



**City of Neenah
COMMON COUNCIL AGENDA
Organizational Meeting**

Tuesday, April 17, 2018- 7:00 p.m.

**Neenah City Hall
Council Chambers**

I. Roll Call and Pledge of Allegiance.

SWEARING IN CEREMONY

- Mayor – Dean Kaufert
- Alderman District One – Danae Steele
- Alderman District Two – Marge Bates
- Alderman District Three – Todd Stevenson

ORGANIZATIONAL MEETING

- **Motion that Rules of Order of the previous Council be adopted as rules to govern this Council until modified by proper action of the Council.**
- Election of Officers:
 - **President of the Council.**
- Mayor's appointments to the Standing Committees, one-year terms expire April 2019.
 - Finance & Personnel – (4) Aldermen & the Council President. Previously held by Aldermen Erickson, Boyette, Kunz, Pollnow and Council President Stevenson.
 - Public Services & Safety – (4) Aldermen & the Council President. Previously held by Aldermen Bates, Hillstrom, Lendrum, Lang and Council President Stevenson.
 - Committee on Rules – (3) Aldermen. Previously held by Aldermen Pollnow, Kunz and Hillstrom.
 - Legislative Review – Mayor Kaufert, the Council President and the Chair of the Finance & Personnel Committee. Previously held by Mayor Kaufert, Alderman Stevenson and Alderman Pollnow.
 - N-M Joint Fire Finance and Personnel Committee – the Council President, a member of the Finance & Personnel Committee and an at large Alderman. Previously held by Council President Stevenson, Alderman Pollnow and Alderman Kunz.
 - **Motion to confirm the Mayor's appointments to the Standing Committees.**
 - Short recess to permit organizational meetings of the Standing Committees to elect chair, vice-chair and set meeting date.

- Organizational report of the Standing Committees
 - Finance and Personnel Committee
 - Report elected Chair, Vice-Chair and meeting dates
 - Public Services and Safety Committee
 - Report elected Chair, Vice-Chair and meeting dates.
 - Committee on Rules
 - Report elected Chair, Vice-Chair. Committee meets on call.
 - Legislative Review Committee
 - Report elected Chair, Committee meets on call.
- Mayor's appointment of:
 - Carol Kasimor as City of Neenah representative to the Fox Cities Transit Commission for a 3-year term to expire in April 2021.
 - Dir. of Finance Easker to Fox Cities Room Tax Commission. Term expires April 2019.
 - James B. Gunz to Fox Cities Room Tax Commission for a term to expire April 2019.
 - Himself to the Exhibition Center Advisory Committee of the Appleton Redevelopment Authority. Term to expire April 2019.
 - Ald. Tami Erickson to chair the Neenah Arts Council for a term to expire April 2019.
 - Ald. Hillstrom and Bates to the Board of Public Works for a one year term to expire April 2019.
 - Randall Fieldhack and Patricia Rickman, to the Library Board for a three year term commencing May 1, 2018 and ending April 30, 2021.
 - John Ahles to the Community Development Authority (CDA) for a four-year term expire April 2022.
 - Nick Piergrossi to the Plan Commission, three-year term to expire April 2021.
 - Mayor, Fire Chief Kloehn, City Attorney Godlewski, City Clerk Sturn, Director of Community Development & Assessment Haese, Director of Finance Easker, Director of Public Works Kaiser, Director of the Water Utility Taylor, Police Chief Wilkinson, Director of Information Systems Wenninger, Director of Parks & Recreation Kading, Director of Library Services Raab, Director of Human Resources & Safety Barber, Council representative Alderman Lendrum, Winnebago County Health Representative Doug Gieryn, School Superintendent Pfeiffer and a Red Cross Representative to the Emergency Government Committee, 1-year term expires April 2019.
 - (1) Alderman as his representative on the Bergstrom Mahler Museum Board of Directors, one-year term expires April 2019. Previously held by Alderman Erickson.
 - (1) Alderman as Council representative to the Library Board, one-year term expires April 2019. Previously held by Alderman Erickson.
 - (1) Alderman as Council representative to the BID Board, one-year term expires April 2019. Previously held by Alderman Lang.

- **Motion to confirm the Mayor's appointment.**
- Swearing in ceremony
 - Community Development Authority (CDA) - John Ahles
 - Fox Cities Transit Commission - Carol Kasimor
 - Library Board - Randall Fieldhack and Patricia Rickman
 - Plan Commission – Nick Piergrossi
- Council appointment of:
 - (1) Alderman as Council representative to the Joint Review Board for a one-year term to expire April 2019. Previously held by Alderman Bates.
 - (1) Alderman as Council representative to the Water Works Commission for a one-year term to expire April 2019. Previously held by Alderman Boyette.
 - (1) Alderman as Council representative to the Plan Commission for a one-year term to expire April 2019. Previously held by Alderman Lang.
 - (1) Alderman as Council representative to the Loan Assistance Board for a one-year term to expire April 2019. Previously held by Alderman Lendrum.
 - (1) Alderman as Council representative to Park & Recreation Commission for a one-year term to expire April 2019. Previously held by Alderman Kunz.
 - (1) Alderman as Council representative to the Landmarks Commission for a one-year term to expire April 2019. Previously held by Alderman Lang.
 - **Motion to confirm the Council appointments.**

MAYOR KAUFERT, STATE OF THE CITY REPORT

- II. Introduction and Confirmation of Mayor's Appointment(s).
 - A. Mayor Kaufert's appointment of Morgan Cottrell to fill the unexpired term of Pamela Barnes as Future Neenah Rep on the Sustainable Neenah Committee for an indefinite tenure. **(RollCall-Pro)**
 - B. Swearing In.
- III. Approval of Council Proceedings of April 4, 2018 regular session, Committee of the Whole minutes of March 26, 2018 and Joint Committee of the Whole/Park & Recreation Commission minutes of April 9, 2018. **(RollCall-Pro)**
- IV. Public Hearings. (None)
- V. Reports pertaining to the public hearings. (None)
- VI. Public Forum.
- VII. Mayor/Council consideration of public forum issues.

VIII. Consent Agenda.

- A. Approve the Beverage Operator License Application for Alex B. Wendt. **(PSSC)**
- B. Approve the Street Use Permit for the Bazaar After Dark Night Market, sponsored by the Fox Cities Chamber, Nikki Hessel, 125 N. Superior Street, Appleton, to be held on July 19, 2018 and to confirm that the cost estimate total for this event will be waived as an experiment to determine actual city service costs for this type of event. **(PSSC)**
- C. Approve a Temporary Class "B" (picnic) Beer & Wine License to the Pulse Young Professionals Network - Bazaar After Dark Night Market conditioned on the beer garden being located on property abutting S. Commercial Street and that staff inform the Council of the selected location of the beer garden. **(PSSC)**
- D. Approve the Street Use Permit for the JDRF One Walk, sponsored by the Juvenile Diabetes Research Foundation, Dana Paschen, 1800 Appleton Road, Ste. 2, Menasha to be held on May 19, 2018. **(PSSC)**
- E. **(RollCall-Pro)**

IX. Reports of standing committees.

- A. Regular Public Services and Safety Committee meeting of April 10, 2018: (Chairman Bates) (Minutes can be found on the City web site)
 - 1. The Committee recommends Council adopt Ordinance No. 2018-05 amending Section 21-38 of the Code of Ordinances relating to Fences and Similar Structures. **(RollCall-Pro)**
 - 2. The Committee recommends Council authorize Staff to initiate a petition to annex Lot 5 of Armstrong's Original Plat and a portion of the Armstrong Street right-of-way in the Town of Neenah. **(RollCall-Pro)**
 - 3. The Committee recommends Council approve the necessary contracts with Go Green Recycling for demolition of 1311 S. Commercial Street at a cost of \$24,500. **(RollCall-Pro)**
 - 4. The Committee recommends Council adopt Final Resolution No. 2018-14 for installation of curb, gutter and pavement on Kingswood Drive (Nature Trail to Shootingstar), Remington Road (Nature Trail to Shootingstar), Paintbrush Road (Kingswood to Remington) and Shootingstar (Kingswood to Remington) with a deferred special assessment billing that would place the special assessment on the property tax bill in December 2019. **(RollCall-Pro)**
- B. Regular Finance and Personnel Committee meeting of April 9, 2018: (Chairman Pollnow) (Minutes can be found on the City web site)
 - 1. The Committee recommends Council proceed with the acquisition of 219 Martens Street at the agreed upon price of \$100,000 to be funded from the TIF 10 Capital Fund. (To be acted on following a report from the CDA)
 - 2. The Committee recommends Council approve the Sixth Amendment to Development Agreement with Plexus Corp. for the planned DC2 Development. **(RollCall-Pro)**
 - 3. The Committee recommends Council adopt Ord. 2018-06 Repealing and Recreating the Room Tax Ordinance. **(RollCall-Pro)**

4. The Committee recommends Council approve the Fox Cities Exhibition Center Fiscal Agency Agreement. **(RollCall-Pro)**
 5. The Committee recommends Council approval to make a 2017 transfer of \$178,239 from the Benefit Accrual Fund to the General Fund to offset the loss of revenue caused by the mandated reduction of market value on City investments for fiscal year 2017. **(RollCall-Pro)**
- X. Reports of special committees and liaisons and various special projects committees.
- A. Regular Plan Commission meeting of April 10, 2018: (Cancelled)
 - B. Community Development Authority meeting of April 9, 2018: (Ald. Hillstrom/Lendrum) (Minutes can be found on the City web site)
 1. The CDA recommends Council proceed with the acquisition of 219 Martens Street at the agreed upon price of \$100,000. **(RollCall-Pro)**
 2. Update from the CDA – Chris Haese
 - C. Committee of the Whole meeting of March 26, 2018: (Council President) (Minutes can be found on the City web site)
 1. The Committee recommends Council move forward with the automated in-house garbage and recycling collection. **(RollCall-Pro)**
 - D. Board of Public Works meeting of April 10, 2018: (Vice Chairman Hillstrom) (Minutes can be found on the City web site)
 1. Informational Items:
 - a) The Board approved Change Order No. 4 for Contract PR01-17 the Fox River “Loop the Lake” Project for the additional cost of the bump out canopy to Pheifer Brothers Construction Company, Inc., Neenah in the amount of \$11,839.94.
 - b) The Board approved Pay Request No. 5 for Contract PR01-17 the Fox River “Loop the Lake” Project to Pheifer Brothers Construction Company, Inc., Neenah in the amount of \$129,974.10.
 - c) The Board approved Pay Estimate No. 2 for Contract 8-17 Commerce Court Pond Expansion and Storm Sewer Installation to Carl Bowers & Sons Construction Co., Inc., to Carl Bowers & Sons Construction Co., Inc., Kaukauna, in the amount of \$46,086.50.
 - d) The Board approved Pay Estimate No. 1 for Contract 1-18 sewer and water main & street construction on Andrew Avenue, Richard Avenue, Geiger Street and Whiting Court to David Tenor Corporation, Green Bay in the amount of \$178,362.31.
 - E. Library Board
 1. Report from the Library Board – Ald. Erickson
 - F. Neenah Arts Council
 1. Report from Neenah Arts Council – Ald. Erickson
- XI. Presentation of petitions.
- A. Any other petition received by the City Clerk’s Office after distribution of the agenda.

- XII. Council Directives.
- A. **MS Lendrum/Pollnow to add the Council Directive to Review the street assessment policy – Ordinance Chapter 13.5(D) (2) back on the Council Directives listing Ald. Lendrum as the responsible party.** (Motion made at the April 4, 2018 Council meeting) (Vote required at this meeting) **(RollCall-Pro)**
- XIII. Unfinished Business.
- XIV. New Business.
- A. **Mayoral Proclamation 2018-01 – Declaring a Snow Emergency April 14, 2018 through April 16, 2018. (Motion to ratify) (RollCall-Pro)**
- B. Discuss dates for Council picture – availability of Alderman/staff on May 16th, June 6th or June 20th. Group picture and (1) headshot for Ald. Steele.
- C. Mayor Kaufert's announcement of his appointment to fill the expired term of Mark Keating on the Neenah-Menasha Joint Fire Commission, term expires May 2021, will be announced at the May 2, 2018 Council meeting.
- D. The 2018 League of Wisconsin Municipalities Local Government 101 will be held on June 8, 2018 at the Radisson Paper Valley in Appleton – any Council member interested should complete the form and submit it to the Clerk's Office no later than May 10th so reservations can be made.
- E. 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, April 4, 2018 - 7:00 p.m.

The Common Council of the City of Neenah, Winnebago County, Wisconsin, met in regular session at 7:00 p.m., April 4, 2018 in the Council Chambers of Neenah City Hall.

Mayor Kaufert in the chair.

Present: Aldermen Boyette, Bates, Hillstrom, Lendrum, Erickson, Lang, Pollnow, 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: Police Chief Wilkinson, Police Captain Olson, NM Fire Shift Commander Ryan Krings, Scott Boelter, Bob & Cheri Page, Mary Miller, Jerry & Ann Stein, Jim & Janie Kinder, Justin & Angela Freier, Rick Johnson, Nick Kurtz, Robert & Becky Nicholas, Mark & Toni Chamberlain, Tom & Tootie Skibba, Larry Krueger, Eric Matson, Jeff & Dawn Linski, Justin Coussoule, William Nedd and Ryan Betker.

Mayor Kaufert called the meeting to order at 7:00 pm.

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

Introduction and Confirmation of Mayor's Appointment(s)

- I. **MSCRIP Bates/Erickson to confirm Mayor Kaufert's appointment of Jim Kluge to fill the vacant position created by the resignation of Laurie Olson on the Neenah Arts Council for an indefinite tenure, all voting aye.**

Public Hearing

- I. Consider Special Assessment for curb, gutter and pavement construction on Kingswood Drive (Nature Trail to Shootingstar), Remington Road (Nature Trail to Shootingstar), Paintbrush Road (Kingswood to Remington) and Shootingstar Drive (Kingswood to Remington in Eaglecrest Subdivision.
 - A. Dir. Kaiser summarized the bid tabulations indicating the base bid was for the streets in Nature Trails and the alternate bid (combined bid) included streets in Eaglecrest. The base bid pricing for Contract 3-18 reduced the estimate front footage assessment for Nature Trails from \$110 down to \$78.93 due to some design changes and very good pricing. The combined (2018) bid for both Nature Trail and Eaglecrest brought the assessment rate down from \$80 per assessable foot down to \$67.52. There were four bidders for asphalt pavement on this contract and the low bid had pricing for asphalt \$1.50 per ton lower than they saw two years ago and \$8 less than we saw last year. The 2020 estimate for Eaglecrest was \$67.52 per assessable foot. These prices are subject to volatility in the oil market. The aprons also came in lower

than estimated. Both the concrete and asphalt aprons were bid out. The concrete apron stayed close to the engineers estimate and consistent with two years ago. The asphalt apron estimate came in significantly lower than estimated and what we saw two years ago. They estimated \$4 per square foot and 3 or the 4 bidders were in the \$3.50 to \$4.00 range while the winning bidder was at \$1.80, a significant difference. Regardless of which route the Council goes with the contract, property owners will be sent a notice that they have the option to select either concrete or asphalt aprons. The unit price will be included since this is a direct cost to the homeowner.

1. Ald. Bates asked for clarification that the Eaglecrest 2020 estimate at \$67.52 would be taking advantage of Nature Trail being done now and covering all the street and intersections.
 2. Dir. Kaiser concurred indicating the base project for Nature Trails in 2018 included the easterly section of Nature Trail Drive and Remington Court which really lies within the Eaglecrest Plat.
- B. Larry Krueger, 1548 Kingswood Drive, asked if sidewalks will be included in this project.
1. Dir. Kaiser responded that in the Eaglecrest area, the only sidewalks noted on the development plat are on Paintbrush Road so those are included as part of the bid. That is the extent of sidewalks in that area other than Nature Trail Drive.
 2. Mr. Krueger asked if there has been any consideration of extending Shooting Star Drive through to the Town Road of Armstrong.
 3. Dir. Kaiser advised that that extension was in the budget a number of years ago and has been carried forward in the budget. An annexation process needs to be worked through before this could be done. If that can be accomplished this year, it could potentially be tied into this contract. It is not part of the plan at this point.
 4. Mr. Krueger responded he would enjoy having the second exit from their area versus going all the way down to Nature Trails and out Pendleton Road. He questioned what will happen to their blacktop apron they currently have.
 5. Dir. Kaiser indicated he encouraged most of the builders to put in a thinner than regular apron because we knew it would be temporary. He is not sure, in Mr. Krueger's case, what was constructed. The contactors will save what they can but for the most part they will need to go back to the property line to match the road grade. They can help anyone out determining where the property line is if they would like.
- C. Eric Matson, 1560 Kingswood Drive, questioned if everyone needs to have the same type of apron.
1. Dir. Kaiser advised that each property owner makes their individual selection as to the type of apron they would like.
- D. Jeff Linski, 1563 Kingswood Drive, questioned if any thought was put forward to not installing sidewalk in that area because there are already three sidewalks leading into the preserve that go nowhere. He would rather see those dollars go toward curb and gutter. Sidewalks that go nowhere make no sense.

