of Community Development & Assessment Haese, Director of Public Works Kaiser, City Attorney Godlewski and City Clerk Sturn.

Also Present: Fire Chief Kloehn, Director of Human Resources & Safety Kehl, Jim Schraufnagel, Dan Bauman, Dr. Herb Allen and Lisa & Brandon Robak.

Mayor Kaufert called the meeting to order at 7:15 pm.

Introduction and Confirmation of Mayor's Appointments

- I. **MS Boyette/Erickson to confirm Mayor Kaufert's appointment of Daniel Bauman to fill the expired term of Michael Smaby on the Waterworks Commission, term expires October 2023. There being no objections the motion was approved by unanimous consent.**
- II. **MS Bates/Erickson to confirm Mayor Kaufert's reappointment of Gail Dolan, Robert Wedge and John Rather (1st Alt) on the Board of Appeals for a three-year terms to expire January 2023. There being no objections the motion was approved by unanimous consent.**
- III. **MS Stevenson/Bates to confirm Mayor Kaufert's appointment of Herb Allen to fill the unexpired term of Scott Boelter on the Committee on Aging for a three-year term to expire September 2022. There being no objections the motion was approved by unanimous consent.**
- IV. **MS Erickson/Lang to confirm Mayor Kaufert's appointment of Jim Schraufnagel to fill the vacant 2nd alternate position on the Board of Appeals - term expires January 2022. There being no objections the motion was approved by unanimous consent.**

Proceedings

- I. **MS Lendrum/Erickson to approve the Council Proceedings of January 6, 2020 special session, December 18, 2019 regular session and November 19, 2019 special Budget Public Hearing. There being no objections the motion was approved by unanimous consent.**

Consent Agenda

- I. **MS Lendrum/Bates to approve the Consent Agenda as follows:**
 - A. **Approve Beverage Operator License Applications for: Brittany Arnold-Canter, Mystic Dombrowski, Paige Garner, Jill Gibson, Mercedes Gorski, Makenzie Jameson, Brittany Johnson, Samuel Kelly, Abby Klimek, Kristen Maes, Christopher Meyer, Jahquel Musil, Ashley Seidl, Tori Sternagel and Randall Steward. (PSSC)**
 - B. **Approve the Change of Agent for Town Council Kitchen and Bar, 133 W. Wisconsin Avenue to Jonathan Horan. (PSSC)**
 - C. **There being no objections the motion was approved by unanimous consent.**

Public Services and Safety Committee

- I. Chairman Bates reported the special meeting of January 22, 2020:
 - A. Committee recommends Council approve the purchase of a new air conditioning for the Police Department in the amount of \$59,883.00 from Energy Control & Design, Inc. using 2020 Capital Project funds. **MSCR P Bates/Lendrum, all voting aye.**
- II. Chairman Bates reported the special meeting of January 14, 2020:
 - A. Committee recommends Council adopt Preliminary Resolution No. 2020-01 for Sanitary Sewer Lateral Construction on: Abby Avenue; Clybourn Street; Center Street; Bond Street; Van Street; Monroe Street; and Lakeshore Avenue. **MSCR P Bates/Lang, all voting aye.**

Neenah-Menasha Joint Fire Rescue Finance & Personnel Committee

- I. Council President Stevenson reported from the Neenah-Menasha Joint Fire Rescue Finance & Personnel Committee meeting of January 6, 2020:
 - A. Committee recommends the Cities of Neenah and Menasha hire a replacement firefighter no earlier than February 24, 2020 and contingent upon formal notification received by the anticipated retiree. **MSCR P Stevenson/Kunz, all voting aye.**

Board of Public Works

- I. Vice Chairman Bates reported the meeting of January 7, 2020:
 - A. Council Action Items:
 1. The Board recommends Council approve the Final Payment for Contract No. 5-19, HMA Pavement Repair to MCC, Inc., Appleton, in the amount of \$46,036.90. **MSCR P Bates/Lang, all voting aye.**

Adjournment

- I. **MSC Stevenson/Lendrum to adjourn at 7:56 p.m., all voting aye.**


Patricia A. Sturn, WCPC/MMC
City Clerk

COMMON COUNCIL MINUTES

Wednesday, January 22, 2020 - 7:00 p.m.

The Common Council of the City of Neenah, Winnebago County, Wisconsin, met in regular session at 7:00 p.m., January 22, 2020 in the Council Chambers of Neenah City Hall.

Mayor Kaufert in the chair.

Present: Alderpersons Boyette, Bates, Lang, Lendrum, Erickson, Spellman, Steele, Kunz & Stevenson, Director of Finance Easker, Director of Community Development & Assessment Haese, Director of Public Works Kaiser, City Attorney Godlewski and City Clerk Sturn.

Also Present: Fire Chief Kloehn, Director of Human Resources & Safety Kehl, Jim Schraufnagel, Dan Bauman, Dr. Herb Allen and Lisa & Brandon Robak.

Mayor Kaufert called the meeting to order at 7:15 pm.

Clerk Sturn called a voice roll call as the Mayor/Alderpersons recorded their attendance in the RollCall-Pro System followed by the Pledge of Allegiance.

Introduction and Confirmation of Mayor's Appointments

- I. **MS Boyette/Erickson to confirm Mayor Kaufert's appointment of Daniel Bauman to fill the expired term of Michael Smaby on the Waterworks Commission, term expires October 2023. There being no objections the motion was approved by unanimous consent.**
- II. **MS Bates/Erickson to confirm Mayor Kaufert's reappointment of Gail Dolan, Robert Wedge and John Rather (1st Alt) on the Board of Appeals for a three-year terms to expire January 2023. There being no objections the motion was approved by unanimous consent.**
- III. **MS Stevenson/Bates to confirm Mayor Kaufert's appointment of Herb Allen to fill the unexpired term of Scott Boelter on the Committee on Aging for a three-year term to expire September 2022. There being no objections the motion was approved by unanimous consent.**
- IV. **MS Erickson/Lang to confirm Mayor Kaufert's appointment of Jim Schraufnagel to fill the vacant 2nd alternate position on the Board of Appeals - term expires January 2022. There being no objections the motion was approved by unanimous consent.**
- V. Daniel Bauman, Dr. Herb Allen and James Schraufnagel introduced themselves to the Council.
 - A. Clerk Sturn administered the oath to Daniel Bauman, Dr. Herb Allen and James Schraufnagel.

Proceedings

- I. **MS Lendrum/Erickson to approve the Council Proceedings of January 6, 2020 special session, December 18, 2019 regular session and November 19, 2019 special Budget Public Hearing. There being no objections the motion was approved by unanimous consent.**

Consent Agenda

- I. **MS Lendrum/Bates to approve the Consent Agenda as follows:**
 - A. **Approve Beverage Operator License Applications for: Brittany Arnold-Canter, Mystic Dombrowski, Paige Garner, Jill Gibson, Mercedes Gorski, Makenzie Jameson, Brittany Johnson, Samuel Kelly, Abby Klimek, Kristen Maes, Christopher Meyer, Jahquel Musil, Ashley Seidl, Tori Sternagel and Randall Steward. (PSSC)**
 - B. **Approve the Change of Agent for Town Council Kitchen and Bar, 133 W. Wisconsin Avenue to Jonathan Horan. (PSSC)**
 - C. **There being no objections the motion was approved by unanimous consent.**

Public Services and Safety Committee

- I. Chairman Bates reported the special meeting of January 22, 2020:
 - A. Committee recommends Council approve the purchase of a new air conditioning for the Police Department in the amount of \$59,883.00 from Energy Control & Design, Inc. using 2020 Capital Project funds. **MSCRP Bates/Lendrum, all voting aye.**
- II. Chairman Bates reported the special meeting of January 14, 2020:
 - A. Committee recommends Council adopt Preliminary Resolution No. 2020-01 for Sanitary Sewer Lateral Construction on: Abby Avenue; Clybourn Street; Center Street; Bond Street; Van Street; Monroe Street; and Lakeshore Avenue. **MSCRP Bates/Lang, all voting aye.**

Neenah-Menasha Joint Fire Rescue Finance & Personnel Committee

- I. Council President Stevenson reported from the Neenah-Menasha Joint Fire Rescue Finance & Personnel Committee meeting of January 6, 2020:
 - A. Committee recommends the Cities of Neenah and Menasha hire a replacement firefighter no earlier than February 24, 2020 and contingent upon formal notification received by the anticipated retiree. **MSCRP Stevenson/Kunz, all voting aye.**

Board of Public Works

- I. Vice Chairman Bates reported the meeting of January 7, 2020:
 - A. Information Only Items:

1. The Board approved Pay Estimate No. 1 for Contract 7-19 Breezewood Lane and Harness Farm Sanitary Sewer Construction to Dorner Inc., Luxemburg, in the amount of \$76,972.33.
 - a) At the request of Mayor Kaufert, Dir. Kaiser explained that the project going on in that area is a joint project between the City of Neenah and Town of Neenah Sanitary District No. 2 to construct a new sanitary sewer interceptor line from the end of Cumings Lane to Breezewood Lane then east along Breezewood Lane to tie into the existing sanitary sewer near Pendleton Road. This interceptor sewer line will allow the Sanitary District to remove their lift station on Cumings Lane and provide more consistent flow. A memorandum of understanding between the City and Sanitary District was approved by Council a couple of years ago and the project is now coming to fruition. The project will be completed this spring. This is in anticipation of future development in that area. Nothing is in the plans at this time.
- B. Council Action Items:
 1. The Board recommends Council approve the Final Payment for Contract No. 5-19, HMA Pavement Repair to MCC, Inc., Appleton, in the amount of \$46,036.90. **MSCRP Bates/Lang, all voting aye.**

Community Development Authority

- I. Director Haese gave a brief update on the Community Development Authority:
 - A. There is a lot of activity in the downtown. They continue work on the two multi-family projects. He hopes to move forward with those in the near future.
 1. Ald. Kunz asked for an update on the issue with PFAS chemicals at the Glatfelter Mill redevelopment site.
 2. Dir. Haese responded that the DNR has provided us with an opportunity to close but not with the exclusion of PFAS. The strategy he has taken is that we will close once that site is developed and essentially capped with buildings and structures. At that point, the risk is little to none. They continue to develop insurance options. It is a little up in the air yet. There are no issues from a grant standpoint. It is when we start to move earth that will be the next trigger point if there is one.
 3. Mayor Kaufert added the PFAS issue is an issue throughout the entire State of Wisconsin right now. The Assembly passed a bill yesterday regarding PFAS. There are many other bill coming in the near future.
 4. Dir. Haese responded to Ald. Bates indicating he does not believe there is anything that would rescind the opportunity to close on this project.

Library Board

- I. Alderperson Erickson reported from the Library Board meeting of January 15, 2020.
 - A. There are a number of activities coming up at the Library.
 1. Decluttering Program on Thursday January 23rd at 6:30 pm.
 2. Every Tuesday – Tech Help is available. Call to make an appointment.
 3. Road Tripping Gardens of Wisconsin will be held on February 3rd at 2 pm.
 4. Evolution of Cruising will be held on February 6th at 6:30 pm.
 5. Check the website for more programs.
 6. Visit the Library and check out some books.

