

CITY OF NEENAH
PUBLIC SERVICES AND SAFETY COMMITTEE MEETING MINUTES
Tuesday, May 28, 2019 - 6:30 PM
Hauser Room - City Administration Building

Present: Aldermen Bates, Lang, Lendrum, Spellman and Stevenson

Also Present: Mayor Kaufert, City Attorney Godlewski, Assistant City Attorney VandenHeuvel, Director of Public Works Kaiser, Director of Community Development and Assessment Haese, Deputy Director of Community Development and Assessment Schmidt, Traffic Engineer Merten, Police Chief Olson, Assistant Chief Sievert, Ed Hudak, Nikki Hessel, Chris Jones

Minutes:

Motion/Second/Carried Lendrum/Stevenson to approve the minutes of the May 7, 2019, Regular Meeting. All voting aye.

Public Appearances: None.

Ordinance 2019-14 Amending Article IV - Division 3: Noise: Assistant City Attorney VandenHeuvel reviewed Ordinance 2019-14 amending article IV - Division 3 relating to noise. He stated that some provisions are based on model ordinances and that the table of maximum decibel levels is taken from the City of Appleton ordinance. He noted that the ordinance replaces a more subjective determination of noise level with a set decibel level, which will help with enforcement and prosecution of noise complaints. He stated that officers will likely follow current practice of issuing a warning on the initial violation and then a citation if there is a subsequent violation.

Committee discussed a number of aspects of the ordinance including coordination of the decibel levels with other code areas that reference noise levels, the application of the ordinance to loud mufflers, and the application of the ordinance to barking dog complaints. Assistant City Attorney VandenHeuvel stated that Section 6 of the ordinance notes that State statute will still be used as the basis for muffler violations. He reviewed noise level limitations for beer gardens and special events. Assistant Chief Sievert stated that barking dog violations are based on the nuisance ordinance.

Committee discussed the application of the ordinance to industrial equipment, especially where industrial property abuts residential property. City Attorney Godlewski stated that noisy industrial equipment could be considered a public nuisance issue. Assistant City Attorney VandenHeuvel clarified that the decibel level violation is based on the zoning of the property that is the source of the noise.

Chief Olson noted that sworn staff will be trained in the three decibel meters that have been ordered. He stated that citizen reporting of decibel levels would not be valid in court.

Ed Hudak, 207 Crescent Drive, addressed the Committee to compliment the work on the ordinance and to question the manner in which loud mufflers are handled. He noted that the Appleton ordinance refers to a noise level at a specific distance from the muffler of a motorcycle running at a specific revolutions per minute.

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Assistant City Attorney VandenHeuvel reiterated that the proposed ordinance defers to State statute. He also noted the ability to cite based on statute prohibiting muffler alteration that increases exhaust noise. Chief Olson reviewed procedures for citing a loud motorcycle. He noted that Sgt. Fosler has been assigned the task of reducing loud vehicle complaints in the City and outlined the department program.

ORD.

Following further discussion, **Motion/Second/Carried Lang/Lendrum to recommend Council adopt Ordinance 2019-14 amending Article IV Division 3 of the municipal code relating to noise violations.** All voting aye.

Ordinance 2019-15 Amending Code §4-106 Making the Beer Garden Regulations Applicable to State Licensed Premises; and Creating Code §4-107 Temporary Extension of Licensed Premises: City Attorney Godlewski reviewed proposed Ordinance 2019-15. City Attorney Godlewski noted that the impetus for amending Code §4-106 was the recent Barrel 41 application. In regard to amending Code §4-107, he noted that there were several parameters that required Committee input relative to application filing and amplified noise times. Committee consensus was to use a 21 calendar day lead time for an application filing.

Assistant City Attorney VandenHeuvel noted that the provision allowing special issuance by the Mayor in Sec. 4-107(2) provides for just one special issuance per licensed premises. Committee discussed the definition of licensed premises and possible modifications to this provision.