1. Dir. Kaiser advised that the money for the sidewalk was escrowed by the developer. It was specifically set aside in the developer agreement to go toward sidewalk.
 2. City Atty. Godlewski confirmed those dollars are in trust for sidewalks. Using those dollars elsewhere would be a policy decision by the Council.
 3. Mayor Kaufert added that the Council could change the policy.
- E. William Nedd, 1516 Remington Road, asked for a timeline for this project. He questioned if Eaglecrest is for sure being done in 2018.
1. Mayor Kaufert advised that it will be decided tonight if Eaglecrest will be included.
 2. Mr. Nedd questioned what is being done to lock in favorable pricing.
 3. Mayor Kaufert advised that the City is not bound to but typically takes the low bidder if they meet all qualifications. Accepting the bids would lock in the pricing.
 4. Mr. Nedd questioned the replanting of the grass, particularly if it is late in the year.
 5. Dir. Kaiser advised that if it is late in the season, dormant seeding would be done plus the warranty on the contract includes the terrace work which would be top soiling and seeding. If they feel that needs to be improved next year they can follow up with it next year.
- F. Robert Page, 1329 Shootingstar Drive, questioned if the City makes money off of this.
1. Mayor Kaufert advised the City does not make money from this, there is no profit. In fact there are additional expenditures that cost the City additional money. We also own property that is being assessed. There is not profit.
 2. Mr. Page questioned if a new assessment will go out to the property owners in this area upon completion of the project.
 3. City Atty. Godlewski indicated the assessment value of the property will not change.
 4. Ald. Stevenson added unless something else drives a reassessment. The project itself does not trigger a reassessment.
 5. Dir. Haese clarified that the City is under taking a citywide revaluation over the next two years. If you get a notice of revaluation, it is coincidence and is not relative to this project.
- G. Mark Miller, 1515 Kingwood Drive, questioned the distance of the apron.
1. Dir. Kaiser advised that the distance for the apron is from the back of curb to the property line, roughly 15 feet.
 2. Mr. Miller asked if they will drop some gravel in if he decide to go with his own source for the apron so he does not have big drop down until he can get his contractor in.
 3. Dir. Kaiser advised they will make it passable until he is ready to move on with his apron.
- H. Nick Kurtz, 1577 Remington Drive, questioned if Eaglecrest would wait until 2020 it would be cheaper.

1. Dir. Kaiser added that is correct based on the pricing received today. Last year the pricing on asphalt was about \$8 higher. The market can be volatile on these things. Past performance is no indication of future results.
 2. Mr. Hurt asked how they will access their homes during construction.
 3. Dir. Kaiser indicated they try to keep access to the driveways as much as possible. When the curb is curing and when string line is set for the curb property owners would not have access to their driveways. As work moves around, they will be able to park in the general neighborhood.
 4. Mayor Kaufert added that in the past we have given residents effected by these street projects a permit to allow them to park on the streets.
- I. Rick Johnson, 1561 Remington Road, questioned deferment of payment for one year for Eaglecrest Subdivision resident. He also questioned the proposed interest rate.
1. Mayor Kaufert advised that staff and the Board of Public Works have discussed deferment of the assessment however that action will be taken at the next meeting. Council members are interested in hearing those possibilities. There has been talk about sending those bills out after December of this year which would make them payable in 2019. The possibility exists for both Eaglecrest and Nature Trail or just Eaglecrest.
 2. Dir. Easker clarified the 2018 interest rate has been set at 5%. The 2019 rate is not set yet. The policy is prime plus and is determined by the Council each year.
 3. City Atty. Godlewski added that the concept of deferring the assessment payment will be discussed at the Public Services & Safety Committee meeting next week Tuesday.
- J. Larry Krueger, 1548 Kingswood Drive, indicated his viewpoint is not shared by all the residents of Eaglecrest but he feels sooner is better than later.
- K. Ryan Betker, 1544 Kingswood Drive, questioned the perceived schedule for starting the project and completion.
1. Dir. Kaiser advised that a preconstruction meeting has not been scheduled yet however the subcontractor is anxious to get in. He feels they will be mobilized by late April and possibly pouring curb by mid-May. This is a fairly extensive project therefore he feels the project will extend into September. This is a working day contract with a fixed completion date.
 2. Mr. Betker added that for him, the deferral will be the key decision as to whether or not they support moving forward with this. Deferring makes it more appealing particularly since they found out about this fairly late in the game.
- L. There being no further appearances, Mayor Kaufert declared the public hearing closed at 7:34 pm.

MSC Stevenson/Pollnow to move up agenda item X(C)(1)(a) report from the Board of Public Works awarding Contract 3-18, all voting aye.

Board of Public Works

- I. Vice Chairman Hillstrom reported the meeting of April 4, 2018:
 - A. Board recommends Council award Contract 3-18 Nature Trail Subdivision Street Construction to the low bid from MCC Inc., Appleton for the Alternate Bid in the amount of \$1,711,633.97. **MSCRP Hillstrom/Lendrum to award Contract 3-18 Nature Trail Subdivision Street Construction to the low bid from MCC Inc., Appleton for the Alternate Bid in the amount of \$1,711,633.97 with the additional \$352,942.00 funding coming from the Public Infrastructure Fund Reserve carried, by a 9-0 RollCall-Pro System vote , all voting aye.**

Consent Agenda

- I. **MSCRP Pollnow/Stevenson to approve the Consent Agenda as follows:**
 - A. **Approve Beverage Operator License Applications for: Teagen A. Baird, Patrick T. Boettcher, Andrea V. Delver, Chelsea R. Fraley, Jason S. Harttert, Victoria E. Jambretz, Joseph M. Oldenburg and Sean P. Wipfli. (PSSC)**
 - B. **Approve the Beverage Operator License Application (new) for Michael R. Miller Jr. contingent upon payment of all delinquent City fees. (PSSC)**
 - C. **Grant a Temporary Class "B" (picnic) Beer & Wine License to the Bergstrom-Mahler Museum for their Arts Festival - Raise Your Glass for the event being held on July 15, 2018 at 165 N. Park Avenue. (PSSC)**
 - D. **Approve the 2 Lot CSM along W. Winneconne Avenue. (PC)**
 - E. **Approve the location of the art installation between Herb and Dolly Smith Park and Arrowhead Park. (PC)**
 - F. **All voting aye.**

Public Services and Safety Committee

- I. Chairman Bates reported the regular meeting of March 27, 2018:
 - A. Committee recommends Council approve the purchase of a replacement drone for a total of \$2,551.02 using City Preparedness Grant funds. **MSCRP Bates/Hillstrom, all voting aye.**
 - B. Committee recommends Council approve signing of a five-year contract with Axon (formerly Taser International) for body camera equipment, maintenance and data storage fees totaling \$20,432.16 for 2018, to be paid out of CIP account 011-2133-743-8133, with total cost of contract over a five year period \$111,656.16, contingent on confirmation that the contract includes 39 cameras and that the replacement cycle is every 2.5 years. **MSCRP Bates/Hillstrom, all voting aye.**

Finance & Personnel Committee

- I. Chairman Pollnow reported the regular meeting of March 26, 2018:
 - A. Committee recommends Council approve the 2017 Operating Budget Carry Forwards to 2018 as submitted. The carry forward requests total \$186,922, broken down as follows: General Fund - \$141,788; Parking Fund - \$39,134; Storm Water Fund - \$6,000. **MSCR Pollnow/Erickson, all voting aye.**

N-M Joint Fire Commission

- I. Council President Stevenson reported the regular meeting of March 28, 2018:
 - A. Committee recommends the City of Neenah Common Council and City of Menasha Common Council approve the Regional Fire Department Hiring Process with Fox Valley Technical College effective March 8, 2018 through March 7, 2019. **MSCR Stevenson/Pollnow, all voting aye.**

Board of Canvass


- I. Council President Stevenson reported from the Board of Canvass meeting of April 4, 2018:
 - A. **MSCR Stevenson/Pollnow to accept the report from the Board of Canvass and place it on file, all voting aye.**

Council Directives

- I. **MSC Pollnow/Bates to remove the Council Directive dated October 5, 2016 to Review the street assessment policy (Ald. Pollnow), all voting aye.**
- II. **MS Lendrum/Pollnow to add the Council Directive to Review the street assessment policy – Ordinance Chapter 13.5(D) (2) back on the Council Directives listing Ald. Lendrum as the responsible party. (This item will be voted on at the next Council meeting)**

Adjournment

- I. **MSC Pollnow/Boyette to adjourn at 8:55 p.m., all voting aye.**


Patricia A. Sturn, WCPC/MMC
City Clerk

COMMON COUNCIL MINUTES

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 4. Mr. Krueger responded he would enjoy having the second exit from their area versus going all the way down to Nature Trails and out Pendleton Road. He questioned what will happen to their blacktop apron they currently have.
 5. Dir. Kaiser indicated he encouraged most of the builders to put in a thinner than regular apron because we knew it would be temporary. He is not sure, in Mr. Krueger's case, what was constructed. The contactors will save what they can but for the most part they will need to go back to the property line to match the road grade. They can help anyone out determining where the property line is if they would like.
- C. Eric Matson, 1560 Kingswood Drive, questioned if everyone needs to have the same type of apron.
1. Dir. Kaiser advised that each property owner makes their individual selection as to the type of apron they would like.
- D. Jeff Linski, 1563 Kingswood Drive, questioned if any thought was put forward to not installing sidewalk in that area because there are already three sidewalks leading into the preserve that go nowhere. He would rather see those dollars go toward curb and gutter. Sidewalks that go nowhere make no sense.

1. Dir. Kaiser advised that the money for the sidewalk was escrowed by the developer. It was specifically set aside in the developer agreement to go toward sidewalk.
 2. City Atty. Godlewski confirmed those dollars are in trust for sidewalks. Using those dollars elsewhere would be a policy decision by the Council.
 3. Mayor Kaufert added that the Council could change the policy.
- E. William Nedd, 1516 Remington Road, asked for a timeline for this project. He questioned if Eaglecrest is for sure being done in 2018.
1. Mayor Kaufert advised that it will be decided tonight if Eaglecrest will be included.
 2. Mr. Nedd questioned what is being done to lock in favorable pricing.
 3. Mayor Kaufert advised that the City is not bound to but typically takes the low bidder if they meet all qualifications. Accepting the bids would lock in the pricing.
 4. Mr. Nedd questioned the replanting of the grass, particularly if it is late in the year.
 5. Dir. Kaiser advised that if it is late in the season, dormant seeding would be done plus the warranty on the contract includes the terrace work which would be top soiling and seeding. If they feel that needs to be improved next year they can follow up with it next year.
- F. Robert Page, 1329 Shootingstar Drive, questioned if the City makes money off of this.
1. Mayor Kaufert advised the City does not make money from this, there is no profit. In fact there are additional expenditures that cost the City additional money. We also own property that is being assessed. There is not profit.
 2. Mr. Page questioned if a new assessment will go out to the property owners in this area upon completion of the project.
 3. City Atty. Godlewski indicated the assessment value of the property will not change.
 4. Ald. Stevenson added unless something else drives a reassessment. The project itself does not trigger a reassessment.
 5. Dir. Haese clarified that the City is under taking a citywide revaluation over the next two years. If you get a notice of revaluation, it is coincidence and is not relative to this project.
- G. Mark Miller, 1515 Kingwood Drive, questioned the distance of the apron.
1. Dir. Kaiser advised that the distance for the apron is from the back of curb to the property line, roughly 15 feet.
 2. Mr. Miller asked if they will drop some gravel in if he decide to go with his own source for the apron so he does not have big drop down until he can get his contractor in.
 3. Dir. Kaiser advised they will make it passable until he is ready to move on with his apron.
- H. Nick Kurtz, 1577 Remington Drive, questioned if Eaglecrest would wait until 2020 it would be cheaper.

1. Dir. Kaiser added that is correct based on the pricing received today. Last year the pricing on asphalt was about \$8 higher. The market can be volatile on these things. Past performance is no indication of future results.
 2. Mr. Hurt asked how they will access their homes during construction.
 3. Dir. Kaiser indicated they try to keep access to the driveways as much as possible. When the curb is curing and when string line is set for the curb property owners would not have access to their driveways. As work moves around, they will be able to park in the general neighborhood.
 4. Mayor Kaufert added that in the past we have given residents effected by these street projects a permit to allow them to park on the streets.
- I. Rick Johnson, 1561 Remington Road, questioned deferment of payment for one year for Eaglecrest Subdivision resident. He also questioned the proposed interest rate.
1. Mayor Kaufert advised that staff and the Board of Public Works have discussed deferment of the assessment however that action will be taken at the next meeting. Council members are interested in hearing those possibilities. There has been talk about sending those bills out after December of this year which would make them payable in 2019. The possibility exists for both Eaglecrest and Nature Trail or just Eaglecrest.
 2. Dir. Easker clarified the 2018 interest rate has been set at 5%. The 2019 rate is not set yet. The policy is prime plus and is determined by the Council each year.
 3. City Atty. Godlewski added that the concept of deferring the assessment payment will be discussed at the Public Services & Safety Committee meeting next week Tuesday.
- J. Larry Krueger, 1548 Kingswood Drive, indicated his viewpoint is not shared by all the residents of Eaglecrest but he feels sooner is better than later.
- K. Ryan Betker, 1544 Kingswood Drive, questioned the perceived schedule for starting the project and completion.
1. Dir. Kaiser advised that a preconstruction meeting has not been scheduled yet however the subcontractor is anxious to get in. He feels they will be mobilized by late April and possibly pouring curb by mid-May. This is a fairly extensive project therefore he feels the project will extend into September. This is a working day contract with a fixed completion date.
 2. Mr. Betker added that for him, the deferral will be the key decision as to whether or not they support moving forward with this. Deferring makes it more appealing particularly since they found out about this fairly late in the game.
- L. There being no further appearances, Mayor Kaufert declared the public hearing closed at 7:34 pm.

Public Forum

- I. Eric Matson, 1560 Kingswood Drive, advised that his property adjoins the Carpenter Preserve in the back. His concern is over dead elm and ash trees. He asked who he should contact to get them felled so they can be safely removed.
 - A. Mayor Kaufert advised that the City is being very aggressive with ash trees throughout the City. Trevor Fink is our City Forester and would be able to assist. He will have Trevor go out and take a look.
- II. There being no further appearances, Mayor Kaufert declared the public forum closed at 7:37 pm.

MSC Stevenson/Pollnow to move up agenda item X(C)(1)(a) report from the Board of Public Works awarding Contract 3-18, all voting aye.

Board of Public Works

- I. Vice Chairman Hillstrom reported the meeting of April 4, 2018:
 - A. Board recommends Council award Contract 3-18 Nature Trail Subdivision Street Construction to the low bid from MCC Inc., Appleton for the Alternate Bid in the amount of \$1,711,633.97. **MS Hillstrom/Lendrum.**
 1. Ald. Bates congratulated the engineering staff for going the extra mile to find this positive solution.
 2. Ald. Pollnow asked for a summary of the delta between the base and the alternate.
 3. Dir. Kaiser indicated the base bid came in at \$997,328.59. The alternate came in at \$1,464,822.55. This leaves us with a difference of \$467,492.97. The original budgeted amount was \$1.1 million dollars. He further explained that the corrected the bid award of \$1,711,633.97 includes \$246,811.42 for street work elsewhere in the city.
 4. Ald. Pollnow questioned if the intent is to use capital reserves to cover this difference.
 5. Mayor Kaufert indicated this was discussed in committee. In the end the Council will need to make that determination.
 6. Dir. Easker added that the Public Infrastructure Fund Reserve is very healthy. The reason for this fund is to give us the ability to act quickly and move on things like this without creating a need to borrow or other funding options.
 7. Mayor Kaufert advised citizens that we are very fortunate to have a Council that is very good with tax dollars. When dollars are left over at the end of the year, the Council has built up a healthy reserve fund for these types of projects. We are in a very good position so that when things like this happen, we have funds available. This prevents having to do another borrowing. We also have the ability to possibly defer the assessments for another year before replenishing this reserve.
 8. Ald. Pollnow asked that the funding source be identified in the motion.

9. Ald. Hillstrom/Lendrum were both in favor of adding to the motion, the \$352,942.00 will come from the Public Infrastructure Fund Reserve as the funding source.
10. Ald. Kunz questioned what would happen if we would flop projects and do Eaglecrest first.
11. Dir. Kaiser advised that this would cause the assessable foot to increase.
12. Dir. Kunz expressed concern over adding this work at such a late date. He favors consistency.
13. **Motion to award Contract 3-18 Nature Trail Subdivision Street Construction to the low bid from MCC Inc., Appleton for the Alternate Bid in the amount of \$1,711,633.97 with the additional \$352,942.00 funding coming from the Public Infrastructure Fund Reserve carried, by a 9-0 RollCall-Pro System vote , all voting aye.**
14. Mayor Kaufert reminded everyone that next Tuesday April 10th Public Services & Safety Committee will meet to discuss the final resolution regarding the assessments. The following Tuesday April 17th Council will act on their recommendation, if any.

Consent Agenda

- I. **MSCRP Pollnow/Stevenson to approve the Consent Agenda as follows:**
 - A. **Approve Beverage Operator License Applications for: Teagen A. Baird, Patrick T. Boettcher, Andrea V. Delver, Chelsea R. Fraley, Jason S. Harttert, Victoria E. Jambretz, Joseph M. Oldenburg and Sean P. Wipfli. (PSSC)**
 - B. **Approve the Beverage Operator License Application (new) for Michael R. Miller Jr. contingent upon payment of all delinquent City fees. (PSSC)**
 - C. **Grant a Temporary Class "B" (picnic) Beer & Wine License to the Bergstrom-Mahler Museum for their Arts Festival - Raise Your Glass for the event being held on July 15, 2018 at 165 N. Park Avenue. (PSSC)**
 - D. **Approve the 2 Lot CSM along W. Winneconne Avenue. (PC)**
 - E. **Approve the location of the art installation between Herb and Dolly Smith Park and Arrowhead Park. (PC)**
 - F. **All voting aye.**

Public Services and Safety Committee

- I. Chairman Bates reported the regular meeting of March 27, 2018:
 - A. Committee recommends Council approve the purchase of a replacement drone for a total of \$2,551.02 using City Preparedness Grant funds. **MS Bates/Hillstrom.**
 1. Ald. Pollnow indicated this price seems low compared to the original purchase.