Neenah Arts Council

- I. Alderperson Erickson reported from the Neenah Arts Council meeting of January 8, 2020.
 - A. The Council met on January 8th at Cre8Lab on S. Commercial Street. This is a classroom / workshop / training facility for all ages. It is open most days from 12 – 9 pm. If interested, check it out on Facebook or stop in for a tour.

Unfinished Business

- I. Ald. Kunz expressed concern over the fact that no action was taken at the Public Services & Safety Committee regarding Lakeshore Avenue. He is concerned over the process. He hopes we act soon.
 - A. Mayor Kaufert advised that they did have discussion in Committee on this project.
 - B. Dir. Kaiser indicated the direction he took out of Committee was to flesh out some thoughts on a public input plan to give the broader public an ability to weigh in on aspects of the design for that street. The Committee would sign off on that plan or provide him with a different direction. This would be followed by several public information meetings.
 - C. Mayor Kaufert added that the committee members are cognizant of the timing deadline. He has been vocal that he does not want to see this pushed back one year.
 - D. Council President Stevenson concurred indicating the committee gave direction to Dir. Kaiser with a strong consensus to timing so bids could be received in this construction season.

New Business

- I. Ald. Bates advised the Council that long time member of the Committee on Aging, Robert Suess, passed away last month. He was one of the members starting the school for seniors. He was a joy to work with and will be missed.
- II. Mayor Kaufert advised that staff met to discuss forthcoming agenda items. Things will begin to pick up as we get into the construction season. There are a lot of projects coming together that have been out there for a while. He advised that on

the February 5th Council meeting agenda we may start at 6 pm with a long agenda. Dir. Haese has requested 10-15 for a presentation by Building Inspector Brian Walter and Code Enforcement Katie Osthelder on the new Evolve inspection software. There will also be discussion on the borrowing for Capital Improvement Projects. We will have discussion on the Arrowhead Park bids which came in at \$2.3 million dollars well over the \$1.2 million dollars budgeted. Dir. Easker does not want to borrow the \$1.2 million dollars without a true purpose for that money. His goal is to seeking Council/staff input followed by action by the Council and move forward on the borrowing as soon as possible. That meeting will also include discussion on alcohol sales in convenience stores. Dir. Haese has put together some information and would like input. The only action that may come out of that is a directive to prepare and ordinance and bring it back. It is not yet determined the setting for these agenda items. It may be a Committee of the Whole.

- A. Ald. Stevenson indicated he thought the Park & Rec Commission was given the task of modifying the scope of work for the Arrowhead Park Project.
 - B. Mayor Kaufert indicated the meeting today was directed to that concern. Dir. Kading & Haese presented some alternatives and will put some information and get it to the Council prior to the February 5th meeting.
- III. Ald. Kunz suggested a review of carry forwards before borrowing as it may reduce the borrowing amount.
- A. Dir. Easker indicated the challenge is that this is the time of year staff is just accumulating information on where those capital projects are. The department heads would need to quickly put together a list of where they are with those projects. He could have department heads put together that information more quickly however he would like another 30-60 days. That is a tight timeframe to get accurate numbers.
- IV. Ald. Bates recognized Clerk Sturn for starting the process of training election inspectors on the Badger Books. They all attended a training by the Wisconsin Elections Commission (WEC) at UW Fox Valley last Friday. It should reduce paperwork at the polls.
- V. Mayor Kaufert reminded everyone that the ice rinks are now open. The shelter at Washington Park will be open. Check the hours on our website.
- VI. Mayor Kaufert thanked Park & Rec and Community First Credit Union for their efforts with the Winter Fest last weekend. It was well attended.
- VII. Mayor Kaufert reminded everyone of the upcoming Warm Your Hearts event downtown. Future Neenah sponsors the event which always sells out. Check their website for information.
- VIII. Mayor Kaufert / Council President Stevenson presented Dan Kalpinski, U.W. Fox Valley, with a gift certificate in appreciation of the work he does recording the Council meetings each week.

Adjournment

- I. **MSC Stevenson/Lendrum to adjourn at 7:56 p.m., all voting aye.**


Patricia A. Sturn, WCPC/MMC
City Clerk

Committee of the Whole Minutes
Wednesday, January 22, 2020 - 6:00 p.m.
Council Chambers

Purpose: 2020 Tax Increment District Analysis & Report.

Present: Aldermen Boyette, Bates, Lang, Lendrum, Erickson, Spellman, Steele, Kunz, Stevenson and Mayor Kaufert.

Also Present: City Attorney Godlewski, City Clerk Sturn, Director of Finance Easker, Director of Community Development & Assessment Haese, Director of Public Works Kaiser, City Financial Advisor Brad Viegut and Grant Birtch.

Council President Stevenson called the meeting to order at 6:05 p.m.

2020 Tax Increment District Analysis & Report

Director of Finance Easker reminded the Committee that four years ago, the City contracted with Baird to do an analysis of all of our TIF Districts. The Council directed that an update of this analysis be presented every other year. This is the third TIF District analysis that Baird has prepared. He turned the meeting over to Brad Viegut, City Financial Advisor from Baird for a presentation on the 2020 Tax Increment District Analyses & Report.

Brad Viegut, City Financial Advisor explained the purpose of TID. Tax Incremental Financing (“TIF”) is an economic development tool available to Wisconsin communities. The community administers the Tax Incremental District (“TID”), however, all taxing entities overlapping the TID benefit from the improvements the TID fosters. Those benefits include the expansion of tax base, expansion/stabilization of employment base and orderly community development/redevelopment.

Neenah has seven TIDs in existence: TID #5: Downtown Business District; TID #6: Southpark Industrial Center; TID #7: Westside Business Corridor; TID #8: Doty Island Business District; TID #9: I-41 South Industrial Redevelopment District; TID #10: Downtown Gateway Redevelopment District; and TID #11: Pendleton Development Area.

Brad briefly summarized the history of value increment, project cost detail, cash flow proforma analysis and 2015 & 2017 status comparison for each of the (7) TIF Districts and answered questions from the Committee.

Challenges include State legislative changes, Department of Revenue assessment practice changes and the economic downturn that began in late 2007 have had a significant impact on TID revenues. Economic feasibility studies included in TID project plans drafted years prior to these changes have forced Neenah to adapt to the challenge of TID revenues falling short of projections developed under an entirely different set of fiscal circumstances.

Several factors have impacted TID revenues over the past several years: State aid for public schools; great recession; Department of Revenue revised TID valuation methodology; 2013 Wisconsin Act 145 (Technical College state aid increase). Since 2014 there have been several TID Law changes that have gone into effect: 2013 Wisconsin Act 183; 2013 Wisconsin Act 193; 2015 Wisconsin Act 254; 2015 Wisconsin Act 255; 2015 Wisconsin Act 256; 2015 Wisconsin Act 257; 2017 Wisconsin Act 15; 2017 Wisconsin Act 58; 2017 Act 70; and 2017 Wisconsin Act 59.


Brad briefly outlined concluding observations: significant development and redevelopment has been fostered by the use of TID; Neenah's elected and appointed officials are highly sophisticated in their monitoring and analysis of the city's tax incremental districts; the plan to support TID #6, #8 and #10 with annual tax levy is creative in that it coincided with a reduction in the city's debt Payments; and the designation of TID #5, #6 and #8 as distressed and TID #7 a donor to TID #8 provided a mechanism for Neenah to recover the funds it has advanced in support of the TIDs.

It was the consensus of the Committee to schedule a review of the TID Analysis & Report at a future Finance & Personnel Committee meeting.

MSC Bates/Boyette to accept the 2020 Tax Increment District Analysis & Report and place it on file, all voting aye.

Adjournment

MSC Lendrum/Boyette to adjourn at 7:10 p.m., all voting aye.


Patricia A. Sturn, WCPC/MMC

CITY OF NEENAH
PUBLIC SERVICES AND SAFETY COMMITTEE MEETING MINUTES
Tuesday, January 28, 2020 - 6:30 PM
Hauser Room - City Administration Building

Present: Alderpersons Bates, Lang, Lendrum, and Stevenson

Excused: Alderperson Spellman

Also Present: Mayor Kaufert, Director of Public Works Kaiser, Police Chief Olson, Asst. Police Chief Bernice, Investigator Streubel, Traffic Engineer Merten

Minutes: Motion/Second/Carried Lendrum/Spellman to approve the minutes of the January 14, 2020, Regular Meeting. All voting aye.

Public Appearances: None

Approval of Special Assessment Report - Installation of Sanitary Sewer Lateral Construction (Abby Ave., Bond St., Center St., Clybourn St., Monroe St., Lakeshore Dr., Van St.): Director Kaiser reviewed the assessment report. He noted that these are estimated assessment charges. He stated that actual charges will be based on the work done. Committee discussed the variation in cost related to the difference in house setbacks.

Following discussion, **Motion/Second/Carried Stevenson/Lendrum to authorize the Chairman to sign the assessment report for Preliminary Resolution 2020-01: for installation of sanitary sewer laterals on Abby Avenue (North Water to Clybourn), Clybourn Street (Edna to Abby), Center Street (North Water to High), Bond Street (North Water to Edna, Van Street (S Terminus to Harrison), Monroe Street (Van to W Terminus), Lakeshore Avenue (Wisconsin to Kimberly Point)** All voting aye.

Approval for New Flooring for the Police Department: Assistant Chief Bernice reviewed his January 23, 2020, memo. He stated that the Department would like to replace 3,100 square feet of tile floor that is original to the building. He stated that \$31,000 is included in the 2020 Capital Facilities budget for this work. He noted problems with the current tile lifting, curling and cracking, and noted the tripping hazard caused by these issues. He provided the Committee with photos of the areas with poor tile. He noted that an initial proposal was received from Total Floor Covering with a price of \$36,000 for vinyl tile and \$66,000 for rubber tile. A subsequent proposal from D&M Interiors had a price of \$32,000 for vinyl and \$61,000 for rubber. The recommended proposal from D&M Flooring America is for \$22,866.42 for vinyl tile. He stated that the tile has a service life of about 15 years and comes with a 10-year warranty. He also requested approval to purchase a floor cleaning machine to replace the current unit for an amount of \$6,690.96. Assistant Chief Bernice noted that additional savings could be gained by having police department staff remove the existing tile. Committee expressed concern with injury exposure and directed staff to have the removal done by the contractor.

Committee noted the need to schedule the work to avoid the elections scheduled for this year.

REPORT

Following discussion, **Motion/Second/Carried Lang/Stevenson to recommend Council approve the installation of new vinyl flooring by D&M Flooring America for an estimated cost of \$23,000 and purchase of a new floor cleaning machine for an estimated cost of \$7,000.** All voting aye.

