



City of Neenah
COMMON COUNCIL AGENDA
Wednesday, April 5, 2023 - 7:00pm
Neenah City Hall – 211 Walnut Street
Council Chambers

- I. Roll Call and Pledge of Allegiance
- II. Introduction and Confirmation of Mayor's Appointment(s)
 - A. Appointment of Taylor Roal to the Sustainable Neenah Committee for a three-year term expiring in December 2026. **(UC)**
 - B. Swearing in
- III. Approval of Council Proceedings
 - A. Approval of the Council Proceedings of March 15, 2023 regular session. **(UC)**
- IV. Public Forum
 - A. Speakers should give their name and residential address (not mailing address) and are allowed five minutes to speak on any topic.
- V. Mayor/Council consideration of public forum issues
- VI. Consent Agenda – None
- VII. Reports of standing committees
 - A. Special Public Services and Safety Committee meeting of April 4, 2023: (Chairperson Lendrum/Vice Chairperson Hillstrom)
 1. Consideration of Committee recommendation regarding the proposal from Ewald Kia for the 2023 Kia Seltos in the amount not to exceed \$27,102.50 to replace the 2007 Ford Taurus utilizing 2023 CIP Funds. **(RollCall-Pro)**
 2. Consideration of Committee recommendation regarding the proposal from Ewald Chevy for the 2023 Chevy Traverse in the amount not to exceed \$31,808.50 to replace the 2007 Ford Freestar utilizing 2023 CIP Funds. **(RollCall-Pro)**
 - B. Regular Public Services and Safety Committee meeting of March 21, 2023: (Chairperson Lendrum/Vice Chairperson Hillstrom) (Minutes can be found on the City web site)
 1. Committee recommends Council approve the Amendment to Memorandum of Understanding between the City of Neenah and Bird Rides, Inc., extending the electric scooter pilot program through December 31, 2023. **(RollCall-Pro)**
 2. Committee recommends Council approve Final Resolution 2023-09: Installation of curb, gutter, and pavement for properties in the Arthur Plat. **(RollCall-Pro)**
 3. Committee recommends Council approve Final Resolution 2023-10: Installation of curb, gutter, sidewalk and pavement for properties in the Cardinal Circle Plat. **(RollCall-Pro)**

4. Committee recommends Council approve Final Resolution 2023-08: Installation of curb, gutter, sidewalk and pavement for properties in the Integrity Acres Plat and 1st Addition to Integrity Acres Plat. **(RollCall-Pro)**
 5. Committee recommends Council include Outlot 3 (Freedom Court) and 1436 Freedom Court in Final Resolution 2023-07 for assessment purposes as part of the Liberty Heights subdivision curb & gutter and pavement project. **(RollCall-Pro)**
 6. Committee recommends Council approve Final Resolution 2023-07: Installation of curb, gutter, and pavement for properties on Amendment Drive, Anthem Drive, Briggs Lane, Buser Drive, Hedgeview Drive, Highland Drive, Nation Court, Plains Avenue, Presidential Drive, and Statue Drive. **(RollCall-Pro)**
 7. Committee recommends Council approve Westwood Professional Services to acquire title searches necessary for the S. Commercial Street reconstruction project for an amount not to exceed \$14,000.00, which shall be funded with the S. Commercial Street design account. **(RollCall-Pro)**
 8. Committee recommends Council approve amending the S. Commercial Street reconstruction design project agreement with Westwood Professional Services to include design and real estate services for modifications to the Winneconne and Commercial Street intersection in the amount of \$49,800.00, which shall be funded by the 2025 S. Commercial Street reconstruction design project account #012-4322-743-0236. **(RollCall-Pro)**
 9. Committee recommends Council approve the purchase of a digital bell controller from Verdin company in the amount of \$5,015.00 with funding to come from the Public Facilities Fund balance. **(RollCall-Pro)**
 - C. Regular Finance and Personnel Committee meeting of March 26, 2023: (Chairperson Erickson/Vice Chairperson Skyrms) (Minutes can be found on the City web site)
 1. Committee recommends Council approve Annexation No 228 for 2.77 acres of land located at 1495 Breezewood Lane in the Town of Neenah with revised annexation fees of \$74,239.19. **(Action on this item under Plan Commission)**
 2. Committee recommends Council approve the 2022 Operating Budget Carry Forwards to 2023 as submitted. **(RollCall-Pro)**
 3. Committee recommends Council approve Resolution 2023-11 for the 2023 Community Development Block Grant in the amount of \$212,088 and authorization to enter into agreements for the activities, subject to approval by the U.S. Department of Housing and Urban Development. **(RollCall-Pro)**
- VIII. Reports of special committees and liaisons and various special projects committees
- A. Regular Plan Commission meeting of March 27, 2023: (Council Rep Steiner) (Minutes can be found on the City web site)
 1. Commission recommends Council approve Ordinance No. 2023-03, amending Section 26-550(1) of the City's Code of Ordinances related to residential driveway standards. **(RollCall-Pro)**
 2. Commission recommends Council approve Ordinance No. 2023-04, amending Section 26-3 and Section 26-550(4) of the City's Code of Ordinances related to portable storage containers. **(RollCall-Pro)**

3. Commission recommends Council approve Annexation #228 (Ordinance #2023-06) and the property also receive an R-1 Single- Family Residence District Zoning classification. **(RollCall-Pro)**
 - B. Board of Public Works meeting of March 27, 2023: (Vice Chairperson Hillstrom) (Minutes can be found on the City web site)
 1. Information Only Items:
 - a) The Board approved Pay Request No. 3, Contract 11A-22, water service replacement Reddin Avenue and Zemlock Avenue to Donald Hietpas & Sons, Inc. in the amount of \$3,934.12.
 2. Council Action Items:
 - a) The Board recommends Council approve Contract 5-23, Street, Curb & Gutter, Sidewalk and Apron Construction on streets in Arthur Plat, Cardinal Plat, Integrity Acres Plat, 1st Addition to Integrity Acres Plat and Liberty Heights Plat, to MCC, Inc., Appleton, in an amount of \$2,776,445.00. **(RollCall-Pro)**
 - C. Board of Canvass meeting April 5, 2022 (Council President Stevenson) (Minutes can be found on the city web site)
 1. Report the results of the April 4, 2023 Spring Election.
 - D. Neenah Arts Council
 1. Report from the Neenah Arts Council – Alderperson Erickson
- IX. Presentation of petitions
- A. Any other petition received by the City Clerk's Office after distribution of the agenda.
- X. Council Directives
- XI. Unfinished Business
- XII. New Business
- A. Any announcements/questions that may legally come before the Council.
- XIII. 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.

City of Neenah Application for Appointment



Name Taylor Loal
Address [Redacted]
City, ST Zip [Redacted]
Eve. Phone [Redacted]
E-mail [Redacted]

Date 2-18-23
Employer [Redacted]
Day Phone [Redacted]
Fax [Redacted]

What appointment are you seeking? You may check more than one box.

- | | |
|--|--|
| <input type="checkbox"/> Board of Appeals | <input type="checkbox"/> N-M Joint Fire Commission |
| <input type="checkbox"/> Board of Review | <input type="checkbox"/> N-M Sewerage Commission |
| <input type="checkbox"/> Business Improvement District (BID) | <input type="checkbox"/> Neenah Arts Council |
| <input type="checkbox"/> Citizen Advisory Committee | <input type="checkbox"/> Neenah Harbor Committee |
| <input type="checkbox"/> Committee of Aging | <input type="checkbox"/> Park & Recreation Commission |
| <input type="checkbox"/> Community Development Authority (CDA) | <input type="checkbox"/> Parking Task Force |
| <input type="checkbox"/> Fox Cities Transit Commission | <input type="checkbox"/> Plan Commission |
| <input type="checkbox"/> Joint Review Board for TIFs | <input type="checkbox"/> Police Commission |
| <input type="checkbox"/> Landmarks Commission | <input checked="" type="checkbox"/> Sustainable Neenah Committee |
| <input type="checkbox"/> Library Board | <input type="checkbox"/> Water Works Commission |
| <input type="checkbox"/> Loan Assistance Board | <input type="checkbox"/> Other: <input type="text"/> |

Do you currently serve on other boards, commissions, or hold an elected office? ☐ Yes ☒ No Detail Below

Please provide or attach a brief statement outlining your interest and qualifications for this appointment:

I want to promote sustainability in my community.

I am a MFA student almost graduated with a
Sustainability and Well-being Certificate.

Please Sign and Date:

Taylor Loal

2/19/23

Please return to the Neenah City Clerk's Office

Common Council Proceedings
Wednesday, March 15, 2023—7:00 PM

The Common Council of the City of Neenah, Winnebago County, Wisconsin, met in regular session at 7:00 PM, March 15, 2023, in the Council Chambers of Neenah City Hall.

Mayor Lang is the chair.

Present: Aldermen Boyette, Borchardt, Hillstrom, Lendrum, Erickson, Weber, and Skyrms. Alderman Stevenson was excused. Staff present Director of Finance Rasmussen, Community Development & Assessment Haese, Director of Public Works Kaiser, City Attorney Rashid, and City Clerk Nagel.

Also present were Police Chief Olson, Assistant Police Chief Bernice, Traffic Engineer Merten, Park & Recreation Superintendent Fink, Community Development Specialist Jefferson, Library Director Hardina-Wilhelm.

Mayor Lang called the meeting to order at 7:02 PM.

- I. The Mayor/Aldermen recorded their attendance on the RollCall-Pro System as the Clerk called the roll. Alderman Borchardt led the Pledge of Allegiance.
- II. Recognition of Retirees
 - A. Gretchen Raab, Director of Neenah Public Library, 32 years of service. Mayor Lang recognized Director Raab's accomplishments and contributions to the community over her 32-years of service. Director Raab will be missed and congratulations on her retirement.
- III. Introduction and Confirmation of Mayor's Appointment(s)
 - A. Reappoint Council President Stevenson to the Appleton Redevelopment Authority Exhibition Center Advisory Committee for a one-year term.
 - B. Swearing in of Newly Appointed Director of Neenah Public Library Nicole Hardina-Wilhelm. **(UC)**

Seeing no objections, the Mayor's appointments were ordered approved by unanimous consent.

Clerk Nagel administered the Oath of Office to newly appointed Library Director Hardina-Wilhelm after which Director Hardina-Wilhelm addressed the City Council.

- IV. Approval of Council Proceedings
 - A. Approval of the Council Proceedings of February 15, 2023 regular session. **(UC)**
Seeing no objections, the Council Proceedings of February 15, 2023 was ordered approved as written by unanimous consent
- V. Plan Commission report pertaining to the Public Hearings
 - A. Plan Commission meeting of March 7, 2023: (Ald. Steiner) (Minutes can be found on the City web site)

1. Commission recommends Council approve Ordinance 2023-04, amending Section 26-3 and Section 26-550(4) of the City of Neenah Municipal Code related to portable storage containers. **(RollCall-Pro)**

MSRCP Steiner/Borchardt to approve as recommended by committee. Motion carried in a roll call vote, 7-1-1 with Boyette voting no, Stevenson excused.

Motion by Aldermen Steiner, seconded Borchardt rescinded the action take on this item and allow the Plan Commission to make a recommendation on this item. Carried in a voice vote, 8-0.

2. Commission recommends Council approve Ordinance 2023-05, creating Chapter 26, Article XVI of the City of Neenah Municipal Code relating to Outdoor Lighting. **(RollCall-Pro)**

MSRCP Steiner/Borchardt to approve as recommended by committee, all voting aye.

VI. Consent Agenda

- A. Approve Change of Agent for Ultimate Mart, LLC, Pick 'n Save, at 1530 S. Commercial Street to Dan Oestreich. **(PSSC)**
- B. **(UC)**

Seeing no objections, the Mayor's appointments were ordered approved by unanimous consent.

VII. Reports of standing committees

- A. Regular Public Services and Safety Committee meeting of March 7, 2023: (Chairperson Lendrum/Vice Chairperson Hillstrom) (Minutes can be found on the City web site)

1. Committee recommends Council approve the proposal from Graef of Green Bay for Carpenter Preserve Remaster Plan in the amount of \$29,950, utilizing budgeted 2023 CIP funds. **(RollCall-Pro)**

MSRCP Lendrum/Weber to approve as recommended by committee, all voting aye.

2. Committee recommends Council approve the purchase of the Canon Image PROGRAF TZ30000 MFP 36 from Gordon Flesch Company for a total cost of \$12,838.00. **(RollCall-Pro)**

MSRCP Lendrum/Hillstrom to approve as recommended by committee, all voting aye.

3. Committee recommends Council approve the amended Mobile Food Vending Vehicles Allowed map of Chapter 4, Article XIII of the code of Ordinances relating to Mobile food Vendors. **(RollCall-Pro)**

MSRCP Lendrum/Borchardt to approve as recommended by committee, all voting aye.

4. Committee recommends Council approve the Amendment to Memorandum of Understanding between the City of Neenah and Bird Rides, Inc., extending the electric scooter pilot program through December 31, 2023. **(RollCall-Pro)**
MSRCP Lendrum/Borchardt to refer the Bird Scooter Memorandum of Understanding back to committee based on previous discussion, all voting aye.
 5. Committee recommends Council approve the Monroe Truck Equipment package to outfit Fleet #2 Tandem Patrol truck with salter in an amount of \$150,569.00 with 2023 CIP Equipment fund. **(RollCall-Pro)**
MSRCP Lendrum/Borchardt to approve as recommended by committee, all voting aye.
 6. Committee recommends Council approve the purchase of a Bomag BW900-50 Asphalt Roller from Miller-Bradford & Risberg, Inc., De Pere WI, in an amount of \$24,077.00 with 2023 CIP Equipment funds. **(RollCall-Pro)**
MSRCP Lendrum/Hillstrom to approve as recommended by committee, all voting aye.
 7. Committee recommends Council approve the purchase of a Trackless MT7 Tractor with attachments from Mac Queen Equipment, Menomonee Falls, WI in an amount of \$173,774.00 and to include the radio upgrade for a cost not to exceed \$1,000 with 2023 CIP Equipment funds. **(RollCall-Pro)**
MSRCP Lendrum/Skyrms to approve as recommended by committee, all voting aye.
 8. Committee recommends Council approve accept the proposal from Kone, Inc., for the City Hall elevator upgrade in an amount of \$143,717.00. **(RollCall-Pro)**
MSRCP Lendrum/Weber to approve as recommended by committee, all voting aye.
 9. Committee recommends Council accept the proposal from Energy Control & Design for the Neenah City Hall HVAC upgrade in an amount of \$77,945 using 2023 budgeted funds and fund from the 2022 ionization air purifier budget. **(RollCall-Pro)**
MSRCP Lendrum/Borchardt to approve as recommended by committee, all voting aye.
- B. Special Finance and Personnel Committee meeting of March 15, 2023:
1. Consideration of Committee recommendation regarding Resolution 2023-05 Tax Incremental District #6 Affordable Housing Extension. **(RollCall-Pro)**
MSRCP Erickson/Skyrms to approve as recommended by committee, all voting aye.

2. Consideration of Committee recommendation regarding Resolution 2023-06 Closure of Tax Incremental District No. 6. **(RollCall-Pro)**
MSRCP Erickson/Borchardt to approve as recommended by committee, all voting aye.
- C. Regular Finance and Personnel Committee meeting of March 6, 2023: (Chairperson Erickson/Vice Chairperson Skyrms) (Minutes can be found on the City web site)
 1. Meeting cancelled, no report.
- VIII. Reports of special committees and liaisons and various special projects committees
 - A. Regular Plan Commission meeting of March 7, 2023: (Council Rep Steiner) (Minutes can be found on the City web site)
 1. No report, items acted on under Public Hearing.
 - B. Board of Public Works meeting of March 9, 2023: (Vice Chairperson Hillstrom) (Minutes can be found on the City web site)
 1. Council Action Items:
 - a. The Board recommends Council award Contract 3-23, Concrete Pavement and Sidewalk Repair to Al Dix Concrete, Inc., Kaukauna, in the amount of \$561,275.00. **(RollCall-Pro)**
MSRCP Hillstrom/Skyrms to approve as recommended by committee, all voting aye.
 - b. The Board recommends Council Award Contract 4-23, HMA Pavement Repair to MCC, Inc., Appleton in an amount of \$71,119.00. **(RollCall-Pro)**
MSRCP Hillstrom/Borchardt to approve as recommended by committee, all voting aye.
 - c. The Board recommends Council Award Contract 6-23, Street, Sanitary & Storm Sewer, and Water Main Construction on Columbian Avenue, to Don Hietpas Inc., Little Chute, in an amount of \$781,639.60. **(RollCall-Pro)**
MSRCP Hillstrom/Lendrum to approve as recommended by committee, all voting aye.
 - d. The Board recommends Council approve award Contract 9-23 for epoxy pavement markings to Century Fence Company in the amount of \$123,648.35, utilizing escrow funds from Club Car Wash of \$6,000, public infrastructure funds of approximately \$13,000, as well as the budgeted CIP funds. **(RollCall-Pro)**
MSRCP Hillstrom/ to approve as recommended by committee, all voting aye.
 - e. The Board recommends Council approve Final Pay Request from Vinton Construction Company, Two Rivers, WI in the amount of

\$9,964.58 for work completed through February 28, 2023 on Arrowhead Park Project. **(RollCall-Pro)**

MSRCP Hillstrom/Lendrum to approve as recommended by committee, all voting aye.