Committee discussed the time period allowed for amplified sound. Committee questioned the consistency in amplified sound times between this ordinance and other related ordinances.

Following discussion, City Attorney Godlewski stated that he would research other similar ordinances and bring a proposed ordinance to a future Committee meeting.

Resolution 2019-14: Fee Schedule to Add Fee for Temporary Extension of a Licensed Premise:

Following discussion, **Motion/Second/Carried Lang/Stevenson to refer Resolution 2019-14 to the Finance and Personnel Committee.** All voting aye.

We Energies Easement Request – Bergstrom Mahler Museum: Director Kaiser reviewed an electric distribution easement request by We Energies on the Bergstrom-Mahler Museum property. He noted that the easement was about 15 feet wide and extends 50 feet into the property. He stated that two transformers would be placed in this area. He stated that We Energies had agreed to a payment of \$300 for placement of the second transformer in this easement.

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REPORT

Following discussion, **Motion/Second/Carried Lendrum/Stevenson to recommend Council approval of the Distribution Easement – Underground for We Energies work request 4243034 on the Bergstrom-Mahler Museum site.** All voting aye.

Downtown Traffic Study Phase II Consultant Selection: Traffic Engineer Merten reviewed the scoring matrix for the consultants that provided proposals for the second phase of the Downtown Neenah Traffic Study as requested by the Committee at their May 7, 2019, meeting. He noted that the scoring matrix confirms the closeness of the evaluation of the proposals from MSA Professional Services and Ayres Associates. He confirmed that the staff recommendation continues to be MSA Professional Services and that this is based, in part, on the cost difference in those two proposals. Staff had considered proposal cost to be 25% of the evaluation. Director Kaiser noted that the Committee could remove the proposal cost from the consideration. He noted the typical importance of cost assigned to consultant proposal evaluations. Committee discussed the merits of the proposals, the consideration of the cost difference, the potential impact of the study recommendations on future capital projects, and the value of having another consultant evaluate traffic conditions in the area. Mayor Kaufert stated that he agreed that having another set of eyes evaluate traffic conditions has value and that the higher cost can be warranted given the larger development picture in the downtown. Traffic Engineer Merten reviewed the comparison of project hours detailed by the consultants.

REPORT

Following further discussion, **Motion/Second/Carried Stevenson/Bates to recommend that the City enter into a professional services agreement with Ayres Associates for Phase II of the Downtown Traffic Study in the amount of \$49,290, utilizing \$45,000 in 2019 budgeted TID 10 funds and \$4,290 in unspent TID 10 reserves.** All voting aye.

Ordinance 2019-13 Amending Article IV Storm Water Management: Director Kaiser reviewed two changes to Ordinance 2019-13 requested by Alderman Kunz following prior Committee action to recommend ordinance approval. The first change involved the removal of the reference to the “Director” in Sec. 17-126(9). Director Kaiser indicated that this is a redundant reference. The second change involved creating a definition for “Other developed property” and removing reference to “Non-residential property”.

ORD.

Following discussion, **Motion/Second/Carried Lendrum/Spellman to recommend Council approve Ordinance 2019-13 Amending Article IV Storm Water Management Services.** All voting aye.

Pendleton Road Trail Easement: Director Kaiser reviewed his May 23, 2019, memo requesting approval of the permanent limited easement for trail construction on the west side of Pendleton Road abutting the Pendleton Park Apartment development. The easement will be a 2-foot strip along the east edge of the apartment parcel. Director Kaiser noted that the need for the easement was triggered by the estimated \$80,000 cost to relocate the street light poles, AT&T facilities and Spectrum cable facilities impacted by trail construction on the west side of Pendleton Road. The easement will allow trail installation to take place without the utility relocations.

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Mayor Kaufert informed the Committee that he has reviewed the current landscaping for the development with Director Haese. He stated that several trees will be installed after trail construction is complete. This will bring the site in compliance with the approved landscape plan.