Approval for Vehicles for the Police Department: Investigator Streubel reviewed the memo of January 23, 2020, requesting approval to purchase vehicles for the police department. Three vehicles are requested for the Investigative Services Unit, one for the Community Service Aides, and one for the MEG unit. He noted the efforts that police staff made to evaluate their needs and right-size the vehicles based on the use of the vehicles that were being replaced. He noted that vehicles were analyzed for reliability, warranty, appearance, and cargo space. He noted the purchase incentives that are available until February 3. After evaluating available options, the department recommends the following purchases:

- Investigative Services: 2020 Chevrolet Equinox LT, 2020 Hyundai Santa Fe SE, and 2019 Dodge Grand Caravan SE. If the Hyundai Santa Fe is not available, the department proposes to purchase a 2020 Hyundai Tucson SEL.
- Community Service Aides: 2020 Chevrolet Colorado Pickup
- MEG Unit: Pre-owned 2019 Dodge RAM 1500 SLT Pickup

The budgeted amount for the vehicle purchases is \$220,000. The total estimated cost of the purchases, with incentives, is \$136,402 and the cost to outfit the vehicles is approximately \$26,598 for a total estimated purchase cost of \$163,000. He noted that the department is also looking into the possibility of additional savings by sourcing the parts used for outfitting and providing them to the company that will equip the vehicles. Committee commended Investigator Streubel on the thoroughness of the evaluation. Committee discussed the timing of the purchase relative to the availability of incentives since Council action will not occur until February 5.

REPORT

Following discussion, **Motion/Second/Carried Stevenson/Lendrum to recommend Council authorize the Police Department to negotiate the immediate purchase of vehicles to maximize incentives for a 2020 Chevrolet Equinox LT Crossover SUV, a 2020 Hyundai Santa Fe SE SUV (or alternate 2020 Hyundai Tucson SEL Crossover SUV), a 2019 Dodge Caravan SE Van, a pre-owned 2019 Dodge Ram 1500 SLT Pick Up, and a 2020 Chevrolet Colorado W/T Pickup up to a maximum of \$175,000 using 2020 Capital Equipment Funds.** All voting aye.

Assistant Chief Bernice provided the Committee with the current 10-Year Motor Vehicle Replacement Planning Worksheet.

E. Forest Ave Parking Progress Report: Traffic Engineer Merten noted that City tasks identified at the October 8, 2019, Committee meeting have been completed. These tasks included restoring three parking spaces on the north side of E. Forest Avenue adjacent to the 303 N. Commercial Street, creating three time limited spaces on the north end of Island Lane, and posting a time restriction on the 8 spaces in the City easement area of the lot north of 307 N. Commercial Street. Committee noted the impact of parking related to the Winnebago County Human Services Building. Mayor Kaufert informed the

Committee that he and Traffic Engineer Merten were scheduled to meet on January 29 with Winnebago County representatives, Scott Francis, and a Community First Credit Union representative to discuss the parking in this area. Committee requested an update after that meeting.

Licenses:

Beverage Operator License Application: The Committee reviewed the beverage operator license applications for Bradley Clements, Kendal Donson, Amy Gitter, Jean Harvath, Maria Hilgart, Kayla Jensen, Holly Krusick.

C.A. Following discussion, **Motion/Second/Carried Lendrum/Lang to recommend Council approve beverage operator license applications for Bradley Clements, Kendal Donson, Amy Gitter, Jean Harvath, Maria Hilgart, Kayla Jensen, Holly Krusick.** All voting aye

Temporary Class “B” (Art After Dark) Beer License Application – Bergstrom Mahler Museum: Committee requested that the form be modified to include the time of the event in addition to the date.

C.A. Following discussion, **Motion/Second/Carried Stevenson/Lendrum to recommend Council to grant a temporary Class “B” Beer License to Bergstrom Mahler Museum, 165 N. Park Ave, for Art After Dark to be held on February 20, March 19, April 16, May 21, June 18, July 16, August 20, September 17, October 15, November 19, and December 17, 2020.** All voting aye.

Temporary Class “B” (Friday Fish Fry) Beer License Application – St. Gabriel Parish

C.A. Following discussion, **Motion/Second/Carried Lendrum/Stevenson to recommend Council approve the Temporary Class “B” (Picnic) Beer License Application for St. Gabriel Parish, 900 Geiger Street, for their Friday Fish Fry to be held on February 28, March 6, March 13, March 20, March 27, and April 3, 2020.** All voting aye.

Public Works General Construction and Department Activity:

- 1) Contract 1-19 (Caroline, Stevens, Fifth) – Work is complete. Final quantity measurements are being made.
- 2) Contract 2-19 (Stanley Ct, Stanley St, Thomas) – Work is complete. Final quantity measurements are being made.
- 3) Contract 7-19 (Breezewood Sanitary Sewer) – The sanitary sewer interceptor has been installed from Breezewood Lane to a point approximately 2,300 feet north. When weather improves later this year, the work in Breezewood Lane will be done.
- 4) Contract 1-20 (Abby, Bond, Center, Clybourn) – Bids were opened on January 14. A memorandum of understanding with the City of Menasha is being finalized and will be brought to a future Committee meeting.
- 5) Contract 2-20 (Utilities - Van, Monroe) – Design work is ongoing.

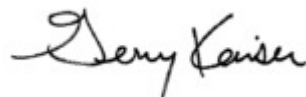
- 6) Contract 3-20 (Street - Van, Monroe, Gillingham, Shootingstar, Armstrong) – Design work is ongoing. Work on Shootingstar and Armstrong is being bid as an alternate to the base bid of Van, Monroe and Gillingham.
- 7) Contract 4-20 (Green Bay, Tullar) – Design work is ongoing. Green Bay Road has been submitted for Municipal Street Improvement Program – Discretionary funding. We should learn the outcome of that application in March. If our application is successful, this would provide funding for up to 50% of eligible project costs.
- 8) Courtney Court – Work is complete for the winter. The topcoat of asphalt will be placed later this year.
- 9) Drop-off Site – Crews have started revising the drop-off site layout. Punch cards will be delivered to the PW office the week of January 27. Mayor Kaufert noted that he intends to include information on the changes in his next Neenah Notes article. Committee noted that the changes could help encourage the repurposing of furniture and other large items.
- 10) Storm Impervious Area Audit – Staff is doing an internal audit of the impervious areas used for storm water billing and TARF charges. GIS staff prepared an updated impervious surface map and public works staff is currently doing a quality control review of that map. Once the mapping is complete, the impervious areas as determined by the map will be compared to those currently being billed. If there is a significant difference in the billed impervious area, the property owners will be notified of pending changes. The goal is to have any revised impervious areas be the basis for billing when the new billing system is fully implemented later this year.
- 11) CTH JJ/CTH CB Roundabout – Winnebago County has approved moving ahead with design of the project. Staff will be developing an MOU with Winnebago County to cover project responsibilities and cost shares.
- 12) Director Kaiser noted that rock blasting is taking place in the Castle Oak VI area in preparation for utility installation in the final phase of the Castle Oak subdivision. Committee discussed the progress of utility installation for the First Addition to Integrity Acres subdivision.

Announcements/Future Agenda Items: Committee requested that staff provide a calendar for bidding on Lakeshore Avenue.

Committee commented on the notification from Information Systems Director Wenninger regarding a ransomware attack on the City of Oshkosh computer system.

Motion/Second/Carried Stevenson/Lang to adjourn at 7:45 p.m. All voting aye.

Respectfully submitted,



Gerry Kaiser, PE
Director of Public Works

CITY OF NEENAH
FINANCE AND PERSONNEL COMMITTEE MEETING
Monday, January 27, 2020 – 6:30 p.m.
Hauser Room, Neenah City Administration Building
211 Walnut Street, Neenah, Wisconsin

MINUTES

Present: Chairman Erickson; Aldermen Boyette, Steele and Stevenson; Mayor Kaufert; City Attorney Godlewski; Director of Finance Easker.

Others Present: Director of Community Development and Assessment Haese, Director of Public Works Kaiser, Director of Human Resources and Safety Kehl.

Absent/Excused: Alderman Kunz.

Public Appearances: None.

Minutes: **Motion/Second/Carried Steele/Stevenson to approve the minutes from the December 9, 2019 Regular Meeting.** All voting aye.

Request to Fill Chief Building Inspector Position: Committee reviewed memo of Director Haese requesting to fill the vacant Chief Building Inspector position. The position will be vacant due to the announced retirement of current Chief Building Inspector Brian Walter effective February 13. Mayor Kaufert has reviewed the request and concurs with filling the vacant position. Committee and staff discussed various aspects of the request, including who will supervise the position and the required qualifications and process of hiring for the position.

Motion/Second/Carried Stevenson/Boyette to approve filling the vacant Chief Building Inspector position. All voting aye.

Request to Fill Sanitation Position: Committee reviewed memo of Director Kaiser requesting to fill the vacant Sanitation position. The position will be vacant due to the announced retirement of current Public Works Crewman Mike Handler effective in late February. Director Kaiser indicated that he anticipates the position to be filled by a current sanitation worker and that he is requesting to fill that pending vacant Sanitation position. Mayor Kaufert has reviewed the request and concurs with filling the vacant position. Committee and staff discussed various aspects of the request, including discussion on the starting wage for sanitation workers.

Motion/Second/Carried Stevenson/Steele to approve filling the Sanitation position. All voting aye.

Updates to Policy 2014-2: CDL Policy: Committee reviewed memo of Director Kehl recommending Council approve the updates to Policy 2014-2: CDL Policy. The memo indicated that the federal government has opened a Commercial Driver's License (CDL) clearinghouse that provides employers with real-time information about CDL holders' drug and alcohol program violations. This includes the requirement that employers will need to query both prospective CDL employees as well as all CDL drivers annually.

REPORT

Committee and staff discussed various aspects of the proposed updated policy. Director Kehl distributed a list of City positions that would be affected by the new policy. She also indicated that there is a cost of \$1.25 for each clearinghouse inquiry. Other issues discussed included when the requirement begins, the lookback period and how the information would be used by the City.

Motion/Second/Carried Steele/Boyette recommending Council approve the updates to Policy 2014-2: CDL Policy. All voting aye.

Storm Sewer Connection Request – 449 S. Green Bay Road: Committee reviewed memo of Director Kaiser regarding Park Air, Inc., 449 S. Green Bay Road, requesting a direct connection to the City's storm sewer system. The property is in the Town of Neenah. The company is requesting the connection to alleviate roof water drainage onto their north parking lot. Prior to this committee request, City staff has been discussing various options with the company. The options included the City charging them the standard City storm water charge for the entire lot (3.90 acres x \$5,000/acre = \$19,500), an option which the company rejected. Other options included assessing only the roof at a cost of \$1,750, an option not preferred by staff. The third option would be to develop a Service and Annexation Agreement with Pack Air to allow connection to the storm sewer systems at a reduced cost in return for the land being annexed into the City within at least a 15 year period.

Committee and staff discussed various aspects of the request and proposed options. Discussion quickly zeroed in on the Service and Annexation Agreement option with Pack Air. Issues discussed included the City's motivation to enter into such an agreement, the reasoning behind the 15 year annexation period and the estimated annual storm water fees that would be paid by Pack Air in addition to the fee to connect.

Motion/Second/Carried Stevenson/Steele to direct staff to enter negotiations with Pack Air regarding a Service and Annexation Agreement with Pack Air, 449 S. Green Bay Road, addressing the conditions for permitting Pack Air's connection to the City's storm sewer system, including eventual annexation to the City. All voting aye.

Fiscal Matters: November and December Vouchers: **Motion/Second/Carried Stevenson/Boyette to approve the November and December vouchers as presented.** All voting aye.