IX. Adjournment

MSC Boyette/Steiner to adjourn, all voting aye. Meeting adjourned at 8:43 PM.

Common Council Minutes
Wednesday, March 15, 2023—7:00 PM

The Common Council of the City of Neenah, Winnebago County, Wisconsin, met in regular session at 7:00 PM, March 15, 2023, in the Council Chambers of Neenah City Hall.

Mayor Lang is the chair.

Present: Aldermen Boyette, Borchardt, Hillstrom, Lendrum, Erickson, Weber, and Skyrms. Alderman Stevenson was excused. Staff present Director of Finance Rasmussen, Community Development & Assessment Haese, Director of Public Works Kaiser, City Attorney Rashid, and City Clerk Nagel.

Also present were Police Chief Olson, Assistant Police Chief Bernice, Traffic Engineer Merten, Park & Recreation Superintendent Fink, Community Development Specialist Jefferson, Library Director Hardina-Wilhelm.

Mayor Lang called the meeting to order at 7:02 PM.

- I. The Mayor/Aldermen recorded their attendance on the RollCall-Pro System as the Clerk called the roll. Alderman Borchardt led the Pledge of Allegiance.
- II. Recognition of Retirees
 - A. Gretchen Raab, Director of Neenah Public Library, 32 years of service. Mayor Lang recognized Director Raab's accomplishments and contributions to the community over her 32-years of service. Director Raab will be missed and congratulations on her retirement.
- III. Introduction and Confirmation of Mayor's Appointment(s)
 - A. Reappoint Council President Stevenson to the Appleton Redevelopment Authority Exhibition Center Advisory Committee for a one-year term.
 - B. Swearing in of Newly Appointed Director of Neenah Public Library Nicole Hardina-Wilhelm. **(UC)**

Seeing no objections, the Mayor's appointments were ordered approved by unanimous consent.

Clerk Nagel administered the Oath of Office to newly appointed Library Director Hardina-Wilhelm after which Director Hardina-Wilhelm addressed the City Council.

- IV. Approval of Council Proceedings
 - A. Approval of the Council Proceedings of February 15, 2023 regular session. **(UC)**
Seeing no objections, the Council Proceedings of February 15, 2023 was ordered approved as written by unanimous consent
- V. Public Hearings
 - A. Consider 2023 Community Development Block Grant Program Proposed Use of Funds and Annual Action Plan.
Mayor Lang opened the public hearing at 7:08 PM. Seeing no appearances, Mayor Lang closed the public hearing at 7:09 PM.

- B. Consider special assessments to be levied upon properties on both sides of the streets for the construction and installation of street, curb, gutter, and sidewalk for Arthur Plat.

Mayor Lang opened the public hearing at 7:09 PM.

Kurt Wanless 773 Amber Lane – Would like the Council to recognize the timing of the project. The FAQs stated that the project is not necessary at this time but was included to get better pricing for the overall projects. The construction will eventually have to happen, but the Council should consider delaying the project. There is also a burden on the families with the project being done over the summer months Due to these reasons: the subdivision is not fully developed, the high cost of construction due to inflation, and the overall burden on the residents of Amber Lane he is requesting a delay in construction of Amber Lane.

Christine Wanless, 773 Amber Lane – Reiterated that the project is premature. There was no indication in the initial letter that the assessment was going to occur this year. For planning purposes, we were blindsided. It is understood that the road construction needs to be done eventually but not something that needs to be done immediately. It seems that Amber Lane was included just to get better pricing for the city which is unfair. Additionally, Amber Lane has an asphalt coating on it right now and there does not seem to be a problem with it. It is not equitable for Amber Lane residents to pay for the construction when it is not benefitting the immediate residents but rather benefitting the city in general.

Ms. Wanless has a special needs child who is picked up in front of the house daily by a school bus. Seems that if the project goes forward parking would be unmanageable hardship being so far away from the house. This is a project that does not have to occur at this time and would like the Council to consider delaying the project.

Tom Brown, 754 Amber Lane – Mr. Brown's understanding was that seventy-five percent occupancy of the subdivision was necessary before road construction could be done. Amber Lane has eight lots on it, five houses are built on, three lots are empty which equates to about 62.8% occupancy on the street. The street itself is on bedrock and is a very good street with no drainage problems in its current condition. Additionally, the money could be deferred to fix other streets that are in worse condition than Amber Lane.

With no additional appearances, Mayor Lang closed the public hearing at 7:16 PM.

- C. Consider special assessments to be levied upon properties on both sides of the streets for the construction and installation of street, curb, gutter, and sidewalk for Liberty Heights Plat.

Mayor Lang opened the public hearing at 7:16 PM.

Robert Kennedy, 1836 Hedgeview Drive – The words “fair” and “equitable” have been used in the discussion of the special assessments for Liberty Heights. Homeowners and homebuyers since the creation of this subdivision almost 20-years ago have expected that the street improvements would be calculated on the linear method. Many home purchasing decisions were based on this information. It is understood that the city wants to change the methodology of special assessment calculations in new subdivision, but this is not a new subdivision and should not be subject to the newly created unit basis method. If street improvements add to the value of a property, is it fair and equitable that lot owners with less frontage subsidize street improvements for those with larger frontage? Why should owners of less frontage pay for part of an investment in a property when there is zero return on that investment? The newly created unit basis ordinance language states, “this method is best used when there is both uniformity of lots and uniformity of uses within a subdivision”. Mr. Kennedy agrees that the uniformity of uses criteria is met. However, the uniformity is size is not met because of the differences in lot sizes, shapes, and assessable linear front footage. Mr. Kennedy urges the Council to assess these final project costs for the Liberty Heights subdivision by using the assessable front footage method since this method was the original method in place when lots and homes were purchased.

Pete Brace, 1831 Nation Court – Mr. Brace agrees with Mr. Kennedy’s statement. For comparison purposes, the unit method vs. front footage method is like going for dinner for two and having split the check with the entire restaurant. Mr. Brace urges the Council to measure each of the property owner’s commitment to this project based off their own property and not necessarily the unit method for the entire neighborhood.

Roger Peters, 1807 Statute Drive – Would like the Council to support using the unit method for the street assessment. Mr. Peters understands there are many upset residents, but ordinances change all the time, and no one was promised at the time of purchase that the assessment was going to be on linear footage. This ordinance was passed in a legal, transparent, manner that allowed for public input, yet no one attended the meetings to voice their concerns. The current ordinance allows for the assessable front footage method and the unit method. The assessable front footage method has a flaw where lots of equal size could be assessed thousands of dollars different based on how the lot is configured. Example, a square lot will pay more than a rectangular or triangular lot. The unit method brings more of an equal distribution of the assessment across different shaped lots even though the front footage is different. The streets are used equally, and we should pay equally for the street. Grandfathering would set a terrible precedent for the city, who has a duty to treat and apply current laws equally and not make exceptions for this subdivision or future subdivisions.

Mike Barlett 1854 Hedgeview Drive – Wanted to lend his support to the first two speakers who make a very value agreement and does not believe in changing the rules halfway through from when the lots were purchased in the subdivision. Mr.

Barlett would like the Council to think about the younger people in the subdivision who may find it difficult to come up with that large amount of money. Being the road is considered temporary, why is it taking ten years to finally put the road in? So, either find a way to delay it or find a way to help compensate the owners so they do not have bare the full burden. Think about the constituents rather than the ordinances.

With no additional appearances, Mayor Lang closed the public hearing at 7:25 PM.

- D. Consider special assessments to be levied upon properties on both sides of the streets for the construction and installation of street, curb, gutter, and sidewalk for Cardinal Plat.

Mayor Lang opened the public hearing at 7:25 PM.

John Henschel, 1341 Cardinal Circle – With the high cost of construction right now, would like to postpone it for a year to see if the costs would come down.

Scott Gutzmann, 1566 Lone Oak Drive – The loan costs have not been discussed. At the time of the initial letter the rate was not known. Would like to know what the interest rate is? Construction costs have double in two years and the interest is unknown.

With no additional appearances, Mayor Lang closed the public hearing at 7:29 PM.

- E. Consider special assessments to be levied upon properties on both sides of the streets for the construction and installation of street, curb, gutter, and sidewalk for Integrity Acres Plat and 1st Addition of Integrity Acres Plat

Mayor Lang opened the public hearing at 7:29 PM.

Evan Bosetti, 1826 Respect Avenue – Thinks the term “fair and equitable” are being used because it was a decision that was made by non-neighborhood residents. Fair was when all the lots were for sale and people were choosing which lot to purchase. At that time an expectation of payment for the frontage was established. The word fair was used to in a wordsmith way to make the assessment method more palatable. Being a lifelong resident and first-time homeowner in Neenah, changing the assessment methodology feels wrong. Asked the Council to reconsider and to go back to the original methodology in place when things were fair and residents made the conscious choice on what lot they were going to purchase.

Bob Zimmerann, 1517 Integrity Way – When hearing last summer that the assessed value was \$104/frontage foot and that the road was going to be done in 2023, there was no notice that the assessment methodology was going to change. For future subdivision using the unit pricing is fair, but we were told to use the linear footage method when the lots were purchased.

Deniss Malejevs, 1818 Respect Avenue – Before purchasing the lots, buyers made a conscience effort to contact the city and ask how road construction would be assessed. Most people built their dream homes on the lots knowing how the assessments were going to be calculated. No one was notified of any changes to the ordinance. Mr. Malejevs finds it unfair and asks the Council to keep the linear foot frontage method as in their purchase agreement.

Erick Klundt, 1814 Respect Avenue – It's been two years of mud, dirt, can't ride bicycles, can't go for walks, wants the road constructed. Would like everyone to be budget conscience, be caring for everyone, and work together but definitely ready for the road.

Dave Lambert, 1540 Integrity Way – Supports the move towards the front footage methodology vs. the unit method. That price goes up for Mr. Lambert, but he knew that when purchased the lot. For most of the homeowners in the subdivision would have to pay \$1,700 more putting the burden on those who purchased smaller lots. We all knew when the lots were purchased what the assessment expectation was and would like to go with the front footage method.

With no additional appearances, Mayor Lang closed the public hearing at 7:36 PM.

- F. Consider amendments to Chapter 26 Zoning Code of the City of Neenah relating to Section 26-550(1) – Residential Driveway Standards, Section 26-550(2) – Non-Residential Portable Storage Containers, and Chapter 26, Article XVI – Outdoor Lighting.

Mayor Lang opened the public hearing at 7:37 PM.

Seeing no appearances, Mayor Lang closed the public hearing at 7:37 PM.

- VI. Plan Commission report pertaining to the Public Hearings
 - A. Plan Commission meeting of March 7, 2023: (Ald. Steiner) (Minutes can be found on the City web site)
 - 1. Commission recommends Council approve Ordinance 2023-04, amending Section 26-3 and Section 26-550(4) of the City of Neenah Municipal Code related to portable storage containers. **(RollCall-Pro)**
MSRCP Steiner/Borchardt to approve as recommended by committee.
Motion carried in a roll call vote, 7-1-1 with Boyette voting no, Stevenson excused.

Discussion: Deputy Director Schmidt gave an overview of the discussion held in committee. This ordinance is for non-residential properties. The primary discussion focused on the sixty-day time limit. There was talk on extending that time limit out from a temporary standpoint. It was looking at the cargo containers at department stores and at construction sites. Research is

continuing for these two types of sites so as to not create a burden on those industries.

There was also discussion on where the cargo containers are stored which is behind the primary structure. The ordinance does allow flexibility in the event that is not possible, but the goal is to keep the containers out of public view as possible.

Deputy Director Schmidt advised this ordinance was postponed at Plan Commission and should not have been an action item on the agenda.

Motion by Aldermen Steiner, seconded Borchardt rescinded the action take on this item and allow the Plan Commission to make a recommendation on this item. Carried in a voice vote, 8-0.

2. Commission recommends Council approve Ordinance 2023-05, creating Chapter 26, Article XVI of the City of Neenah Municipal Code relating to Outdoor Lighting. **(RollCall-Pro)**
MSRCP Steiner/Borchardt to approve as recommended by committee, all voting aye.

Discussion: Deputy Director Schmidt advised the ordinance is for non-residential properties which focuses primarily on parking lot and building type lighting. The ordinance does not prohibit decorative lighting.

VII. Public Forum

- A. Speakers should give their name and residential address (not mailing address) and are allowed five minutes to speak on any topic.
Robert Lace, 765 Oak Street – Spoke on the incident in Appleton where an off-duty Neenah Police Officer was at Erb Pool at the time a three-year-old child was pulled from the pool in a near drowning incident. The off-duty officer was recognized by the police department for his contribution to that incident. Mr. Lace's 15-year-old grandchild was the lifeguard who pulled the child from the water. Mr. Lace would appreciate it his granddaughter being recognized as well because she was truly the initial responder of the incident.

Mr. Lace gave an update on the deaths due to COVID. He has known friends who have died because they refused to get the vaccine. Speaking to the anti-vacers and the anti-maskers, the vaccine saves lives.

Mr. Lace asked about the yellow flag going in on Chestnut Street. Director Kaiser advised the yellow flags are for Digger's Hotline locates on the Chestnut Street reconstruction project that starts at Oak Street. Mr. Lace also does not like people parking in front of his house during the construction.

Chuck Favel, 1107 Congress Street – Asked that strong consideration be given to resurfacing E. Peckham Street from Commercial Street to Congress Street. The

street pavement is terrible and would like to have some type of solution in order to keep the street safe.

Mr. Fravel recognized the street plow truck drivers for doing an awesome job this winter. Within 8-10 hours after the storm the streets are clear and dry. Kudos to the street crew.

Dennis Kittel, 410 Kraft Street – Would like to have the Bird Memorandum of Understanding (MOU) to be sent back to the Public Services and Safety Committee. Mr. Kittel claims that the process for public input and complaints that was set up via website. This process was not followed, and the information did not come forward in the MOU consideration. Mr. Kittel handed out PowerPoint presentation to the Counsel which is on file.

Mr. Kittel advised that he himself submitted 104 complaints due to the staging of the Bird scooters themselves. The staging of the scooters seems to be in bike lanes, in sidewalk areas, and on trail system which is an ADA issue. The trail system was installed using taxpayer dollars and should be open for anyone to use at all times. Therefore, Mr. Kittel would like the MOU to go back to committee for their detailed consideration of these complaints.

Mr. Kittel would also the Council to consider creating a Pedestrian and Bike Advisory Board.

VIII. Mayor/Council consideration of public forum issues

- A. Alderman Erickson asked Park Superintendent Fink to address any concerns he has with the Bird scooters parked in grassy areas inside the park and how that impacts mowing. Superintendent Fink advised that the Bird scooters are problematic with mowing, but this has not been a major issue.
- B. Alderman Boyette inquired on the ordinance and the use of motorized vehicles on the trail system. Community Development Specialist Jefferson advised when the Bird Scooter Program was initiated an ordinance change as adopted to allow the use of motorized scooters wherever bicycles are allowed which includes on trails. What is not clear is if motorized scooters are allowed in parks.
- C. Alderman Borchardt thanked Mr. Kittel for his presentation. He had some questions at the committee level with regard to tagging complaints. Alderman Borchardt made it clear that the city does not have control over where people leave the Bird scooters other than tracking them and have them relocated. With the City of Menasha passing their MOU at their last council meeting, there is a benefit to connecting the cities which out weights the complaints. However, the expectations of using the Bird scooters need to be made very clear. Specialist Jefferson has done a good job with the program thus far but see some tweaks as it moves forward.
- D. Alderman Skyrms advised that the incentive to park the scooter in a nest is not working. If there is a way to increase that incentive to gain parking compliance it would be worth consideration.
- E.

IX. Consent Agenda

- A. Approve Change of Agent for Ultimate Mart, LLC, Pick 'n Save, at 1530 S. Commercial Street to Dan Oestreich. **(PSSC)**
- B. **(UC)**

Seeing no objections, the Mayor's appointments were ordered approved by unanimous consent.

X. Reports of standing committees

- A. Regular Public Services and Safety Committee meeting of March 7, 2023: (Chairperson Lendrum/Vice Chairperson Hillstrom) (Minutes can be found on the City web site)

- 1. Committee recommends Council approve the proposal from Graef of Green Bay for Carpenter Preserve Remaster Plan in the amount of \$29,950, utilizing budgeted 2023 CIP funds. **(RollCall-Pro)**
MSRCP Lendrum/Weber to approve as recommended by committee, all voting aye.