2. Chief Wilkinson advised that when the drone crashed, the drone itself was damaged but we still have the controller unit which does not need to be replaced. This is a complete replacement of the drone and the camera.
 3. Ald. Boyette asked what measures have been taken to make sure we don't make the same mistake again.
 4. Chief Wilkinson responded that the team, those who pilot the drone, have gotten together and the new internal policy is they will walk the route they are going to fly before they fly it, if they can. As much as possible they will walk the route to make sure they see every obstacle. If they are going across the river, they would need to eye ball it.
 5. Ald. Erickson questioned if the drone is covered by insurance.
 6. Chief Wilkinson indicated the drone is insured but the deductible is \$15,000. Out lost is less than the deductible.
 7. **Motion carried, by a 9-0 RollCall-Pro System vote, all voting aye.**
- B. Committee recommends Council approve signing of a five-year contract with Axon (formerly Taser International) for body camera equipment, maintenance and data storage fees totaling \$20,432.16 for 2018, to be paid out of CIP account 011-2133-743-8133, with total cost of contract over a five year period \$111,656.16, contingent on confirmation that the contract includes 39 cameras and that the replacement cycle is every 2.5 years. **MS Bates/Hillstrom.**
1. Ald. Bates questioned if the confirmation of the 39 cameras has been received.
 2. Captain Olson confirmed the contract is for 39 cameras and the replacement cycle is every 2.5 years.
 3. Ald. Kunz expressed concern over the way this is structured. He is concerned over the storage and pricing. He feels it puts us in a difficult bargaining position moving forward. He realizes there are not a lot of competitors. His concerns are: what happens once we receive the cameras at the very end of this set up; if we are then stuck with this; if we have a clear idea of the storage and cost; and the ability to contain those costs.
 4. Captain Olson advised that Axon has the market cornered on cameras. There are a few other but they do not come close to what Axon can do. They are a very forward thinking company. We do not have the ability to negotiate with them. This is their contract for all of their police departments. That is the way they get us for the next contract. If we say know, we go find another vendor. Other options are not as good or secure. Appleton and Oshkosh both use Axon. The County used Panasonic which is about the same price but not nearly as good. Menasha uses a much cheaper version of software and cameras that have a lot of downfalls. Axon is the best. We are paying for it for that reason.
 5. Ald. Pollnow questioned having a redundant storage capability. Do we have the ability to retrieve all of our data tomorrow if we wanted?

6. Captain Olson responded he is not sure. He highly doubts we would be able to afford that because of the sheer volume stored every day.
7. Ald. Bates added that the committee discussed having the data stored elsewhere, opposed to on city servers, it gives us a provenance that is away from us. It also has a certain level of security.
8. Ald. Stevenson added that the questions raised by Ald. Kunz were discussed at committee. The response from Captains Gonzales and Olson were the same heard tonight. His original reaction was that this may not be in the best interest but began thinking about his belief in the open market system and the fact that these cameras are in the development stage. While they may hold the cards today, he hopes in five years the market is caught up to them and it might be a good thing we did not extend beyond the third replacement. His guess is the market itself will provide opportunities.
9. **Motion carried, by a 9-0 RollCall-Pro System vote, all voting aye.**

Finance & Personnel Committee

- I. Chairman Pollnow reported the regular meeting of March 26, 2018:
 - A. Committee recommends Council approve the 2017 Operating Budget Carry Forwards to 2018 as submitted. The carry forward requests total \$186,922, broken down as follows: General Fund - \$141,788; Parking Fund - \$39,134; Storm Water Fund - \$6,000. **MSCR Pollnow/Erickson, all voting aye.**

N-M Joint Fire Commission

- I. Council President Stevenson reported the regular meeting of March 28, 2018:
 - A. Committee recommends the City of Neenah Common Council and City of Menasha Common Council approve the Regional Fire Department Hiring Process with Fox Valley Technical College effective March 8, 2018 through March 7, 2019. **MSCR Stevenson/Pollnow, all voting aye.**

Board of Canvass

- I. Council President Stevenson reported from the Board of Canvass meeting of April 4, 2018:
 - A. The Board compared the Image Cast Evolution (ICE) machine printout with the immediate return sheets as filed by the Elections Board of the City of Neenah and confirmed Mayoral/Aldermanic election votes of April 3, 2018 as follows:
 1. Dean Kaufert received 3023 votes and there were 95 write-ins. Dean Kaufert having received the highest number of votes, is hereby declared elected Mayor of the City of Neenah for a four-year term to expire April 2022.
 2. Danae Steele received 588 votes, Brian Defferding received 352 votes and there were 3 write-ins. Danae Steele having received the highest number of votes cast, is hereby declared elected Alderperson in the

First Aldermanic District of the City of Neenah for a three-year term, expiring April 2021.

3. Marge Bates received 1055 votes and there were 23 write-ins. Marge Bates, having received the highest number of votes cast, is hereby declared elected Alderperson in the Second District of the City of Neenah for a three-year term, expiring April 2021.
4. Todd Stevenson received 887 votes and there were 9 write-ins. Todd Stevenson, having received the highest number of votes cast, is hereby declared elected Alderperson in the Third District of the City of Neenah for a three-year term expiring April 2021.
5. **MSCRP Stevenson/Pollnow to accept the report from the Board of Canvass and place it on file, all voting aye.**
6. Clerk Sturn advised the turnout for Tuesday's Election was 28.5%.
7. Mayor Kaufert complimented the Clerk, Deputy Clerk and all the poll workers for a good job.
8. Council President Stevenson acknowledged the staff, as well, for the election results. He congratulated all the candidates whether they won or lost for putting themselves out there to be scrutinized and put through the process. That desire to participate is truly welcome, we just need to have more.

Landmarks Commission

- I. Ald. Lang reported from the Landmarks Commission meeting of March 13, 2018:
 - A. The Commission approved funding for one traffic signal box wrap previously presented before the Council.

Bergstrom Mahler Museum

- I. Ald. Erickson report from the Bergstrom Mahler Museum:
 - A. Saturday April 7th is Art Activity Day from 10 am to 1 pm. Come and make a recycled wine bottle planter. All ages are welcome. The cost is \$15 per person.
 - B. Thursday April 19th from 5-5 pm is Art after Dark at the Museum. This month's theme is PJ Party Game Night. You can make a cup out of recycled wine bottles. Beverages will be available to purchase.

Council Directives

- I. **MSC Pollnow/Bates to remove the Council Directive dated October 5, 2016 to Review the street assessment policy (Ald. Pollnow), all voting aye.**
- II. **MS Lendrum/Pollnow to add the Council Directive to Review the street assessment policy – Ordinance Chapter 13.5(D) (2) back on the Council Directives listing Ald. Lendrum as the responsible party. (This item will be voted on at the next Council meeting)**

Unfinished Business

- I. Ald. Bates asked Mayor Kaufert to remind the Governor to sign the bill allowing elected officials to work as an election inspector.
 - A. Mayor Kaufert clarified for everyone that both houses of the Legislature passed a bill which will allow elected officials to work at the polls. There are some provisions to this bill such as they cannot be on the ballot. The League of Wisconsin Municipalities supported the bill. The Governor has been sitting on it along with 60 other bills not signed. His staff advised that the Governor will get to it in the near future.
 - B. City Atty. Godlewski added the deadline for submitting the bills to the Governor is April 24th.
- II. Ald. Pollnow asked the timeline for the sanitary sewer study.
 - A. Dir. Kaiser indicated that will be on the Finance & Personnel Committee agenda next week. He will have the final report out to the Council as soon as he receives it.

New Business

1. Mayor Kaufert announced his appointment to fill the expired term of James B. Gunz on the Fox Cities Room Tax Commission for a term to expire April 2019 will be made at the April 17, 2018 Organizational Meeting.
2. Mayor Kaufert announced his appointment to fill the expired terms of Randall Fieldhack and Patricia Rickman on the Library Board for 3-year terms to expire April 30, 2021 will be made at the April 17, 2018 Organizational Meeting.
3. Mayor Kaufert announced his appointment to fill the expired terms of John Ahles on the Community Development Authority for 4-year terms to expire April 2022 will be made at the April 17, 2018 Organizational Meeting.
4. Mayor Kaufert announced his appointment to fill the expired term of Mike Faulks as public representative to the Joint Review Board for Tax Increment Districts for a three year term to expire April 2021 will be made at the April 17, 2018 Organizational Meeting.
5. Mayor Kaufert announced his appointment to fill the expired term of Nick Piergrossi on the Plan Commission for a three year term to expire April 2021 will be made at the April 17, 2018 Organizational Meeting.
6. Mayor Kaufert advised the aldermen that he will be getting together with Council President Stevenson to discuss committee appointments for the organizational meeting. They will send an email requesting each alderman to let them know their interests. Anyone requesting a change in the rules should get that information to Mayor Kaufert as soon as possible.

7. Mayor Kaufert reminded everyone of the Committee of the Whole scheduled for Monday April 9th. SEH reps will hold an open house from 5-5:30 pm followed by a 5:30 pm Committee of the Whole.
8. Mayor Kaufert advised that the Garbage Recycling recommendation from the March 26th Committee of the Whole will be on the next Council meeting April 17th.
9. Council President Stevenson indicated tonight represents a bitter sweet night for us. The career of Alderperson Pollnow, as it exists, ends tonight. He presented Ald. Pollnow with a plaque for his six years of service. One word comes to mind when he thinks of Ald. Pollnow. That word is tenacity. That is a trait that not everyone has. The benefactors of that tenacity are the citizens of Neenah. On behalf of those citizens, the Council members and staff he thanked Ald. Pollnow for his service and presented him with a plaque.
 - A. Ald. Pollnow thanked everyone indicating it has been an honor to serve on the Council. He takes pride in working with such passionate people serving our community. He hopes he was able to make Neenah a little bit better.
 - B. Mayor Kaufert thanked Ald. Pollnow for his service. He has been in government for a long time and seen a lot of players come and go. He has seen people that take up a seat and also those that get things done. Ald. Pollnow has earned respect throughout this Council and community. He has served his position well, with dignity and dedication. Mayor Kaufert indicated he appreciates his dedication to the community and Council. He has made this community and Council a little better. On behalf of himself and the citizens of the community he thanked Ald. Pollnow. He will be missed because he brought a lot to the table. Two things in particular Mayor Kaufert indicated he will miss is the words, quantify and delta. The Council added the word "process". All kidding aside, Mayor Kaufert indicated Neenah is better off because it had Ald. Pollnow for six years as a Council member. He wished him good luck.

Adjournment

- I. **MSC Pollnow/Boyette to adjourn at 8:55 p.m., all voting aye.**


Patricia A. Sturn, WCPC/MMC
City Clerk

Joint Committee of the Whole/Park & Recreation Commission Minutes

Monday, April 9, 2018 - 5:30 p.m.
Council Chambers

Purpose: Arrowhead Park Phase I – 30% Design update.

Committee of the Whole Present: Aldermen Boyette, Hillstrom, Lendrum, Erickson, Lang, Pollnow, Kunz, Stevenson and Mayor Kaufert. Alderman Bates was excused.

Also Present: City Attorney Godlewski, City Clerk Sturn, Director of Finance Easker, Director of Community Development & Assessment Haese.

Park & Recreation Commission Present: President Zaretzke, Commissioners Lawell, Kelly, Hillstrom, Vedder, Loudon, Council/NJSD Rep Kunz. Commissioners Hancock-Cooke and Galloway were excused.

Also Present: Director of Parks & Recreation Kading, Recreation Supervisor Kluge, SEH Reps Andrew Dane and Trevor Frank and Stantec Rep Jon Gumtow.

Council President Stevenson called the meeting to order at 5:30 p.m.

Park & Recreation Commission President Zaretzke called the meeting to order at 5:30 p.m.

Arrowhead Park Phase I – 30% Design Update

Dir. Kading gave a brief introduction indicating Arrowhead Park is a major destination with multiple educational and recreational opportunities. He turned the meeting over to Andrew Dane and Trevor Frank of SEH and Jon Gumtow of Stantec for an implementation update for Arrowhead Park Phase I – 30% design. Andy Dane indicated the purpose of the meeting is to provide a progress report, review the schedule, obtain 30% design input, review project financing and discuss the next steps. He summarized Phase I reviewing the progress report and schedule. He reviewed items for consideration: ellipse terminus; elevated plaza terminus; permeable pavement; solar array; and carport solar. Trevor Frank outlined the design objectives for the Boardwalk which include: provide fishing opportunities, improve aquatic habitat; wildlife watching; and touch the water. Jon Gumtow reviewed the Habitat Restoration and consideration of limestone stepping stones. He turned the meeting back over to Trevor Frank to review the activity building. The design objectives for the activity building include: create destination; welcome visitors; provide equipment, rentals and concessions; sustainable design; flexibility; and stand-alone facility. Considerations include storm water garden and overlook plaza and ramp.

Dir. Easker entered the meeting at 6:05 pm.

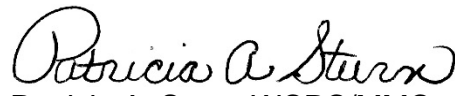
Andrew Dane reviewed the project funding summary and schedule. Dir. Kading outlined the next steps: provide written response to questions; meet with regulatory partners; prepare grants and alternative funding; meet with Activity Building Task Force; prepare 60% plan; fall meeting to approve 60% plan; prepare final plan; and the ongoing community partnership.

Dir. Kading, SEH Reps Andrew Dane and Trevor Frank and Stantec Rep Jon Gumtow answered questions from the Committee and Commission. There was discussion on the railroad including a unanimous concern over safety at the railroad crossing. Jon Gumtow

advised he has a study on the railroad traffic and will share that with the Committee and Commission. He assured they will have continued discussion with the railroad. City Atty. Godlewski reminded everyone that it is the city's obligation to maintain the cap on the PCBs. Jon Gumtow advised that maintaining the cap is critical. They propose doing geotechnical evaluations. Dir. Kading added that they have every intention of creating positive drainage on site.

MSC Pollnow/Lendrum to convene into closed session of the Committee of the Whole at 6:40 p.m. pursuant to Wis. Stat. §19.85(1)(e) to discuss bargaining strategy regarding a potential public access development project on Arrowhead Park, all voting aye.

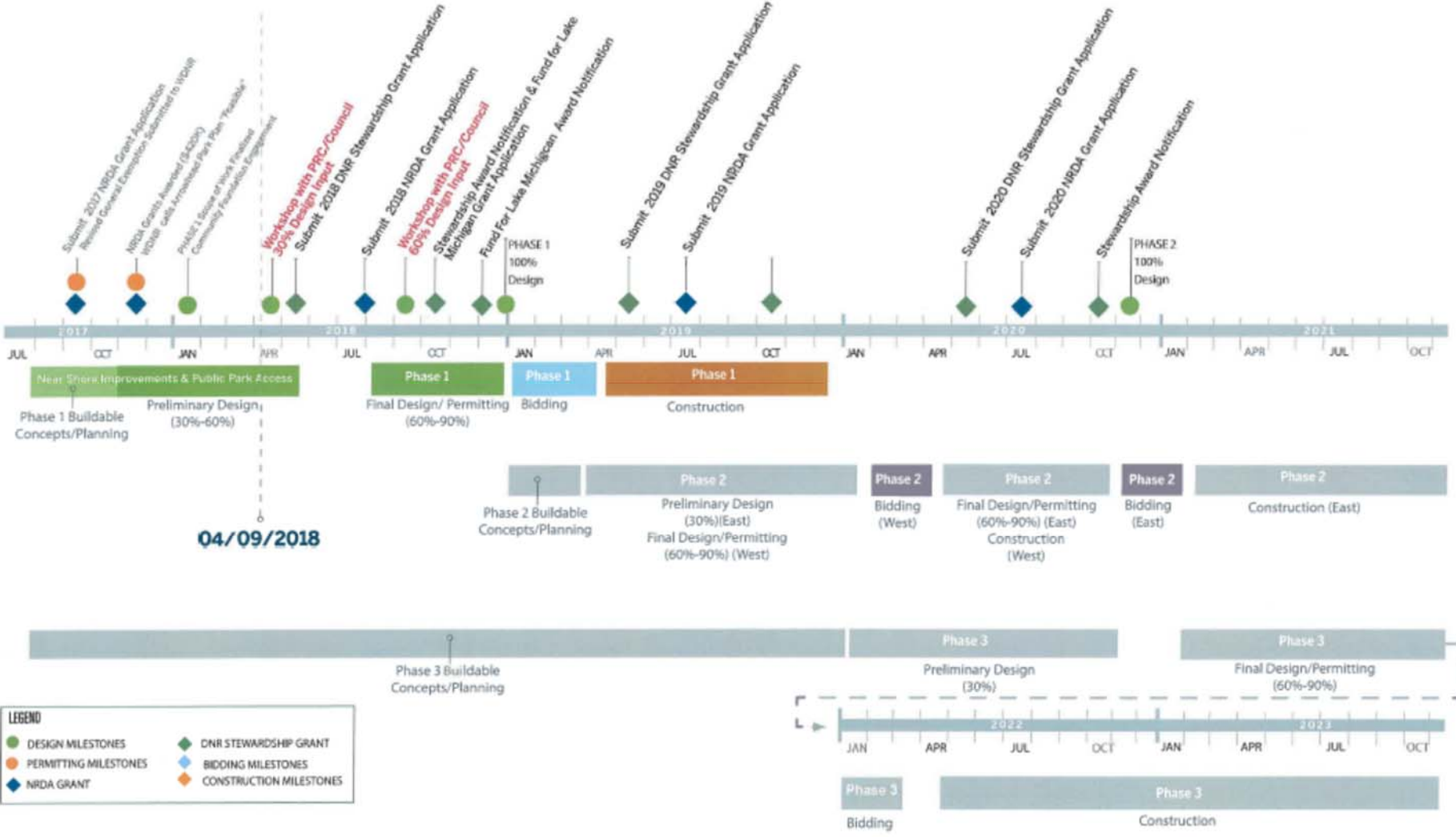
MSC Kelly/Lawell to convene into closed session of the Park & Recreation Commission at 6:40 p.m. pursuant to Wis. Stat. §19.85(1)(e) to discuss bargaining strategy regarding a potential public access development project on Arrowhead Park, all voting aye.