REPORT

Following discussion, **Motion/Second/Carried Lang/Lendrum to recommend Council approve the permanent limited easement for trail construction along the west side of Pendleton Road abutting the Pendleton Park Apartment development.** All voting aye.

Special Event Permits:

Backdraft Bike Tour: Committee reviewed the Street Use Permit for the Backdraft Bike Tour to be held on June 9, 2019.

C.A.

Following discussion, **Motion/Second/Carried Lang/Lendrum to recommend the Chairman of the Public Services and Safety Committee sign and the Council approve the Street Use Permit for the Backdraft Bike Tour, sponsored by the Neenah Menasha Firefighters Charitable Foundation, Tim Patterson, 125 E. Columbian Avenue, Neenah, to be held on June 9, 2019.** All voting aye.

Major League Fishing Bass Pro Tour: Committee reviewed the Street Use Permit for the Major League Fishing Bass Pro Tour to be held on June 22 through July 1, 2019. Nikki Hessel, Executive Director of FNI, and Chris Jones, Neenah High School Fishing Club advisor, addressed the Committee regarding aspects of the event. Ms. Hessel stated that FNI is acting as a facilitating partner to put the event organizers in touch with the proper parties. Mr. Jones described how the event will proceed. He noted that there will be 80 competitors. He stated that this is the first time that an event of this type has been this close to Neenah. Mayor Kaufert reviewed the projected economic impact of the event. Ms. Hessel reviewed the origins of the event request. She stated that Major League Fishing typically requires a community payment of \$75,000 in order to host the event. They are not requiring that of Neenah.

Mayor Kaufert stated that the event will use the east parking lot of Shattuck Middle School to stage production equipment. He stated that Laudan Boulevard between Elm Street and Reed Street will be closed during the event. He stated that the Rec Park boat launch will be heavily used by the event. He stated that, in order to accommodate affected Neenah boaters, Winnebago County will honor the Neenah launch stickers at their boat landings. Committee discussed parking for event spectators. Committee requested that the changeable message boards be placed to notify the neighborhood and boaters of the event.

C.A.

Following discussion, **Motion/Second/Carried Lang/Lendrum to recommend the Chairman of the Public Services and Safety Committee sign and the Council approve the Street Use Permit for the Major League Fishing Bass Pro Tour, sponsored by the Major League Fishing, Michael Mulone, 4500 S. 129th E. Avenue, Suite 201, Tulsa, OK, to be held on June 22 through July 1, 2019.** All voting aye.

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Furry Flurry Walk for Pets: Committee reviewed the Street Use Permit request for the Furry Flurry Walk for Pets, sponsored by the Neenah Animal Shelter, to be held on August 10, 2019, at Riverside Park.

C.A.

Following discussion, **Motion/Second/Carried Lendrum/Spellman to recommend the Chairman of the Public Services and Safety Committee sign and the Council approve the Street Use Permit for the Furry Flurry Pet Walk, sponsored by the Neenah Animal Shelter, Mary Setton, 951 County Road G, Neenah, WI, to be held on August 10, 2019.** All voting aye.

Labor Day Parade: Committee reviewed the Street Use Permit request for the Labor Day Parade, sponsored by the Fox Valley Area Labor Council, to be held on September 2, 2019.

C.A.

Following discussion, **Motion/Second/Carried Lendrum/Lang to recommend the Chairman of the Public Services and Safety Committee sign and the Council approve the Street Use Permit for the Labor Day Parade, sponsored by the Fox Valley Area Labor Council, Hugh Sloan, to be held on September 2, 2019.** All voting aye.