No discussion.

- 2. Committee recommends Council approve the purchase of the Canon Image PROGRAF TZ30000 MFP 36 from Gordon Flesch Company for a total cost of \$12,838.00. **(RollCall-Pro)**
MSRCP Lendrum/Hillstrom to approve as recommended by committee, all voting aye.

No discussion.

- 3. Committee recommends Council approve the amended Mobile Food Vending Vehicles Allowed map of Chapter 4, Article XIII of the code of Ordinances relating to Mobile food Vendors. **(RollCall-Pro)**
MSRCP Lendrum/Borchardt to approve as recommended by committee, all voting aye.

No discussion.

- 4. Committee recommends Council approve the Amendment to Memorandum of Understanding between the City of Neenah and Bird Rides, Inc., extending the electric scooter pilot program through December 31, 2023. **(RollCall-Pro)**
MSRCP Lendrum/Borchardt to refer the Bird Scooter Memorandum of Understanding back to committee based on previous discussion, all voting aye.

Discussion: Director Haese advised the Council that Attorney Rashid and himself confirmed Alderman Boyette's question that electric motorized

scooters are specifically exempt in the ordinance and can be ridden in parks and on trails.

5. Committee recommends Council approve the Monroe Truck Equipment package to outfit Fleet #2 Tandem Patrol truck with salter in an amount of \$150,569.00 with 2023 CIP Equipment fund. **(RollCall-Pro)**
MSRCP Lendrum/Borchardt to approve as recommended by committee, all voting aye.

No discussion.

6. Committee recommends Council approve the purchase of a Bomag BW900-50 Asphalt Roller from Miller-Bradford & Risberg, Inc., De Pere WI, in an amount of \$24,077.00 with 2023 CIP Equipment funds. **(RollCall-Pro)**
MSRCP Lendrum/Hillstrom to approve as recommended by committee, all voting aye.

Discussion: Director Kaiser advised this piece of equipment is a replacement of the current unit.

7. Committee recommends Council approve the purchase of a Trackless MT7 Tractor with attachments from Mac Queen Equipment, Menomonee Falls, WI in an amount of \$173,774.00 and to include the radio upgrade for a cost not to exceed \$1,000 with 2023 CIP Equipment funds. **(RollCall-Pro)**
MSRCP Lendrum/Skyrms to approve as recommended by committee, all voting aye.

No discussion.

8. Committee recommends Council approve accept the proposal from Kone, Inc., for the City Hall elevator upgrade in an amount of \$143,717.00. **(RollCall-Pro)**
MSRCP Lendrum/Weber to approve as recommended by committee, all voting aye.

Discussion: Director Kaiser advised there have been a few control failures and the parts are getting harder to find. The core of the elevator will remain the same, but control panels, wiring, and power unit will be replaced. The elevator is original to the building, installed in 1979. The elevator brand is Otis, who did submit a proposal that was higher than the one from Kone.

9. Committee recommends Council accept the proposal from Energy Control & Design for the Neenah City Hall HVAC upgrade in an amount of \$77,945 using 2023 budgeted funds and fund from the 2022 ionization air purifier budget. **(RollCall-Pro)**

MSRCP Lendrum/Borchardt to approve as recommended by committee, all voting aye.

Discussion: Director Kaiser advised there is \$20,000 in 2022 budget and \$65,000 in 2023 budget. An evaluation was done on the air purifier unit that was installed in 2021 in response to the COVID-19 pandemic. As the options were evaluated, entthesis was given to benefits of the product. There were concerns about an expansion of the system being required for all city buildings. Other systems were researched in which this product was determined to be the best option.

- B. Special Finance and Personnel Committee meeting of March 15, 2023:
1. Consideration of Committee recommendation regarding Resolution 2023-05 Tax Incremental District #6 Affordable Housing Extension. **(RollCall-Pro) MSRCP Erickson/Skyrms to approve as recommended by committee, all voting aye.**

No discussion.

2. Consideration of Committee recommendation regarding Resolution 2023-06 Closure of Tax Incremental District No. 6. **(RollCall-Pro) MSRCP Erickson/Borchardt to approve as recommended by committee, all voting aye.**

No discussion.

- C. Regular Finance and Personnel Committee meeting of March 6, 2023: (Chairperson Erickson/Vice Chairperson Skyrms) (Minutes can be found on the City web site)
1. Meeting cancelled, no report.

- XI. Reports of special committees and liaisons and various special projects committees
- A. Regular Plan Commission meeting of March 7, 2023: (Council Rep Steiner) (Minutes can be found on the City web site)
1. No report, items acted on under Public Hearing.
- B. Board of Public Works meeting of March 9, 2023: (Vice Chairperson Hillstrom) (Minutes can be found on the City web site)
1. Information Only Items:
 - a. The Board approved Change Order No.1, Contract 7-21, Harrison Street Storm Water Pond, to MCC, Inc., in an amount of \$63,617.01.
 - b. The Board approved Pay Request No. 7, Contract 7-21, Harrison Street Storm Water Pond, to MCC, Inc., in an amount of \$112,225.07.
 - c. The Board approved Pay Request No. 2 Contract 11A-22 Water Service Replacement Reddin Avenue and Zemlock Avenue to

Donald Hietpas & Sons of Little Chute, WI in the amount of \$11,456.25.

- d. The Board approved Pay Request No. 2 from Lunda Construction Company, Black River Falls, WI, in the amount of \$63,859.00 for work completed through February 28, 2023 on the Arrowhead Park Pier Project, utilizing approved budgeted 2021 CIP Funds.

2. Council Action Items:

- a. The Board recommends Council award Contract 3-23, Concrete Pavement and Sidewalk Repair to Al Dix Concrete, Inc., Kaukauna, in the amount of \$561,275.00. **(RollCall-Pro)**

MSRCP Hillstrom/Skyrms to approve as recommended by committee, all voting aye.

Discussion: Director Kaiser advised this contract is for miscellaneous concrete repair in various locations throughout the city. There is carry over work from last year as a successful bid was not received and 2022 work was delayed.

- b. The Board recommends Council Award Contract 4-23, HMA Pavement Repair to MCC, Inc., Appleton in an amount of \$71,119.00. **(RollCall-Pro)**

MSRCP Hillstrom/Borchardt to approve as recommended by committee, all voting aye.

No discussion.

- c. The Board recommends Council Award Contract 6-23, Street, Sanitary & Storm Sewer, and Water Main Construction on Columbian Avenue, to Don Hietpas Inc., Little Chute, in an amount of \$781,639.60. **(RollCall-Pro)**

MSRCP Hillstrom/Lendrum to approve as recommended by committee, all voting aye.

No discussion.

- d. The Board recommends Council approve award Contract 9-23 for epoxy pavement markings to Century Fence Company in the amount of \$123,648.35, utilizing escrow funds from Club Car Wash of \$6,000, public infrastructure funds of approximately \$13,000, as well as the budgeted CIP funds. **(RollCall-Pro)**

MSRCP Hillstrom/ to approve as recommended by committee, all voting aye.

Discussion: Director Kaiser advised the epoxy pavement marking budget is pretty tight, therefore, speed bumps are going to be marked by the city paint crew using conventional paint. The two speed bumps on Marathon Avenue are the only two in the city.

- e. The Board recommends Council approve Final Pay Request from Vinton Construction Company, Two Rivers, WI in the amount of \$9,964.58 for work completed through February 28, 2023 on Arrowhead Park Project. **(RollCall-Pro)**
MSRCP Hillstrom/Lendrum to approve as recommended by committee, all voting aye.

No discussion.

C. Reports on neighborhood groups.

- 1. Business Improvement District Board (BID Board) – Alderperson Skeyrms
 - a. Reporting from the January 17 and February 21, 2023 meetings,
 - b. New business by the name of Relish & Roots by the clock tower. They have ready to go meal kits as well as takeout meals.
 - c. Lilly & Sparrow opened last week in the old Mom & Pop Store.
 - d. Market Place garbage corral was discussed. One of the two trash receptacles was replaced with a recycling receptacle due to the amount of recycling that is accumulated. It is an additional cost of \$1,700 to the BID but is working well.
 - e. Grants issued between the two meetings are:
 - 1. Bremmer Law
 - 2. Canovas pizza – heating and cooling
 - 3. Relish & Roots – sign
 - f. New LED holiday snowflake lights have been ordered.
 - g. Warm Your Heart event was successful event.
 - h. BID Annual Meeting will be held at Future Neenah Office on March 21, 2023 from 8:00-9:00 AM
 - i. Mayor Lang appreciates the 150 Celebration Banners now flying in the downtown area.

A. Library Board

- 1. Report from the Library Board – Alderperson Erickson
 - a. Reporting from the March 15, 2023 meeting.
 - b. New carpeting will be installed on the second floor of the library. The 2nd floor of the library will be closed April 3-April 30 for the installation. These services will not be available during this time:
 - Adult and teen puzzles
 - Local history collections
 - 1st and 2nd floor meeting rooms
 - Pop the Pop-up Book Sale will not be accepting materials.
- Available during the carpet installation is:
- New adult & teen materials
 - Newspapers
 - Tax forms
 - Small browsing collection which will be temporarily moved to the 1st floor.

- Phone, in-person e-mail, and chat reference services
- Library programs as scheduled.
- Computers, printers, scanning, faxing, and notary services.

It is recommended that any 2nd floor materials or services should be obtained by April 3rd. Also, any materials can be requested through the WinneFox System which can be picked up at the library.

- c. The library is hosting a 150 Book Reading Challenge in celebration of the sesquicentennial. Registration is required. The challenge is to checkout and read 150 books in 150 days to be eligible for a prize. The challenge runs March 13th – August 11th.

B. Landmarks Commission

- 1. Report from the Landmarks Commission – Alderman Weber
 - a. Reporting from the March 8, 2023.
 - b. Initial discussion planning for the historic canoe event, the date has been secured with the company.
 - c. Discussion and planning the 150 celebration activities continued.
 - d. The Historical Society opened their 150 Celebration exhibit, everyone is encouraged to visit.
 - e. Discussion was had on planning the city walking tour.
 - f. History Trivia Contest will be held in the fall at the Dome, more information to come on this event.

C. Community Development Authority

- 1. Report from the CDA – Director Haese
 - a. No report.

D. Bergstrom Mahler Museum

- 1. Report from the Bergstrom Mahler Museum – Alderman Steiner
 - a. Reporting from the February 22, 2023 meeting.
 - b. June 7th -17th Catching Fire Auction.
 - c. June 22nd Art After Dark commemorating Neenah's sesquicentennial.
 - d. August 12th Glass Arts Festival.

E. Parks & Recreation Commission

- 1. Report from the Park Commission – Alderman Borchardt
 - a. Reporting from the March 16, 2023 meeting
 - b. Registration is open from Operation Spring Break April 3 – 7, 2023 for students K-6th grade, 7:30AM-5:30PM.
 - c. Registration for Neenah residents for summer programming opened March 8th. Information packet with registration materials were mailed.
 - d. Seasonal employee update was given. Neenah Pool is fully staff.
 - e. Auditions for Riverside Players will be March 25th and 26th.
The play "Fireflies" and the musical "All Shook Up" are the shows this season.
 - f. Work continues on the Arrowhead Park Pier. Work has been slow because of water levels but hoping to have the pier completed by June.

XII. Presentation of petitions

- A. Any other petition received by the City Clerk's Office after distribution of the agenda.
 - 1. Annexation Petition was received by the Clerk's Office for the McCormick homestead on Breezewood Lane near Alpine in the Town of Neenah. The annexation will be on the next Finance and Personnel Committee agenda, Plan Commission agenda, and will forward to Council on April 5, 2023 for final approval.

XIII. Council Directives

- A. Alderman Borchardt would like state representatives to address the Council on the state budget. The goal of this presentation would be to gain understanding of not only what is being done on behalf of the City of Neenah but also on behalf of the overall Fox Cities Area.

XIV. Unfinished Business

- A. Alderman Boyette would like an update on the S. Commercial Street Gateway Project. Director Haese advised Community Development and Public Works have been working closely together on the reconstruction of S. Commercial Street. There was discussion in the Finance and Personnel Committee on strategic future accusations that will continue to be monitored.

XV. New Business

- A. Arrowhead Park Development Status Report. (Ald. Hillstrom)
The Arrowhead Park Open House was well attended and was a very successful evening. RDG will provide results to the task force in April.
- B. Alderman Skyrms thanked Director Haese and staff for doing an amazing job on the Community Development Annual Report. Especially Administrative Assistant Kayla Kubat for the professional and well-organized report.
- C. Alderman Boyette gave a shout-out to the city's youth for representing the city in various sports competitions over the past weekend.
- D. Mayor Lang gave a shout-out to the 150th Birthday Kick-Off Celebration that occurred on March 13th. Happy Birthday Neenah!

XVI. Adjournment

MSC Boyette/Steiner to adjourn, all voting aye. Meeting adjourned at 8:43 PM.

CITY OF NEENAH
SPECIAL PUBLIC SERVICES AND SAFETY COMMITTEE MEETING
April 5, 2023 @ 6:00 PM
City Hall, 211 Walnut Street
Hauser Room

NOTICE IS HEREBY GIVEN, pursuant to the requirements of Wis. Stats. Sec. 19.84, that a majority of the Neenah Common Council may be present at this meeting. Common Council members may be present to gather information about a subject over which they have decision-making responsibility. This may constitute a meeting of the Neenah Common Council and must be noticed as such. The Council will not take any formal action at this meeting.

A G E N D A

1. Public Appearances
2. Approve vehicle replacement purchases for the Parks & Recreation Department (Attachment)
3. Announcements/Future Agenda Items
4. 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 **City Clerk Office at (920)886-6101** 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.



Department of Parks & Recreation

DATE: April 5, 2023

TO: Public Services and Safety Committee Members

FROM: Trevor L Fink, Superintendent of Parks/City Forester *TLF*

RE: Parks and Recreation Vehicles #10 and #14 replacement

Request for Proposals were sent out to vendors to replace department vehicles #10, 2007 Ford Taurus car and #14, 2007 Ford Freestar van. These vehicles are used primarily by the Director and Recreation Supervisor, respectively. Both these vehicles were purchased in used condition. Several vehicles were researched, including hybrids and used vehicles, to meet the needs that staff requested. Results of proposals are:

Vehicle #10:

2023 Kia Seltos	Ewald Kia	\$27,102.50
2023 Kia Seltos	Ewald Kia	\$27,472.50
2024 Nissan Rogue	Fleet Vehicle Source	\$28,992.00

No proposals from Bergstrom Nissan, Kia or Hyundai, Ford, or Chevy.

Vehicle #14:

2023 Chevy Traverse	Ewald Chevy	\$31,808.50
2023 Ford Edge	Ewald Ford	\$37,865.50
2024 Hyundai Palisade	Fleet Vehicle Source	\$38,466.00
2023 Ford Explorer	Bergstrom Ford	\$39,274.50

No proposals from Bergstrom Nissan, Kia, Hyundai, or Chevy.

Both Ewald and Fleet Vehicle Source are selected vendors for the State of Wisconsin 2023 vehicle contract.

Parks and Recreation Commissions recommends approving the proposal from Ewald Kia for the 2023 Kia Seltos in the amount not to exceed \$27,102.50 to replace the 2007 Ford Taurus utilizing 2023 CIP Funds.

Parks and Recreation Commission recommends approving the proposal from Ewald Chevy for the 2023 Chevy Traverse in the amount not to exceed \$31,808.50 to replace the 2007 Ford Freestar utilizing 2023 CIP Funds.

Budgeted amount for these purchases is \$60,000.

CITY OF NEENAH
PUBLIC SERVICES AND SAFETY COMMITTEE MEETING MINUTES
Tuesday, March 21, 2023, 6:30 PM

Present: Alderpersons Borchardt, Lendrum, and Weber

Excused: Alderpersons Hillstrom and Stevenson

Also Present: Mayor Lang, City Attorney Raschid, Public Works Director Kaiser, Community Development Director Haese, Traffic Engineer Merten, Community Development Specialist Jefferson, Public Works Office Manager Mroczkowski, Peter Brace, Dennis Kittel, Mike DuBois, Bob Zimmerman, Roger Peters, Virginia Kennedy, Robert Kennedy, Patricia Jahner, Leann Wasinger, Scott Wasinger, Mike Bartlett, Austin Formiller, Heather Ness, Tony Rodziewicz, and Gregg Fibiger

Approval of Minutes of the Meeting of March 7, 2023

Motion/Second/Carried by Borchardt/Weber to approve the minutes of the March 7, 2023, meeting. All voting aye

Public Appearances:

None

Bird Scooter Pilot Program

Community Development Specialist Jefferson stated that this item was referred back to committee from the March 15th Common Council meeting for further discussion. She noted the complaint statistics that had been provided. She asked if there were any additional questions were.