Motion/Second/Carried Boyette/Stevenson to convene into closed session at 7:28 p.m. pursuant to Wis.Stat. §19.85(1)(g) for the purpose of conferring with the City Attorney who will render advice regarding the Section 74.37 Assessment Appeals filed by CVS Drug Store and Wal-Mart. All voting aye.

Reconvene into open session at 7:43 p.m.

CVS & Wal-Mart Assessment Appeals:

REPORT

Motion/Second/Carried Stevenson/Steele to recommend Council retain Attorney Amy Seibel to represent the City in the assessment appeals filed by CVS Drug Store and Wal-Mart at a stated rate of \$200 per hour, with Attorney Godlewski to inform the Common Council as to the estimated hours and scope of work from Attorney Seibel prior to Common Council action. All voting aye.

Motion/Second/Carried Boyette/Stevenson to adjourn the meeting at 7:45 p.m. All voting aye.

Respectfully submitted,



Michael K. Easker, CPA
Director of Finance



Dept. of Human Resources and Safety
211 Walnut St. • P.O. Box 426 • Neenah WI 54957-0426
Phone 920-886-6102 • e-mail: lkehl@ci.neenah.wi.us
LINDSAY KEHL,
DIRECTOR OF HUMAN RESOURCES & SAFETY

MEMORANDUM

DATE: January 22, 2020
TO: Chairwoman Erickson and Members of the Finance & Personnel Committee
FROM: Lindsay Kehl, Human Resources *LKehl*
RE: Updates to Policy 2014-2: CDL Policy

Effective January 6, 2020, a new Federal Motor Carrier Safety Administration (FMCSA) Clearinghouse opened. The FMCSA Commercial Driver's License (CDL) Drug and Alcohol Clearinghouse is a secure online database that provides employers with real-time information about CDL holders' drug and alcohol program violations. As a result, employers will now be required to query prospective employees through the Clearinghouse. In addition, employers will be required to query all current CDL drivers annually. All queries will require driver consent in order for the employee to continue performing safety-sensitive functions.

As a result of these changes, the City has reviewed its current CDL policy to ensure compliance with these new regulations. I have worked closely with the City's insurance provider, CVMIC, throughout this process and have included the proposed policy changes with this memo. I have included both a copy with the tracked changes and a clean copy of what the proposed policy would look like.

Please note that the changes outlined here only apply to prospective and current CDL drivers for the City of Neenah.

Staff requests a recommendation to Council to approve the updates to Policy 2014-2: CDL Policy.



POLICY

DATE: 4/21/14, **EFFECTIVE DATE** Immediately
1/6/20
TITLE: Commercial Driver's License (CDL) Policy **NUMBER:** 2014-2
ISSUER: Common Council (Public Works, Parks & Cemetery)
Water Commission (Water Utility)
COVERAGE: Employees Required to Maintain CDL (non-seasonal)
DURATION: Indefinite

PURPOSE

As a condition of employment, employees driving certain vehicles, or operating certain equipment are required to maintain a Commercial Driver's License (CDL) as required by the Department of Transportation (DOT). Any employee whose position requires a Commercial Driver's License (CDL employee) is responsible for following the rules laid out within this policy.

The Federal Motor Carrier Safety Administration (FMCSA) has issued federal regulations (49 CFR Parts 40 and 382) implementing the provisions of the federal Omnibus Transportation Employee Testing Act of 1991 which requires alcohol and controlled substance testing of drivers who are required to have a commercial driver's license (CDL). These regulations include detailed procedures for urine drug testing and breath alcohol testing of employees involved in safety-sensitive functions.

A "safety-sensitive" function means any of the following on-duty functions:

- All time waiting to be dispatched;
- All time inspecting, servicing or conditioning any commercial motor vehicle;
- All driving time, i.e. all time spent at the driving controls of a commercial motor vehicle in operation;
- All time, other than driving time, in or upon any commercial motor vehicle;
- All time loading or unloading a vehicle, supervising or assisting in the loading or unloading, attending a vehicle being loaded or unloaded, remaining in readiness to operate the vehicle, or in giving or receiving receipts for shipments loaded or unloaded;
- All time repairing, obtaining assistance or remaining in attendance upon a disabled vehicle.

The purpose of this policy is to establish an alcohol and controlled substances testing program to help prevent accidents, injuries, and property damage resulting from the misuse of alcohol and the use of controlled substances by drivers of commercial motor vehicles. Consequently, <<City/Village Name>>the City of Neenah has established the following policy as well as subsequent enforcement of violations for its employees conducting safety-sensitive functions.

PRE-EMPLOYMENT TESTING

Any individual not currently employed by the City of Neenah who is applying for a safety-sensitive position shall be required to undergo pre-employment controlled substance testing after a conditional offer of employment has been extended.

Prior to the first time an existing employee performs safety-sensitive functions for the organization (i.e. new position, promotion, job transfer, etc.); the employee shall be required to undergo testing for controlled substances. A positive result will result in a disqualification from further consideration for the vacancy or eligibility list. Any applicant or existing employee who refuses to undergo such alcohol or drug testing will be disqualified from further consideration for employment in that safety-sensitive position.

Per §382.701 and effective January 6, 2020, the City of Neenah will obtain driver consent and subsequently conduct a pre-employment full query of the Drug and Alcohol Clearinghouse to obtain information about whether the driver has a verified positive, adulterated, or substituted controlled substances test result; has an alcohol confirmation test with a concentration of 0.04 or higher; has refused to submit to a test in violation of §382.211; or that an employer has reported actual knowledge, as defined at §382.107, that the driver used alcohol on duty in violation of §382.205, used alcohol before duty in violation of §382.207, used alcohol following an accident in violation of §382.209, or used a controlled substance, in violation of §382.213. **Please note: Until January 6, 2023, the City of Neenah will conduct both electronic queries in the Clearinghouse and manual offline inquiries to previous employers for pre-employment driver investigations (as was previously required).**

The City of Neenah will not allow a driver to perform any safety-sensitive function if the results of a Clearinghouse query demonstrate that the driver has a verified positive, adulterated, or substituted controlled substances test result; has an alcohol confirmation test with a concentration of 0.04 or higher; has refused to submit to a test in violation of §382.211; or that an employer has reported actual knowledge, as defined at §382.107, that the driver used alcohol on duty in violation of §382.205, used alcohol before duty in violation of §382.207, used alcohol following an accident in violation of §382.209, or used a controlled substance in violation of §382.213, except where a query of the Clearinghouse demonstrates:

A. if the driver **has completed** all follow-up tests as prescribed by the Substance Abuse Professional (SAP) in accordance with §40.307 and specified in the SAP report required by §40.311

1. The driver has successfully completed the SAP evaluation, referral, and education/treatment process set forth in 49 CFR Part 40, Subpart O;
2. The driver achieves a negative return-to-duty test result; and
3. The driver completes the follow-up testing plan prescribed by the SAP.

B. If the driver **has not completed** all follow-up tests as prescribed by the SAP in accordance with §40.307 and specified in the SAP report required by §40.311

1. The driver has completed the SAP evaluation, referral, and education/treatment process set forth in 49 CFR Part 40, Subpart O;
2. The driver achieves a negative return-to-duty test result; and
3. The City of Neenah assumes the responsibility for managing the follow-up testing process associated with the testing violation.

NotificationNOTIFICATION

Any CDL employee who receives a citation for any offense that has a potential penalty of the suspension or revocation of his or her driver's license shall notify the HR & Safety Director, and his or her supervisor, or his or her Department Head on the next business day that the employee is scheduled to work. A copy of the citation should be provided at that time.

Any CDL employee scheduled to appear in any court proceeding where that employee may be sentenced to a suspension or revocation of driver's license shall notify the HR & Safety Director, and his or her supervisor, or his or her Department Head at least 5 days in advance of the court date.

Any CDL employee who receives a notice from the State of Wisconsin Department of Transportation that his or her accumulation of points has reached the extent that the employee is warned of the potential loss of that employee's driver's license shall notify the HR & Safety Director, and his or her supervisor, or his or her Department Head on the next business day that the employee is regularly scheduled to work, providing a copy of the notice.

Notice under this section shall be provided to the following officials depending on the employee's work unit:

<i>Work Unit</i>	<i>Official</i>
<u>Public Works</u>	<u>Public Works Director, Street Superintendent, Assistant Street Superintendent</u>
<u>Parks Department & Cemetery Department</u>	<u>Park & Recreation Director, Park Superintendent,</u>
<u>Water Utility</u>	<u>Water Utility Director, Water Distribution Manager, Water Treatment Manager</u>
All Units	Human Resources & Safety Director

Any employee who fails to provide the required notification is subject to discipline, up to and including termination. Any employee holding a position that requires a CDL who has their CDL suspended will be terminated.

Suspension, Revocation, and Disqualification**SUSPENSION, REVOCATION, AND DISQUALIFICATION**

~~In the event of a suspension, revocation, or disqualification, a CDL employee must notify the City of Neenah immediately, prior to performing any duties requiring the license.~~

~~CDL employees who lose their license for 13 months or less and are given an Occupational license may be granted a special assignment within their restricted abilities at the discretion of the City. Factors that will be considered will include the ability to meet the needs of the department, whether the re-assignment would result in a negative impact on other employees, and whether there is a financial impact on the City.~~

~~In cases where a special assignment is granted, the employee's pay shall be red circled (frozen) frozen during the period of revocation or suspension until the employee has a validly reinstated CDL. The employee will remain ineligible for a pay increase until the first review period following the completion of the special assignment. Previously missed increases will not be credited to the employee. In addition, the employee shall not be eligible for any out of class pay during the term of the special assignment, and shall be placed at the bottom of any overtime call in list, and will only be called in if work is available within the restrictions of that employee.~~

~~An employee without a CDL shall not be allowed to drive any Commercial vehicles contrary to WI Stat. sec. 343.05(2). If the employee has an occupational Occupational license, the employee may drive non-~~

~~Commercial vehicles on public streets if they are within their designated driving times. Special assignments are not available for employees who do not have an Occupational license.~~

~~Nothing in this work rule policy is intended to limit the City's ability to discipline employees for work rule policy infractions on the job that also impact the employee's driver's license. In the event that an employee loses his drivers license (regular or CDL) for an on-the-job violation, the City may discipline the employee for that violation up to and including termination, notwithstanding this work rule policy.~~

~~At no time can there be more than one CDL employee on a special assignment within Parks, Cemetery or Water Utility, and there cannot be more than two employees on a special assignment at one time in Public Works.~~

~~The opportunity for a special assignment shall only be given to an employee once during that employee's career. A second suspension or revocation will result in an automatic termination.~~

~~Any employee holding a position that requires a GDL who is permanently disqualified will be terminated.~~

~~In the event an employee's CDL has already been suspended once, and the employee is subsequently arrested for Operating a Vehicle While Intoxicated, or a related offense, and the employee either received a chemical test result showing a prohibited alcohol content, the presence of a restricted controlled substance, or refused to submit to a chemical test of the employee's breath, blood or urine, the employee shall immediately be laid off without pay. Once the CDL employee's CDL is suspended for the second time under this rule, any layoff without pay shall be converted to a termination.~~

DRUG AND ALCOHOL CLEARINGHOUSE QUERIES

In addition to the required pre-employment Clearinghouse full query, and effective January 6, 2020, the City of Neenah will also conduct a query of the Clearinghouse at least once per year for information for all employees subject to controlled substance and alcohol testing as defined in 49 CFR Part 382 to determine whether information exists in the Clearinghouse about those employees.