Patricia A. Sturn, WCPC/MMC

Arrowhead Park Project Financing Summary (30% Design)			
INVESTMENT	Base Costs	Considerations	Current Offsets
Railroad Crossing	\$100,000		
Crossing Gates & Signals		\$400,000	
Driveway & Trail Connections	\$1,357,474		\$300,000 (WDNR)
Terminus Ellipse		\$464,675	
Terminus Elevated Plaza		\$455,404	
Permeable Paving (Parking Areas)		\$330,000	
Solar Array		\$400,000	
Solar Carport (Parking Areas)		\$425,000	
Boardwalk	\$500,000		\$220,000 (NRDA)
Activity Building	\$1,848,505		\$380,000 (Foundation)
Stormwater Garden Feature		\$130,000	
Overlook Plaza & Accessibility Ramp		\$125,000	
Habitat Restoration	\$432,000		\$200,000 (NRDA)
Terraced Limestone Stepping Stones		\$125,000	
Sub-Total	\$4,237,979		
Contingency (15%)	\$635,697		
A/E Fee (10%)	\$423,798		
Project Total	\$5,297,473		

April 9 2018

Arrowhead Park Project Timeline: Planning, Design, Financing, Construction



Committee of the Whole Minutes
Monday, March 26, 2018 – 7:00 pm
Council Chambers

Purpose: Discussion on Curbside Refuse and Recycling Collection Options.

Present: Aldermen Boyette, Bates, Hillstrom, Lendrum, Erickson, Lang, Pollnow, Kunz, Stevenson and Mayor Kaufert.

Also Present: City Attorney Godlewski, Deputy Clerk Goffard, Director of Finance Easker and Director of Public Works Kaiser.

Council President Stevenson called the meeting to order at 7:08 p.m.

Public Appearances

Brad Avery, Inland Waste, 5235 N. Ballard Rd, Appleton, WI. Mr. Avery spoke to the Committee about how the City is trying to figure out all the information on changing refuse and recycling collection within the City of Neenah. Intent to privatize the services to save on costs and liabilities. Estimated costs saved would be \$2.5 million dollars which could be used for other projects in Neenah. The refuse trucks last about 8 years. As far as liability in his 27 years of experience he has been to 12 fatalities. If you privatize that liability is removed from the City of Neenah. Everything as far as rising costs are guarantee for 10 years. Multiple cart sizes of 35, 65 and 95 gallons are being offered.

Ann Cattau, 1135 Manor Drive, Neenah. She is here representing the condo association for the Memorial Park condominiums. Owners are concerned with where the automated garbage cans will go with limited space and single car garages. Not sure yet if there will be enough space to store these containers. In another city she saw them sitting out front of their condo. She believes these will decrease their property values. They were thinking of possibly having a dumpster where trash could go instead.

Ald. Bates commented on the sizes of cans that are being offered are still probably bigger than residents are used to. Council President Stevenson stated that nothing has been decided at this time. So far they are debating on manual lifting of the cans by Public Works. There could also be automated collection by Inland Waste or by Public Works.

Curbside Refuse and Recycling Collection Options

Council President Stevenson turned the meeting over to Dir. of Public Works Kaiser who asked if there were any questions on the memo he provided. Ald. Kunz discussed the comparison of costs for a private contract vs. in-house staffing. At what point does it make sense to have automated pick-up vs. employee pick-up. Dir. Kaiser stated that automation would help with efficiency and open more time for other projects such as street repair within Neenah for the Public Works employees. The numbers were not put together with adding more staff. Ald. Kunz asked if Dir. Kaiser wants the City of Neenah to pick up garbage or if he wanted to privatize it. Dir. Kaiser sees benefits both ways. The costs of either operation are fairly close. Maintaining in-house garbage pick-up gives us flexibility with staff for winter operations. Dir. Kaiser would prefer direct control of our own employees if possible.

Ald. Erickson stated at the last meeting on this issue recalled that Superintendent of Public Works Freese stated the privatized proposal only had two different size garbage carts. She prefers to have the option of the smaller 35 gallon carts. She is concerned with older homes having smaller garages and not having the space to store these elsewhere. Mayor Kaufert stated that Council ends up making the policy decision on how many sizes are offered. Three sizes would be nice for the older generation that may not produce as much garbage. Dir. Kaiser stated that there are many implementation steps to be involved as we move forward. We would not want to order too many of one size. Residents should have realistic expectation on what size they would need. Garbage bags outside the carts would not be picked up. Council President Stevenson stated there could be less cost for smaller carts. Inland Waste representative indicated that their proposal would charge the same cost per bin cart regardless of size. Ald. Erickson asked what happens with brush and large item pick-up. Dir. Kaiser said the city would keep those services utilizing rear load trucks. Ald. Bates asked if service to multi-family housing and commercial would change. Dir. Kaiser stated that the city currently collects from 4 units or less but the service levels could change. Ald. Bates asked if garbage collection could be turned into a city utility. Dir. Easker responded that creation of a garbage utility may require a referendum. Ald. Boyette is concerned with the most economical for the City. Dir. Kaiser responded that the cost per each truck is approximately \$275,000 and the Department of Public Works would need 3 ½ employees for pick-up. 3 drivers would be used for private pick-up. Currently there are 3 open positions. Dir. Kaiser estimated that the 5 trucks in the City's fleet a fair amount is spent on garbage truck maintenance with 4 ½ employees. Refuse collection with maintenance for a 5 truck fleet is around \$65,000 per year and about the same for recycling. Ald. Pollnow asked if the privatization option has added in another half employee with 22 employees for street maintenance. Dir. Easker stated that it would be \$160,000 more to do it privately and eliminate 3 positions. With potential position changes the fees the costs would be comparable.

MS Pollnow/Lendrum to approve Option 3 to privatize garbage and recycling collection with revised wage increases.

Discussion continued.

Ald. Kunz stated a budget has already been passed with privatization vs. city pick-up. He will vote against privatization because the City loses control of the service. He assumed the public option would add two FTE positions. Dir. Easker stated the privatization includes 1.8 FTE to be added. Ald. Pollnow stated this issue was brought forward due to losing staff caused by low wages. The city would be the customer of this company. Ald. Lendrum inquired of Mr. Avery on the loss of control with having a private company do this service. Mr. Avery stated anything can be put in a contract. Future costs capped at 1% per year. Initially the private option would cost \$6.67 per stop. Dir. Kaiser stated the RFP included a fuel surcharge provision which would be incorporated into a contract with a monthly review fuel costs as prices change. Ald. Pollnow asked if natural gas is an option for the trucks. Mr. Avery confirmed the availability of natural gas vehicles. Ald. Bates stated many residents enjoy having the customer relationship with the city employees. Mayor Kaufert's

proposal intended to improve efficiencies and provide better service with less chance of employee injuries. We would have more employees available for other maintenance in the city to be done. Possibly try to cover the collection in 4 days vs. 5 days and have one day a week to work on street repairs, etc. Only 15% of Wisconsin municipalities collect garbage manually. Ald. Lendrum likes efficiency of pick-up in 4 days but worried about safety. Mr. Freese said that we could possibly get there but have to start out first and see how things go. Typical garbage pick-up takes 4 ½ hours a day plus trips to the landfill, etc. Another truck would have to be added for a 4 day pick-up. Ald. Kunz stated that the cost is similar in both scenarios. Ald. Erickson asked if there is any way to make the current way of pick-up more efficient by the residents. Supt. Freese indicated the program to gather garbage cans together with neighbors to save on stops didn't work well. Inland picks up recycling in most of the communities in Outagamie County. Dir. Kaiser stated he hasn't looked at doing pick-up for recycling only. Not sure if much would be gained by bi-weekly recycling collection. Ald. Bates asked if there is an advantage to owning the garbage trucks. As far as financial reporting goes, Dir. Easker stated it would not be a benefit to the City. Outagamie County has private recycling pick-up only by municipalities. Potential savings on recycling for everything in one bin. On the county level they have more interest in the recycling aspect of pick-up. Dir. Kaiser stated that a full-service contract would provide us with a better price. We have numbers for recycling and garbage listed separately.

Motion to recommend Council approve Option 3 to privatize garbage and recycling collection with the revised wage increases failed by a 3-6 voice vote, Ald. Pollnow, Lendrum and Boyette voting aye, Ald. Bates, Hillstrom, Erickson, Lang, Kunz and Stevenson voting nay.

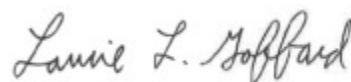
MS Bates/Kunz to recommend Council move forward with the automated in-house garbage and recycling collection.

Dir. Easker stated that 2018 budget would have eliminated 2 FTE positions. No money was put into the budget for new garbage trucks. Ald. Kunz stated that money for new garbage trucks would most likely be in the 2019 budget.

The motion to move forward with the automated in-house garbage and recycling collection carried by an 8-1 voice vote, all voting aye, except Ald. Pollnow voting nay.

Adjournment

MSC Pollnow/Boyette to adjourn at 8:50 p.m., all voting aye.



Laurie L. Goffard
Deputy Clerk



Department of Public Works
211 Walnut St. • P.O. Box 426 • Neenah WI 54957-0426
Phone 920-886-6241 • e-mail: gkaiser@ci.neenah.wi.us
GERRY KAISER, P.E.
DIRECTOR OF PUBLIC WORKS

M E M O R A N D U M

DATE: March 23, 2018
TO: Mayor Kaufert, and Members of the Common Council
FROM: Gerry Kaiser, Director of Public Works
RE: Curbside Refuse and Recycling Collection Options

This memorandum is a follow up to the Council discussion at the March 12 Committee of the Whole meeting regarding refuse/recycling collection.

There are two differences in the attached tables as compared to the tables provided at that meeting.

- 1) In all previous tables projecting costs to the year 2027, the number of years used in the compounding was 10 when it should have been 9. In essence, the projections went to the year 2028. The current tables have been corrected.
- 2) For the Current Method option and the City Automated Collection option, the Full Time Wages for the Refuse Collection and Curbside Recycling operations have been projected to 2027 by increasing the wages by 6% per year for 2019, 2020, 2021 and 2022 and by 3% per year thereafter. This is intended to estimate the cost to elevate the wages to midpoint within 5 years. The 6% increase is slightly higher than the actual percentage would need to be, but can account for movement of the overall salary plan over that time. Likewise, the 3% increase used on all other wages is slightly higher than typical for employees at or beyond midpoint.

If there is any other information that like me to have for the next Committee of the Whole meeting, let me know.

CITY OF NEENAH
PUBLIC SERVICES AND SAFETY COMMITTEE MEETING MINUTES
Tuesday, April 10, 2018 - 7:00 PM
Council Chambers - City Administration Building

Present: Aldermen Bates, Lang, Lendrum and Stevenson

Excused: Alderman Hillstrom

Also Present: Mayor Kaufert, City Attorney Godlewski, Director of Public Works Kaiser, Director of Community Development and Assessment Haese, Deputy Director of Community Development Schmidt, Engineer Merten, Police Captain Olson, Police Captain Gonzalez, Brian Defferding, Paul Meyer, Bernice Meyer, Nikki Hessel

Minutes: Chairman Bates requested that Director Kaiser amend the minutes to reflect that the Axon data retention option is a better solution for providing chain of custody on the police camera video files. **Motion/Second/Carried Lendrum/Stevenson to approve the minutes of the Regular Meeting of March 27, 2018, as amended.** All voting aye.

Public Appearances: Brian Defferding, 686 Oak Street, addressed the Committee regarding the proposed building code amendment regarding fences. He expressed concern with the proposed prohibited materials language, noting that it seems to be whatever the City considers inappropriate. He noted an example of the use of wood pallet material for fencing. He noted that privacy screens may or may not be considered tarps. He believes that the proposal will disproportionately impact low income residents and hinders creative use of materials for fencing.

Motion/Second/Carried Lendrum/Lang to amend the agenda to address item 10a - Street Use Permit for Bazaar After Dark.

Street Use Permit:

Bazaar After Dark Night Market: Committee reviewed the Street Use Permit for the Bazaar After Dark Night Market to be held on Thursday, July 19, 2018. Nikki Hessel, event representative, addressed the Committee to provide background on the origin and operation of the Bazaar After Dark events. She noted that the events are a family oriented mix of food vendors, craft vendors, music and other activities that are intended to bring people to an area of the City where they may not otherwise go. She stated that the event is coordinated with Habitat for Humanity's Rock the Block program. She noted that beer has been served at the other events and the plans for the Neenah event would also include beer garden.

Traffic Engineer Merten reviewed the traffic impacts of the event. He stated that the event will close S. Commercial Street from Alcott Drive to Wright Avenue from 9:00 AM – 11:00 PM. He noted that the actual event will run from 5:00 PM to 10:00 PM but that the early closure is needed for event set up. He indicated that initially it will be a soft closure and that the hard closure will happen around 2:00 PM. He outlined the posted detour route as Bell Street, Marathon Avenue and Cecil Street. Ms. Hessel noted that businesses along the event area will be contacted. Traffic Engineer Merten stated that the message boards will be placed a week in advance of the event to notify traffic of the upcoming closure.

Ms. Hessel described how local businesses, artisans and crafters are invited to participate in the event. Mayor Kaufert noted the meetings that had been held with the sponsor to plan the event.

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Mayor Kaufert expressed that the event can help to breathe new life into this business district. Ms. Hessel noted that the event will partner with participants of the Food Truck Rally and other Market events food vendors.

Ms. Hessel described the security procedures used for the beer stand, which is operated by Stone Arch Brew Pub. She stated that they use a wristband system to identify eligible purchasers and unique cups so that alcohol beverages are clearly known. City Attorney Godlewski stated that city ordinance prohibits open intoxicants on public right-of-way. Committee discussed how other events had been arranged to allow alcohol to be served. Director Haese questioned if the granting of a Street Use Permit could allow alcohol service within the event footprint. Ald. Stevenson questioned the process used for allowing alcohol at other events. Committee discussed posting the limits of the event with "No Alcohol Beyond This Point" signing. Chairman Bates expressed a concern with establishing a precedent by allowing alcohol in the public right-of-way as part of an approved event. City Attorney Godlewski stated that Municipal Code Section 4-103 and the Street Use Permit should be modified to address these situations. Committee noted that the Temporary Class "B" (Picnic) Beer and Wine License application lists only S. Commercial Street as the location. Ms. Hessel noted that a location for the beer stand had not been finalized pending action on the Street Use Permit. Chairman Bates expressed reservations about moving forward with the permit without defined details. Mayor Kaufert suggested that the organizers meet with Lt. Kuffel to discuss safety and security when the layout is finalized. Alderman Stevenson expressed support for moving ahead with the Street Use Permit but wished to have a better understanding of how the Temporary Class "B" license would work for the event given the ordinance that City Attorney Godlewski cited. Chairman Bates also stated support for the event but reiterated her concern with setting a precedent that will create issues in addressing future requests.

Captain Gonzalez outlined police involvement in the event. He stated that four officers for crowd control and two CSAs for traffic control will be dedicated to the event. He noted that there may be other police staff on-site in a community contact role. He stated that overtime would be incurred. Traffic Engineer Merten discussed event costs. He noted that costs are being waived on this event and other events until staff establishes appropriate charges for a new paradigm of event endpoint barricading and enhanced police staffing. Committee expressed concern with waiving charges for an event sponsor that was not a 5.01(c). They noted that, while the permit lists a waiver of about \$1,200 in fees, the actual fee waiver is closer to \$5,000 when police services and overtime are included. Traffic Engineer Merten clarified that the costs shown on the permit are for traffic control only. He stated that communities typically make a monetary or in-kind donation for the event. Ms. Hessel confirmed that they have typically asked for a \$5,000 contribution toward the event. It costs about \$15,000 - \$20,000 to run the event. She confirmed that the event sponsor, the Fox Cities Chamber of Commerce, is not a 501(c)(3) organization.

Mayor Kaufert reminded the Committee that the Chamber of Commerce is putting the event on for the City's benefit by trying to bring an area of the City to the attention of their target audience of young professionals. He stated that if the Committee felt that the event was not going to be a fit for Neenah, that it should let the sponsor know so that she can focus her efforts on other communities that want the event. He expressed the belief that this is a good event for the community with a family-friendly atmosphere.

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Chairman Bates reiterated that she supports the event but is concerned with the approval process. She believes that we need to either change our ordinances to allow this or consider this a test case. City Attorney Godlewski suggested permitting the Temporary Class "B" license with the event footprint and then coming back at a future date to address any ordinance changes that are needed to accommodate an event like this. Committee noted that, in addition to modifications to the alcohol licensing ordinance, there may need to be changes to the noise ordinance to provide consistency.