Aldersperson Borchardt suggested an amendment to the Memorandum of Understanding (MOU) to include language that addresses the staging of the scooters in relation to trails, bike lanes, and sidewalks.

Aldersperson Lendrum asked Community Development Specialist Jefferson to review the complaint process.

Ms. Jefferson stated that because this was a new program last year, staff was aware of the apprehension of the program. She stated that staff did not want the scooters to be a hinderance for residents and affect the success of the program.

Ms. Jefferson stated that at the time that Mr. Kittel had requested the complaint information she did not have a copy of that report but stated that she was in contact with representatives from Bird throughout the year and was being made aware of the types

and number of complaints that were being reported. She stated that Bird prefers that all complaints are reported to them since the riders are their customers and their responsibility.

Ms. Jefferson stated that the Bird Rides regional manager from Chicago met with staff on Monday to discuss the program and address the complaints and what can be done to deal with the issues.

Alderson Lendrum asked for an update on the number of complaints received in 2022. Ms. Jefferson stated that there were 105 complaints received by Bird from 10 independent users.

Alderson Lendrum asked Ms. Jefferson how staff came up with only 53 unique complaints. Ms. Jefferson stated that after reviewing the complaints a pattern was identified. She stated that, when there was a large group of scooters parked together in a line, a complaint was issued on each individual scooter not the group of them. Ms. Jefferson stated that an estimated 53 unique issues were identified when taking this into account. Ms. Jefferson stated that in addition to the complaints filed through Bird, staff received an additional 11 complaints.

Alderson Borchardt stated that there were probably a lot more complaints and issues that were not reported because of the way they must be reported to Bird. He stated that now that we know what to look for, he would hope that these issues can be spelled out in detail in the MOU. He stated that reports should be shared with council members, and that the trails, bike lanes and sidewalks are part of the conversation when it comes to staging of the scooters.

Ms. Jefferson stated that while talking with the regional manager, staff did review the MOU in relation to the 5 ½ feet buffer for sidewalks and trails. She stated that she will make the report available to council members once a month.

Community Development Director Haese stated that a lot of the concerns that were brought up by Mr. Kittel are not from deployment of the scooters but rather users parking them in undesirable locations. He stated that in reviewing the handout from Mr. Kittel, there are pictures of scooters that clearly have the 5 ½ feet clearance as stated in the MOU. Director Haese stated that these issues are not unique to Neenah. He stated that with scooter programs, the value of the program is the flexibility for a rider to start and stop when they choose to, but that flexibility can create the challenge of educating the user to leave the scooter in the correct location.

Director Haese stated that he does not anticipate the MOU changing. He stated that what needs to happen is that we set a stronger level of expectation with Bird.

Dennis Kittel, 410 Kraft St, Neenah – stated that he is positive about the program and wants it to succeed but not at the cost of the city's assets and the Neenah community. He stated that he is on the executive board of Fox Cities Greenways. He stated that he is not representing them but stated that they do not collect money to make the trail system a parking lot for scooters. He stated that trails should not be part of the MOU. He stated that there should be a city-controlled complaint system, and that the city needs to be more transparent about making the program's reports more available to the public. He stated that the staging of the scooters must be addressed more, and the city

needs to hold Bird more accountable. Mr. Kittel stated that the city should create a pedestrian, trail and bike lane advisory board where programs like this and other sustainable ideas could be discussed.

Aldersperson Borchardt stated that he is comfortable that the complaints have been heard. He stated that he wants to assure going into the second year of this program that the city will stress some of the issues that arose during the first year with Bird Rides to assure the future success of the program.

Report

Following Discussion: Motion/Second/Carried by Borchardt/Weber to recommend Council approve the Amendment to Memorandum of Understanding between the City of Neenah and Bird Rides, Inc., extending the electric scooter pilot program through December 31, 2023. All voting aye.

Final Resolutions

Arthur Plat

Director Kaiser introduced the final resolution for Amber Lane special assessment for street reconstruction. He stated that this is the last step in the process which is a recommendation to council from this committee confirming the authorization of the method of assessment and authorizing staff to complete the work.

Report

Following Discussion: Motion/Second/Carried by Weber/Borchardt to recommend Council approve Final Resolution 2023-09: Installation of curb, gutter, and pavement for properties in the Arthur Plat. All voting aye.

Cardinal Plat

Report

Following Discussion: Motion/Second/Carried by Weber/Borchardt to recommend Council approve Final Resolution 2023-10: Installation of curb, gutter, sidewalk and pavement for properties in the Cardinal Circle Plat. All voting aye.

Integrity Acres and 1st Addition to Integrity Acres Subdivision

Report

Following Discussion: Motion/Second/Carried by Weber/Borchardt to recommend Council approve Final Resolution 2023-08: Installation of curb, gutter, sidewalk and pavement for properties in the Integrity Acres Plat and 1st Addition to Integrity Acres Plat. All voting aye.

Liberty Heights Subdivision

Freedom Court Special Assessments

Director Kaiser reviewed his memo of March 17, 2023, regarding the Freedom Court special assessments. He stated that special assessment listing provided at the February 7, 2023, meeting included the outlot on which Freedom Court lies and 1436 Freedom Court but did not include 1433 or 1430 Freedom Court because these two addresses do not abut the street construction project. He stated at that February 7th meeting, discussion was held to include all three properties, but no formal action was taken. Director Kaiser stated that after talking with City Attorney Raschid, it was concluded that this item should be brought back to this committee for formal action on assessments for the Freedom Court properties.

Director Kaiser reviewed and discussed the three options listed in his memo. Option 1-to assess Outlot 3 and 1436 Freedom Court, Option 2-to assess 1433 Freedom Court, 1430 Freedom Court and 1436 Freedom Court, and Option 3-to convert Freedom Court to a public street.

Director Kaiser and the Committee further discussed Option 3 and what would be involved in converting Freedom Court to a public street.

Director Kaiser stated that his recommendation would be Option 1 because it most closely follows the language of the street assessment ordinance.

Report

Following Discussion: Motion/Second/Carried by Borchardt/Weber to recommend Council to include Outlot 3 (Freedom Court) and 1436 Freedom Court in Final Resolution 2023-07 for assessment purposes as part of the Liberty Heights subdivision curb & gutter and pavement project. All voting aye.

Liberty Heights Subdivision

Mike DuBois, 1469 Amendment Drive, Neenah-stated that he is asking the city for some type of assistance in paying for this project. He stated that it is a huge financial burden on families. He stated that he does not agree with the per parcel unit of assessment and stated that this project should be assessed using the per foot method. He stated that the increase to non-corner lot owners is not proportionate to the decrease to the corner lot owners. Mr. DuBois stated that he would like the city to consider using TARF funds, a lower interest rate or allowing for a longer installment payback period.

Patricia Jahner, 1832 Hedgeview Drive, Neenah-stated that changing the method of assessment in the middle of game is wrong. She stated that many of the property owners will be paying more based on the unit method than if they were to be assessed

using the front footage method. She stated that the city is looking for someone to pay for the lack of securing the money to pay for this project after the two developers' bankruptcies. She stated that it should not be subsidized through special assessments.

Robert Kennedy, 1836 Hedgeview Drive, Neenah-stated that after reviewing the FAQ that was handed out at the Public Hearing on March 15, 2023, he had questions regarding three of them.

#3-How was the special assessment estimate prepared for these streets?

Mr. Kennedy stated that answer to this question states "by ordinance, the city does not have a cost-share in streets being constructed for the first time." Mr. Kennedy stated that he would like to know where he can find this language in the ordinance because he was unable to.

#6-How did the developer's agreement address curb/gutter and street construction?

Mr. Kennedy stated that part of the answer he is questioning is "The agreement also intended to have the frontage abutting public lands to be prepaid by the developer. Given that intent those costs will be assessed to the lot owners of record at the time of final street construction." Mr. Kennedy stated that these two sentences contradict each other. He stated that if the intent was to have the developer pay for these costs, why are the lot owners now responsible for the public property costs.

#7-Why did the city change how it assesses for projects like this? Mr. Kennedy stated the part of the answer he is questioning is that change was made because it "allows them to assess a project on a unit basis if all of the benefitting lots were of a comparable size and use instead of the front footage method previously used." Mr. Kennedy stated that there is no language in this ordinance that defines or quantifies what constitutes uniformity of lots. Mr. Kennedy stated that he asked Director Kaiser was a definition or numerical calculation value for a uniform lot and was told no.

Mr. Kennedy stated the other part of this answer states "the purpose of the change was to make the assessment more equitable since properties in a development benefit equally from an improvement like this." Mr. Kennedy stated that 48 of the 126 property owners will be paying less than the assessable front footage rate and 78 of the 126 will be paying up \$6,040 more than the assessable front footage rate.

Mr. Kennedy stated that from the minutes of the December 13, 2022, meeting, Director Kaiser stated that he was seeking to amend the ordinance to a per unit method of assessments for street construction projects in new subdivisions. Mr. Kennedy stated that Liberty Heights is not a new subdivision and therefore should not be assessed on the per unit method should not be subject to the unit base method.

Gregg Fibiger, 1434 Anthem Drive, Neenah-stated that when they bought the lot, they made inquiries as the cost of the street improvements and was expecting to pay based on the front footage method. He stated that this per unit assessment method does not treat everyone equitably. He stated that he wants to be treated equally and not equitably and thinks this project should be grandfathered in using the front footage assessment method.

Mike Bartlett, 1845 Hedgeview Drive, Neenah-stated that he supports all who have spoken here tonight. He stating that asking a property owner to pay \$6,040 more using the per unit method is not fair. He stated that two-thirds of the property owners will be picking up the cost for the other one-third and that is not fair. Mr. Bartlett stated that the roads in this subdivision are not temporary and cost relief should come from TARF funds. He stated that the front foot method should be grandfathered in because that is what people were expecting to be assessed on. He stated that regarding apron costs, he was told that the city would be paying for the aprons.

Roger Peters, 1807 Statue Drive, Neenah-stated that he hopes the committee will vote to keep the unit method as the assessment method for this project. He stated that everyone is saying the unit method is unfair, but no one was at the committee meetings where the unit method was discussed and approved to voice their concern. He stated that the city has been open and transparent with approving the per unit method and have allowed for public input. He stated that when people buy a parcel of land, they are not guaranteed that they are going to be assessed at the method in the ordinance at the time of purchase. He stated that the Neenah notes in 2019 it addressed the issue of TARF funds not being used in Liberty Heights because it did not have permanent street or gutters.

Virginia Kennedy, 1836 Hedgeview Drive, Neenah-stated that the ordinance states the Common Council can chose which method is used for assessments. She stated this is not a done deal. Mrs. Kennedy stated that the late change to the assessment ordinance was wrong and that changing the rules in the middle of game is unacceptable.

Aldersperson Borchardt asked for clarification on the issue of aprons and the concern that promises were made that there would be no cost to the property owners. Director Kaiser stated that he cannot speak to promises made. He stated that none were made from him or the lead engineer for this project. He stated that when the houses were being built in this subdivision, some property owners asked if aprons could be installed. Director Kaiser stated that they were told that they could, but it would be considered temporary until the street, and curb & gutter were put in and advised them to put in asphalt.

Director Kaiser stated that this project is no different than the Eaglecrest or Castle Oak subdivision projects where the property owners were assessed for the aprons that were installed. He stated that this has always been the process.

Aldersperson Weber stated that when the road and aprons were installed in Eaglecrest, he paid for the apron installation. He stated that the process was made very clear by Director Kaiser.

Aldersperson Weber asked for clarification on the use of TARF funds. Director Kaiser stated that TARF funds are used for street resurfacing, street reconstruction and infill sidewalk construction. Director Kaiser stated that street reconstruction implies that there is a street in place that meets our standard street construction of 30" concrete curb and gutter and with 4" of asphalt and for the purposes of assessment there is 36' clear width. TARF funds are used on streets that have already been permanently built to that standard.

Director Kaiser stated that relative to the comment that was made by Mr. Kennedy that the city does not cost share on new street construction, the language can be found in section 13-5(c) which states:

New streets are those streets not open for traffic on December 31, 1975. Not more than 100 percent of the assessable construction costs for excavating, grading, gravelling, temporary paving and final paving these new streets shall be assessed to the abutting properties (i.e., not to exceed more than 50 percent of the assessable cost on each side).

Aldersperson Borchardt stated that he can understand that when you talk about a new street versus a street that has been there for 10 to 15 years. He stated that he can understand and empathize with their concerns. He stated that after 20 or 30 years is it still considered a temporary road.

Aldersperson Borchardt asked why the decision was made to change the ordinance in December. He stated that he still believes it is the equitable method of assessment but would like to know the process and reasoning for the change. Director Kaiser stated that a change in the ordinance has been in discussion since the Eaglecrest subdivision was done and we looked at the assessments of some of the corner lots and how uneven the assessments were in that subdivision. He approached this committee in spring of 2022 with the concept of the per unit method of assessing. He stated that the change was suggested to address the imbalance in the final assessments. Director Kaiser stated that, if we know there is an imbalance, and we try and address that imbalance, it doesn't make any sense for him not to apply the method the next time. Director Kaiser stated that he had started drafting the ordinance change last spring but was delayed because of staff turnover in the attorney's office.

Aldersperson Borchardt asked how the park and pond frontage would be paid for if we were to use the front footage assessment method. Director Kaiser stated that the methodology stays the same. He stated that he does not assign a unit to the pond or park, so the cost is absorbed with in the linear foot unit cost.

Aldersperson Borchardt asked if there any subdivisions that are currently being built that the city will use the per unit assessment method when assessing for the project. Director Kaiser stated that we will use this same method on the Freedom Acres and Homes at Freedom Meadows.

Aldersperson Weber stated that as a committee member he feels the per unit method is more equitable because it distributes the cost evenly for all the property owners within a subdivision. He stated that it does not matter if the subdivision is 5 years old or 10 years old.

Following Discussion: Motion/Second/Carried by Weber/Borchardt to recommend Council approve Final Resolution 2023-07: Installation of curb, gutter, and pavement for properties on Amendment Drive, Anthem Drive, Briggs Lane, Buser Drive, Hedgeview Drive, Highland Drive, Nation Court, Plains Avenue, Presidential Drive, and Statue Drive. All voting aye.

S. Commercial St. Reconstruction Project-Title Search Amendment Request

Traffic Engineer Merten reviewed his memo of March 17, 2023. He stated that Westwood Professional Services, the design consultant for the 2025 S. Commercial Street reconstruction project, is recommending that the city purchase an additional 70 title searches to be used for preparing temporary limited easements (TLE) necessary for the project. He stated that these title searches are in addition to the 80 TLE title searches that were listed in the scope of services of the original contract with Westwood. Traffic Engineer Merten stated that the additional 70 TLE title searches are recommended due to: (1) several utilities having been identified outside, but adjacent to, the road right-of-way and (2) the fact that construction activity will extend slightly beyond the right-of-way boundary, mostly as a result of the sidewalk being located along the edge of right-of-way. He stated that the WisDOT design requirements necessitate additional real estate documentation for any utility's easements located within potential work areas in order for the construction project to proceed.

Traffic Engineer Merten stated that staff recommends authorizing Westwood Professional Services to acquire title searches necessary for the S. Commercial Street reconstruction project for an amount not to exceed \$14,000, which shall be funded with the S. Commercial Street design account.

Report

Following Discussion: Motion/Second/Carried by Borchardt/Weber to recommend Council approve Westwood Professional Services to acquire title searches necessary for the S. Commercial Street reconstruction project for an amount not to exceed \$14,000.00, which shall be funded with the S. Commercial Street design account. All voting aye.

Winneconne Ave & Commercial St intersection I.C.E Report

Traffic Engineer Merten reviewed his memo of March 16, 2023. He stated that in October 2022 the City authorized MSA Professional Services to conduct an intersection control evaluation (ICE) for the Commercial Street/Winneconne Avenue intersection. The full report can be viewed online at <https://neenahwi.gov/traffic-resources/> under the "traffic studies" subsection. He stated that the ICE report evaluated a modified traffic signal layout and two roundabout layouts under projected 20-year traffic conditions with their recommendation being the modified traffic signal layout. Traffic Engineer Merten stated that the original staff request was to prepare a formal design for a southbound right-turn lane and acquire the land necessary for that improvement. He stated that with the staff-proposed layout, the right-turn lane would be separated with a pedestrian refuse island to accommodate right-turn on red movement. He stated that staff's plan would require more land acquisition than the ICE recommended project, however it would not require the significant cost to upgrade the traffic signal infrastructure.

Traffic Engineer Merten stated that given the original objectives behind the project, the anticipated cost-benefit, and the fact that the staff-proposed layout can be revised to complement a future build of signal infrastructure improvement concepts brought forth in the ICE recommended design, staff recommends pursuing a formal design for a right-turn lane in the vein of the staff-proposed layout, modified to accommodate a 20-year build of the signalized intersection.