To conduct the annual query referenced above, the City of Neenah will obtain the individual driver's consent and may conduct a "limited" query to satisfy the annual query requirement. The limited query will tell the City of Neenah whether there is information about the individual driver in the Clearinghouse but will not release that information to the City of Neenah. The individual driver may give consent to conduct limited queries that is effective for more than one year.

If the limited query shows that information exists in the Clearinghouse about the individual driver, the City of Neenah must conduct a full query, within 24 hours of conducting the limited query. If the City of Neenah fails to conduct a full query within 24 hours, the City of Neenah must not allow the driver to continue to perform any safety-sensitive function until the City of Neenah conducts the full query and the results confirm that the driver's Clearinghouse record contains no prohibitions as defined §382.701 (d).

REPORTING TO THE CLEARINGHOUSE

The City of Neenah must report the following information about a driver to the Clearinghouse by the close of the third business day following the date on which they obtained that information:

- (i) An alcohol confirmation test result with an alcohol concentration of 0.04 or greater;

(ii) A negative return-to-duty test result;

(iii) A refusal to take an alcohol test pursuant to 49 CFR 40.261;

(iv) A refusal to test determination made in accordance with 49 CFR 40.191(a)(1) through (4), (a)(6), (a)(8) through (11), or (d)(1), but in the case of a refusal to test under (a)(11), the employer may report only those admissions made to the specimen collector; and

(v) A report that the driver has successfully completed all follow-up tests as prescribed in the SAP report in accordance with §§40.307, 40.309, and 40.311 of the drug and alcohol regulations.

The information required to be reported under section must include, as applicable:

(i) Reason for the test;

(ii) Driver's name, date of birth, and CDL number and State of issuance;

(iii) Employer name, address, and USDOT number;

(iv) Date of the test;

(v) Date the result was reported; and

(vi) Test result. The test result must be one of the following:

(A) Negative (only required for return-to-duty tests administered in accordance with §382.309);

(B) Positive; or

(C) Refusal to take a test.

For each report of a violation of 49 CFR 40.261(a)(1) [refusal to test for alcohol] or 40.191(a)(1) [refusal to test for controlled substances], the employer must report the following information:

(i) Documentation, including, but not limited to, electronic mail or other contemporaneous record of the time and date the driver was notified to appear at a testing site; and the time, date and testing site location at which the employee was directed to appear, or an affidavit providing evidence of such notification;

(ii) Documentation, including, but not limited to, electronic mail or other correspondence, or an affidavit, indicating the date the employee was terminated or resigned (if applicable);

(iii) Documentation, including, but not limited to, electronic mail or other correspondence, or an affidavit, showing that the C/TPA reporting the violation was designated as a service agent for an employer who employs himself/herself as a driver pursuant to §382.705 (b)(6) of this section when the reported refusal occurred (if applicable); and

(iv) Documentation, including a certificate of service or other evidence, showing that the employer provided the employee with all documentation reported under §382.705 (b)(3).

Employers must report the following violations by the close of the third business day following the date on which the employer obtains actual knowledge, as defined at §382.107, of:

(i) On-duty alcohol use pursuant to §382.205;

(ii) Pre-duty alcohol use pursuant to §382.207;

(iii) Alcohol use following an accident pursuant to §382.209; and

(iv) Controlled substance use pursuant to §382.213.

For each violation in which the employer obtains actual knowledge, as defined at §382.107, the employer must report the following information:

(i) Driver's name, date of birth, CDL number and State of issuance;

(ii) Employer name, address, and USDOT number, if applicable;

(iii) Date the employer obtained actual knowledge of the violation;

(iv) Witnesses to the violation, if any, including contact information;

(v) Description of the violation;

(vi) Evidence supporting each fact alleged in the description of the violation required under paragraph §382.705 (b)(4) of this section, which may include, but is not limited to, affidavits, photographs, video or audio recordings, employee statements (other than admissions pursuant to §382.121), correspondence, or other documentation; and

(vii) A certificate of service or other evidence showing that the employer provided the employee with all information reported under paragraph §382.705 (b)(4) of this section.

Reporting Entities and Circumstances:

<u>Reporting entity</u>	<u>When information will be reported to clearinghouse</u>
Prospective/Current Employer of CDL Driver	—An alcohol confirmation test with a concentration of 0.04 or higher. —Refusal to test (alcohol) as specified in 49 CFR 40.261.
—	—Refusal to test (drug) not requiring a determination by the MRO as specified in 49 CFR 40.191.
—	—Actual knowledge, as defined in 49 CFR 382.107, that a driver has used alcohol on duty, used alcohol within four hours of coming on duty, used alcohol prior to post-accident testing, or has used a controlled substance.
—	—Negative return-to-duty test results (drug and alcohol testing, as applicable)
—	—Completion of follow-up testing.
Service Agent acting on behalf of Current Employer of CDL Driver	—An alcohol confirmation test with a concentration of 0.04 or higher. —Refusal to test (alcohol) as specified in 49 CFR 40.261.
—	—Refusal to test (drug) not requiring a determination by the MRO as specified in 49 CFR 40.191.
—	—Actual knowledge, as defined in 49 CFR 382.107, that a driver has used alcohol on duty, used alcohol within four hours of coming on duty, used alcohol prior to post-accident testing, or has used a controlled substance.
—	—Negative return-to-duty test results (drug and alcohol testing, as applicable)
—	—Completion of follow-up testing.
MRO	—Verified positive, adulterated, or substituted drug test result.
—	—Refusal to test (drug) requiring a determination by the MRO as specified in 49 CFR 40.191.
SAP	—Identification of driver and date the initial assessment was initiated.

	<u>Successful completion of treatment and/or education and the determination of eligibility for return-to-duty testing.</u>
--	---

DRIVER CONSENT AND ACCESS TO THE CLEARINGHOUSE

The City of Neenah cannot query the Clearinghouse to determine whether a record exists for any particular driver without first obtaining driver consent. The City of Neenah must retain the consent for 3 years from the date of the last query. Written consent for limited queries can be obtained by using the "General Consent for Limited Queries of the FMCSA-Drug and Alcohol Clearinghouse Form" which is attached to this policy.

Before the City of Neenah may access information contained in the driver's Clearinghouse record, the driver must submit electronic consent through the Clearinghouse granting the City of Neenah access to the following specific records:

- (1) A verified positive, adulterated, or substituted controlled substances test result;
- (2) An alcohol confirmation test with a concentration of 0.04 or higher;
- (3) A refusal to submit to a test in violation of §382.211;
- (4) An employer's report of actual knowledge, as defined at §382.107, of:
 - (i) On duty alcohol use pursuant to §382.205;
 - (ii) Pre-duty alcohol use pursuant to §382.207;
 - (iii) Alcohol use following an accident pursuant to §382.209; and
 - (iv) Controlled substance use pursuant to §382.213;
- (5) A SAP report of the successful completion of the return-to-duty process;
- (6) A negative return-to-duty test; and
- (7) An employer's report of completion of follow-up testing.

The City of Neenah cannot permit a driver to perform a safety-sensitive function if the driver refuses to grant the consent required by the paragraphs of this section.

A driver granting consent must provide consent electronically to the Agency through the Clearinghouse prior to release of information to an employer in accordance with §382.701(a)(2) or (b)(3).

A driver may review information in the Clearinghouse about himself or herself, except as otherwise restricted by law or regulation. A driver must register with the Clearinghouse before accessing his or her information.

CLEARINGHOUSE RECORDKEEPING

The City of Neenah must retain for 3 years a record of each query and all information received in response to each query made. As of January 6, 2023, an employer who maintains a valid registration with the Clearinghouse fulfills this requirement

Commercial Driver's License Acknowledgement of Receipt

I acknowledge that I have received this policy, and understand that it applies to my CDL license and employment with the City of Neenah.

I understand that it is my responsibility to ask questions or request clarification for any items I do not understand regarding this policy.

Name: _____

Signature: _____

Date: _____

**General Consent for Limited Queries of the
Federal Motor Carrier Safety Administration
(FMCSA)**

Drug and Alcohol Clearinghouse

I, _____, hereby provide consent to the City of Neenah to conduct annual limited queries of the FMCSA Commercial Driver's License Drug and Alcohol Clearinghouse to determine whether drug or alcohol violation information about me exists in the Clearinghouse, for the duration of my employment with the City of Neenah.

I understand that if the limited query conducted by the City of Neenah indicates that drug or alcohol violation information about me exists in the Clearinghouse, FMCSA will not disclose that information to the City of Neenah without first obtaining additional specific consent from me.

I further understand that if I refuse to provide consent for the City of Neenah to conduct a limited query of the Clearinghouse, the City of Neenah must prohibit me from performing safety-sensitive functions, including driving a commercial motor vehicle, as required by FMCSA's drug and alcohol program regulations.

Employee Signature

Date



POLICY

DATE: 4/21/14, **EFFECTIVE DATE** Immediately
1/6/20

TITLE: Commercial Driver's License (CDL) Policy **NUMBER:** 2014-2

ISSUER: Common Council (Public Works, Parks & Cemetery)
Water Commission (Water Utility)

COVERAGE: Employees Required to Maintain CDL (non-seasonal)

DURATION: Indefinite

PURPOSE

As a condition of employment, employees driving certain vehicles, or operating certain equipment are required to maintain a Commercial Driver's License (CDL) as required by the Department of Transportation (DOT). Any employee whose position requires a Commercial Driver's License (CDL employee) is responsible for following the rules laid out within this policy.

The Federal Motor Carrier Safety Administration (FMCSA) has issued federal regulations (49 CFR Parts 40 and 382) implementing the provisions of the federal Omnibus Transportation Employee Testing Act of 1991 which requires alcohol and controlled substance testing of drivers who are required to have a commercial driver's license (CDL). These regulations include detailed procedures for urine drug testing and breath alcohol testing of employees involved in safety-sensitive functions.

A "safety-sensitive" function means any of the following on-duty functions:

- All time waiting to be dispatched;
- All time inspecting, servicing or conditioning any commercial motor vehicle;
- All driving time, i.e. all time spent at the driving controls of a commercial motor vehicle in operation;
- All time, other than driving time, in or upon any commercial motor vehicle;
- All time loading or unloading a vehicle, supervising or assisting in the loading or unloading, attending a vehicle being loaded or unloaded, remaining in readiness to operate the vehicle, or in giving or receiving receipts for shipments loaded or unloaded;
- All time repairing, obtaining assistance or remaining in attendance upon a disabled vehicle.

The purpose of this policy is to establish an alcohol and controlled substances testing program to help prevent accidents, injuries, and property damage resulting from the misuse of alcohol and the use of controlled substances by drivers of commercial motor vehicles. Consequently, the City of Neenah has established the following policy as well as subsequent enforcement of violations for its employees conducting safety-sensitive functions.

PRE-EMPLOYMENT TESTING

Any individual not currently employed by the City of Neenah who is applying for a safety-sensitive position shall be required to undergo pre-employment controlled substance testing after a conditional offer of employment has been extended.

