

CITY OF NEENAH
PUBLIC SERVICES AND SAFETY COMMITTEE MEETING MINUTES
Tuesday May 26, 2020 - 6:55 PM

Due to the Public Health Emergency caused by the COVID-19 Pandemic, these meeting minutes are from a virtual web link (Audio & Video) and conference call (Audio only). There were no in-person attendees from the public.

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

Excused:

Also Present: Mayor Kaufert, Director of Public Works Kaiser, Director of Parks and Recreation Kading, Director of Community Development and Assessment Haese, Deputy Director of Community Development and Assessment Schmidt, Ald. Boyette, Rick Schmitz, Sarah Schmitz

Minutes: **Motion/Second/Carried Lendrum/Lang to approve of the minutes of the Meeting of May 12, 2020.** All voting aye.

Public Appearances: None

Motion/Second/Carried Lang/Lendrum to amend the agenda to address item 5 Amendment to Sec. 21-39(c) of the Municipal Code relating to Swimming Pool Protective Enclosures (Ord. No. 2020-08). All voting aye.

Amendment to Sec. 21-39(c) of the Municipal Code relating to Swimming Pool Protective Enclosures. (Ord. No. 2020-08): Rick Schmitz, 1221 Nature Trails Drive, addressed the Committee to express support for the proposed ordinance change that would allow a pool safety cover in lieu of fencing for inground pools. He expressed that a pool safety cover is a safer option since it seals the pool. He said that the cover prevents access for anyone in the household, any outsiders that may or may not have permission to be on the property and pets. He noted research that he has done of pool standards and discussions that he has had with pool installers about the use of covers instead of fences. He noted that many municipalities allow the use of a safety cover instead of a fence.

Committee noted that a cover allows a pool to be in place without drawing attention to it. Committee discussed the need to close any gates in a pool fence, otherwise the fence loses its effectiveness.

Ald. Boyette addressed the Committee to support fencing and an automatic closing gate for inground pools. She expressed concern with the manner in which a toddler would react to falling on a pool cover and if there would be a possibility of suffocation. She noted pool safety regulations in the State of Florida. She expressed opposition to the proposed ordinance in its current form.

Deputy Director Schmidt reviewed his memo of May 22, 2020, noting the current regulation requiring fencing around an inground pool and the exceptions to the fencing requirement. He noted the proposed change. He reviewed his research on code requirements from eight area communities. He noted that there were four communities that allowed pool safety

covers in lieu of fencing. Those communities have indicated that they are not seeing problems. He clarified that he had not contacted the three communities with ordinances similar to the current Neenah ordinance. He noted that pool covers can be more expensive than a typical fence. He also noted that there are other benefits to the pool cover such as heat retention and preventing debris from entering the pool. He noted that a pool cover still has a human element similar to a fence gate. Someone still needs to actively place the cover just as they need to actively close a gate. He stated that the chief building inspector sees a pool cover as being a secondary safety measure. He also stated that more requests of this type are being brought to staff.

Committee discussed the difficulty with manual placement of pool covers. It was also noted that water can collect on top of a pool cover, which can create a safety issue of its own. Committee discussed the possibility of requiring motorized or automated cover placement. Deputy Director Schmidt noted that the pool safety covers need to support 100 pounds per square foot so tend to be more rigid than solar pool covers. Mayor Kaufert noted a similar understanding of the rigidity of a safety cover.

Rick Schmitz addressed the Committee to express support for the idea of having the pool cover placement be automated. He noted that a pool safety cover can support the weight of someone walking on it. He described the ASTM standard covering this type of cover. He stated that the price of a good fence was close to the cost of a pool safety cover.

Committee discussed possible neighbor safety concerns if a pool isn't covered all of the time.

Motion/Second Lang/Lendrum to recommend Council approve Ordinance 2020-08 with a requirement that automated or motorized pool safety covers be required for inground pools.

Committee noted that it was unusual for ordinances to come before the Committee without staff recommendation and questioned the impetus for bringing this forward. Deputy Director Schmidt noted that this type of request frequently comes up when staff receives a request to construct an inground pool. He stated the staff may have offered a positive recommendation had the chief building inspector had less concern with using a pool cover as a primary safety measure. Committee noted that the fencing requirement seems to be working well.

Committee noted that the word "rigid" may need to be added to describe the cover. Deputy Director Schmidt noted that language could be added that is specific to inground pools. Rick Schmitz addressed the Committee to note that recent editions of the International Swimming Pool and Spa code deal with pool cover requirements. He noted in his discussions with the chief building inspector that there seemed to be more comfort with the idea if the pool cover was motorized. He noted the periodic inspection needed for the cover and associated mechanical systems. Committee discussed a desire to have staff do additional research.

Motion/Second Bates/Lendrum to amend the motion and refer the ordinance to staff to research and revise ordinance language.

Deputy Director Schmidt indicated that additional information would be available for Committee discussion at the next meeting.

No action was taken.