Neenah High School Homecoming Parade: Committee reviewed the Street Use Permit for the Neenah High School Homecoming Parade to be held on September 27, 2019. Chairman Bates noted that the parade was on the same route used in 2018. She reminded the Committee that, because of concerns that the route closed both Fox River crossings, the motion coming out of that approval read, in part, “with the understanding that this same route will not be approved in 2019, the parade organizers must work with the City and downtown businesses to develop a route that recognizes the need for public safety and access, and staff is to provide a breakdown of costs for the event.” She asked if the school district had considered other routes. Mayor Kaufert stated that police staff expressed the belief that the 2018 event went well enough that the same arrangement could be used in 2019. He noted that the police staff positioned at both Oak Street and Commercial Street could halt the parade to let emergency vehicles through, if necessary. He also noted several routing alternatives that he had suggested but ultimately the school district wanted to maintain the atmosphere of the parade going through the downtown. He noted that the move to a 5 pm start also helped reduce traffic impacts. Chief Olson stated that more CSAs were used to maintain access at the main crossings. He noted how the CSAs will check with queued traffic to see if any of the drivers have an immediate need to reach the hospital. Committee noted the benefit of using the changeable message boards to make traffic aware of the event. Mayor Kaufert also noted the help of the downtown in informing employees of the event so that they can plan their workday departure.

C.A.

Following discussion, **Motion/Second/Carried Lendrum/Lang to recommend the Chairman of the Public Services and Safety Committee sign and the Council approve the Street Use Permit for the Neenah High School Homecoming Parade, Vicki Strebel, 1275 Tullar Road, Neenah, to be held on September 27, 2019.** Motion passed 4-1 (Ald. Bates voting no).

Licenses:

Beverage Operator License Applications: The Committee reviewed the beverage operator license applications for Linda M. Ashauer, Benjamin B. Baker, Deborah M. Bemowski, Drew E. Bendixen, Patrick T. Boettcher, Kristen J. Boherstengel, Pattie J. Braun, Aaron T. Callahan, Heidi J. Ciske, Jason J. Crooks, Jamie L. Czarnecki, Raymond J. DeRoche, Jacob L. Detampel, Sherry L. Diehl, Todd J. Ellis, Regennia D. Facen, LaVaune C. Guenther, Ashlynn M. Hale, Eric S. Henzel, Dwight N. Kerr, Kathleen J. Kofnetka, Christine P. Krautkramer, Dominique Kuhlow, Mark A. Lembcke, James A. Maguire, Amber M. Ostorero, David L. Piehl, Kayla S. Rasmussen, Linda J. Schultz, Breanna J. Scovronski, Paul W. Schultz, Adam C. Seidl, Hunter JM Spors, Angela L. Steffensen, Melissa M. Stuck, Lori A. Swarthout, Anders J. Swiderski, Jessica M. Vandeberg and Shelly L. Van Patter.

C.A.

Following discussion, **Motion/Second/Carried Lendrum/Lang to recommend Council approve beverage operator license applications for Linda M. Ashauer, Benjamin B. Baker, Deborah M. Bemowski, Drew E. Bendixen, Patrick T. Boettcher, Kristen J. Boherstengel, Pattie J. Braun, Aaron T. Callahan, Heidi J. Ciske, Jason J. Crooks, Jamie L. Czarnecki, Raymond J. DeRoche, Jacob L. Detampel, Sherry L. Diehl, Todd J. Ellis, Regennia D. Facen, LaVaune C. Guenther, Ashlynn M. Hale, Eric S. Henzel, Dwight N. Kerr, Kathleen J. Kofnetka, Christine P. Krautkramer, Dominique Kuhlow, Mark A. Lembcke, James A. Maguire, Amber M. Ostorero, David L. Piehl, Kayla S. Rasmussen, Linda J. Schultz, Breanna J. Scovronski, Paul W. Schultz, Adam C. Seidl, Hunter JM Spors, Angela L. Steffensen, Melissa M. Stuck, Lori A. Swarthout, Anders J. Swiderski, Jessica M. Vandeberg and Shelly L. Van Patter.** All voting aye.

Temporary "Class B" (Picnic) Beer & Wine License Application - Bergstrom Mahler Museum: The Committee reviewed the request for a temporary "Class B" (picnic) beer & wine license application from the Bergstrom Mahler Museum for their Songs on the Lawn event to be held on July 21, 2019.