Following discussion, **Motion/Second Stevenson/Lang to recommend the Chairman of the Public Services and Safety Committee sign and the Council approve the Street Use Permit for the Bazaar After Dark Night Market, sponsored by the Fox Cities Chamber, Nikki Hessel, 125 N. Superior Street, Appleton, to be held on July 19, 2018.**

Committee discussed the fee waiver. Following discussion, **Motion to Amend/Second/Carried Bates/Lendrum to confirm that the cost estimate total for this event will be waived as an experiment to determine actual city service costs for this type of event.** All voting aye.

The amended motion was placed on the floor. Following discussion, **Motion/Second Stevenson/Lang to recommend the Chairman of the Public Services and Safety Committee sign and the Council approve the Street Use Permit for the Bazaar After Dark Night Market, sponsored by the Fox Cities Chamber, Nikki Hessel, 125 N. Superior Street, Appleton, to be held on July 19, 2018 and to confirm that the cost estimate total for this event will be waived as an experiment to determine actual city service costs for this type of event.** All voting aye.

C.A.

Motion/Second/Carried Stevenson/Lendrum to amend the agenda to address item 11b – Temporary Class "B" (Picnic) License Beer and Wine Application – Pulse Young Professionals.

Temporary Class "B" (Picnic) Beer License Beer & Wine Application - Bazaar After Dark Night Market: The Committee reviewed the request for a Temporary Class "B" (Picnic) Beer & Wine License application from the Pulse Young Professionals Network - Bazaar After Dark Night Market. The event is being held on July 19, 2018. Committee noted that the application covers S. Commercial Street right-of-way but not the off-street location for the beer garden. Ms. Hessel indicated that she would be arranging the beer garden location once she knew that the Temporary Class "B" License would proceed. Committee discussed options for acting on the license in the absence of a set location for the beer garden – whether they should approve the application in its current form and direct staff to inform the Committee of the final location of the beer garden or if they should approve the application and then require an amended application after the site has been selected.

Following discussion, **Motion/Second/Carried Lang/Stevenson to recommend Council grant a temporary Class "B" (picnic) beer & wine license to the Pulse Young Professionals Network - Bazaar After Dark Night Market conditioned on the beer garden being located on property abutting S. Commercial Street and that staff inform the Council of the selected location of the beer garden.** All voting aye.

C.A.

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Building Code Amendment - Sec. 21-38 Fencing and Similar Structures (Ord. No. 2018-05): Deputy Director Schmidt reviewed several updates to Section 21-38 Fences and Similar Structures to include on-going maintenance standards, a list of prohibited materials, and a clarification regarding privacy enclosures. He displayed several examples of situations that the changes are intended to address. He noted examples of similar provisions in area communities. Director Haese noted that the provisions are intended to relate to perimeter fencing and not to smaller fenced areas within a property. Committee questioned the application of the proposed code to a variety of fence materials or situations. Alderman Lendrum stated that enforcement of many nuisance ordinances is done on a complaint basis. She believes that it is reasonable to have good expectations for fences. Director Haese reviewed the enforcement process for code violations. Deputy Director Schmidt reviewed situations where an 8-foot tall fence is allowed. City Attorney Godlewski reviewed the definition of the word "fence" provided in the municipal code and noted that it applies to fences that aren't perimeter fences. Deputy Director Schmidt stated that the staff interpretation has historically been to apply the definition only to perimeter fences. Committee questioned the need to modify the ordinance to reflect the enforcement practice. City Attorney Godlewski noted that staff could be directed to present an amendment to the ordinance but that long-standing enforcement practice would support any challenge. Committee questioned if existing structures would be grandfathered. Deputy Director Schmidt stated that grandfathering would depend on the circumstances, specifically if a permit had been issued for the fence installation or if the fence was constructed in a way different from the approved permit.

ORD.

Following discussion, **Motion/Second/Carried Lendrum/Stevenson to recommend Council approve Ordinance No. 2018-05 amending Section 21-38 of the Code of Ordinances relating to Fences and Similar Structures.** All voting aye.

Annexation Authorization (Shootingstar Drive/Armstrong Road): Deputy Director Schmidt reviewed his April 5, 2018, memo requesting authorization to initiate an annexation request for Lot 5 of Armstrong's Original Plat and a portion of Armstrong Street right-of-way in the Town of Neenah. He stated that, should Council approve this action, an annexation petition would be submitted to the City Clerk's office and the annexation process would begin. City Attorney Godlewski noted that the process involves notifying the three taxing entities and notification to the State of Wisconsin. Director Haese clarified that the Town of Neenah owns the public road right-of-way for Armstrong Street. Deputy Director Schmidt stated that Town property owners in the vicinity of the annexation area are not included in this petition. He stated that the City is required to provide water and sewer service within twelve months to any properties that would be annexed. He stated that formal notification of the residents is not required but that they could be contacted in this case. Director Haese reviewed the history of the City's acquisition of Lot 5 and the circumstances surrounding the status of Armstrong Street. He stated that the right-of-way was dedicated as part of Armstrong's Original Plat but that the road has not been accepted by the Town of Neenah since it is not built to Town standards. Consequently, the road is maintained by the abutting property owners. He confirmed that the intent is to annex the full width of Armstrong Street right-of-way from Shootingstar Drive extended to Breezewood Lane. City Attorney Godlewski stated that the legal mechanism for residents to object is a court challenge. He stated that the Town has consented to the annexation since it complies with the City-Town Boundary Agreement. Director Haese noted that the State review of annexation petitions is from a technical perspective. Director Kaiser commented on utility access to properties on Armstrong Street.

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Director Kaiser also noted that Armstrong Street has a 66-foot right-of-way. The proposed work to improve this section of Armstrong Street would be to widen the current 14-foot road base and place a 2-inch asphalt mat at a width of about 22 feet.

Bernice Meyer addressed the Committee to question why Remington Road or Kingswood Drive weren't extended to Breezewood Lane as part of the Eaglecrest Plat. Director Haese stated that wetlands blocked those options. Paul Meyer addressed the Committee to question the rationale for the wetland bank concept that was recently approved. Director Haese provided background on the wetland bank and noted that the first requirement on a project is to try to avoid wetland impacts. The proposed connection of Shootingstar Drive to Armstrong Street allows a connection to Breezewood Lane that avoids wetland impacts. Bernice Meyer addressed the Committee to note that her desire is to live in the country and that the proposed annexation would change that. Alderman Stevenson noted comments that he has received from residents in the Eaglecrest Plat supporting the creation of a connection to Breezewood Lane.

REPORT

Following discussion, **Motion/Second/Carried Stevenson/Lendrum to recommend Council authorize Staff to initiate a petition to annex Lot 5 of Armstrong's Original Plat and a portion of the Armstrong Street right-of-way in the Town of Neenah.** All voting aye.

1311 S. Commercial Street (AKA Harn's Furniture) Demolition: Director Haese reviewed quotes received for demolition services to remove the improvements and miscellaneous materials from 1311 S. Commercial Street which was purchased by the City in March 2018. Staff is recommending acceptance of the proposal from Go Green Recycling in the amount of \$24,500. There is a small amount of asbestos material that will also need to be removed. He noted that Community Development Block Grant funds are being used for the project and discussed the schedule for Go Green to complete the work. He noted that the intent is to remove all hard surface except for the pavement between the building and Commercial Street unless HUD requires that all hard surface be removed. He outlined the possible assemblage of adjacent land for a potential storm water pond. Committee discussed the property boundaries and project limits.

REPORT

Following discussion, **Motion/Second/Carried Lang/Lendrum to recommend Council approve the necessary contracts with Go Green Recycling for demolition of 1311 S. Commercial Street at a cost of \$24,500.** All voting aye.

Deferral of Special Assessments, Contract 3-18: City Attorney Godlewski reviewed his April 6, 2018, memo regarding the deferral of special assessments for Contract 3-18. He reviewed the application of Wis. Statute 66.0715(2) to this situation. He expressed the opinion that this provision and municipal code Section 13-5(i)(6) give the Council the flexibility to modify the assessment payment schedule. He recommended that residents throughout the project be treated consistently. If the Eaglecrest special assessments are deferred, this would entail amending the final resolution for the Nature Trails project to provide a similar deferral.

Final Resolution No. 2018-14: Curb, Gutter and Pavement Construction on Kingswood Drive, Remington Road, Paintbrush Road, Shootingstar Drive: Committee discussed the City's holding costs for the proposed assessment deferral. City Attorney Godlewski stated that he would inquire about the process for handling early payments.

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Director Kaiser noted that bills for the special assessment would be sent to affected property owners in early 2019. Committee discussed the timing of the Nature Trails special assessment relative to the proposed deferral of the Eaglecrest special assessment. Committee directed staff to bring an amended Resolution 2018-08 to the next available Committee meeting to provide a special assessment payment deferral for Nature Trails property owners.

RES. Following discussion, **Motion/Second/Carried Stevenson/Lendrum to recommend Council adopt Final Resolution No. 2018-14 for installation of curb, gutter and pavement on Kingswood Drive (Nature Trail to Shootingstar), Remington Road (Nature Trail to Shootingstar), Paintbrush Road (Kingswood to Remington) and Shootingstar (Kingswood to Remington) with a deferred special assessment billing that would place the special assessment on the property tax bill in December 2019.** All voting aye.

Intersection Control Policy: **Motion/Second/Carried to postpone this item to Engineer Merten's next available meeting.** All voting aye.

W. North Water Street Roadway Layout: Engineer Merten reviewed his March 16, 2018, memo reviewing the W. North Water Street roadway layout. Committee discussed the crash history at the intersection of North Water Street and Commercial Street, noting the consistent occurrence of two crashes per year both before and after the layout changes on W. North Water Street. Traffic Engineer Merten noted that most of those crashes are irrelevant to a review of the layout of W. North Water Street. Alderman Lendrum noted the occasional observation of higher speed drivers passing through the area and questioned the possibility of installing a speed hump near Bond Street. Traffic Engineer Merten noted that he has discussed the layout with YMCA Executive Director Scott Schanhofer. He related that Mr. Schanhofer believes that it is better overall than prior layouts. Traffic Engineer Merten noted the potential inclusion of work at that intersection with a future reconstruction project on Bond Street. Chairman Bates related comments received from Bob Suess relative to concerns with the back-in angle parking arrangement and the handicapped accessibility. Committee discussed handicapped accessibility under prior layouts. Committee requested information on the status of the chairlift that was approved for the west side of the main entrance to the YMCA. Committee discussed the use of the drop-off lane and the comfort level that users and through traffic have with drop-off from the vehicle's passenger side in the painted median in the street. Alderman Stevenson suggested that staff consider the benefits of signaling the intersection of North Water Street and Commercial Street and allowing eastbound traffic in front of the YMCA so that drop-off can be done at the curb. Traffic Engineer Merten noted other potential traffic alterations that could be considered. Alderman Stevenson relayed complaints that he had received regarding the posting of a No Right on Red for traffic entering Commercial Street from the west leg of Forest Avenue.

Following discussion, the consensus of the Committee was to leave the layout as it is.

Street Use Permit:

Juvenile Diabetes Research Foundation One Walk: Committee reviewed the Street Use Permit for the JDRF One Walk to be held on May 19, 2018. Traffic Engineer Merten reviewed past police staffing practice and noted that some police staff will be dedicated to the event this year. He indicated that there were no other changes to the event.

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C.A.

Following discussion, **Motion/Second/Carried Stevenson/Lang to recommend the Chairman of the Public Services and Safety Committee sign and the Council approve the Street Use Permit for the JDRF One Walk, sponsored by the Juvenile Diabetes Research Foundation, Dana Paschen, 1800 Appleton Road, Ste. 2, Menasha, to be held on May 19, 2018.** All voting aye.

Licenses:

C.A.

Beverage Operator License Applications: The Committee reviewed the beverage operator license applications for Alex B. Wendt. Following discussion, **Motion/Second/Carried Lang/Lendrum to recommend Council approve beverage operator license applications for Alex B. Wendt.** All voting aye.

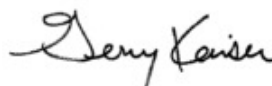
Public Works General Construction and Department Activity:

1. Contract 8-17 (Commerce Court Pond) – Pipe installation is complete. The contractor has started to work on expanding the detention pond. Excavated soil is being placed on the south slope of Bell Street.
2. Contract 1-18 (Andrew, Richard, Geiger, Whiting) – We Energies continues to work on gas main relocation on Geiger. The City's contractor has installed water main on Geiger and sanitary sewer on Richard.
3. Contract 2-18 (Cecil, Adams) – The contractor intends to start work on Adams Street after utility work on Contract 1-18 is complete.
4. Contract 3-18 (Nature Trails/Eaglecrest) – A contract award was approved by Council on April 4. The informational letter is being prepared and will be sent to residents this week. Staff have been working with the Neenah Post Office to arrange clustered mailbox units to simplify postal delivery during construction.
5. Contract 4-18 (Epoxy Pavement Marking) – Traffic Engineer Merten is finalizing the plans and specifications. A bid opening has been scheduled for April 24 with a projected award at the May 2 Common Council meeting.
6. Harrison Street North Pond – Staff is preparing a WDNR grant application for construction of a detention pond on the north Neenah Foundry site. The grant request is for \$150,000. Grant award would take place in early fall. Staff continues to work with Neenah Foundry on property acquisition.
7. Yard Waste collection is scheduled to start on April 17. This will be the first of 5 weekly collections.
8. A meeting to update the West Doty Island neighborhood on the Loop the Lake project has been scheduled for 7 pm on April 16 at the YMCA. Director Kading will be leading that meeting with Sgt. Zuehls and Traffic Engineer Merten also in attendance.
9. Staff will be meeting with Menasha Public Works staff to discuss the sanitary sewer agreement regarding charges for sewage from properties within the two communities that enter the treatment plant through the other community's sanitary sewer system.

Announcements/Future Agenda Items: None.

Motion/Second/Carried Stevenson/Lang to adjourn at 10:30 p.m. All voting aye.

Respectfully submitted,



Gerry Kaiser
Director of Public Work



RESOLUTION NO. 2018-14

FINAL RESOLUTION AUTHORIZING CURB, GUTTER AND PAVEMENT CONSTRUCTION AND LEVYING SPECIAL ASSESSMENTS AGAINST BENEFITED PROPERTY.

WHEREAS, the Common Council of the City of Neenah, Wisconsin, held a public hearing in the Council Chambers in the City Administration Building at 7:00 p.m., on the 17th day of April, 2018, for the purpose of hearing all interested persons concerning the preliminary resolution and the final report of the Public Services and Safety Committee on the following proposed improvements in the following described areas, to-wit:

Installation of curb, gutter and pavement on the following streets:

1. Kingswood Dr (Nature Trail to Shootingstar)
2. Remington Rd (Nature Trail to Shootingstar)
3. Paintbrush Rd (Kingswood to Remington)
4. Shootingstar Dr (Kingswood to Remington)

Hereinafter referred to as the "Project";

AND WHEREAS, the Common Council has heard all persons desiring audience at such hearing:

AND WHEREAS, the Project was originally scheduled for construction in 2020 but was advanced to 2018 in order to coordinate with the adjacent Nature Trails subdivision, scheduled for 2018, in order to improve the unit cost of construction;

AND WHEREAS, the Council heard residents express support for the Project but assert that the acceleration creates a significant financial burden for many of the residents in the Project's area;

AND WHEREAS, the Council finds that while the per unit cost was improved through the combination of the Project with the work on adjacent Nature Trails subdivision, the advance of the Project from 2020 to 2018 does impose a significant financial burden on many residents in the Project area;

AND WHEREAS, pursuant to the authority granted the Common Council by Wis. Stat. §66.0715(2), and Neenah Code §13-5(i)(6), the Council finds the burden caused by the Project acceleration has created an inequity that can be reduced by deferring by one year the issuance of the special assessment bills for the Project;

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of Neenah as follows:

1. That the report of the Public Services and Safety Committee pertaining to the above described improvements, including plans and specifications therefore, is hereby approved and adopted.
2. That the Public Services and Safety Committee is directed to advertise for bids and to carry out the work of such improvements in accordance with its report.
3. That the payment for said improvements be made by assessing the cost to the property benefited as indicated in said report.

4. Assessments shown on the report represent an exercise of the police power and have been determined on a reasonable basis and are hereby confirmed.
5. That the benefits and damages will be included in a revised report after actual costs are known.
6. That the assessments for all projects included in said report are hereby combined as a single assessment but any interested property owner shall be entitled to object to each assessment separately or all assessments jointly for any purpose or purposes.
7. That the assessments shall be paid as provided in the City of Neenah Municipal Code, Section 13-1, except as provided in reports or by the Resolution.
8. That pursuant to Wis. Stat. §66.0715(2) and City of Neenah Municipal Code §13-5(i)(6) the Council directs that the assessments for the Project be placed on the December, 2019 tax bills, creating a due date of January 31, 2020.
- ~~8~~9. That the City Clerk is directed to publish this resolution in the official newspaper of the City of Neenah as a Class 1 notice under Ch. 985, Wis. Stats.
- ~~9~~10. That the City Clerk is further directed to mail a copy of this resolution to every property owner whose name appears on the assessment roll whose post office address is known or can, with reasonable diligence, be ascertained.

Recommended by: Public Services
& Safety Committee

CITY OF NEENAH, WISCONSIN

Moved: _____

Dean Kaufert, Mayor

Passed: _____

Patricia Sturn, City Clerk

Resolution 2018-14 is shown as modified by the Public Services & Safety Committee with insertions highlighted and deletions ~~struck through~~.