Prior to the first time an existing employee performs safety-sensitive functions for the organization (i.e. new position, promotion, job transfer, etc.), the employee shall be required to undergo testing for controlled substances. A positive result will result in a disqualification from further consideration for the vacancy or eligibility list. Any applicant or existing employee who refuses to undergo such alcohol or drug testing will be disqualified from further consideration for employment in that safety-sensitive position.

Per §382.701 and effective January 6, 2020, the City of Neenah will obtain driver consent and subsequently conduct a pre-employment full query of the Drug and Alcohol Clearinghouse to obtain information about whether the driver has a verified positive, adulterated, or substituted controlled substances test result; has an alcohol confirmation test with a concentration of 0.04 or higher; has refused to submit to a test in violation of §382.211; or that an employer has reported actual knowledge, as defined at §382.107, that the driver used alcohol on duty in violation of §382.205, used alcohol before duty in violation of §382.207, used alcohol following an accident in violation of §382.209, or used a controlled substance, in violation of §382.213. **Please note: Until January 6, 2023, the City of Neenah will conduct both electronic queries in the Clearinghouse and manual offline inquiries to previous employers for pre-employment driver investigations (as was previously required).**

The City of Neenah will not allow a driver to perform any safety-sensitive function if the results of a Clearinghouse query demonstrate that the driver has a verified positive, adulterated, or substituted controlled substances test result; has an alcohol confirmation test with a concentration of 0.04 or higher; has refused to submit to a test in violation of §382.211; or that an employer has reported actual knowledge, as defined at §382.107, that the driver used alcohol on duty in violation of §382.205, used alcohol before duty in violation of §382.207, used alcohol following an accident in violation of §382.209, or used a controlled substance in violation of §382.213, except where a query of the Clearinghouse demonstrates:

- A. If the driver **has completed** all follow-up tests as prescribed by the Substance Abuse Professional (SAP) in accordance with §40.307 and specified in the SAP report required by §40.311
 1. The driver has successfully completed the SAP evaluation, referral, and education/treatment process set forth in 49 CFR Part 40, Subpart O;
 2. The driver achieves a negative return-to-duty test result; and
 3. The driver completes the follow-up testing plan prescribed by the SAP.
- B. If the driver **has not completed** all follow-up tests as prescribed by the SAP in accordance with §40.307 and specified in the SAP report required by §40.311
 1. The driver has completed the SAP evaluation, referral, and education/treatment process set forth in 49 CFR Part 40, Subpart O;
 2. The driver achieves a negative return-to-duty test result; and
 3. The City of Neenah assumes the responsibility for managing the follow-up testing process associated with the testing violation.

NOTIFICATION

Any CDL employee who receives a citation for any offense that has a potential penalty of the suspension or revocation of his or her driver's license shall notify the HR & Safety Director, and his or her supervisor, or his or her Department Head on the next business day that the employee is scheduled to work. A copy of the citation should be provided at that time.

Any CDL employee scheduled to appear in any court proceeding where that employee may be sentenced to a suspension or revocation of driver's license shall notify the HR & Safety Director, and his or her supervisor, or his or her Department Head at least 5 days in advance of the court date.

Any CDL employee who receives a notice from the State of Wisconsin Department of Transportation that his or her accumulation of points has reached the extent that the employee is warned of the potential loss of that employee's driver's license shall notify the HR & Safety Director, and his or her supervisor, or his or her Department Head on the next business day that the employee is regularly scheduled to work, providing a copy of the notice. Notice under this section shall be provided to the following officials depending on the employee's work unit:

<i>Work Unit</i>	<i>Official</i>
Public Works	Public Works Director, Street Superintendent, Assistant Street Superintendent
Parks Department & Cemetery Department	Park & Recreation Director, Park Superintendent,
Water Utility	Water Utility Director, Water Distribution Manager, Water Treatment Manager
All Units	Human Resources & Safety Director

Any employee who fails to provide the required notification is subject to discipline, up to and including termination. Any employee holding a position that requires a CDL who has their CDL suspended will be terminated.

DRUG AND ALCOHOL CLEARINGHOUSE QUERIES

In addition to the required pre-employment Clearinghouse full query, and effective January 6, 2020, the City of Neenah will also conduct a query of the Clearinghouse at least once per year for information for all employees subject to controlled substance and alcohol testing as defined in 49 CFR Part 382 to determine whether information exists in the Clearinghouse about those employees.

To conduct the annual query referenced above, the City of Neenah will obtain the individual driver's consent and may conduct a "limited" query to satisfy the annual query requirement. The limited query will tell the City of Neenah whether there is information about the individual driver in the Clearinghouse but will not release that information to the City of Neenah. The individual driver may give consent to conduct limited queries that is effective for more than one year.

If the limited query shows that information exists in the Clearinghouse about the individual driver, the City of Neenah must conduct a full query, within 24 hours of conducting the limited query. If the City of Neenah fails to conduct a full query within 24 hours, the City of Neenah must not allow the driver to continue to perform any safety-sensitive function until the City of Neenah conducts the full query and the results confirm that the driver's Clearinghouse record contains no prohibitions as defined §382.701 (d).

REPORTING TO THE CLEARINGHOUSE

The City of Neenah must report the following information about a driver to the Clearinghouse by the close of the third business day following the date on which they obtained that information:

- (i) An alcohol confirmation test result with an alcohol concentration of 0.04 or greater;
- (ii) A negative return-to-duty test result;
- (iii) A refusal to take an alcohol test pursuant to 49 CFR 40.261;
- (iv) A refusal to test determination made in accordance with 49 CFR 40.191(a)(1) through (4), (a)(6), (a)(8) through (11), or (d)(1), but in the case of a refusal to test under (a)(11), the employer may report only those admissions made to the specimen collector; and
- (v) A report that the driver has successfully completed all follow-up tests as prescribed in the SAP report in accordance with §§40.307, 40.309, and 40.311 of the drug and alcohol regulations.

The information required to be reported under section must include, as applicable:

- (i) Reason for the test;
- (ii) Driver's name, date of birth, and CDL number and State of issuance;
- (iii) Employer name, address, and USDOT number;
- (iv) Date of the test;
- (v) Date the result was reported; and
- (vi) Test result. The test result must be one of the following:
 - (A) Negative (only required for return-to-duty tests administered in accordance with §382.309);
 - (B) Positive; or
 - (C) Refusal to take a test.

For each report of a violation of 49 CFR 40.261(a)(1) [refusal to test for alcohol] or 40.191(a)(1) [refusal to test for controlled substances], the employer must report the following information:

- (i) Documentation, including, but not limited to, electronic mail or other contemporaneous record of the time and date the driver was notified to appear at a testing site; and the time, date and testing site location at which the employee was directed to appear, or an affidavit providing evidence of such notification;
- (ii) Documentation, including, but not limited to, electronic mail or other correspondence, or an affidavit, indicating the date the employee was terminated or resigned (if applicable);
- (iii) Documentation, including, but not limited to, electronic mail or other correspondence, or an affidavit, showing that the C/TPA reporting the violation was designated as a service agent for an employer who employs himself/herself as a driver pursuant to §382.705 (b)(6) of this section when the reported refusal occurred (if applicable); and
- (iv) Documentation, including a certificate of service or other evidence, showing that the employer provided the employee with all documentation reported under §382.705 (b)(3).

Employers must report the following violations by the close of the third business day following the date on which the employer obtains actual knowledge, as defined at §382.107, of:

- (i) On-duty alcohol use pursuant to §382.205;
- (ii) Pre-duty alcohol use pursuant to §382.207;

- (iii) Alcohol use following an accident pursuant to §382.209; and
- (iv) Controlled substance use pursuant to §382.213.

For each violation in which the employer obtains actual knowledge, as defined at §382.107, the employer must report the following information:

- (i) Driver's name, date of birth, CDL number and State of issuance;
- (ii) Employer name, address, and USDOT number, if applicable;
- (iii) Date the employer obtained actual knowledge of the violation;
- (iv) Witnesses to the violation, if any, including contact information;
- (v) Description of the violation;
- (vi) Evidence supporting each fact alleged in the description of the violation required under paragraph §382.705 (b)(4) of this section, which may include, but is not limited to, affidavits, photographs, video or audio recordings, employee statements (other than admissions pursuant to §382.121), correspondence, or other documentation; and
- (vii) A certificate of service or other evidence showing that the employer provided the employee with all information reported under paragraph §382.705 (b)(4) of this section.

Reporting Entities and Circumstances:

Reporting Entity	When information will be reported to clearinghouse
Prospective/Current Employer of CDL Driver	An alcohol confirmation test with a concentration of 0.04 or higher. Refusal to test (alcohol) as specified in 49 CFR 40.261.
	Refusal to test (drug) not requiring a determination by the MRO as specified in 49 CFR 40.191.
	Actual knowledge, as defined in 49 CFR 382.107, that a driver has used alcohol on duty, used alcohol within four hours of coming on duty, used alcohol prior to post-accident testing, or has used a controlled substance.
	Negative return-to-duty test results (drug and alcohol testing, as applicable)
	Completion of follow-up testing.
Service Agent acting on behalf of Current Employer of CDL Driver	An alcohol confirmation test with a concentration of 0.04 or higher. Refusal to test (alcohol) as specified in 49 CFR 40.261.
	Refusal to test (drug) not requiring a determination by the MRO as specified in 49 CFR 40.191.
	Actual knowledge, as defined in 49 CFR 382.107, that a driver has used alcohol on duty, used alcohol within four hours of coming on duty, used alcohol prior to post-accident testing, or has used a controlled substance.
	Negative return-to-duty test results (drug and alcohol testing, as applicable)
	Completion of follow-up testing.
MRO	Verified positive, adulterated, or substituted drug test result.
	Refusal to test (drug) requiring a determination by the MRO as specified in 49 CFR 40.191.
SAP	Identification of driver and date the initial assessment was initiated.
	Successful completion of treatment and/or education and the determination of eligibility for return-to-duty testing.

DRIVER CONSENT AND ACCESS TO THE CLEARINGHOUSE

The City of Neenah cannot query the Clearinghouse to determine whether a record exists for any particular driver without first obtaining driver consent. The City of Neenah must retain the consent for 3 years from the date of the last query. Written consent for limited queries can be obtained by using the "*General Consent for Limited Queries of the FMCSA-Drug and Alcohol Clearinghouse Form*" which is attached to this policy.

Before the City of Neenah may access information contained in the driver's Clearinghouse record, the driver must submit electronic consent through the Clearinghouse granting the City of Neenah access to the following specific records:

- (1) A verified positive, adulterated, or substituted controlled substances test result;
- (2) An alcohol confirmation test with a concentration of 0.04 or higher;
- (3) A refusal to submit to a test in violation of §382.211;
- (4) An employer's report of actual knowledge, as defined at §382.107, of:
 - (i) On duty alcohol use pursuant to §382.205;
 - (ii) Pre-duty alcohol use pursuant to §382.207;
 - (iii) Alcohol use following an accident pursuant to §382.209; and
 - (iv) Controlled substance use pursuant to §382.213;
- (5) A SAP report of the successful completion of the return-to-duty process;
- (6) A negative return-to-duty test; and
- (7) An employer's report of completion of follow-up testing.