C.A.

Following discussion, **Motion/Second/Carried Lendrum/Spellman to recommend Council grant a temporary "Class B" (picnic) beer & wine license to Bergstrom Mahler Museum for the Songs on the Lawn event to be held at 165 N. Park Avenue on July 21, 2019.** All voting aye

Change of Agent - Aldi Inc.: The Committee reviewed the change of agent for Aldi #37, d/b/a Aldi, 927 S. Green Bay Road.

C.A.

Following discussion, **Motion/Second/Carried Lendrum/Spellman to recommend Council approve the change of agent for Aldi #37, d/b/a Aldi, 927 S. Green Bay Road, Cody A Potter, agent.** All voting aye.

Public Works General Construction and Department Activity:

1. Contract 2-18 (Cecil, Adams). A final pay estimate is being prepared. The contractor has been informed of a number of punchlist items.

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2. Contract 3-18 (Nature Trails/Eaglecrest) – The only work remaining under this contract is completion of the Liberty Heights trail along Woodenshoe Road. The contract will remain open so that this work can be done early this year.
Staff has done a field review of the concrete work with the contractor and identified one driveway apron and two sections of sidewalk that need to be replaced under the warranty.
Quantities on the Nature Trail/Eaglecrest work have been finalized with the contractor. Special assessment billings will be sent in September 2019.
3. Contract 1-19 (Caroline, Stevens, Fifth)
 - a. Caroline Street – Utility work is complete. The street is in the rest period for trench settlement.
 - b. Stevens Street – Utility work is complete. Service work behind the sidewalk will take place the week of May 27. Grading and graveling work is complete.
 - c. Fifth Street – Utility work is complete. Service installation behind the sidewalk was done the week of May 20. Grading and graveling is complete.
4. Contract 2-19 (Stanley Ct, Stanley St, Thomas)
 - a. Stanley Court – Water main installation is complete. Service work is ongoing.
 - b. Stanley Street – The road has been pulverized. Utility work should start the week of June 10.
 - c. Thomas Court – Utility work is complete. Requested lateral replacements have not yet been done.
5. Contract 3-19 (Epoxy Pavement Marking) – Work has not been scheduled.
6. Contract 4-19 (Concrete Pavement and Sidewalk Repair) – The Bell Street trail has been poured. The contractor will start work on Pendleton Road the week of May 27.
7. Contract 5-19 (Miscellaneous Sidewalk Repair – CDBG) – No bids were received for this contract.
8. Contract 6-19 (Hot-Mix Asphalt Pavement Repair) – Bids were opened on May 15. The Board of Public Works will act on the award on May 28.
9. Courtney Court – Work has not started.
10. North Street – We have received the preliminary plans from the County’s consultant. This project is included in the County’s reconstruction of CTH “O”. A public information meeting on the project is being scheduled by Winnebago County for late June.

Mayor Kaufert noted that work on the CTH CB/Oakridge Road roundabout is beginning shortly.

Announcements/Future Agenda Items: Director Kaiser noted two items that will come to the June 11 meeting: 1) a minor correction to the TARF ordinance related to a statute citation; 2) a request by the Fox Valley Sailing School to build a storage building at the Tullar Garage site.

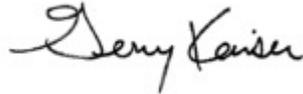
Mayor Kaufert requested that the Committee have a follow-up discussion on Click ’n Collect requests made by Walmart and Festival Foods.

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Traffic Engineer Merten informed the Committee that the equipment had been received for the pedestrian beacons that will be installed on Tullar Road at Byrd Avenue.

Motion/Second/Carried Stevenson/Lang to adjourn at 8:45 p.m. All voting aye.

Respectfully submitted,

A handwritten signature in black ink that reads "Gerry Kaiser". The signature is written in a cursive style with a large initial "G".

Gerry Kaiser, PE
Director of Public Works