211 Walnut Street
Neenah, WI 54956

AN ORDINANCE: By Public Services & Safety
Committee
Re: Amending Neenah Code §21-38(c)(3)
relating to privacy enclosures and creating
Neenah Code §21-38(c)(6) to add a list of
prohibited fence materials and creating
Neenah Code §21-38(c)(7) to add language
relating to the maintenance of fences.

ORDINANCE NO. 2018-05

Introduced: April 17, 2018

Committee/Commission Action:

RECOMMENDED FOR PASSAGE

AN ORDINANCE

The Common Council of the City of Neenah, Wisconsin, do ordain as follows:

Section 1. Section 21-38(c)(3) of the Code of Ordinances of the City of Neenah is amended by adding the highlighted language and eliminating the stricken language to read as follows:

(3) Such structures used as privacy enclosures around patios, decks and pools located in the rear yard and more than six feet from the property line may be increased to eight feet in height above grade.

Section 2. Section 21-38(c)(6) of the Code of Ordinances is created to read as follows:

(6) Prohibited fence materials shall include, but are not limited to, aluminum siding, vehicle parts, chicken wire, cloth or plastic tarps, scrap wood or any other material not customarily sold for fencing or deemed inappropriate by the Director of Community Development.

Section 3. Section 21-38(c)(7) of the Code of Ordinances is created to read as follows:

(7) All fences and walls shall be maintained in a structurally sound condition and in good repair. Fences and walls shall be free from loose or rotting materials and shall

have braces and supports attached or fastened in accordance with common building practices.

Section 4. Severability. In the event any section, subsection, clause, phrase or portion of this ordinance is for any reason held illegal, invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remainder of this ordinance. It is the legislative intent of the Common Council that this ordinance would have been adopted if such illegal provision had not been included or any illegal application had not been made.

Section 5. Repeal and Effective Date. All ordinances or parts of ordinances and resolutions in conflict herewith are hereby repealed. This ordinance shall take effect from and after its passage and publication.

Approved:

Moved by: _____

Dean R. Kaufert, Mayor

Adopted: _____

Attest:

Approved: _____

Published: _____

Patricia A. Sturn, City Clerk

THIS INSTRUMENT WAS DRAFTED BY:
City Attorney James G. Godlewski
211 Walnut Street
Neenah, WI 54956
State Bar No. 1005210

CITY OF NEENAH
FINANCE AND PERSONNEL COMMITTEE MEETING
Monday, April 9, 2018 – 7:00 p.m.
Hauser Room, Neenah City Administration Building
211 Walnut Street, Neenah, Wisconsin

MINUTES

Present: Chairman Pollnow; Aldermen Erickson, Boyette, Stevenson and Kunz; Mayor Kaufert, City Attorney Godlewski, Finance Director Easker

Others Present: Alderman Lendrum, Alderman–Elect Steele, Director of Public Works Kaiser, Director of Community Development & Assessment Haese, MSA Professional Services representatives Mary Wagner and Laura Jones

Public Appearances: None

Minutes: Motion/Second/Carried Boyette/Erickson to approve the minutes from the March 26, 2018 Regular Meeting. All voting aye.

2018 Sanitary Sewer Rate Study Discussion: Committee reviewed the 2018 Sanitary Sewer Rate Study prepared by MSA Professional Services, Inc. The City last reviewed rates in 2008 and implemented rate increases from 2009 through 2014. Representatives Mary Wagner and Laura Jones provided a power point summary of the important aspects of the study. Those aspects include a review of the recommended components to determine a base level of reserves in the Sanitary Sewer Fund, a review of the options for infrastructure funding (cash vs borrowing), recommendations on the appropriate surcharges to large users for BOD and TSS and the potential future impacts of meeting phosphorus discharge limits at the Neenah-Menasha Wastewater Treatment Plant. Detailed discussion took place on the reserve level issue as well as the options for infrastructure funding. Upon questioning, Director Kaiser indicated that staff will be requesting further guidance on the study prior to the start of the 2019 budget process.

219 Martens Street Acquisition: Committee reviewed memo from Director Haese recommending Council proceed with the acquisition of 219 Martens Street at the agreed upon price of \$100,000. The acquisition would be funded from the TIF 10 Capital Fund. The property had an appraised value of \$92,000 while the owners requested \$110,000. The recommended agreement allows for the owners to remain in the home for up to six months after closing. Director Haese indicated that the City's Community Development Authority (CDA) had approved the acquisition.

Committee and staff discussed various aspects of the proposed acquisition. Issues discussed included the changes to the market value of the property given that the property was currently assessed at \$64,000, the assumptions used when negotiating the purchase price, the status of funding in the TIF 10 Capital Fund and a review of the remaining parcels that have not yet been purchased in that redevelopment area.

REPORT

Motion/Second/Carried Kunz/Stevenson recommending Council proceed with the acquisition of 219 Martens Street at the agreed upon price of \$100,000 to be funded from the TIF 10 Capital Fund. Motion carried 4-1, with Chairman Pollnow voting no.

Sixth Amendment – Plexus DC2 Development Agreement: Committee reviewed memo from Director Haese requesting approval of the Sixth Amendment to Development Agreement with Plexus Corp. for the planned DC2 Development. Director Haese indicated that a number of factors continue to delay Plexus' ability to move forward with a project on the site and it is unlikely that a Plexus project will materialize on that site. He said that a local developer is in the process of developing a project on the site, and that the parties are working together to help ensure a project that will meet the objectives of the City, CDA, Plexus and the developer. Director Haese indicated that the City's Community Development Authority (CDA) had approved the amendment to the agreement.

The most recent Agreement expired on March 15, 2018. The Agreement would provide a). To move the closing date from March 15, 2018 to March 15, 2019; b). That Plexus would continue to guarantee a construction value of \$2 million, ensuring an annual construction shortfall payment to the City of approximately \$48,000. The Agreement also includes a provision that would eliminate the shortfall payment should Plexus and the City agree to terminate the Agreement prior to December 31, 2018, if another development is imminent.

Committee and staff discussed various aspects of the proposed agreement amendment. Issues discussed included the type of potential development being considered on the site, question on the rights of Plexus in this ongoing agreement, the scenarios under which the elimination of the shortfall payment could occur and a discussion on downtown parking.

REPORT

Motion/Second/Carried Erickson/Kunz recommending Council approve the Sixth Amendment to Development Agreement with Plexus Corp. for the planned DC2 Development. All voting aye.

Ord. 2018-06 Repealed and Recreated Room Tax Ordinance: Committee reviewed memo from City Attorney Godlewski recommending Council adopt Ord. 2018-06 Repealing and Recreating the Room Tax Ordinance. The changes to the ordinance are centered around language changes removing reference to the PAC bonds that have been retired and clarifying the proper breakdown of the 10% room tax. Committee and staff discussed various aspects of the recommended changes to the Ordinance.

ORDINANCE

Motion/Second/Carried Stevenson/Boyette recommending Council adopt Ord. 2018-06 Repealing and Recreating the Room Tax Ordinance. All voting aye.

Fox Cities Exhibition Center Fiscal Agency Agreement: Committee reviewed memo from City Attorney Godlewski recommending Council approve the Fox Cities Exhibition

Center Fiscal Agency Agreement. The Agreement simplifies the collection of room tax for the hoteliers by assigning the collection to the FCEC Bond Fiscal Agent, Associated Trust Company, and then requiring the Fiscal Agent to distribute the proceeds according to the Room Tax Ordinance adopted by the ten participating municipalities in the Fox Cities Tourism Zone. The agreement is also endorsed by the FCEC bond underwriters since it provides added security for bond holders to insure that the room tax is properly distributed and assuring the FCEC bonds are timely paid. Committee and staff discussed various aspects of the proposed agreement.

REPORT

Motion/Second/Carried Kunz/Erickson recommending Council approve the Fox Cities Exhibition Center Fiscal Agency Agreement. All voting aye.

Recommended 2017 Transfer from Benefit Accrual Fund to General Fund:

Committee reviewed memo from Director Easker recommending approval to make a 2017 transfer of \$178,239 from the Benefit Accrual Fund to the General Fund to offset the loss of revenue caused by the mandated reduction of market value on City investments for fiscal year 2017. He indicated that the action would bring the General Fund surplus into line with previous estimates, and would also increase the City's General Fund unassigned fund balance to \$3.98 million and total fund balance to \$4.39 million – all positive achievements from a financial reporting standpoint. Committee and staff discussed various aspects of the proposed transfer.

REPORT

Motion/Second/Carried Stevenson/Erickson recommending Council's approval to make a 2017 transfer of \$178,239 from the Benefit Accrual Fund to the General Fund to offset the loss of revenue caused by the mandated reduction of market value on City investments for fiscal year 2017. All voting aye.

Motion/Second/Carried Boyette/Erickson to adjourn the meeting at 9:35 p.m. All voting aye.

Respectfully submitted,



Michael K. Easker, CPA
Director of Finance



211 Walnut Street
Neenah, WI 54956

AN ORDINANCE: By Finance & Personnel Committee
Re: Repealing and Recreating Ch. 15, Art. II, Room
Tax Ordinance

ORDINANCE NO. 2018-06

Introduced: April 17, 2018

Committee/Commission Action:

RECOMMENDED FOR PASSAGE

AN ORDINANCE

WHEREAS, the City of Neenah (the “**City**”) is a duly organized and existing City created under the provisions of the laws of the State of Wisconsin; and

WHEREAS, Section 66.0615 of the Wisconsin Statutes authorizes the governing body of a municipality to adopt an ordinance imposing a tax (the “**Room Tax**”) on the privilege of furnishing, at retail, except sales for resale, rooms or lodging to transients by hotelkeepers, motel operators, lodging marketplaces, owners of short-term rentals, and other persons furnishing accommodations that are available to the public; and

WHEREAS, the geographic area encompassing the City of Appleton, Wisconsin, the City of Kaukauna, Wisconsin, , the City of Neenah, Wisconsin, the Village of Kimberly, Wisconsin, , the Village of Little Chute, Wisconsin, the Town of Grand Chute, Wisconsin, the Town of Neenah, Wisconsin, the Village of Fox Crossing, Wisconsin, the City of Menasha, Wisconsin, and the Village of Sherwood, Wisconsin including any additional municipality in the same geographic area that may become a party to the Room Tax Commission Agreement described herein, (collectively, the “**Municipalities**”), is hereby confirmed to be a single destination as perceived by the traveling public, and, therefore, a “tourism zone”, as that term is used in Section 66.0615 of the Wisconsin Statutes (the “**Room Tax Act**”), which single destination is referred to as the “**Fox Cities Tourism Zone**”; and

WHEREAS, on November 24, 2015 this Common Council previously enacted Ord. 2015-14 a room tax ordinance (the “**Prior Ordinance**”) imposing a 10% Room Tax comprising:

- (i) a 3% Room Tax collected for the support of the Fox Cities Convention & Visitors Bureau, Inc., a Wisconsin non-stock, nonprofit corporation, a 5% portion of which could be retained by the City for the purposes of the Municipal Room Tax (as defined below) (the “**CVB Room Tax**”);
- (ii) a 2% Room Tax collected for the payment of debt service on bonds issued by the Redevelopment Authority of the City of Appleton, Wisconsin, to partially fund construction of the Fox Cities Performing Arts Center (the “**PAC Bonds**”) and, upon payment in full of the PAC Bonds, to be reallocated for the purposes of the Tourism Facilities Room Tax (as defined below) (the “**PAC Room Tax**”);

- (iii) a 3% Room Tax collected for the direct or indirect payment of the costs of construction of the Fox Cities Exhibition Center or debt service on bonds issued to finance or refinance the Fox Cities Exhibition Center (the “**Exhibition Center Room Tax**”);
- (iv) a 1% Room Tax collected for general purposes, including, but not limited to tourism support and development in the City (the “**Municipal Room Tax**”); and
- (v) a 1% Room Tax collected for the development and support of amateur sports facilities within the Fox Cities Tourism Zone and/or other facilities which are reasonably likely to generate paid overnight stays at more than one hotel or motel establishment within the Fox Cities Tourism Zone (the “**Tourism Facilities Room Tax**”); and

WHEREAS, subsequent to the adoption of the Prior Ordinance, certain facts and assumptions contemplated and described in the Prior Ordinance have changed, including that the PAC Bonds have been paid in full and the PAC Room Tax has been reallocated to the purposes of the Tourism Facilities Room Tax, the Room Tax Act has been amended, and the Town of Menasha, Wisconsin, a municipality within the Fox Cities Tourism Zone, has been incorporated as the Village of Fox Crossing, Wisconsin; and

WHEREAS, the City desires (i) to clarify the allocation of the 10% Room Tax imposed in the Prior Ordinance by removing reference to the PAC Room Tax and reflecting that the Tourism Facilities Room Tax percentage is now 3%, (ii) to make conforming changes to the CVB Room Tax and Municipal Room Tax percentages to reflect the actual percentages each of the recipients are currently receiving, and (iii) to enter into a fiscal agency agreement pursuant to which all Room Tax would be paid to a fiscal agent and be allocated by the fiscal agent to the recipients of the Room Tax for the specific Room Tax purposes set forth in this Ordinance; and

WHEREAS, the City acknowledges that the Room Tax Act includes certain conditions on the imposition of Room Taxes, including a consideration of the populations of counties in which the Municipalities are located; and

WHEREAS, the Municipalities are located within Outagamie, Calumet, and/or Winnebago Counties, each of which has a population of less than 380,000 and none of which is located adjacent to a county with a population of more than 380,000; and

WHEREAS, the City has entered into an Amended and Restated Room Tax Commission and Tourism Zone Agreement with the other Municipalities, which created the Fox Cities Room Tax Commission in order to coordinate tourism promotion and tourism development within the Fox Cities Tourism Zone using the proceeds of Room Taxes; and

WHEREAS, by the adoption of this Ordinance, the City repeals and recreates the Prior Ordinance to continue the imposition of the Room Tax uniformly with the room taxes imposed by the other Municipalities located within the Fox Cities Tourism Zone pursuant to the requirements of the Room Tax Act; and

WHEREAS, this Common Council finds that the best interests of the City are served by the adoption of this Ordinance;

NOW, THEREFORE, the Common Council of the City of Neenah, Wisconsin do ordain as follows:

Section 1. Recitals. The above recitals are incorporated by reference herein and made a part hereof.

Section 2. Article II of Chapter 15 of the Code of Ordinances of the City of Neenah is repealed and recreated to read as follows:

ARTICLE II. – ROOM TAX.

Sec. 15-21. – Definitions. In addition to the terms defined in this Section, the terms used in this Ordinance shall have the definitions, if any, set forth in the Room Tax Act (as defined below).

- (1) **“CVB”** shall mean the Fox Cities Convention & Visitors Bureau, Inc., a Wisconsin nonstock corporation, and its successors.
- (2) **“Exhibition Center Bonds”** shall mean the Redevelopment Authority of the City of Appleton, Wisconsin Taxable Lease Revenue Bonds, Series 2018 (Fox Cities Exhibition Center Project), issued to finance or refinance the construction and related costs of the Fox Cities Exhibition Center, and any additional bonds issued to refinance said bonds.
- (3) **“Fiscal Agent”** shall mean a financial institution acting in the capacity as an agent on behalf of the City for the receipt and allocation of the Room Taxes in accordance with this Ordinance.
- (4) **“Fiscal Agency Agreement”** shall mean an agreement entered into by and among the Municipalities, the Room Tax Commission, and the Fiscal Agent that sets forth the duties of the Fiscal Agent with respect to the Room Taxes as described in this Ordinance.
- (5) **“Fox Cities Tourism Zone”** shall mean that geographic area encompassing the City of Appleton, Wisconsin; the City of Kaukauna, Wisconsin; the City of Neenah, Wisconsin; the Village of Kimberly, Wisconsin; the Village of Little Chute, Wisconsin; the Town of Grand Chute, Wisconsin; the Town of Neenah, Wisconsin; the Village of Fox Crossing, Wisconsin; the City of Menasha, Wisconsin, the Village of Sherwood, Wisconsin, and that may in the future include any municipality that hereafter becomes a party to the Room Tax Commission Agreement.
- (6) **“Operators”** shall mean hotelkeepers, motel operators, lodging marketplaces, owners of short-term rentals, and other persons furnishing accommodations that are available to the public, which are located in the City and are obligated to pay Room Taxes under this Ordinance.
- (7) **“Pledge Agreement”** shall mean any pledge agreement entered into by the Municipalities and the Room Tax Commission, pursuant to which a portion of the Room Tax is pledged to pay a particular project or purpose in furtherance of the purposes of the Room Tax set forth in this Ordinance, which includes the Exhibition Center Bonds and any Tourism Facilities Bonds.
- (8) **“Quarterly Payment Date”** shall mean each January 31, April 30, July 31, and October 31, each of which is the last day of the month next succeeding the end of a calendar quarter.

- (9) **“Room Tax”** shall mean a tax on the privilege of furnishing, at retail, except sales for resale, rooms or lodging to transients by the Operators, pursuant to the Room Tax Act.
- (10) **“Room Tax Act”** shall mean Section 66.0615 of the Wisconsin Statutes, as amended from time to time.
- (11) **“Room Tax Commission”** shall mean the Fox Cities Room Tax Commission created by the Municipalities within the Fox Cities Tourism Zone pursuant to the Room Tax Commission Agreement in order to coordinate tourism promotion and tourism development within the Fox Cities Tourism Zone.
- (12) **“Room Tax Commission Agreement”** shall mean the Amended and Restated Room Tax Commission Agreement, dated as of November 24, 2015 entered into by and among the Municipalities and the Room Tax Commission, as amended from time to time.
- (13) **“Tourism Facilities Bonds”** shall mean any one or more series of bonds issued to finance or refinance the construction and related costs of projects undertaken by or on behalf of the Municipalities in furtherance of the Tourism Facilities Room Tax, and any additional bonds issued to refinance said bonds.