Info Only

Following Discussion: Motion/Second/Carried by Borchardt/Weber to place and file the Commercial Street/Winneconne Avenue Intersection Control Evaluation report prepared by MSA Professional Services. All voting aye.

LeAnne Wasinger, 447 S. Commercial Street, Neenah-stated that she is the owner of the Tailored Hide. She stated that she appreciates staff's thoughts on the traffic queuing that takes place at this intersection. She stated that she is concerned about the no turn on red because she witnesses south bound vehicles backing up to cut through the parking lot of her business.

Ms. Wasinger asked if there will be any type of assessment to them for this project. Traffic Engineer Merten stated no.

Ms. Wasinger stated that their building has been struck two times by errant vehicles and wonders if there is anything the city could do to prevent future accidents. Traffic Engineer Merten stated that they can look at some ideas for barriers.

Ms. Wasinger stated that the business currently shares a driveway with Scanlon Photography Studios. She asked if the city would allow another driveway opening to their business so that they no longer would have the need to share the driveway with Scanlon's. Traffic Engineer Merten stated that the city is very apprehensive allowing for more driveway access off of S. Commercial Street because of the high volume of traffic, and the increased potential accidents.

Aldersperson Borchardt stated that this intersection is a problem, and he would like to see some type of modification done to help with traffic flow. He stated that he is comfortable with staff's recommendation for a short-term fix but looks at the MSA recommendations and likes the idea of a round-a-bout at this intersection in the future.

Aldersperson Weber asked what the reason is why a round-a-bout is not being recommended. Director Kaiser stated that Traffic Engineer Merten compared the recommendations in the report to his lay out and saw his plan as a first step that could make a significant improvement to the intersection and really not preclude the city from pursuing one of these other proposed improvements.

Aldersperson Borchardt stated that given the time frame and the need to address the immediate impact he is in favor of Traffic Engineer Mertens plan as a temporary fix and encourages a strong consideration for the round-a-bout as the final vision for this intersection.

Report

Following Discussion: Motion/Second/Carried by Borchardt/Weber to recommend Council approve amending the S. Commercial Street reconstruction design project agreement with Westwood Professional Services to include design and real estate services for modifications to the Winneconne and Commercial Street intersection in the amount of \$49,800.00, which shall be funded by the 2025 S. Commercial Street reconstruction design project account #012-4322-743-0236. All voting aye.

Clock Tower Controller

Director Kaiser stated that the clock tower controller has failed. He stated that Finance says the funding source should be Public Facilities Fund balance.

Report

Following Discussion: Motion/Second/Carried by Borchardt/Weber to recommend Council approve the purchase of a digital bell controller from Verdin company in the amount of \$5,015.00 with funding to come from the Public Facilities Fund balance. All voting aye.

Public Works General Construction and Department Activity

- 1) Contract 7-21 (Harrison Pond): Storm and sanitary sewer work is complete, and the pond is functioning. Work on the water feature stones will continue when weather allows.
- 2) Contracts 11-22A and 11-22B (Lead service line replacement): Work is substantially complete. Restoration will be finished later this year.
- 3) Contract 1-23 (Chestnut, Burr, Dieckhoff, Laudan Utility and Street Construction): The contractor is tentatively set to start on March 27. Work on sewer and water service replacements will tentatively start the week of March 20.
- 4) Contract 2-23 (Charles, Hughes, Memorial, Patrick, Brantwood Dr/Ct Utility and Street): A pre-construction meeting is scheduled for 03/28/2023.
- 5) Contract 3-23 (Concrete Pavement/Sidewalk Repair): The contract has been awarded to Al Dix Concrete, Inc. A work schedule has not been set.
- 6) Contract 4-23 (Asphalt Repairs): The contract was awarded to MCC, Inc. A work schedule has not been set.
- 7) Contract 5-23 (New Subdivision Street Construction): Bids were opened on 2/15/2023. An award recommendation is scheduled to come to Council on April 5.
- 8) Contract 6-23 (Columbian Av Utility and Street Construction): The contract was awarded to Don Hietpas & Sons Construction, Inc. The contractor is tentatively set to start work on 3/27/2023.

- 9) Contract 7-23 (High, River Utility and Street Construction): Soil borings are being done the week of 3/13/2023. Upon receiving that report, we will both submit that documentation to the railroad for their review and advertise for project bid.
- 10) Contract 9-23 (Epoxy Pavement Marking): The project was awarded to Century Fence. A work schedule has not been set. The primary work areas are the roundabouts at Breezewood / Gillingham, Bell / Harrison, Winneconne / Green Bay, Winneconne / Lake, Green Bay / Festival, and Green Bay / Fox Point along with mainline work on Bayview Road and S. Lake Street.
- 11) Contract 10-23 (Parking Lot, Temporary Asphalt Street Construction): The project is scheduled for bid opening on 3/22/2023.
- 12) Clock Tower: The controller for the clock tower has failed, that is why both hands on each face are pointed to 12. The quote for a new controller is \$5,015. I have asked the Finance Department for options to fund a replacement.

Announcements/Future Agenda Items

None

Adjournment: Motion/Second/Carried Borchardt/Weber to adjourn at 8:30 PM. All voting aye.

Respectfully submitted,



Lisa Mroczkowski
Public Works Office Manager



M E M O R A N D U M

DATE: March 21, 2023
TO: Chairman Lendrum and Public Services and Safety Committee Members
FROM: Samantha Jefferson, Community Development Specialist
RE: Amendment to Bird Scooter MOU

At the March 15, 2023 Council meeting, Council recommended and approved this item to be sent back to the Public Services and Safety Committee for further consideration. In order to ensure that you have the necessary information for your discussion, I have included my original memo, the suggested amendment to the MOU, the additional information provided to Council members at the Council meeting and the original MOU.

If you have any questions prior to the meeting or are in need of any additional information, please do not hesitate to contact me.

Extension Amendment to
Memorandum of Understanding

This extension amendment (this "Amendment") dated as of the ____ of _____, 2023 is entered into by and between Bird Rides, Inc., located at 406 Broadway, #369, Santa Monica, CA 90401 ("Company"), and the City of Neenah ("City"), and amends that certain Memorandum of Understanding dated as of April 6, 2022, by and between Company and City (as further amended, restated, supplemented or modified from time to time prior to the date hereof, the "Agreement").

The Agreement is amended as follows:

1. Term. The term of the Agreement shall hereby continue through December 31, 2023 and shall be renewed annually by additional extension amendments thereafter unless terminated by either party.
2. Payment. Bird agrees to pay to the City \$0.20 per ride in order to recoup administrative, educational, and enforcement expenses incurred by the City. Payment shall be made on a monthly basis and shall be made payable to the City of Neenah.
3. Except as set forth in this Amendment, the Agreement is unaffected and shall continue in full force and effect in accordance with its terms. If there is conflict between this Amendment and the Agreement or any earlier amendment, the terms of this amendment will prevail.
4. Unless otherwise stated in this Amendment, defined terms shall be given the meanings attributed to them in the Agreement.

Company:

Bird Rides, Inc.

By: _____

Name:

Title:

City:

City of Neenah, Wisconsin

By: _____

Name:

Title:

market	date	complaint_type	community_complaint_type	creator_role
1 Neenah_WI - Gov	2022-5-5, 02:56	blocking_pedestrian_right_of_way	bad_parking	rider
2 Neenah_WI - Gov	2022-5-5, 02:58	other	bad_parking	rider
3 Neenah_WI - Gov	2022-5-10, 20:29	other	bad_parking	rider
4 Neenah_WI - Gov	2022-5-24, 20:54	unsafe_or_unsanitary	bad_parking	rider
5 Neenah_WI - Gov	2022-5-28, 14:26	unsafe_or_unsanitary	bad_parking	rider
6 Neenah_WI - Gov	2022-6-10, 01:15	unsafe_or_unsanitary	bad_parking	rider
7 Neenah_WI - Gov	2022-6-14, 17:03	blocking_pedestrian_right_of_way	bad_parking	rider
8 Neenah_WI - Gov	2022-6-14, 17:04	blocking_pedestrian_right_of_way	bad_parking	rider
9 Neenah_WI - Gov	2022-6-28, 20:46	other	bad_parking	rider
10 Neenah_WI - Gov	2022-7-15, 11:23	blocking_pedestrian_right_of_way	bad_parking	rider
11 Neenah_WI - Gov	2022-7-16, 22:15	blocking_pedestrian_right_of_way	bad_parking	rider
12 Neenah_WI - Gov	2022-7-17, 17:21	other	bad_parking	rider
13 Neenah_WI - Gov	2022-7-17, 20:00	other	bad_parking	rider
14 Neenah_WI - Gov	2022-7-17, 20:14	blocking_pedestrian_right_of_way	bad_parking	rider
15 Neenah_WI - Gov	2022-7-20, 23:39	physically_inaccessible	bad_parking	rider
16 Neenah_WI - Gov	2022-7-21, 12:27	blocking_pedestrian_right_of_way	bad_parking	rider
17 Neenah_WI - Gov	2022-7-21, 12:28	other	bad_parking	rider
18 Neenah_WI - Gov	2022-7-21, 12:28	other	bad_parking	rider
19 Neenah_WI - Gov	2022-7-21, 12:29	other	bad_parking	rider
20 Neenah_WI - Gov	2022-7-21, 12:29	blocking_pedestrian_right_of_way	bad_parking	rider
21 Neenah_WI - Gov	2022-7-21, 12:30	blocking_pedestrian_right_of_way	bad_parking	rider
22 Neenah_WI - Gov	2022-7-21, 12:30	other	bad_parking	rider
23 Neenah_WI - Gov	2022-7-21, 12:30	blocking_pedestrian_right_of_way	bad_parking	rider
24 Neenah_WI - Gov	2022-7-21, 12:31	blocking_pedestrian_right_of_way	bad_parking	rider
25 Neenah_WI - Gov	2022-7-21, 23:12	blocking_pedestrian_right_of_way	bad_parking	rider
26 Neenah_WI - Gov	2022-7-21, 23:13	blocking_pedestrian_right_of_way	bad_parking	rider
27 Neenah_WI - Gov	2022-7-21, 23:14	blocking_pedestrian_right_of_way	bad_parking	rider
28 Neenah_WI - Gov	2022-7-21, 23:19	physically_inaccessible	bad_parking	rider
29 Neenah_WI - Gov	2022-7-25, 21:30	blocking_pedestrian_right_of_way	bad_parking	rider
30 Neenah_WI - Gov	2022-7-28, 00:24	other	bad_parking	rider
31 Neenah_WI - Gov	2022-8-1, 18:51	blocking_pedestrian_right_of_way	bad_parking	rider
32 Neenah_WI - Gov	2022-8-3, 12:12	other	bad_parking	rider
33 Neenah_WI - Gov	2022-8-3, 12:12	blocking_pedestrian_right_of_way	bad_parking	rider
34 Neenah_WI - Gov	2022-8-3, 12:13	blocking_pedestrian_right_of_way	bad_parking	rider
35 Neenah_WI - Gov	2022-8-3, 12:13	blocking_pedestrian_right_of_way	bad_parking	rider
36 Neenah_WI - Gov	2022-8-3, 12:15	blocking_pedestrian_right_of_way	bad_parking	rider
37 Neenah_WI - Gov	2022-8-23, 17:32	blocking_pedestrian_right_of_way	bad_parking	rider
38 Neenah_WI - Gov	2022-8-23, 17:33	other	bad_parking	rider
39 Neenah_WI - Gov	2022-8-23, 17:33	blocking_pedestrian_right_of_way	bad_parking	rider
40 Neenah_WI - Gov	2022-8-23, 17:34	blocking_pedestrian_right_of_way	bad_parking	rider
41 Neenah_WI - Gov	2022-8-23, 17:34	other	bad_parking	rider
42 Neenah_WI - Gov	2022-8-23, 17:35	other	bad_parking	rider
43 Neenah_WI - Gov	2022-8-23, 17:35	other	bad_parking	rider
44 Neenah_WI - Gov	2022-8-23, 17:35	blocking_pedestrian_right_of_way	bad_parking	rider
45 Neenah_WI - Gov	2022-8-23, 17:36	blocking_pedestrian_right_of_way	bad_parking	rider
46 Neenah_WI - Gov	2022-8-23, 17:36	other	bad_parking	rider
47 Neenah_WI - Gov	2022-8-23, 17:36	blocking_pedestrian_right_of_way	bad_parking	rider
48 Neenah_WI - Gov	2022-8-29, 14:55	other	bad_parking	rider
49 Neenah_WI - Gov	2022-8-29, 14:56	other	bad_parking	rider
50 Neenah_WI - Gov	2022-8-29, 14:56	other	bad_parking	rider
51 Neenah_WI - Gov	2022-8-30, 20:09	blocking_pedestrian_right_of_way	bad_parking	rider
52 Neenah_WI - Gov	2022-8-31, 16:16	blocking_pedestrian_right_of_way	bad_parking	rider
53 Neenah_WI - Gov	2022-8-31, 16:17	blocking_pedestrian_right_of_way	bad_parking	rider
54 Neenah_WI - Gov	2022-9-1, 12:45	blocking_pedestrian_right_of_way	bad_parking	rider
55 Neenah_WI - Gov	2022-9-6, 17:47	other	bad_parking	rider
56 Neenah_WI - Gov	2022-9-6, 17:47	other	bad_parking	rider
57 Neenah_WI - Gov	2022-9-6, 17:47	other	bad_parking	rider
58 Neenah_WI - Gov	2022-9-6, 17:48	blocking_pedestrian_right_of_way	bad_parking	rider
59 Neenah_WI - Gov	2022-9-8, 13:45	other	bad_parking	rider
60 Neenah_WI - Gov	2022-9-8, 13:45	other	bad_parking	rider
61 Neenah_WI - Gov	2022-9-8, 13:46	blocking_pedestrian_right_of_way	bad_parking	rider
62 Neenah_WI - Gov	2022-9-8, 13:46	blocking_pedestrian_right_of_way	bad_parking	rider
63 Neenah_WI - Gov	2022-9-8, 13:46	other	bad_parking	rider
64 Neenah_WI - Gov	2022-9-12, 14:02	other	bad_parking	rider
65 Neenah_WI - Gov	2022-9-12, 14:04	blocking_pedestrian_right_of_way	bad_parking	rider
66 Neenah_WI - Gov	2022-9-12, 14:04	blocking_pedestrian_right_of_way	bad_parking	rider
67 Neenah_WI - Gov	2022-9-14, 13:59	blocking_pedestrian_right_of_way	bad_parking	rider
68 Neenah_WI - Gov	2022-9-15, 13:46	blocking_pedestrian_right_of_way	bad_parking	rider
69 Neenah_WI - Gov	2022-9-19, 19:23	blocking_pedestrian_right_of_way	bad_parking	rider
70 Neenah_WI - Gov	2022-9-21, 21:15	blocking_pedestrian_right_of_way	bad_parking	rider
71 Neenah_WI - Gov	2022-9-21, 21:15	blocking_pedestrian_right_of_way	bad_parking	rider
72 Neenah_WI - Gov	2022-9-21, 21:16	other	bad_parking	rider
73 Neenah_WI - Gov	2022-9-21, 21:16	other	bad_parking	rider
74 Neenah_WI - Gov	2022-9-22, 13:42	other	bad_parking	rider
75 Neenah_WI - Gov	2022-9-23, 18:17	blocking_pedestrian_right_of_way	bad_parking	rider
76 Neenah_WI - Gov	2022-10-3, 13:34	blocking_pedestrian_right_of_way	bad_parking	rider
77 Neenah_WI - Gov	2022-10-3, 13:34	blocking_pedestrian_right_of_way	bad_parking	rider
78 Neenah_WI - Gov	2022-10-3, 13:42	blocking_pedestrian_right_of_way	bad_parking	rider
79 Neenah_WI - Gov	2022-10-3, 13:44	blocking_pedestrian_right_of_way	bad_parking	rider