The City of Neenah cannot permit a driver to perform a safety-sensitive function if the driver refuses to grant the consent required by the paragraphs of this section.

A driver granting consent must provide consent electronically to the Agency through the Clearinghouse prior to release of information to an employer in accordance with §382.701(a)(2) or (b)(3).

A driver may review information in the Clearinghouse about himself or herself, except as otherwise restricted by law or regulation. A driver must register with the Clearinghouse before accessing his or her information.

CLEARINGHOUSE RECORDKEEPING

The City of Neenah must retain for 3 years a record of each query and all information received in response to each query made. As of January 6, 2023, an employer who maintains a valid registration with the Clearinghouse fulfills this requirement.

Commercial Driver's License Acknowledgement of Receipt

I acknowledge that I have received this policy, and understand that it applies to my CDL license and employment with the City of Neenah.

I understand that it is my responsibility to ask questions or request clarification for any items I do not understand regarding this policy.

Name: _____

Signature: _____

Date: _____

General Consent for Limited Queries of the Federal Motor Carrier Safety Administration (FMCSA) Drug and Alcohol Clearinghouse

I, _____, hereby provide consent to the City of Neenah to conduct annual limited queries of the FMCSA Commercial Driver's License Drug and Alcohol Clearinghouse to determine whether drug or alcohol violation information about me exists in the Clearinghouse, for the duration of my employment with the City of Neenah.

I understand that if the limited query conducted by the City of Neenah indicates that drug or alcohol violation information about me exists in the Clearinghouse, FMCSA will not disclose that information to the City of Neenah without first obtaining additional specific consent from me.

I further understand that if I refuse to provide consent for the City of Neenah to conduct a limited query of the Clearinghouse, the City of Neenah must prohibit me from performing safety-sensitive functions, including driving a commercial motor vehicle, as required by FMCSA's drug and alcohol program regulations.

Employee Signature

Date

NMFR Joint Finance & Personnel Committee Meeting Minutes
January 28, 2020 – 5:30 p.m.
2nd Floor Conference Room – City of Neenah

Present: Ald. Sevenich, Stevenson, Boyette, Grade and Ropella

Excused: Ald. Kunz

Also Present: Chief Kloehn, Director Easker and MA Ellis

Public: No members of the public were present

Ald. Sevenich called the meeting to order at 5:30 p.m.

Minutes: The Committee reviewed the meeting minutes from January 6, 2020. **MSC Boyette/Stevenson to approve the January 6, 2020 meeting minutes and place on file, all voting aye.**

Activities: The Committee reviewed the December 2019 and 2019 year-to-date activity and automatic/mutual aid reports. Ald. Ropella noted the department is responding to more medical calls versus fire calls. Ald. Stevenson noted there were a lot calls we responded to that prevented larger fires (i.e. smoke in a building, fatalities, etc.). Chief Kloehn noted that he doesn't feel that either City wants an excessive amount of fires in their Cities. We do a lot of prevention within the schools and the communities and our numbers show our prevention education is working along with our response times preventing small things to become large fires. In 2019, we had 2,936 total calls. Of these calls, 1,787 and the rest were fire related calls. **MSC Stevenson/Grade to approve the December 2019 and 2019 year-to-date activity and automatic aid/mutual aid reports and place on file, all voting aye.**

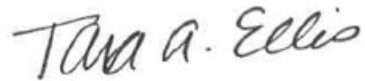
Fire Rescue Responses on Interstate 41: The Committee reviewed the information from Chief Kloehn and the Memorandum of Understanding for Fire Rescue Response on Interstate 41. This change came as a result of the major accident that occurred on February 24, 2018. This agreement would be reviewed by all participating departments in a year to see if this is still working and/or if any changes need to be made. **MSC Stevenson/Grade recommends the City of Neenah and City of Menasha Common Councils approve the Memorandum of Understanding for the Fire Response on Interstate 41 with Neenah-Menasha Fire Rescue, Town of Vinland Fire Department and Town of Neenah Fire Department, all voting aye.**

Combined Recruit Class: The Committee reviewed the information from Chief Kloehn and the Memorandum of Understanding with Oshkosh Fire Department for a combined recruit class. The agreement will be reviewed after a year to see if any changes need to be made. Both Departments will split the costs associated with the combined recruit class. Ald. Ropella noted the department already does a lot of training and asked if there is such a thing as too much training. Chief Kloehn said there is no such thing as too much training. We have to be prepared for every situation and we have to repeat things so we don't forget anything when the time is needed to perform that task. Ald Stevenson asked if a reference to potential capital equipment items be considered for any future agreements. Chief Kloehn

said he will look at that with Oshkosh once the agreement is reviewed again. **MSC Stevenson/Grade recommends the City of Neenah and City of Menasha Common Councils approve the Combined Recruit Class Memorandum of Understanding between Neenah-Menasha Fire Rescue and Oshkosh Fire Department, all voting aye.**

MSC Stevenson/Boyette to adjourn at 6:05 p.m., all voting aye.

Respectfully Submitted,

A handwritten signature in cursive script that reads "Tara A. Ellis".

Tara Ellis
Management Assistant



Memorandum

TO: NMFR Joint Finance & Personnel Committee Members

FROM: Chief Kevin Kloehn

DATE: January 23, 2020

RE: Interstate 41 Response

On Sunday, February 24, 2018, Interstate 41 had one of the worst traffic incidents in Wisconsin history. This event even further revealed the need for changes to be made for responses on Interstate 41 between Breezewood/Bell and Highway 76. This stretch of highway is within three different fire department's jurisdiction. Chief King, Chief Anderson and I all met and developed a better response plan for this area by our three departments.

I've attached the following items for your review:

1. Memorandum of Understanding for the proposed new response plan between Neenah-Menasha Fire Rescue, Town of Neenah Fire Department and Town of Vinland Fire Department. This provides detail of what the proposed new response areas. This Memorandum of Understanding has been approved by both City Attorneys.
2. A map that shows the current response districts.
3. A map that shows the proposed changes for response districts.

I am asking for consideration and action to recommend the City of Neenah and City of Menasha Common Councils both approve the Memorandum of Understanding for the Fire Response on Interstate 41.

If you have any questions, please feel free to call me at 886-6203. Thank you for your consideration.

KK/te

Enclosures

Memorandum of Understanding for Fire Rescue Response on Interstate 41

Between the Town of Neenah Fire Department (“TNFD”), the Town of Vinland Fire Department (“VFD”), and Neenah-Menasha Fire Rescue (“NMFR”), on January 1st 2020.

This Memorandum of Understanding (“MOU”) sets forth the terms and understanding between the Town, Vinland, and NMFR to facilitate responses to emergency calls for service on Interstate 41.

I. Background

On Sunday February 24, 2018 one of the worst traffic incidents in Wisconsin history happened on Interstate 41 just south of the City of Neenah. A total of 131 vehicles were involved in the crash, 71 patients were taken to area hospitals, and one person died. This event illustrated the importance of cooperation between the three agencies in order to respond appropriately to emergency calls that occur on Interstate 41 close to each communities borders. Limited access to Interstate 41 causes significant delays and safety concerns in the corridor.

II. Purpose

This MOU will provide guidance for emergency responses and the order of those responses for each department to Interstate 41 incidents.

III. Response Details

1. NMFR will respond to all emergency calls on Southbound Interstate 41 from Breezewood Lane to Highway 76.
2. VFD will respond to all emergency calls on Northbound Interstate 41 from Highway 76 to Breezewood Lane.
3. TNFD will respond to Breezewood Lane/I-41 and stage until requested for incidents in the Southbound lanes of Interstate 41. TNFD will respond upon request to any incident in the northbound lane of I-41.
4. If requested, TNFD will respond to the frontage road on either side of the highway to assist either NMFR or VFD during an incident. Access to the northbound lanes of I-41 is limited due to the CN Railway tracks.
5. The initial responding department will use their SOG’s and/or Bylaws when handling the emergency.

IV. Duration

This MOU shall be effective as of the date written above and upon signature by the authorized individual from each of the stated parties. The MOU will be reviewed annually and will remain in effect until modified or terminated by mutual consent of all parties.

Contact Information:

Town of Vinland Fire
Chris Anderson, Chief
6085 County Road T
Oshkosh, WI 54904
(920) 428-7812

Town of Neenah Fire
Edmund King, Chief
1600 Breezewood Ln.
Neenah, WI 54956
(920) 722-6623

Neenah-Menasha Fire
Kevin Kloehn, Chief
125 E. Columbian Ave.
Neenah, WI 54956
(920) 886-6200

Signatures:

Town of Vinland Fire Department
Chris Anderson, Fire Chief

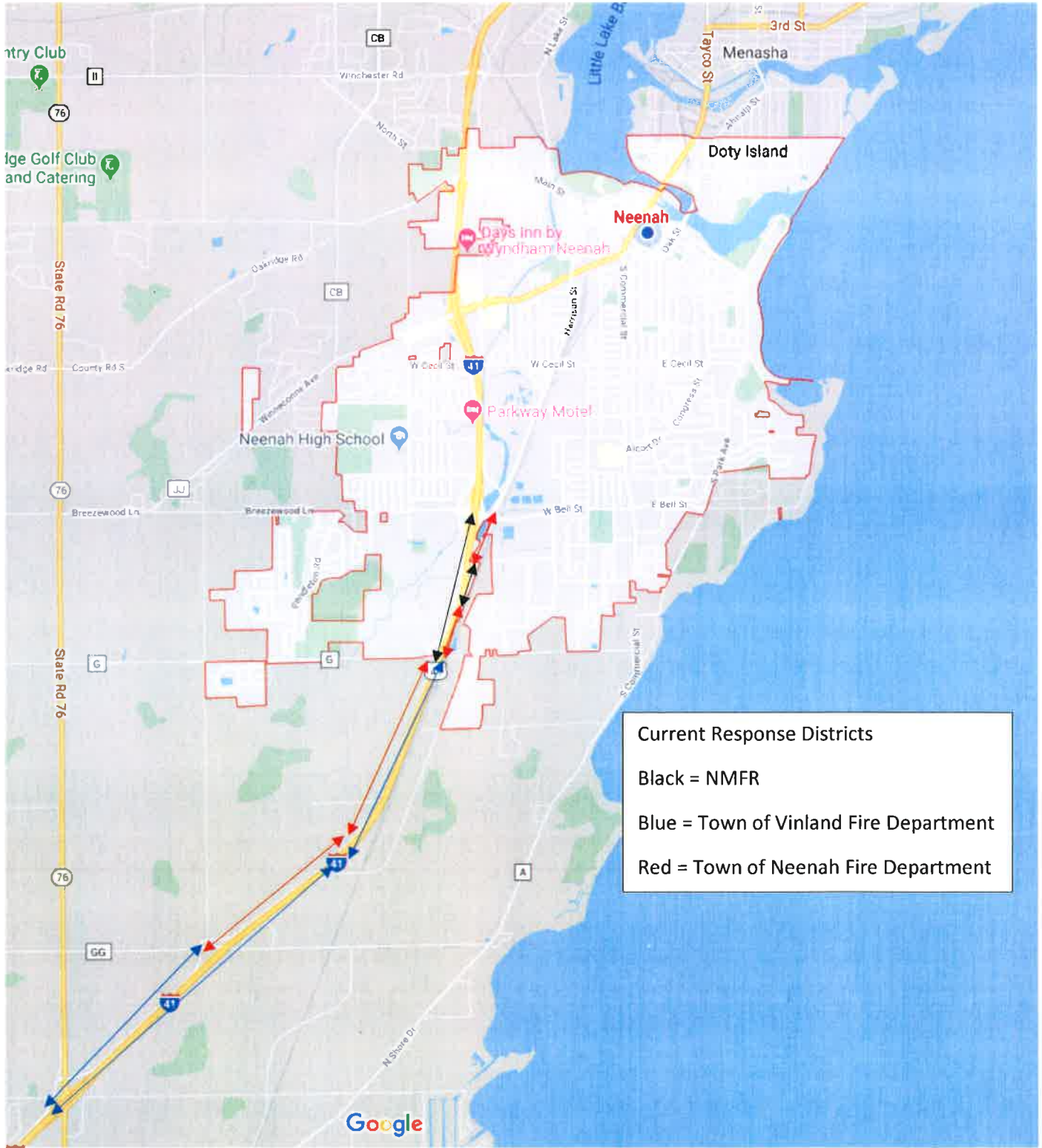
Town of Neenah Fire Department
Edmund King, Fire Chief