Sec. 15-22 – Imposition of Room Tax. Pursuant to the Room Tax Act, there is hereby imposed a 10% Room Tax on the privilege of furnishing, at retail, except sales for resale, rooms or lodging to transients, by the Operators. Operators shall remit all Room Taxes to (i) the City’s Clerk or (ii) to a Fiscal Agent on behalf of the City pursuant to a Fiscal Agency Agreement in accordance with the requirements of this Ordinance and the Room Tax Act. Such 10% Room Tax shall be allocated as follows:

- (1) A 2.85% Room Tax shall be imposed and allocated toward the support of the CVB, to be used for the promotion of the Fox Cities Tourism Zone as a tourism destination (the **“CVB Room Tax”**).
- (2) A 3% Room Tax shall be imposed (subject to sunset as provided in subsection 15-23 hereof) and allocated toward payment of debt service on the Exhibition Center Bonds in accordance with a Pledge Agreement (the **“Exhibition Center Room Tax”**).
- (3) A 1.15% Room Tax shall be imposed and retained by the City to be used for general tourism support and development in the Fox Cities Tourism Zone in accordance with the requirements of the Room Tax Act (the **“Municipal Room Tax”**).
- (4) A 3% Room Tax shall be imposed and allocated toward the support of amateur sports facilities within the Fox Cities Tourism Zone and/or other facilities which are reasonably likely to generate paid overnight stays at more than one hotel, motel, or other lodging establishment within the Fox Cities Tourism Zone (the **“Tourism Facilities Room Tax”**).

The City or its Fiscal Agent shall forward the Room Taxes it has received, to be used as described above, to the following parties: (i) the CVB Room Tax to the CVB, (ii) the Exhibition Center Room Tax as required under the related Pledge Agreement, (iii) the Municipal Room Tax to the City, and (iv) the Tourism Facilities Room Tax to the Room Tax Commission or its designees on its behalf (including the CVB), or as otherwise required under a Pledge Agreement.

Sec. 15-23 – Expiration of Exhibition Center Room Tax. The Exhibition Center Room Tax shall sunset and expire upon payment in full of all outstanding Exhibition Center Bonds and any related outstanding fees or expenses therefor, at which time the Room Tax shall be reduced by 3% with such reduction being deemed to be the share of the Room Tax allocated to the Exhibition Center Room Tax. Notwithstanding the foregoing, Operators may not discontinue collection of the Exhibition Center Room Tax until the City provides notice that the Exhibition Center Room Tax has been terminated by operation of this Ordinance. After all outstanding Exhibition Center Bonds are paid in full, any excess Exhibition Center Room Tax revenues collected that are not needed to pay the Exhibition Center Bonds or any related outstanding fees or expenses shall be forwarded to the CVB and reallocated to the purposes of the Tourism Facilities Room Tax.

Sec. 15-24 – Priority of Payment. In the event any Operator fails to remit the entire Room Tax amounts due on any Quarterly Payment Date under this Ordinance, the City directs that the amounts actually received by the City (or its Fiscal Agent) shall be applied in the following priority order:

- (1) *first*, to the CVB Room Tax until paid in full;
- (2) *second*, to the Exhibition Center Room Tax, if any, until paid in full;
- (3) *third*, to the Tourism Facilities Room Tax until paid in full; and
- (4) *fourth*, to the Municipal Room Tax until paid in full.

Sec. 15-25 – Tourism Entity. The CVB shall act as the “tourism entity,” as that term is defined in the Room Tax Act, for purposes of providing staff, support services and assistance to the Room Tax Commission in developing and implementing programs to promote the Fox Cities Tourism Zone to visitors, as more fully set forth in an agreement between the Room Tax Commission and the CVB. The CVB may also hold and administer the Tourism Facilities Room Tax on behalf of the Room Tax Commission in furtherance of the purpose of the Tourism Facilities Room Tax, except when a related Pledge Agreement is in effect.

Sec. 15-26 – Collection and Administration of Room Tax; Operator Reports. This Ordinance shall be administered by the Director of Finance. The Room Tax imposed by this Ordinance shall be payable on each Quarterly Payment Date to the City (or to a Fiscal Agent on behalf of the City pursuant to a Fiscal Agency Agreement). A report shall be filed by each Operator with the Director of Finance (or with a Fiscal Agent) on or before each Quarterly Payment Date. Such report shall show the gross room receipts of the preceding calendar quarter from such retail furnishing of rooms or lodging, the amount of Room Tax imposed for such period, and such other information as the City deems necessary. Every Operator required to file such quarterly report shall, with its first report, elect to file an annual report based on either the calendar year or its fiscal year. Such annual report shall be filed within 90 days after the close of each such calendar or fiscal year. The annual report shall summarize the quarterly reports, shall reconcile and adjust for errors in the quarterly reports, and shall contain certain such additional information as the City requires. Such annual reports shall be signed by a representative of the Operator or its duly authorized agent, but need not be verified by oath. The City may, for good cause, extend the due date for filing any report, but in no event shall such extension be longer than one month after the due date.

Sec. 15-27 – Operator Permit Required. Every Operator is required under this Ordinance to file with the City Clerk an application for a permit for each place of business that is required to pay Room Tax hereunder. Every application for a permit shall be submitted

to the City's Clerk using a form prescribed by the City and shall set forth the name under which the Operator transacts or intends to transact business, the location of its place of business, and such other information as the City requires. The application shall be signed by the owner of the Operator if a sole proprietor and, if not a sole proprietor, by an authorized representative of such Operator. Together with the permit application, each Operator shall pay the City a fee established by the Common Council for each permit. A permit issued hereunder is non-transferable.

Sec. 15-28 – Penalty for Violations. In addition to the Schedule of Forfeiture described in Section 15-30 hereof, any Operator in violation of the terms of this Ordinance by failing to obtain a permit shall be subject to a penalty not to exceed \$200.00 for each violation. Each room or unit separately rented or offered for rent, and each day of such rental or offer for rental of such unit shall be a separate violation. In addition, injunctive relief is hereby authorized to discontinue any violation of this Ordinance. Any Operator deemed to have violated any of the provisions of this Ordinance shall be obligated to pay the costs of prosecution, in addition to actual attorney fees expended in the course of said enforcement. The City may revoke or suspend any permit issued hereunder for failure to comply with the provisions hereof.

Sec. 15-29 – Liability for Room Tax on Sale or Transfer of Business. If any Operator sells or transfers all or substantially all of its interest in its hotel, motel or other lodging accommodation, its successors or assigns shall withhold sufficient amounts from the purchase price to pay any amount of Room Tax liability due through the sale or transfer date until the Operator produces a receipt from the City's Treasurer that its liability has been paid in full or a certificate stating that no Room Tax amount is due. If a successor Operator fails to withhold such amount from the purchase price as required, such successor Operator shall become liable for payment of the Room Tax amount it is required to withhold.

Sec. 15-30 – Schedule of Forfeitures. In addition to paying the Room Taxes due hereunder, any Operator that has failed to pay any Room Tax when due shall be required to pay a forfeiture in an amount equal to 25% of the Room Tax due from the Operator to the City for the previous year and unpaid, or \$5,000, whichever is less, for failure to pay the Room Tax due hereunder.

Sec. 15-31 – Confidentiality of Information. To the extent permitted under the law, the information provided to the City under Section 66.0615 (2) of the Wisconsin Statutes shall remain confidential; *provided, however,* that the City or any employee thereof may use such information in the discharge of duties imposed by law or of the duties of their office or by order of a court. Persons violating the provisions of this subsection may be required to forfeit not less than \$100 nor more than \$500.

Sec. 15-32 – Enforcement. The City shall enforce this Ordinance in accordance with the Room Tax Act.

Section 3. Publication of Ordinance. This Ordinance shall be published within 15 days after its passage, either in its entirety or in the form of a notice containing the information required under Section 62.11(4)(c)2. of the Wisconsin Statutes, in the official newspaper of the City as a class 1 notice under Chapter 985 of the Wisconsin Statutes.

Section 4. Fiscal Agency Agreement. The Mayor and Clerk of the City are hereby authorized to enter into a Fiscal Agency Agreement with the other Municipalities, the Room Tax Commission, and a Fiscal Agent for the purposes of the receipt of the Room Tax from the Operators and the application thereof in accordance with this Ordinance and any Pledge

Agreement. The Mayor and Clerk are hereby authorized and directed for and in the name of the City to execute and deliver the Fiscal Agency Agreement, in substantially the form provided to this meeting, with such insertions of corrections thereto as shall be approved by the above officers consistent with the terms of this Ordinance, the execution thereof to constitute conclusive evidence of the approval of any such insertions or corrections.

Section 5. Conflicting Ordinances Superseded; Severability. This Ordinance continues, amends, and restates the Prior Ordinance. All ordinances or parts of ordinances in conflict with the provisions of this Ordinance are repealed to the extent of such conflict. The invalidity of any section or provision of this Ordinance hereby adopted and approved shall not invalidate other sections or provisions hereof. In the event any section, subsection, clause, phrase or portion of this ordinance is for any reason held illegal, invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remainder of this ordinance. It is the legislative intent of the Common Council that this ordinance would have been adopted if such illegal provision had not been included or any illegal application had not been made.

Section 6. Repeal and Effective Date. All ordinances or parts of ordinances and resolutions in conflict herewith are hereby repealed. This ordinance shall take effect on the date that is the later of (i) May 1, 2018 or (ii) the day after the date of publication of this Ordinance as described in Section 3 hereof.

Approved:

Moved by: _____

Adopted: _____

Approved: _____

Published: _____

Dean R. Kaufert, Mayor

Attest:

Patricia A. Sturn, City Clerk

THIS INSTRUMENT WAS DRAFTED BY:
City Attorney James G. Godlewski
211 Walnut Street
Neenah, WI 54956
State Bar No. 1005210

**Community Development Authority of the City of Neenah
April 9, 2018 - 4:00 PM**

Present: Board Members: Tom Martin, Ald. Cari Lendrum, Michelle Bauer, Pete LeCompte, Grant Birtch, John Ahles and Ald. Lee Hillstrom. Also Present: Executive Director Chris Haese, John Skyrms (Historic Neenah Properties, LLC), and Community Development Office Manager Samantha Jefferson.

Approval of October 9, 2017 meeting minutes:

MSC Birtch/Hillstrom, the CDA to approve the meeting minutes of October 9, 2017. All aye.

Public Appearances:

John Skyrms of Historic Neenah Properties, LLC, introduced himself and thanked the CDA members for their service. He asked that the CDA continue to have a representative from the BID be included in meetings regarding downtown development (Member Birtch is also on the BID Board).

He also encouraged the CDA to preserve as much greenspace as possible when considering future developments.

Election of Officers:

MSC Lendrum/Hillstrom, the CDA to elect Tom Martin as Charmain of the CDA board. All voting aye.

MSC Hillstrom/Birtch, the CDA to elect John Ahles as Vice Chairman of the CDA board. All voting aye.

The CDA welcomed new member, Pete LeCompte.

Consideration of acquisition of the property at 219 Martens Street lying within the Gateway Redevelopment Area:

The owner of 219 Martens Street approached the CDA with offers to sell this property. The home was appraised for \$92,000 which was the original offer from the City. After some negotiations, the owner has agreed to sell for \$100,000. As part of the agreement, the owners will remain in the home for up to six months after closing.

Member Lendrum explained that she would not support the purchase of this home for several reasons. Firstly, there is not an imminent project for which the land would be needed. Secondly, the home is assessed for \$76,700. She feels that it would be wise to hold off on this purchase due to the difference in the assessed and appraised figures. She inquired about the possibility of moving the home instead of demolishing it if the City did chose to purchase the home.

Member Ahles, speaking to the longer amount of time before the City would need to demo/move the home, asked if the City would be willing to rent out the home. Director Haese said that while the City could do that, it is unlikely that Council would be willing to take on the liability.

Member Hillstrom voiced his support of the purchase citing the constant need for parking in the downtown and development sites.

Member Birtch pointed out that this purchase would put the City in a better position to vacate Martens Street.

Member LeCompte added that other entities that would consider buying the home would know that they would have the potential to make significantly more on the home were a development hinged upon the sale.

Director Haese will return to the CDA with options for the disposition of the home. He will include discuss with the seller the need to maintain the house for possible future occupancy.

REPORT **MSC Hillstrom/Birtch, the CDA to recommend Council proceed with the acquisition of 219 Martens Street at the agreed upon price of \$100,000. All voting aye. Member Lendrum voting nay.**

Consideration and recommendation of the Sixth Amendment to Development Agreement with Plexus Corporation for the planned DC2 Development:

The CDA, City and Plexus have had five amendments to the original Development Agreement for the Plexus DC2 Project at Two Plexus Way. The most recent Agreement expired on March 15, 2018.

Director Haese explained that a number of factors continue to delay Plexus' ability to move forward with a project on the site and it is unlikely that a Plexus project will materialize on the site. However, staff have been engaged with a local developer that is in the process of developing a project for the site. Plexus has also been made aware of this plan by the developer. All three parties are working together to help ensure a project that will meet the objectives of the CDA, the City, Plexus and the developer. In order to provide sufficient time for this project to materialize, Plexus is willing to extend the term of the Agreement for an additional year. By extending the contract they will continue to have a vested interested in the project. The City will benefit as a result of the construction shortfall payment that could accrue again in late 2018. Furthermore, staff is working on a broader agreement that could result in release of obligations to Plexus and others and may have positive fiscal impacts to the City as well.

In summary the Agreement will provide the following:

- The closing date will move from March 15, 2018 to March 15, 2019.

- Plexus will continue to guarantee a construction value of \$2 million, ensuring an annual construction shortfall payment to the City of approximately \$48,000.
- Should Plexus and the City/CDA agree to terminate the Agreement prior to December 31, 2018 to an eminent development, the construction shortfall payment would not be required.

Director Haese also explained that Plexus can review any proposed developments but does not have veto power.

MSC Lendrum/Hillstrom, the CDA to approve the Sixth Amendment to Development Agreement with Plexus Corp. for the planned DC2 Development. All voting aye.

The Community Development Authority may convene into Closed Session pursuant to Wis. Stats. Sec. 19.85(1)(e) to discuss potential land acquisition adjacent to or in the vicinity of Site 7 and in the South Commercial Street Corridor:

MSC Hillstrom/Birtch, the CDA to convene into Closed Session. All voting aye.

MSC Hillstrom/Lendrum, the CDA to convene into Open Session. All voting aye.

Announcements and Future Agenda items:

None.

Adjournment: The meeting was adjourned at 5:10 p.m. **MSC Hillstrom/Ahles. All voting aye.**

Respectfully Submitted,



Samantha Jefferson
Office Manager, Community Development

Committee of the Whole Minutes
Monday, March 26, 2018 – 7:00 pm
Council Chambers

Purpose: Discussion on Curbside Refuse and Recycling Collection Options.

Present: Aldermen Boyette, Bates, Hillstrom, Lendrum, Erickson, Lang, Pollnow, Kunz, Stevenson and Mayor Kaufert.

Also Present: City Attorney Godlewski, Deputy Clerk Goffard, Director of Finance Easker and Director of Public Works Kaiser.

Council President Stevenson called the meeting to order at 7:08 p.m.

Public Appearances

Brad Avery, Inland Waste, 5235 N. Ballard Rd, Appleton, WI. Mr. Avery spoke to the Committee about how the City is trying to figure out all the information on changing refuse and recycling collection within the City of Neenah. Intent to privatize the services to save on costs and liabilities. Estimated costs saved would be \$2.5 million dollars which could be used for other projects in Neenah. The refuse trucks last about 8 years. As far as liability in his 27 years of experience he has been to 12 fatalities. If you privatize that liability is removed from the City of Neenah. Everything as far as rising costs are guarantee for 10 years. Multiple cart sizes of 35, 65 and 95 gallons are being offered.

Ann Cattau, 1135 Manor Drive, Neenah. She is here representing the condo association for the Memorial Park condominiums. Owners are concerned with where the automated garbage cans will go with limited space and single car garages. Not sure yet if there will be enough space to store these containers. In another city she saw them sitting out front of their condo. She believes these will decrease their property values. They were thinking of possibly having a dumpster where trash could go instead.

Ald. Bates commented on the sizes of cans that are being offered are still probably bigger than residents are used to. Council President Stevenson stated that nothing has been decided at this time. So far they are debating on manual lifting of the cans by Public Works. There could also be automated collection by Inland Waste or by Public Works.

Curbside Refuse and Recycling Collection Options

Council President Stevenson turned the meeting over to Dir. of Public Works Kaiser who asked if there were any questions on the memo he provided. Ald. Kunz discussed the comparison of costs for a private contract vs. in-house staffing. At what point does it make sense to have automated pick-up vs. employee pick-up. Dir. Kaiser stated that automation would help with efficiency and open more time for other projects such as street repair within Neenah for the Public Works employees. The numbers were not put together with adding more staff. Ald. Kunz asked if Dir. Kaiser wants the City of Neenah to pick up garbage or if he wanted to privatize it. Dir. Kaiser sees benefits both ways. The costs of either operation are fairly close. Maintaining in-house garbage pick-up gives us flexibility with staff for winter operations. Dir. Kaiser would prefer direct control of our own employees if possible.