80	Neenah_WI - Gov	2022-10-3, 13:47	other	bad_parking	rider
81	Neenah_WI - Gov	2022-10-3, 13:47	other	bad_parking	rider
82	Neenah_WI - Gov	2022-10-3, 13:49	blocking_pedestrian_right_of_way	bad_parking	rider
83	Neenah_WI - Gov	2022-10-3, 13:49	blocking_pedestrian_right_of_way	bad_parking	rider
84	Neenah_WI - Gov	2022-10-3, 13:49	other	bad_parking	rider
85	Neenah_WI - Gov	2022-10-3, 13:53	other	bad_parking	rider
86	Neenah_WI - Gov	2022-10-6, 13:26	blocking_pedestrian_right_of_way	bad_parking	rider
87	Neenah_WI - Gov	2022-10-6, 13:32	blocking_pedestrian_right_of_way	bad_parking	rider
88	Neenah_WI - Gov	2022-10-6, 13:32	blocking_pedestrian_right_of_way	bad_parking	rider
89	Neenah_WI - Gov	2022-10-6, 13:32	blocking_pedestrian_right_of_way	bad_parking	rider
90	Neenah_WI - Gov	2022-10-6, 13:33	other	bad_parking	rider
91	Neenah_WI - Gov	2022-10-6, 13:33	other	bad_parking	rider
92	Neenah_WI - Gov	2022-10-6, 13:33	other	bad_parking	rider
93	Neenah_WI - Gov	2022-10-6, 13:35	other	bad_parking	rider
94	Neenah_WI - Gov	2022-10-6, 13:37	other	bad_parking	rider
95	Neenah_WI - Gov	2022-10-18, 16:30	blocking_pedestrian_right_of_way	bad_parking	rider
96	Neenah_WI - Gov	2022-10-18, 16:31	other	bad_parking	rider
97	Neenah_WI - Gov	2022-10-18, 16:37	other	bad_parking	rider
98	Neenah_WI - Gov	2022-10-18, 16:37	other	bad_parking	rider
99	Neenah_WI - Gov	2022-10-28, 19:26	other	bad_parking	rider
100	Neenah_WI - Gov	2022-10-28, 19:27	blocking_pedestrian_right_of_way	bad_parking	rider
101	Neenah_WI - Gov	2022-10-28, 19:27	other	bad_parking	rider
102	Neenah_WI - Gov	2022-10-28, 19:27	other	bad_parking	rider
103	Neenah_WI - Gov	2022-10-28, 19:27	other	bad_parking	rider
104	Neenah_WI - Gov	2022-10-30, 21:37	blocking_pedestrian_right_of_way	bad_parking	rider
105	Neenah_WI - Gov	2022-11-1, 13:28	blocking_pedestrian_right_of_way	bad_parking	rider



M E M O R A N D U M

DATE: March 15, 2023
TO: Mayor Lang, Council President Stevenson and Common Council Members
FROM: Samantha Jefferson, Community Development Specialist
RE: Further Detail on Bird Scooter Service Tickets

We recently received updated information from Bird regarding customer service tickets during the 2022 riding season. A few details about these tickets:

- A total of 105 tickets were received by Bird from 10 independent users. These tickets were provided to Bird as follows:
 - User A: 90 tickets
 - User B: 5 tickets
 - User C: 2 tickets
 - User D: 2 ticketsThe remaining 6 tickets were individually submitted by different users.
- Blue highlighted groups on the attached spreadsheet indicate tickets that were made for a large group of scooters (each scooter was complained about individually). When taking this into account, we estimate that 53 unique issues were identified.
- Additionally, the following eleven calls were received by Community Development:
 - Parking in right-of-way in front of home: 5
 - Safety: 2
 - Parking (ADA/blocking walkways): 3
 - Minors Riding Scooters: 1
- Overall, on average, there was less than 1 service ticket per thousand rides.

MEMORANDUM OF UNDERSTANDING

Operation of Bird Rides, Inc. in the City of Neenah, Wisconsin

Pursuant to this Memorandum of Understanding (hereinafter the "MOU") for the operation of Bird Rides, Inc. owned dockless, stand-up electric scooters (hereinafter "electric scooter") within the City of Neenah, Bird Rides, Inc., incorporated under the laws of California (hereinafter referred to as "Bird") and the City of Neenah, a municipal corporation (hereinafter referred to as the "City") (collectively "parties") hereby agree as follows:

WITNESSETH:

WHEREAS Bird, represented by Garrett Gronowski; and

WHEREAS the City, whose address is City of Neenah, 211 Walnut Street, Neenah, WI 54956, is willing to establish a Bird stand-up electric scooter pilot program within the City of Neenah to evaluate the desire of establishing a regulatory framework for the long-term operation of Bird stand-up electric scooters within the City as well as to better determine the regulatory cost to the City; and

NOW, THEREFORE, in consideration of the above promises and mutual covenants of the parties hereinafter set forth, and the MOU for the operation of Bird stand-up electric scooters, the receipt and sufficiency of which is acknowledged by each party for itself, Bird and the City do agree as follows:

1. DEFINITIONS

- 1.1. "Code" shall mean the Municipal Code of the City of Neenah, Wisconsin.
- 1.2. "Customer" shall mean a person who has downloaded Bird's app to their smart-phone or other device.
- 1.3. "Dockless" shall mean a system of self-service mobility devices made available for shared use to individuals on a short-term basis, which may be rented through a smart-phone app, vendor website, vendor customer service number, or a pre-paid PIN and which do not require structures at permanent, fixed locations where rides must begin and end.
- 1.4. "Electric scooter" shall mean a device weighing less than 100 pounds that has handlebars and an electric motor, is powered solely by the electric motor and human power, and has a maximum speed of not more than 20 miles per hour on a paved level surface when powered solely by the electric motor. Under this MOU, an electric scooter shall be in reference to an electric scooter owned by Bird.
- 1.5. "Equipment" shall mean dockless, stand-up electric scooters.

- 1.6. "Geo-fencing" shall mean the ability of Bird to create no-ride or no-parking zones using GPS to create a digital fence around a designated area that is marked as a red zone on the Bird app.
- 1.7. "Improperly parked" shall mean electric scooters parked in violation of section 5.5 of this MOU.
- 1.8. "Notice" and "Notifications" shall mean notice from the public or notification from the City.
- 1.9. "Preferred parking area" shall mean areas designated in the Bird app as a location where customers may finish their ride and park the Bird electric scooter in order to receive a discount on the customer's next ride of a Bird electric scooter.
- 1.10. "Unsafe" shall mean any dockless, stand-up electric scooters that could cause harm or injury to a customer or anyone within the public right-of-way despite being operated in a reasonable manner.
- 1.11. "Unused electric scooter" shall mean any dockless, stand-up electric scooter parked in one location for more than seven (7) consecutive days without being used.

2. PURPOSE AND GOALS

- 2.1. It is the purpose of the City to initiate a Dockless, Stand-Up Electric Scooter Pilot Program (hereinafter the "pilot") with Bird to observe, solicit feedback on, and evaluate the effectiveness of electric scooters in Neenah.
- 2.2. The Goals of this pilot are as follows:
 - 2.2.1. Increase transportation options: Electric scooters have the potential to reduce reliance on motor vehicles and ride sharing services for short trips, decreasing congestion and air quality impacts.
 - 2.2.2. Expand access to transit: Electric scooters may provide links to public transit, assisting with connectivity and solving the first mile/last-mile problem.
 - 2.2.3. Contribute to local tourism: Electric scooters allow for convenient access to local parks, trails, shopping and site-seeing locations.
 - 2.2.4. Evaluate impacts on access to the public right-of-way: Bird must show a commitment to keeping pedestrian ways, streets, and other public rights-of-way unobstructed by electric scooters for other users. Most importantly, electric scooters must be parked and maintained in a manner that provides a clear path for people walking and maintains access to businesses, residential units, and other buildings.

3. PILOT DURATION

3.1. Term

The term of this MOU shall be made effective upon signature by the parties and shall remain in effect, unless otherwise terminated, until December 31, 2022.

3.2. Suspension

The pilot may be immediately suspended at any point and without cause by the Director of Community Development of the City of Neenah for the purpose of working through any concerns with Bird.

3.3. Termination

The pilot may be terminated at any point and without cause by either party upon seven (7) days prior written notice to the other party. The Director of Community Development may terminate the pilot on behalf of the City.

3.4. Modification

No term of this MOU may be modified or amended unless such modification or amendment is agreed to in writing and signed by the parties hereto.

4. DUTIES OF BIRD

4.1. Maximum number of scooters and zones of operation.

4.1.1. Bird shall provide a maximum of seventy-five (75) electric scooters within the City throughout the duration of the pilot.

4.1.2. At the commencement of the pilot, no more than seventy-five (75) electric scooters shall be initially deployed within the City. The initial distribution of electric scooters in the City shall be mutually agreed upon by the City and Bird.

4.1.3. A review of the maximum number of electric scooters within the City or within a specific zone may be requested by either party. The parties agree to work together to come to a resolution for the duration of the pilot.

4.2. Local operations.

Bird shall provide name and contact information for a representative to the City within thirty (30) days after execution of this agreement.

4.3. Reporting and data sharing.

- 4.3.1. Aggregate customer demographic data that does not identify individual customers, payment methods, of their individual trip history, gathered by Bird shall be provided to the Director of Community Development on at least a monthly basis using anonymized keys.
- 4.3.2. The following information shall be required on the first of each month throughout the duration of the pilot, or as directed by the Director of Community Development:
 - 4.3.2.1. Total downloads, active customers & repeat customer information;
 - 4.3.2.2. List of reported parking complaints including: description of the location of the incident, description of Bird response, and response time;
 - 4.3.2.3. Incidents of electric scooter theft and vandalism;
 - 4.3.2.4. Electric scooter maintenance reports;
 - 4.3.2.5. Complaints received by Bird;
 - 4.3.2.6. Accident/crash information; and
 - 4.3.2.7. Payment method information.
- 4.3.3. Customer information shall be made available to the Neenah Police Department upon warrant or subpoena or otherwise required by law.

4.4. Submerged electric scooters.

Bird acknowledges that submerged electric scooters in the City waterways may result in the release of hazardous wastes into the environment. If a Bird electric scooter is submerged in a City waterway, Bird shall commence removal and site restoration. If Bird fails to comply with removal, the City may respond, cause removal and require reimbursement.

4.5. Relocation requests.

Bird shall respond to and relocate improperly parked or unused electric scooters within five (5) hours of notice between 6 a.m. and 10 p.m. Bird shall respond to and relocate improperly parked or unused electric scooters by 8 a.m. for notices received between 10 p.m. and 6 a.m.

4.6. Safety education.

Bird shall provide materials, videos, and signage to promote safe riding and educate riders on rider responsibilities and encourage safe and proper riding and parking as further described within this MOU.

4.7. Operation outside of the City of Neenah.

The City will coordinate with Bird and neighboring municipalities (those with similar agreements) to determine areas of allowable use. Upon notification of the operation or placement of an electric scooter outside of the mutually determined zone, Bird shall commence relocation of the scooter back within City limits.

4.8. Equipment maintenance.

Bird shall regularly inspect and provide necessary maintenance to each electric scooter at least once per month. Upon notification of an unsafe or inoperable electric scooter, Bird shall remove said electric scooter within two (2) hours. Bird acknowledges that the City may impound electric scooters that are deemed unsafe or inoperable and not remedied in accordance with this provision.

4.9. Geo-fencing of bridges, overpasses and roundabouts.

Bird shall geo-fence all bridges, overpasses and roundabouts to prevent customers from ending their ride on them in order to increase accessibility for pedestrians. The parties acknowledge that customers may traverse the bridges, overpasses and roundabouts.

4.10. Preferred parking zones.

Bird agrees to work with the City to create preferred parking zones within the City prior to the deployment of Bird electric scooters. The parties agree that, throughout the duration of the pilot, they will continue to work jointly to adjust the preferred parking zones as necessary.

5. OPERATING REGULATIONS

5.1. Bird shall provide easily visible contact information for Bird's locally based operations manager, including toll-free phone number and e-mail address on each electric scooter for members of the public to make relocation requests or to report other issues with devices.

5.2. Safety requirements.

5.2.1. Each electric scooter shall meet the requirements described in Sections 347.489 (1), 347.489 (2), and 347.489 (3) of the Wisconsin State Statutes.

5.2.2. The maximum motor-assist speed for electric scooters shall be 18 mph, except along the trestle bridge where it shall be 12 mph.

5.3. Electric scooter availability and hours of operation.

- 5.3.1. Bird, through its locally based operations manager, shall redistribute electric scooters to ensure electric scooters are distributed throughout the City. Bird agrees to work with the Director of Community Development, or designee, in order to determine the safest and most efficient distribution of electric scooters throughout the City for the duration of the pilot. The parties acknowledge that Bird may utilize independent business logistics providers to facilitate local operations. Bird's use of these logistics providers does not constitute a transfer or assignment of this MOU, and Bird remains responsible for all obligations and requirements under this MOU.
- 5.3.2. Hours of operation. Electric scooters shall be made available to rent twenty-four (24) hours per day, under appropriate environmental circumstances.
- 5.3.3. Initial placement. The date for initial placement of electric scooters in the City shall be mutually decided upon between Bird and the Director of Community Development at the onset of the warmer seasons.
- 5.3.4. Winter operation. Bird shall begin to remove electric scooters from use upon the onset of snow accumulation within the City, or as directed by the Director of Community Development.

5.4. Proper electric scooter use.

- 5.4.1. Electric scooters shall be operated and regulated in the same manner as bicycles and may be operated on roadways, sidewalks, bike lanes, and bike paths, unless otherwise stated in State or City regulations.
- 5.4.2. Electric scooters may not be operated on the sidewalks on Main Street and Wisconsin Avenue between Doty Avenue and S. Commercial Street.
- 5.4.3. Electric scooters shall be operated on the right of street lanes and offer the right-of-way to bicycles in bike lanes and on bike paths.
- 5.4.4. Electric scooters shall not be operated by individuals under the age of 18.
- 5.4.5. Electric scooters shall not be operated within City-owned parking ramps.

5.5. Proper electric scooter parking.

- 5.5.1. Bird shall provide instructions for properly parking electric scooters to customers in easily understandable formats through multiple media types.
- 5.5.2. Bird shall keep the sidewalk free from obstructions to pedestrians by requiring customers park electric scooters such that a walk space not less than five (5) feet wide shall at all times be kept open for pedestrians and shall not

be parked on the main traveled portion of the sidewalk or against or adjacent to windows.

- 5.5.3. Electric scooters shall not be parked on a sidewalk having a width of less than five and one-half (5 1/2) feet.
- 5.5.4. Electric scooters shall not be parked at the intersection of two or more streets between the points of curvature, measured along the curb.
- 5.5.5. On roadways without sidewalks, electric scooters may be parked in the roadway if the right-of-way and the pedestrian way are not obstructed.
- 5.5.6. Electric scooters shall not be parked on private property without the express consent of the owner.
- 5.5.7. Electric scooters shall not be parked within, or obstruct access to, parking spaces; transit stops, including bus stops, streetcar stops, shelters, and passenger waiting areas; entryways; driveways; or crosswalks.
- 5.5.8. All electric scooters shall be parked in an upright position with two (2) wheels making a point of contact with the ground and in such a manner as to not constitute a hazard to pedestrians, traffic, or property.
- 5.5.9. Electric scooters shall not be parked on all bridges, overpasses and roundabouts within the City of Neenah. Bird agrees to further assist with this prohibition as stated in Section 4.9 of this MOU.

6. INSURANCE REQUIREMENTS

Bird shall comply with the requirements contained within the attached Insurance Requirements — Bird Pilot Program.

7. INDEMNIFICATION

Notwithstanding any references to the contrary in the application documents, Bird assumes full liability for all of its acts in the performance of this pilot. Bird will save and indemnify and keep harmless the City against all liabilities, judgments, costs and expenses which may be claimed by a third party against the City resulting from the negligence or misconduct of Bird, or its agents or employees, except to the extent arising out of or resulting from the City's sole negligence or willful misconduct. If judgment is recovered, whether in suits of law or in equity, against the City by reason of the negligence or misconduct of Bird, or its agents or employees, in connection with Bird's participation in this pilot, Bird assumes full liability for such judgments not only as to the amount of damages, but also for the cost, attorney fees, or other expenses resulting there from. The City may tender the defense of any claim or action at law or in equity to Bird or its insurer, and upon such tender it shall be the duty of Bird or its insurer to defend such claim or action without cost or expense to the City or its officers, council members, agents, employees or authorized volunteers. Bird shall be entitled to have control over the defense and settlement of tendered lawsuits, including the selection of counsel; provided Bird may not settle any lawsuit on

behalf of the City without the City's written consent that either (1) requires the City to admit liability, or (2) exceeds the limits of Bird's insurance policies. City shall cooperate in all reasonable respects with Bird and its attorneys in the defense or settlement of such lawsuit; provided, that the City shall be entitled to reasonably participate in the defense of such lawsuit and to employ its own counsel at its own expense to assist in the handling of such lawsuit.

8. MISCELLANEOUS

8.1. Assignment.

Neither party shall assign nor transfer any interest or obligation in this Agreement, whether by assignment or novation, without the prior written consent of the other party.

8.2. Notices, records, invoices, billings and reports.

8.2.1. All notices required to be sent by this Agreement shall be deemed delivered as of the date of postmark if deposited in a United States mailbox, with sufficient first class postage attached and addressed as follows, which shall be directly sent to the persons stipulated herein:

For the City:

Director of Community Development
City of Neenah
211 Walnut Street
Neenah, WI 54956

For Bird:

406 Broadway Ave. #369
Santa Monica, CA 90401

8.2.2. It shall be the duty of a party changing its address to notify the other party in writing within a reasonable time if not explicitly set forth within this MOU.