Neenah-Menasha Fire Rescue
Kevin Kloehn, Fire Chief

Date: _____

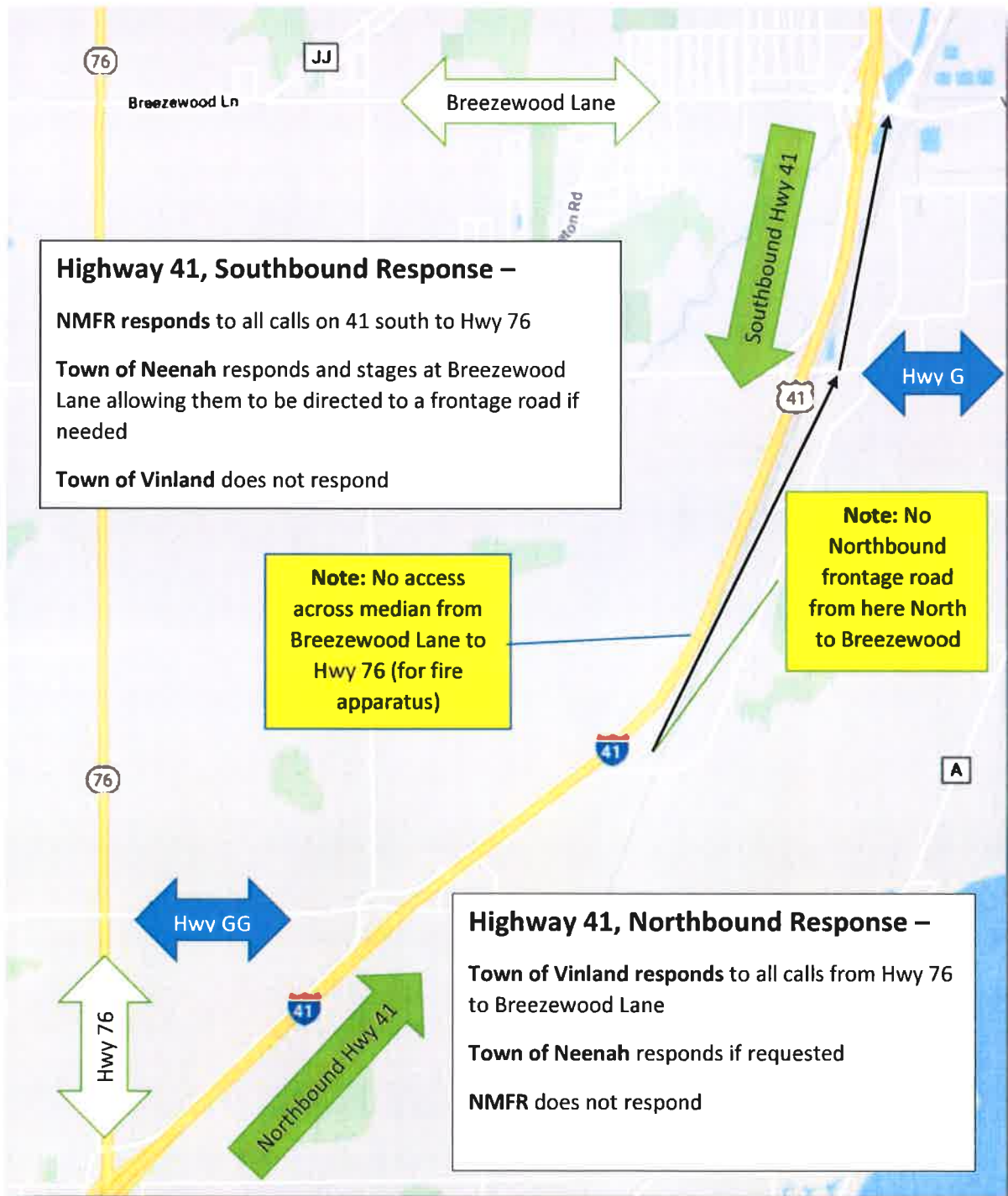
Date: _____

Date: _____



Proposed Response

HIGHWAY 41 EMERGENCY RESPONSE, BREEZEWOOD TO HIGHWAY 76





Memorandum

TO: NMFR Joint Finance & Personnel Committee Members

FROM: Chief Kevin Kloehn

DATE: January 23, 2020

RE: Combined Recruit Class

As you all know, we have been preparing for the retirements that are coming in the very near future. In addition to our department, there are several in the area that will experience the same turnover as us, one of these is Oshkosh Fire Department (OFD).

Chief Stanley, Assistant Chief Peglow, Battalion Chief Heiman and I have been meeting to explore options having a joint recruit class. Each department currently trains their own new hires separately. We are fortunate to have our own training tower/grounds where OFD has to rent space at Fox Valley Technical College's training grounds. OFD is one of our mutual aid partners with fires and water rescues so our training procedures are the same.

A majority of the Combined Recruit Academy will be held at NMFR's Training Grounds at Station 31 (1080 Breezewood Lane). Costs associated with training will be split 50/50 between each department. Both departments will provide engines, staff for training, and have a two training chiefs conducting the training.

This joint training venture will save both departments some money and keep resources within our own response districts for response to calls. This will also benefit staff to continue to train with each other and be prepared when we respond to mutual aid calls. In addition, it will help both departments meet the ISO and NFPA requirements of joint training hours.

I have attached a proposed Memorandum of Understanding for the Combined Recruit Class that has been reviewed, and approved, by both City Attorneys.

I am asking for consideration and action to recommend the City of Neenah and City of Menasha approve the Combined Recruit Class Memorandum of Understanding between Neenah-Menasha Fire Rescue and Oshkosh Fire Department.

If you have any questions, please feel free to call me at 886-6203. Thank you for your consideration.

KK/te

Enclosure

COMBINED RECRUIT CLASS
MEMORANDUM OF UNDERSTANDING

This Combined Recruit Class Memorandum of Understanding (the "MOU") entered into this _____ day of _____, 2020 by and between Neenah-Menasha Fire Rescue ("NMFR"), and Oshkosh Fire Department (OFD).

WITNESSETH

WHEREAS, NMFR is a fire department that hires and trains new recruits throughout the year; and,

WHEREAS, OFD is a fire department that hires and trains new recruits throughout the year; and,

WHEREAS, NMFR and OFD are both located along the west side of Lake Winnebago and service areas and communities close to each other; and,

WHEREAS, NMFR and OFD seek to join together to train new recruits to save on costs, increase training knowledge base, and create a more effective and diverse recruiting class.

NOW THEREFORE, in consideration of the mutual promises contained herein, the parties agree to the following terms and conditions.

1. NMFR and OFD will hold two (2) Recruit Firefighter Classes each year; one in spring and one in fall.
2. NMFR and OFD trainers will participate in both classes even when they do not have any recruits in the session.
3. The specific dates of the classes will be mutually agreed upon by the Chief of each department.
4. Recruit Classes will be held at the NMFR Training Center and the NMFR Training Tower located at Station #31, 1080 Breezewood Lane, Neenah, WI 54956 (the "Facility").
5. NMFR and OFD will share in the cost of training materials needed on a 50-50 basis. As a basis for developing the cost-sharing arrangement, the chiefs for both departments shall annually at the time of budget preparation create a budget for training in the succeeding year. The cost to train shall include a stipend for electricity and heating of the Facility
6. Recruit Classes will be a five (5) week course held five (5) days a week, eight (8) hours a day.
7. NMFR and OFD will provide staffing to assist in each recruit classes as mutually agreed upon by each department and at times may oversee members from the other department.
8. NMFR will provide the classroom space and training grounds along with an Engine and/or Quint. OFD will be providing extra engines and ladder trucks as needed. There may be certain days that OFD hosts a class at an OFD station to better utilize equipment,

but such a condition would be determined and approved in advance by the chiefs of each department.

9. OFD shall be allowed to park equipment in Station #31 apparatus bay.
10. NMFR and OFD personnel and recruits shall be considered employees of their respective organizations at all times during the Recruit Class for all purposes including wages, salary, fringe benefits, retirement contributions, social security contributions, disability retirement contributions or benefits, unemployment compensation contributions or benefits, and workers compensation benefits.
11. NMFR and OFD shall indemnify and hold the other harmless from and against any and all claims, demands, actions, rights of action, damages, costs and expenses which shall or may arise by virtue of anything done or not done by the indemnifying party, except where caused by the willful misconduct of the party. Nothing in this agreement shall be construed to waive either party's rights and benefits under law, with regard to governmental immunity and limitation of liability pursuant to Wis. Stat. § 893.80.
12. In the event a major cost is incurred to repair any of the training materials or equipment, the cost will be shared evenly by NMFR and OFD.
13. This agreement shall continue into perpetuity or until either party, with sixty (60) days written notice, notifies the other party of its intention to terminate the agreement.
14. Any notice required or desired to be served by either party upon the other may be served by depositing such notice in United States mail and addressed as follows:

To NMFR:

Neenah-Menasha Fire Rescue
Attn: Fire Chief
125 E Columbian Ave
Neenah, WI 54956

Neenah City Attorney
211 Walnut St.
Neenah, WI 54956

Menasha City Attorney
100 Main St.
Menasha, WI 54952

To OFD:

Oshkosh Fire Department
Attn: Fire Chief
101 Court St
Oshkosh, WI 54901

Oshkosh City Attorney
215 Church Ave.
Oshkosh, WI 54903

Notices shall be deemed delivered two (2) business days after mailing.

IN WITNESS WHEREOF, the parties hereto accept the terms of this Agreement as of the
____ day of _____, 2020.

Neenah-Menasha Fire Rescue

By: _____
Fire Chief

Oshkosh Fire Department

By: _____
Fire Chief

STATUS OF COUNCIL DIRECTIVES ISSUED SINCE JULY 1, 1981

Date: February 5, 2020

Date of Directive: 4/17/2018

Item: Review the street assessment policy – Ordinance Chapter 13.5(D) (2).

Responsible Party: Ald. Lendrum

Status: Pending