REPORT

State-Municipal Agreement for S. Commercial Street Reconstruction: Director Kaiser reviewed his memo of May 20, 2020, regarding the State-Municipal agreement for the S. Commercial Street reconstruction. He reviewed the summary of costs included in the agreement. He noted possible non-participating project costs. He confirmed that project design and real estate costs are not part of the agreement and will be City costs. Committee discussed the project schedule and budget layout.

Following discussion, **Motion/Second/Carried Lendrum/Lang to recommend Council approve the State Municipal Agreement for Project 4993-01-00_01, S. Commercial Street Reconstruction.** All voting aye.

REPORT

Wisconsin Boating Grant: Director Kading reviewed his memo of May 22, 2020, requesting permission to apply for a Wisconsin DNR Boating Grant to offset the costs of dredging the Rec Park Boat Launch. He stated that the project estimate is \$153,190 and the grant request will be for \$76,595. He reviewed the project timeline. Mayor Kaufert noted the sedimented condition of the boat launch. Director Kading confirmed that he expected multiple bids for this work. He also confirmed that this type of grant could not be used to pave the parking area at Fresh Air Park.

Following discussion, **Motion/Second/Carried Lang/Stevenson to recommend Council acceptance of the resolution granting permission to the Parks and Recreation Department to apply for a Wisconsin DNR Boating Grant to offset the costs of completing dredging of the Rec Park Boat Launch.** All voting aye.

Licenses:

Beverage Operator License Application: The Committee reviewed the beverage operator license application for Lorie Bortoluzzi, Katherine Delano, Carole Hanson-Holt, Chelsie Nachreiner-Wickman, and Kacie Olsen.

C.A.

Following discussion, **Motion/Second/Carried Lendrum/Lang to recommend Council approve beverage operator license application for Lorie Bortoluzzi, Katherine Delano, Carole Hanson-Holt, Chelsie Nachreiner-Wickman, and Kacie Olsen.** All voting aye.

Public Works General Construction and Department Activity

- 1) Contract 7-19 (Breezewood Sanitary Sewer) – The sanitary sewer interceptor has been installed from Breezewood Lane to a point approximately 2,300 feet north. Rock blasting is complete. Pipe laying is scheduled to start on May 27. Committee discussed the remaining closure time for Breezewood Lane.
- 2) Contract 1-20 (Abby, Bond, Center, Clybourn) – Utility main work is complete on Center Street and Bond Street. Water main work is nearly complete on Clybourn Street. Work on Abby Avenue will start the week of May 25.

A change order is being processed for additional storm sewer installation on Abby Avenue from Matthewson to the west. This has been discussed with staff from both Menasha and We Energies. This storm line would ultimately be extended to Little Lake Butte des Morts through the current We Energies substation parcel. That substation is scheduled for decommissioning in the next two years. The new storm line will replace the current storm main in Menasha on Madison Street that outfalls to Little Lake Butte des Morts. That storm

sewer runs through the Neenah-Menasha Wastewater Treatment Plant, which makes access very difficult and the consequence of a failure concerning.

- 3) Contract 2-20 (Utilities - Van, Monroe) – Utility main work is complete. Utility service work is ongoing.
- 4) Contract 3-20 (Street - Van, Monroe, Gillingham) – Gillingham Rd excavation is scheduled for completion by May 22. Curb repairs will take place the week of May 26.
- 5) Contract 4-20 (Green Bay, Tullar) – A pre-construction meeting is scheduled for June 1.
- 6) Contract 5-20 (Utilities - Lakeshore) – Excepting the northernmost storm sewer outfall, utility installation is complete.
- 7) Contract 6-20 (Street - Lakeshore) – The bid opening is scheduled for May 27.
- 8) Contract 7-20 (Fire 32 Apparatus Bay Roof) – The contractor schedule has not been set.
- 9) Green Bay Rd – As part of a Fox Crossing storm sewer project, Green Bay Road will be closed between North Street and Chapman Avenue. The closure is scheduled to start on May 27 and end on June 1.
- 10) E-waste Collection Event – The event is scheduled for May 30 at the Tullar Garage.
- 11) Downtown Traffic Study – A draft report has been received regarding traffic assignments and impacts for the Hewitt Lot structure option.
- 12) Recycling Grant - We received notification of the 2020 Recycling Grant Award. The grant amount is \$202,087.28. Below is a listing of past grant awards.

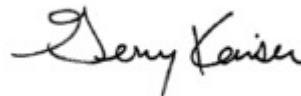
2008	\$335,952.46		2012	\$202,619.54		2016	\$192,076.53
2009	\$301,867.96		2013	\$202,831.40		2017	\$201,853.38
2010	\$302,598.49		2014	\$202,575.92		2018	\$201,820.65
2011	\$195,637.74		2015	\$202,571.33		2019	\$202,084.53

Mayor Kaufert reminded the Committee if the procession for high school graduates scheduled for 11:00 a.m. on May 27.

Mayor Kaufert noted the extent of the power outage experienced the afternoon of May 26.

Adjournment: Motion/Second/Carried Lang/Lendrum to adjourn at 8:05 p.m. All voting aye.

Respectfully submitted,



Gerry Kaiser, PE
Director of Public Works