8.3. Payment.

Bird agrees to pay to the City \$0.10 per ride in order to recoup administrative, educational, and enforcement expenses incurred by the City. Payment shall be made on a monthly basis and shall be made payable to the City of Neenah.

8.4. No waiver.

No failure to exercise, and no delay in exercising, any right, power or remedy, including payment, hereunder, on the part of the City or County shall operate as a waiver hereof, nor shall any single or partial exercise of any right, power or remedy preclude any other or further exercise thereof or the exercise of any other right, power or remedy. A waiver of any covenant, term or condition contained herein shall not be

construed as a waiver of any subsequent breach of the same covenant, term or condition.

8.5. Construction of agreement.

- 8.5.1. This Agreement is intended to be solely between the parties hereto. No part of the Agreement shall be construed to add, supplement, amend, abridge, or repeal existing rights, benefits or privileges of any third party or parties, including but not limited to employees of either of the parties.
- 8.5.2. It is expressly understood and agreed to by the parties hereto that in the event of any disagreement or controversy between the parties, Wisconsin law shall be controlling.
- 8.5.3. The entire Agreement of the parties is contained herein and this Agreement supersedes any and all oral agreements and negotiations between the parties relating to the subject matter hereof.
- 8.5.4. If any provision of this Agreement is determined by a court of record to be void or unenforceable, all remaining provisions shall continue to be valid and enforceable.

8.6. Public records.

Bird understands that the City is bound by the Wisconsin Public Records Law, and as such, all of the terms of this pilot are subject to and conditioned on the provisions of Wis. Stat. sec. 19.21 et. sec. Bird acknowledges that it is obligated to assist the City in retaining and producing records that are subject to the Wisconsin Public Records Law and that Bird must defend and hold the City harmless from liability to its fault under the law. Except as otherwise authorized, those records shall be maintained for a period of seven years. This provision shall survive termination of this MOU and the pilot itself.

IN WITNESS WHEREOF, the parties have executed this Agreement and its Schedules as of the day and date set forth above by their duly authorized officer.

BIRD RIDES, INC.

By: Austin Marshburn
Director, City & University Partnerships
Printed Name: Austin Marshburn
Date: 04 / 21 / 2022

By: _____
Printed Name: _____
Date: _____

CITY OF NEENAH

By: Dean R. Kaufert
Dean Kaufert, Mayor
Date: April 16, 2022

By: Charlotte K. Nagel
Char Nagel, City Clerk
Date: April 16, 2022

Approved as to form:

By: Adam Westbrook
Adam Westbrook, City Attorney
Date: April 16, 2022

City of Neenah, Wisconsin Insurance Requirements

Bird shall not begin any work under this MOU until proof of insurance required has been provided to the applicable department before the MOU is considered for approval by the City of Neenah.

It is hereby agreed and understood that the insurance required by the City of Neenah is primary coverage and that any insurance or self-insurance maintained by the City of Neenah, its officers, council members, agents, employees or authorized volunteers will not contribute to a loss. All insurance shall be in full force prior to any work being done under this MOU and remain in force until the pilot is completed and the length of time that is specified, if any, in the contract or listed below whichever is longer.

1. GENERAL REQUIREMENTS

- A certificate of insurance acceptable to the City evidencing the insurance requirements is to be provided. The certificate shall state that the issued insurance policies meet the requirements as outlined below. All certificates are to be provided before Bird places any dockless equipment in the City of Neenah. If such certificate is not received, the City of Neenah has the authority to remove Bird from this pilot program. If such certificate expires prior to the end date of this pilot, a current certificate shall be provided within one business day of the previous certificate's termination and must demonstrate that no lapse in coverage has occurred.
- Bird must notify City of any cancellation, non-renewal, or material change by any insurers providing the coverage required by the City for the duration of this pilot within fourteen (14) days.
- Insurance companies must be acceptable to the City and should have a current A.M. Best rating of A- and a Financial Size Category of no less than Class VI.
- All policies shall be written on an occurrence form.
- Bird must provide the City either a copy of their Commercial General Liability and Auto Liability insurance policies, including all endorsements, or a certificate of insurance with the applicable endorsements showing that the Commercial General Liability and Auto Liability insurance policies meet the requirements as outlined below.

2. MINIMUM INSURANCE REQUIREMENTS

- **Workers' Compensation**
 - Workers' Compensation as required by the State of Wisconsin and employer's liability insurance with sufficient limits to meet underlying umbrella liability insurance requirements. If applicable for the work, coverage must include Maritime (Jones Act) or Longshoremen's and Harbor Workers Act Coverage.

- Coverage shall be modified to include a Waiver of Subrogation Endorsement in favor of the City including its officers, Council Members, agents, employees and authorized volunteers.
- **Commercial General Liability (Note: the limits specified below may be met through a combination of primary coverage and an umbrella policy that follows the form of the underlying Commercial General Liability policy):**
 - Commercial General Liability (each occurrence) ... \$3,000,000
 - General Aggregate..... \$3,000,000
 - Personal & Advertising Injury Limit (each occurrence) \$3,000,000
 - Products-Completed Aggregate \$3,000,000
- Coverage must be equivalent to ISO form CG0001 or better.
- The City of Neenah, and its officers, council members, agents, employees and authorized volunteers shall be added as an additional insured using ISO form CG2026 or its equivalent.
- Coverage shall be modified to include a Waiver of Subrogation Endorsement in favor of the City including its officers, council members, agents, employees and authorized volunteers.
- The general liability policy shall include coverage for liability caused by scooters as managed by independent contractors (owners/contractors protective) and contractual liability. Independent contractors may be responsible for their only workers' compensation, auto insurance, and other insurances to the extent required by contract and necessary to run a lawful business in the state.
- It is hereby understood and agreed that the insurance required by the City of Neenah is primary coverage and any insurance or self-insurance maintained by the City of Neenah, its officers, council members, agents, employees and authorized volunteers will not contribute to a loss. All liability insurance required of Bird shall be in full force prior to the beginning of this pilot program and remain in force for a period of at least 120 days after this pilot program has ended.
- Coverage shall apply to the risks associated with or arising out of the service provided under this pilot.
- **Automobile Liability:**
 - Combined Single Limit (each accident) \$1,000,000
 - If Bird owns or has any long term leased vehicles, coverage must be for Any Auto (Symbol 1) or Any Owned Auto (Symbol 2). If there are no owned or long term leased vehicles, then coverage must be for Hired and Non-Owned Auto Liability (Symbols 8 and 9).
 - Coverage shall be modified to include a Waiver of Subrogation Endorsement in favor of the City of Neenah including its officers, council members, agents, employees and authorized volunteers.
 - Coverage shall include contractual liability for risks assumed in this pilot program.

- Coverage shall apply to the risks associated with or arising out of the services provided under this pilot.
- **Cyber and Technology Liability Insurance**
 - \$1,000,000 per occurrence limit.



MEMORANDUM

DATE: March 7, 2023
TO: Chairman Lendrum and Public Services and Safety Committee Members
FROM: Samantha Jefferson, Community Development Specialist
RE: Bird Scooter Pilot Program

In the spring of 2022, the City of Neenah entered into an agreement with Bird Rides, Inc. to allow for the creation of an electric scooter program for the 2022 riding season. Initially, Common Council approved a Memorandum of Understanding (MOU) with Bird Rides, Inc. which included the following conditions:

- Approximately 50-75 electric scooters would be deployed within the city for recreational use.
- Preferred parking, which provides a financial incentive to customers, would be established and regularly evaluated to encourage the majority of scooters to be congregated in these locations.
- Staff would work with Bird to establish geo-fenced zones where rides cannot be stopped including all bridges, roundabouts, overpasses and trestle bridges.
- Scooters would not be permitted on the sidewalk within the 100 and 200 blocks of W. Wisconsin Avenue.
- Bird would be responsible for re-distributing scooters on a frequent basis.
- A \$0.10 per ride fee would be paid to the city to offset administrative costs that may be required.
- The MOU would expire on December 31, 2022 to allow for the discontinuance of the program if necessary.

The 2022 program was highly successful with approximately 11,000 rides taken and over 30,000 miles traveled by more than 2,800 unique users. Very few complaints were reported and, when a complaint was received, Bird was quick to remedy the situation.

After discussions with Bird and internal discussions with Neenah PD, Parks and Recreation, Public Works and Future Neenah, staff recommends the Commission consider the attached Amendment to the MOU to extend the pilot program with Bird Scooters for the 2023 riding season. This amendment makes no changes to the MOU excepting the date of expiration which is extended to December 31, 2023.

If approved, Bird Rides, Inc. intends to have scooters on the ground and usable on March 20th in the cities of Neenah and Menasha and the Village of Fox Crossing.

Appropriate action at this time is to recommend the Amendment to Memorandum of Understanding between the City of Neenah and Bird Rides, Inc. extending the electric scooter pilot program through December 31, 2023.

Extension Amendment to
Memorandum of Understanding

This extension amendment (this "Amendment") dated as of the ____ of _____, 2023 is entered into by and between Bird Rides, Inc., located at 406 Broadway, #369, Santa Monica, CA 90401 ("Company"), and the City of Neenah ("City"), and amends that certain Memorandum of Understanding dated as of April 6, 2022, by and between Company and City (as further amended, restated, supplemented or modified from time to time prior to the date hereof, the "Agreement").

The Agreement is amended as follows:

1. Term. The term of the Agreement shall hereby continue through December 31, 2023 and shall be renewed annually by additional extension amendments thereafter unless terminated by either party.
2. Except as set forth in this Amendment, the Agreement is unaffected and shall continue in full force and effect in accordance with its terms. If there is conflict between this Amendment and the Agreement or any earlier amendment, the terms of this amendment will prevail.
3. Unless otherwise stated in this Amendment, defined terms shall be given the meanings attributed to them in the Agreement.

Company:

Bird Rides, Inc.

By: _____

Name:

Title:

City:

City of Neenah, Wisconsin

By: _____

Name:

Title:



RESOLUTION NO. 2023-09

FINAL RESOLUTION OF INTENT TO EXERCISE SPECIAL ASSESSMENT POWERS BY POLICE POWER UNDER SECTION 66.0703 OF THE WISCONSIN STATUTES AND SECTION 13-1 OF THE NEENAH MUNICIPAL CODE.

RESOLVED, by the Common Council of the City of Neenah, Wisconsin.

1. The Common Council hereby declares its intention to exercise its power under Section 66.0703 Wisconsin Statutes, and Section 13-1 of the Neenah Municipal Code to levy special assessments under the police power upon all properties abutting the following improvements in the City of Neenah, Wisconsin:

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

1. Amber Ln. (Bayview Rd. to Lynrose Ln.)

2. The Common Council determines that the above improvements constitute an exercise of the police power and the amount assessed each parcel abutting on the above named street shall be on a reasonable basis as approved by the Common Council which is in effect at the time of installation in accordance with special assessment procedures set forth in provisions of Section 13-1, Neenah Municipal Code.
3. The assessments against any parcels of land shall be paid as provided in the City of Neenah Municipal Code, Section 13-2 and 13-3.
4. The Public Services and Safety Committee shall with respect to the items mentioned at paragraph 1 above prepare a report consisting of:
 - a. Preliminary or final plans and specifications of the improvements.
 - b. An estimate of the entire cost of the proposed work or improvements.
 - c. A schedule of the proposed assessments as to each parcel of property affected.
 - d. A statement that the properties against which the assessments are proposed are benefited and that the improvements constitute an exercise of the police power.

Upon completion of such report, the Public Services and Safety Committee is directed to file such reports in the City Clerk's office for public inspection.

5. Upon receiving a report of the Public Services and Safety Committee, the Clerk is directed to give notice of a public hearing on such report as specified in Section 66.0703(7)(a), Wisconsin Statutes.

Recommended by:
Public Services and Safety Committee

CITY OF NEENAH, WISCONSIN

Moved: _____

Jane Lang, Mayor

Passed: _____

Char Nagel, City Clerk



RESOLUTION NO. 2023-10

FINAL RESOLUTION OF INTENT TO EXERCISE SPECIAL ASSESSMENT POWERS BY POLICE POWER UNDER SECTION 66.0703 OF THE WISCONSIN STATUTES AND SECTION 13-1 OF THE NEENAH MUNICIPAL CODE.

RESOLVED, by the Common Council of the City of Neenah, Wisconsin.

1. The Common Council hereby declares its intention to exercise its power under Section 66.0703 Wisconsin Statutes, and Section 13-1 of the Neenah Municipal Code to levy special assessments under the police power upon all properties abutting the following improvements in the City of Neenah, Wisconsin:

Installation of curb, gutter, sidewalk and pavement for properties served on the following streets:

1. **Cardinal Circle**
2. **Lone Oak Dr. (Hedgerow Dr. to Terminus)**
3. **Paintbrush Rd. (Lone Oak Dr. to 135 ft. east of Lone Oak)**

2. The Common Council determines that the above improvements constitute an exercise of the police power and the amount assessed each parcel abutting on the above named street shall be on a reasonable basis as approved by the Common Council which is in effect at the time of installation in accordance with special assessment procedures set forth in provisions of Section 13-1, Neenah Municipal Code.
3. The assessments against any parcels of land shall be paid as provided in the City of Neenah Municipal Code, Section 13-2 and 13-3.
4. The Public Services and Safety Committee shall with respect to the items mentioned at paragraph 1 above prepare a report consisting of:
 - a. Preliminary or final plans and specifications of the improvements.
 - b. An estimate of the entire cost of the proposed work or improvements.
 - c. A schedule of the proposed assessments as to each parcel of property affected.
 - d. A statement that the properties against which the assessments are proposed are benefited and that the improvements constitute an exercise of the police power.

Upon completion of such report, the Public Services and Safety Committee is directed to file such reports in the City Clerk's office for public inspection.

5. Upon receiving a report of the Public Services and Safety Committee, the Clerk is directed to give notice of a public hearing on such report as specified in Section 66.0703(7)(a), Wisconsin Statutes.

Recommended by:
Public Services and Safety Committee

CITY OF NEENAH, WISCONSIN

Moved: _____

Jane Lang, Mayor

Passed: _____

Char Nagel, City Clerk



RESOLUTION NO. 2023-08

FINAL RESOLUTION OF INTENT TO EXERCISE SPECIAL ASSESSMENT POWERS BY POLICE POWER UNDER SECTION 66.0703 OF THE WISCONSIN STATUTES AND SECTION 13-1 OF THE NEENAH MUNICIPAL CODE.

RESOLVED, by the Common Council of the City of Neenah, Wisconsin.

1. The Common Council hereby declares its intention to exercise its power under Section 66.0703 Wisconsin Statutes, and Section 13-1 of the Neenah Municipal Code to levy special assessments under the police power upon all properties abutting the following improvements in the City of Neenah, Wisconsin:

Installation of curb, gutter, sidewalk and pavement for properties served on the following streets:

1. **Integrity Way (Honor St. to Woodenshoe Rd.)**
 2. **Respect Ave. (Integrity Way to Honor St.)**
 3. **Honor St. (Cty Rd. G to Integrity Way)**
2. The Common Council determines that the above improvements constitute an exercise of the police power and the amount assessed each parcel abutting on the above named street shall be on a reasonable basis as approved by the Common Council which is in effect at the time of installation in accordance with special assessment procedures set forth in provisions of Section 13-1, Neenah Municipal Code.
3. The assessments against any parcels of land shall be paid as provided in the City of Neenah Municipal Code, Section 13-2 and 13-3.
4. The Public Services and Safety Committee shall with respect to the items mentioned at paragraph 1 above prepare a report consisting of:
 - a. Preliminary or final plans and specifications of the improvements.
 - b. An estimate of the entire cost of the proposed work or improvements.
 - c. A schedule of the proposed assessments as to each parcel of property affected.
 - d. A statement that the properties against which the assessments are proposed are benefited and that the improvements constitute an exercise of the police power.

Upon completion of such report, the Public Services and Safety Committee is directed to file such reports in the City Clerk's office for public inspection.

5. Upon receiving a report of the Public Services and Safety Committee, the Clerk is directed to give notice of a public hearing on such report as specified in Section 66.0703(7)(a), Wisconsin Statutes.

Recommended by:
Public Services and Safety Committee

CITY OF NEENAH, WISCONSIN

Moved: _____

Jane Lang, Mayor

Passed: _____

Char Nagel, City Clerk



RESOLUTION NO. 2023-07

FINAL RESOLUTION OF INTENT TO EXERCISE SPECIAL ASSESSMENT POWERS BY POLICE POWER UNDER SECTION 66.0703 OF THE WISCONSIN STATUTES AND SECTION 13-1 OF THE NEENAH MUNICIPAL CODE.

RESOLVED, by the Common Council of the City of Neenah, Wisconsin.