Ald. Erickson stated at the last meeting on this issue recalled that Superintendent of Public Works Freese stated the privatized proposal only had two different size garbage carts. She prefers to have the option of the smaller 35 gallon carts. She is concerned with older homes having smaller garages and not having the space to store these elsewhere. Mayor Kaufert stated that Council ends up making the policy decision on how many sizes are offered. Three sizes would be nice for the older generation that may not produce as much garbage. Dir. Kaiser stated that there are many implementation steps to be involved as we move forward. We would not want to order too many of one size. Residents should have realistic expectation on what size they would need. Garbage bags outside the carts would not be picked up. Council President Stevenson stated there could be less cost for smaller carts. Inland Waste representative indicated that their proposal would charge the same cost per bin cart regardless of size. Ald. Erickson asked what happens with brush and large item pick-up. Dir. Kaiser said the city would keep those services utilizing rear load trucks. Ald. Bates asked if service to multi-family housing and commercial would change. Dir. Kaiser stated that the city currently collects from 4 units or less but the service levels could change. Ald. Bates asked if garbage collection could be turned into a city utility. Dir. Easker responded that creation of a garbage utility may require a referendum. Ald. Boyette is concerned with the most economical for the City. Dir. Kaiser responded that the cost per each truck is approximately \$275,000 and the Department of Public Works would need 3 ½ employees for pick-up. 3 drivers would be used for private pick-up. Currently there are 3 open positions. Dir. Kaiser estimated that the 5 trucks in the City's fleet a fair amount is spent on garbage truck maintenance with 4 ½ employees. Refuse collection with maintenance for a 5 truck fleet is around \$65,000 per year and about the same for recycling. Ald. Pollnow asked if the privatization option has added in another half employee with 22 employees for street maintenance. Dir. Easker stated that it would be \$160,000 more to do it privately and eliminate 3 positions. With potential position changes the fees the costs would be comparable.

MS Pollnow/Lendrum to approve Option 3 to privatize garbage and recycling collection with revised wage increases.

Discussion continued.

Ald. Kunz stated a budget has already been passed with privatization vs. city pick-up. He will vote against privatization because the City loses control of the service. He assumed the public option would add two FTE positions. Dir. Easker stated the privatization includes 1.8 FTE to be added. Ald. Pollnow stated this issue was brought forward due to losing staff caused by low wages. The city would be the customer of this company. Ald. Lendrum inquired of Mr. Avery on the loss of control with having a private company do this service. Mr. Avery stated anything can be put in a contract. Future costs capped at 1% per year. Initially the private option would cost \$6.67 per stop. Dir. Kaiser stated the RFP included a fuel surcharge provision which would be incorporated into a contract with a monthly review fuel costs as prices change. Ald. Pollnow asked if natural gas is an option for the trucks. Mr. Avery confirmed the availability of natural gas vehicles. Ald. Bates stated many residents enjoy having the customer relationship with the city employees. Mayor Kaufert's

proposal intended to improve efficiencies and provide better service with less chance of employee injuries. We would have more employees available for other maintenance in the city to be done. Possibly try to cover the collection in 4 days vs. 5 days and have one day a week to work on street repairs, etc. Only 15% of Wisconsin municipalities collect garbage manually. Ald. Lendrum likes efficiency of pick-up in 4 days but worried about safety. Mr. Freese said that we could possibly get there but have to start out first and see how things go. Typical garbage pick-up takes 4 ½ hours a day plus trips to the landfill, etc. Another truck would have to be added for a 4 day pick-up. Ald. Kunz stated that the cost is similar in both scenarios. Ald. Erickson asked if there is any way to make the current way of pick-up more efficient by the residents. Supt. Freese indicated the program to gather garbage cans together with neighbors to save on stops didn't work well. Inland picks up recycling in most of the communities in Outagamie County. Dir. Kaiser stated he hasn't looked at doing pick-up for recycling only. Not sure if much would be gained by bi-weekly recycling collection. Ald. Bates asked if there is an advantage to owning the garbage trucks. As far as financial reporting goes, Dir. Easker stated it would not be a benefit to the City. Outagamie County has private recycling pick-up only by municipalities. Potential savings on recycling for everything in one bin. On the county level they have more interest in the recycling aspect of pick-up. Dir. Kaiser stated that a full-service contract would provide us with a better price. We have numbers for recycling and garbage listed separately.

Motion to recommend Council approve Option 3 to privatize garbage and recycling collection with the revised wage increases failed by a 3-6 voice vote, Ald. Pollnow, Lendrum and Boyette voting aye, Ald. Bates, Hillstrom, Erickson, Lang, Kunz and Stevenson voting nay.

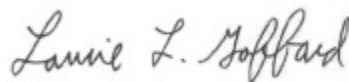
MS Bates/Kunz to recommend Council move forward with the automated in-house garbage and recycling collection.

Dir. Easker stated that 2018 budget would have eliminated 2 FTE positions. No money was put into the budget for new garbage trucks. Ald. Kunz stated that money for new garbage trucks would most likely be in the 2019 budget.

The motion to move forward with the automated in-house garbage and recycling collection carried by an 8-1 voice vote, all voting aye, except Ald. Pollnow voting nay.

Adjournment

MSC Pollnow/Boyette to adjourn at 8:50 p.m., all voting aye.



Laurie L. Goffard
Deputy Clerk



Department of Public Works
211 Walnut St. • P.O. Box 426 • Neenah WI 54957-0426
Phone 920-886-6241 • e-mail: gkaiser@ci.neenah.wi.us
GERRY KAISER, P.E.
DIRECTOR OF PUBLIC WORKS

M E M O R A N D U M

DATE: March 23, 2018
TO: Mayor Kaufert, and Members of the Common Council
FROM: Gerry Kaiser, Director of Public Works
RE: Curbside Refuse and Recycling Collection Options

This memorandum is a follow up to the Council discussion at the March 12 Committee of the Whole meeting regarding refuse/recycling collection.

There are two differences in the attached tables as compared to the tables provided at that meeting.

- 1) In all previous tables projecting costs to the year 2027, the number of years used in the compounding was 10 when it should have been 9. In essence, the projections went to the year 2028. The current tables have been corrected.
- 2) For the Current Method option and the City Automated Collection option, the Full Time Wages for the Refuse Collection and Curbside Recycling operations have been projected to 2027 by increasing the wages by 6% per year for 2019, 2020, 2021 and 2022 and by 3% per year thereafter. This is intended to estimate the cost to elevate the wages to midpoint within 5 years. The 6% increase is slightly higher than the actual percentage would need to be, but can account for movement of the overall salary plan over that time. Likewise, the 3% increase used on all other wages is slightly higher than typical for employees at or beyond midpoint.

If there is any other information that like me to have for the next Committee of the Whole meeting, let me know.

**Minutes of the Board of Public Works Meeting
Tuesday, April 10, 2018 – 12:00 p.m.
Hauser Room**

MEMBERS PRESENT: Mayor Kaufert, City Attorney Godlewski, Director of Finance Easker, Director of Community Development & Assessment Haese, Director of Public Works Kaiser, Alderman Hillstrom. Alderman Bates was excused.

ALSO PRESENT: Clerk Sturn and Director of Parks & Recreation Kading.

Mayor Kaufert called the meeting to order at 12:05 p.m.

MINUTES: MSC Kaiser/Hillstrom to approve the minutes from the April 4, 2018 Board of Public Works meeting, all voting aye.

APPEARANCES: None.

UNFINISHED BUSINESS: None.

NEW BUSINESS:

Parks and Recreation:

Change Order No. 4 for Contract PR01-17 the Fox River “Loop the Lake” Project: Dir. Kading recommended approval of Change Order No. 4 for Contract PR01-17 the Fox River “Loop the Lake” Neenah Bridge Crossing Project for the additional cost of the bump out canopy to Pheifer Brothers Construction Inc., Neenah in the amount of \$11,839.94. Dir. Kading advised this is additional cost for the bump out Canopy beyond the approved initial rough cost noted in Change Order No. 3. These additional costs reflect the detailed final design features including fiber cement board, batten strips, soffit facia, bird spikes, ceiling costs, can lights, electrical conduit, wiring and accessories for canopy and larger wire for rewire from south side of bridge to canopy location. He recommended approval of Change Order No. 4 in the amount of \$11,839.94. The project is 85% complete. The substantial completion date is target to be June 1st. With the \$25,000 donation, the contingency remains at \$20,169.25. **MSC Godlewski/Hillstrom to approve Change Order No. 4 for Contract PR01-17 the Fox River “Loop the Lake” Project for the additional cost of the bump out canopy to Pheifer Brothers Construction Company, Inc., Neenah in the amount of \$11,839.94, all voting aye.**

Pay Request No. 5 for Contract PR01-17 the Fox River “Loop the Lake” Project: Dir. Kading recommended approval of Pay Request No. 5 for Contract PR01-17 the Fox River “Loop the Lake” Neenah Bridge Crossing Project to Pheifer Brothers Construction Company Inc. in the amount of \$129,974.10. Retainage continues to be held. The project is 85-90% complete. **MSC Kaiser/Haese to approve Pay Request No. 5 for Contract PR01-17 the Fox River “Loop the Lake” Project to Pheifer Brothers Construction Company, Inc., Neenah in the amount of \$129,974.10, all voting aye.**


Public Works:

Pay Estimate No. 2 for Contract 8-17 Commerce Court Pond Expansion and Storm Sewer Installation: Dir. Kaiser recommended approval of Pay Estimate No. 2 for Contract 8-17 Commerce Court Pond Expansion and Storm Sewer Installation to Carl Bowers & Sons Construction Co., Inc., Kaukauna, in the amount of \$46,086.50. **MSC Kaiser/Haese to approve Pay Estimate No. 2 for Contract 8-17 Commerce Court Pond Expansion and Storm Sewer Installation to Carl Bowers & Sons Construction Co., Inc., to Carl Bowers & Sons Construction Co., Inc., Kaukauna, in the amount of \$46,086.50, all voting aye.**

Pay Estimate No. 1 for Contract 1-18 Miscellaneous Sewer and Water Main Construction & Street Construction on Andrew Avenue, Richard Avenue, Geiger Street and Whiting Court: Dir. Kaiser recommended approval of Pay Estimate No. 1 for Contract 1-18 for miscellaneous sewer and water main construction & street construction on Andrew Avenue, Richard Avenue, Geiger Street and Whiting Court to David Tenor Corporation, Green Bay in the amount of \$178,362.31. This is for work on Geiger Street water main and sanitary sewer work on Richard Avenue. **MSC Kaiser/Godlewski to approve Pay Estimate No. 1 for Contract 1-18 sewer and water main & street construction on Andrew Avenue, Richard Avenue, Geiger Street and Whiting Court to David Tenor Corporation, Green Bay in the amount of \$178,362.31, all voting aye.**

MSC Godlewski/Kaiser to adjourn at 12:20 p.m., all voting aye.

Respectfully Submitted,


Patricia A. Sturn, WCPC, MMC
City Clerk

STATUS OF COUNCIL DIRECTIVES ISSUED SINCE JULY 1, 1981

Date: April 17, 2018

Date of Directive: 10/05/2016

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

————— **Responsible Party:** Ald. Pollnow

————— **Status:** Pending

4/17/2018 – **To be voted on at the April 17, 2018 Organization Meeting**

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

Responsible Party: Ald. Lendrum

Status: Pending



MAYORAL PROCLAMATION NO 2018-01

**A PROCLAMATION BY THE NEENAH MAYOR DECLARING A SNOW EMERGENCY
PURSUANT TO NEENAH CODE §16-69(e)(4) AND WIS. STAT. §323.14(4)(b)**

WHEREAS, the City of Neenah is expecting to receive approximately 24 inches of snow from April 14, 2018 through April 16, 2018; and,

WHEREAS, as a result of this snow accumulation, vehicle passage and snow removal will be made difficult under current parking regulations; and,

WHEREAS, in order to provide for the public health and safety, it is necessary to impose temporary parking prohibitions to enable the City's Street Department the ability to remove the accumulating snow and better clear streets for emergency access;

NOW THEREFORE, IT IS PROCLAIMED BY MAYOR DEAN R. KAUFERT OF THE CITY OF NEENAH, WISCONSIN this 16th day of April 2018, that pursuant to the authority granted him by Neenah Code of Ordinances §16-69(e)(4) and Wis. Stat. §323.14(4)(b) the following SNOW EMERGENCY is hereby declared:

1. The SNOW EMERGENCY shall start 1:00 a.m. Saturday, April 14, 2018, and continue until 12:00 p.m. on Monday, April 16, 2018.
2. During the period of the SNOW EMERGENCY, parking shall be prohibited on any city street in the City of Neenah.
3. During the period of the SNOW EMERGENCY, any vehicle in violation of these parking restrictions shall be ticketed by the Neenah Police Department and shall be subject to towing to clear streets for the public safety.
4. The Proclamation shall be submitted to the Neenah Common Council for consideration and ratification at its meeting on April 17, 2018.

CITY OF NEENAH, WISCONSIN

By: Dean R. Kaufert
Dean R. Kaufert, Mayor

ATTEST:

Patricia A. Sturn
Patricia A. Sturn, City Clerk



2018 Local Government 101 Registration Form

Brookfield—May 4 **Madison—June 1**
Eau Claire—May 11 **Appleton—June 8**
Stevens Point—September 28

Thank you to our sponsors!

League Mutual Insurance
Stafford Rosenbaum LLP

Registration must be received at least 5 business days before the workshop date.

Local Government 101 Agenda

8:30 a.m.
Registration

9:00 a.m.
Welcome

Jerry Deschane, Executive Director or Gail Sumi, Member Engagement Director, League of Wisconsin Municipalities

Organization & Powers of Cities and Villages

Claire Silverman, Legal Counsel, or Daniel Olson, Assistant Legal Counsel, League of Wisconsin Municipalities

Recognizing and Avoiding Conflicts of Interest

Claire Silverman, Legal Counsel, or Daniel Olson, Assistant Legal Counsel, League of Wisconsin Municipalities

10:45 a.m.
Break

11:00 a.m.
Budgeting & Financial Oversight

Staff from Ehlers

12:15 p.m.
Lunch (included)

1:00 p.m.
Procedures for Local Government Meetings

Dan Hill, Retired Local Government Specialist

2:15 p.m.
Break

2:30 p.m.
Managing Public Works Activities

Ben Jordan, Transportation Information Center, Department of Engineering Professional Development, UW-Madison

3:45 p.m.
Adjourn

Choose a location/date:

- Brookfield: Embassy Suites Milwaukee/Brookfield, May 4
- Eau Claire: The Lismore, May 11
- Madison: The Holiday Inn Madison at the American Center, June 1
- Appleton: Radisson Paper Valley, June 8
- Stevens Point: Holiday Inn Hotel & Conference Center, September 28

Registrant's Name (please print) _____

Position _____

Contact Person (for questions regarding this registration) _____

Street Address _____

City _____ **State** _____ **Zip Code** _____

Municipality/Company _____

Phone _____ **Email** _____

Please check this box if you need accommodations regarding a disability or dietary restriction. We will contact you to make the necessary arrangements.

Registration Fee: \$85 (member) or \$110 (non-member) per person

Registration deadline for each workshop is five business days prior to that event. Sorry, we cannot accept registrations by phone.

I am paying by CHECK (made payable to League of Wisconsin Municipalities)

I am paying by Credit Card Visa MasterCard

Card Number _____

Expiration Date _____ Security Code _____

Signature _____

THE FINE PRINT:

Only staff members and officials from cities and villages that are currently members of the League of Wisconsin Municipalities may register as members. Registration fees, minus a \$10 processing fee, are refundable if cancellation notice is given five or more business days before the workshop date

HOTEL INFORMATION:

Local Government 101 is designed to be a one-day workshop. However, a small block of rooms has been reserved for over-night reservations. Please call the hotel directly, and reference the League of Wisconsin Municipalities to receive the block rate. (See the PDF of complete hotel information at www.lwm-info.org on the Local Government 101 page.)

Online Registration: www.lwm-info.org

FAX: 608-267-0645

League of Wisconsin Municipalities
131 West Wilson Street, Suite 505
Madison, WI 53703

2018 LOCAL GOVERNMENT 101 HOTEL INFORMATION

Local Government 101 is designed to be a one-day workshop. However, a small block of rooms has been reserved for over-night reservations. Please call the hotel directly, and reference the League of Wisconsin Municipalities to receive the block rate.

May 4, 2018

Embassy Suites Milwaukee Brookfield

262-782-2900 – Please identify yourself as being with League of WI Municipalities
\$104/nt single (\$20 per additional adult)

Reservations must be made before April 13, 2018.

May 11, 2018

The Lismore Eau Claire

715-835-8888 – Please identify yourself as being with League of WI Municipalities
\$82/nt

Reservations must be made before April 19, 2018.

June 1, 2018

Holiday Inn Madison at The American Center - Madison

608-249-4220 – Please identify yourself as being with League of WI Municipalities
\$82/nt single; \$99/nt double

Reservations must be made before May 20, 2018.

June 8, 2018

Radisson Paper Valley - Appleton

920-733-8000 – Please identify yourself as being with League of WI Municipalities
\$82/nt single; \$109/nt double

Reservations must be made before May 18, 2018.

September 28, 2018

Holiday Inn Hotel & Convention Center

715-344-0200, press #3 – Please identify yourself as being with League of WI
Municipalities - Local Government 101 Workshop; the Group Block Code is LGW.
\$82/nt single; \$109/nt double; \$136/nt triple; \$163/nt quad

Reservations must be made before September 7, 2018.