1. The Common Council hereby declares its intention to exercise its power under Section 66.0703 Wisconsin Statutes, and Section 13-1 of the Neenah Municipal Code to levy special assessments under the police power upon all properties abutting the following improvements in the City of Neenah, Wisconsin:

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

- | | |
|---|---|
| 1. Amendment Dr. (Buser Dr. to Highland Dr.) | 2. Anthem Dr. (Buser Dr. to Hedgeview Dr.) |
| 3. Briggs Ln. (Highland Dr. to Woodenshoe Rd) | 4. Buser Dr. (Amendment Dr. to Plains Ave.) |
| 5. Hedgeview Dr. (Cty Rd. G to Terminus) | 6. Highland Dr. (Cty Rd. G to Plains Ave.) |
| 7. Nation Ct. (Plains Ave. to Terminus) | 8. Plains Ave. (Highland Dr. to Buser Dr.) |
| 9. Presidential Dr. (Plains Ave. to Terminus) | 10. Statue Dr. (Plains Ave. to Amendment Dr.) |
2. The Common Council determines that the above improvements constitute an exercise of the police power and the amount assessed each parcel abutting on the above named street shall be on a reasonable basis as approved by the Common Council which is in effect at the time of installation in accordance with special assessment procedures set forth in provisions of Section 13-1, Neenah Municipal Code.
 3. The assessments against any parcels of land shall be paid as provided in the City of Neenah Municipal Code, Section 13-2 and 13-3.
 4. The Public Services and Safety Committee shall with respect to the items mentioned at paragraph 1 above prepare a report consisting of:
 - a. Preliminary or final plans and specifications of the improvements.
 - b. An estimate of the entire cost of the proposed work or improvements.
 - c. A schedule of the proposed assessments as to each parcel of property affected.
 - d. A statement that the properties against which the assessments are proposed are benefited and that the improvements constitute an exercise of the police power.

Upon completion of such report, the Public Services and Safety Committee is directed to file such reports in the City Clerk's office for public inspection.

5. Upon receiving a report of the Public Services and Safety Committee, the Clerk is directed to give notice of a public hearing on such report as specified in Section 66.0703(7)(a), Wisconsin Statutes.

Recommended by:
Public Services and Safety Committee

CITY OF NEENAH, WISCONSIN

Moved: _____

Jane Lang, Mayor

Passed: _____

Char Nagel, City 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 17, 2023
TO: Mayor Lang and Members of the Public Services and Safety Committee
FROM: Gerry Kaiser, Director of Public Works
RE: Freedom Court Special Assessments

The properties on Freedom Court present a unique situation relative to Liberty Heights special assessment calculations. The special assessment listing provided for the February 7, 2023, Public Services and Safety Committee meeting included the outlot on which Freedom Court lies and 1436 Freedom Court, both of which directly abut the street construction, but did not include 1433 or 1430 Freedom Court but did. At that meeting, while there was a brief discussion to include all three of the parcels on Freedom Court, there wasn't formal action taken to amend the listing. Given the uniqueness of this situation, City Attorney Rashid and I concluded that I should bring this to PSSC for formal action on assessments for the Freedom Court properties.

In evaluating options for the special assessments for these properties, there were two that were considered with the unit method along with a third option that is bit more involved.

Option 1: Assess for two units – Outlot 3 (Freedom Court) and 1436 Freedom Court. As mentioned, this was the approach that was included in the original assessment listing. It most directly correlates to the assessable frontage assessment method since it accounts for the properties that directly front on the project.

Option 2: Assess for three units – 1433 Freedom Court, 1430 Freedom Court and 1436 Freedom Court. The rationale for their inclusion is that they are part of the original subdivision and require the subdivision streets to reach their point of direct access. However, two of the three properties do not directly front on the street improvement (Sec. 13-5(a) "For the purpose of having the cost of street construction improvements equitably apportioned between the city and the abutting property owners ...")

Option 3: Convert Freedom Court to a public street. As I mentioned, this option is a bit more involved. The street was set up as a private street in order to create some additional lots. In order to lay out a buildable lot, 1436 Freedom Court, a street conforming to code for width would not fit, so a narrower road was used. Since the narrower road did not meet subdivision code for width, it was required to be a private street. Converting this to a public street may require land dedication and improvements to provide a durable street comparable to the other streets within the subdivision. There is additional work that would be needed to evaluate this option thoroughly including the type of improvements that would be needed and their estimated cost.





M E M O R A N D U M

TO: Mayor Lang and Members of the Common Council
FROM: James Merten, Traffic Engineer
DATE: March 17, 2023
RE: S. Commercial St. Reconstruction Project - Title Search Amendment Request

Westwood Professional Services, design consultant for the 2025 S. Commercial Street reconstruction project, recommended the City purchase 70 title searches to be used for preparing temporary limited easements (TLE) necessary for the project. These title searches are in addition to the 80 title searches that were listed in the scope of services of the original contract with Westwood. The additional 70 title searches are recommended due to: (1) several utilities having been identified outside, but adjacent to, the road right-of-way and (2) the fact that construction activity will extend slightly beyond the right-of-way boundary, mostly as a result of the sidewalk being located along the edge of right-of-way. WisDOT design requirements necessitate additional real estate documentation for any utilities easements located within potential work areas in order for the construction project to proceed.

Staff anticipate a minimum of 62 title searches being necessary, with a potential for needing 8 additional title searches. If the City utilizes the Westwood contract, the cost for each title search is \$200. Staff consider this to be a reasonable price. This translates to a total of \$12,400 with a potential addition of \$1,600 resulting in a maximum of \$14,000. The title searches would be funded as part of the S. Commercial Street design account #012-4322-743-0236.

Staff recommends authorizing Westwood Professional Services to acquire title searches necessary for the S. Commercial Street reconstruction project for an amount not to exceed \$14,000, which shall be funded with the S. Commercial Street design account.



M E M O R A N D U M

TO: Mayor Lang and Members of the Common Council
FROM: James Merten, Traffic Engineer
DATE: March 16, 2023
RE: Commercial Street/Winneconne Avenue Intersection Control Evaluation Report

In October 2022 the City authorized MSA Professional Services to conduct an intersection control evaluation (ICE) for the Commercial Street/Winneconne Avenue intersection. Attached is the ICE report summary resulting from that work. The full report can be viewed online at <https://neenahwi.gov/traffic-resources/> under the “traffic studies” subsection.

The ICE report evaluated a modified traffic signal layout and two roundabout layouts under projected 20-year traffic conditions. The ICE report recommendation is to construct the modified traffic signal layout as shown in Attachment 4A of the report, also provided in the attachment below. This involves converting a westbound lane on Winneconne Avenue into an eastbound left-turn lane on the east leg of the intersection. This would result in eastbound STH 114 traffic receiving dual left-turn lanes approaching the intersection, however the left turn movement would be permitted during the green arrow signal phase only. To accommodate this, the southbound inside lane stop bar would need to be set back roughly 65 feet. The modified signal plan also includes an exclusive southbound right-turn lane on the north approach of Commercial Street, which would be created through land acquisition. The southbound right turn movement would be signalized and limited to a green arrow phase only. (Right turn on red would not be permitted.) Lastly, Church Street would be restricted to right-in/right-out access only. The ICE report does not address the fact that southbound Commercial Street will be reduced to one lane south of the intersection. MSA Professional Services stated in conversation that a merge point would be required just south of the intersection. A similar example would be the southbound movement at the Fox Point Plaza/Green Bay Road roundabout. The estimated project cost for this proposal is \$340,000.

The original staff request was to prepare a formal design for a right-turn lane and acquire the land necessary for that improvement. With the staff-proposed layout, the right-turn lane would be separated with a pedestrian refuse island to accommodate right-turn on red movement. This would require more land acquisition than the ICE recommended project;

however, it would not require the significant cost to upgrade the traffic signal infrastructure. In terms of traffic flow, the staff-proposed layout does not account for forecasted 2042 traffic; however, staff believe the layout will bring noticeable improvements for existing traffic for the following reasons:

- The crosswalk lengths are not increased, which would otherwise require additional time for through movements and reduce flexibility of signal programming.
- Turn movements would not need to be restricted to dedicated signal phases, allowing turn movements to utilize through movement signal phases when gaps in traffic occur.
- Designing the southbound outside lane to flow into the proposed right-turn only lane will redistribute southbound traffic approaching the intersection, causing better utilization of the inside southbound lane throughout the corridor.

The primary objectives behind proposing the project are as follows:

- To provide a solution for how the existing lane layout will tie into the Commercial Street reconstruction project in 2025.
- To address the extensive queuing that regularly occurs for southbound traffic.
- To address the underutilization of the southbound inside lane.
- To separate the southbound right-turn movement from the southbound through movement. The data collected for the Downtown Traffic Study shows that the southbound right-turn movement accounts for 51% of all southbound traffic at the north approach of the intersection.

Given the original objectives behind the project, the anticipated cost-benefit, and the fact that the staff-proposed layout can be revised to complement a future build of signal infrastructure improvement concepts brought forth in the ICE recommended design, staff recommend pursuing a formal design for a right-turn lane in the vein of the staff-proposed layout, modified to accommodate a 20-year build of the signalized intersection. Attached is the original proposal drafted by Westwood Professional Services in June of 2022 to perform said work. Westwood verbally stated that they would honor the \$49,800 quoted price.

Staff recommends to accept and place on file the Commercial Street/Winneconne Avenue Intersection Control Evaluation report prepared by MSA Professional Services.

Staff recommends amending the S. Commercial Street reconstruction design project agreement with Westwood Professional Services to include design and real estate services for modifications to the Winneconne and Commercial Street intersection in the amount of \$49,800, which shall be funded by the 2025 S. Commercial Street reconstruction design project account #012-4322-743-0236.

Reference:

- June 28, 2022 PSSC Agenda Item #7: Commercial Street/Winneconne Avenue Conceptual Design
- August 30, 2022 PSSC Agenda Item #6: Commercial Street/Winneconne Avenue Intersection Design Proposal Follow-Up
- October 11, 2022 PSSC Agenda Item #4: Commercial Street/Winneconne Avenue Intersection Control Evaluation Proposal



MSA Study Summary

To: James Merten, PE, City of Neenah, City Traffic Engineer
From: Eric Frailing, PE, PTOE, MSA Professional Services, Inc.
Brian Huibregtse, PE, PTOE, MSA Professional Services, Inc.
Subject: Winneconne Ave & Commercial St Intersection Control Evaluation Summary
Date: February 22, 2023

INTRODUCTION

MSA Professional Services, Inc. (MSA) was asked to complete an intersection control evaluation (ICE) for the intersection of Winneconne Avenue at Commercial Street, in Neenah, Wisconsin (city). The west¹ and north legs of the intersection are also part of STH 114 as well as the Wisconsin Department of Transportation (WisDOT) Connecting Highways system.

The intersection was identified by the city as having ongoing issues with safety, operations, and capacity and was targeted for investigation of potential improvements. Initial operation reviews indicated regular queues of 200 – 300-feet on all approaches with the existing configuration and traffic signal control. The southbound right-turn movement was calculated to be nearing capacity under current conditions. Over the last five years of available crash data, the intersection experienced 34 crash events. The eastbound approach experienced eight front-to-rear (rear-end)-type of crashes, the most of any other approach or crash manner. Of the 34 crash events, eight involved injuries, none of which were worse than severity level B (suspected minor injury). No fatalities were reported during the period. Roadway conditions were noted as a possible factor in at least ten of the overall crashes (snow, slush, ice, or wet pavement). Failure to yield was cited in 11 of the overall crashes.

In order to identify viable alternatives and ultimately recommend one for improving operations and safety, Phase I and Phase II ICE reports were completed for the intersection, following WisDOT reporting standards.

PHASE I ICE

The Phase I ICE investigation focused on determining what potential improvements were viable for the intersection based on a high-level review of the identified issues and space available. Results from the Phase I analyses indicated the following alternatives were viable and should be analyzed further as part of a more detailed Phase II ICE report:

¹ The Winneconne Avenue approaches are oriented in a southwest to northeast direction, but will be referred to as west and east legs for simplicity of discussion.

STUDY SUMMARY

Winneconne Ave & Commercial St Intersection Control Evaluation Summary

1. Modified Traffic Signal – Lane modifications and updated signal phasing
2. Roundabout, 4-Leg – Convert the existing intersection into a multilane roundabout
3. Roundabout, 5-Leg – Convert the existing intersection into a multilane roundabout which realigns Church Street to be part of the main intersection.

PHASE II ICE

The Phase II ICE investigation used the viable alternatives from the Phase I ICE report and looked more in-depth at existing (2022) design year (2042) operations, projected safety performance using the Interactive Highway Safety Design Model (IHSDM) procedures, conceptual level intersection layouts, business and right-of-way (R/W) impacts, and estimated construction costs. Conceptual layouts for the three alternatives are included in the Phase II ICE report.

Results of the analyses indicated that all alternatives are expected to provide acceptable levels of operation (delay, queue, and capacity) through the design year. The roundabout alternatives are expected to provide the most significant and longest-lasting operational and capacity benefits but would cost the most to construct and would have the greatest R/W and business impacts. Including estimated R/W acquisition costs, the four-leg roundabout alternative is expected to cost \$1.8 million more than the modified traffic signal alternative. Both roundabout alternatives would require the purchase of the entire parcel in the northwest corner of the intersection, whereas the modified traffic signal would only require a small strip of R/W to be acquired. The roundabouts would also require the purchase and relocation of the commercial pylon signs for parcels in the north and southeast corners, in addition to relocation of the “Welcome to Historic Downtown Neenah” monument sign and adjacent flagpole. These impacts are shown in Figure 1 and Figure 2.

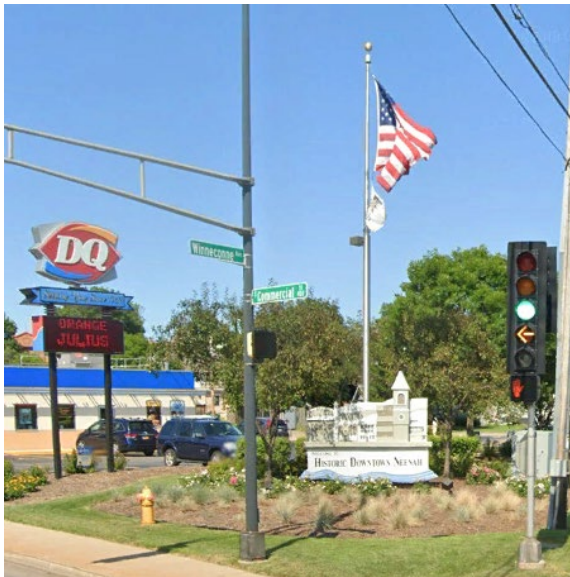


Figure 1, The existing monument sign, flagpole, and commercial pylon sign in the northeast corner



Figure 2, The existing commercial pylon sign in the southeast corner

For safety and geometric constraint reasons, access between Winneconne Avenue and Church Street would be restricted to right-in/right-out movements only for the modified traffic signal and 4-leg roundabout alternatives. The existing intersection of Winneconne Avenue at Church Street

STUDY SUMMARY

Winneconne Ave & Commercial St Intersection Control Evaluation Summary

is within the functional area of the intersection of Winneconne Avenue at Commercial Street. This proximity results in a larger number of conflict points (places where vehicle paths overlap) in a smaller area, which results in a higher probability for crashes to occur.

The roundabout alternatives are expected to generate the largest numbers of crashes, showing an increase over the no-build alternative. Recent studies have shown increases in the overall number of crashes occur when multilane roundabouts are constructed; however, the magnitude of injuries are lower than other intersection types. Due to the geometric design of a roundabout, the most severe manners of collision (head-on and T-bone) which result in K and A-level severity injuries (fatal and suspected serious injury), are all but completely eliminated. Other intersection types such as stop or traffic signal control do not have physical barriers preventing vehicles from colliding in this manner, while also allowing for faster approach speeds prior to any impact.

When construction costs and projected safety benefits are compared, the modified traffic signal alternative has a benefit/cost ratio of 0.46; the 4-leg roundabout alternative is -2.47. (Note, due to limitations of the IHSDM, a benefit/cost ratio for a 5-leg roundabout is not able to be calculated. It is expected to be lower than the 4-leg alternative.)

The 5-leg roundabout alternative is the only alternative that does not have a significant impact to the Valley Transit (Route 32) line that uses Winneconne Avenue and Church Street. Turn movement restrictions would require at least part of the bus route to be moved to a different street in order to access northbound Church Street with the modified traffic signal alternative. The 5-leg roundabout alternative would still allow direct access to northbound Church Street within the intersection. Indirect access to northbound Church Street would be allowed with the 4-leg roundabout alternative; however, this would require the bus to make a U-turn at the roundabout in order to turn right onto northbound Church Street.

CONCLUSIONS

Conclusions discussed below are based on the results of the alternatives considered in the Phase II ICE investigation. Development changes being considered for the adjacent properties could allow for some modifications of the alternatives investigated as part of the formal Phase II ICE. Additional analysis would be necessary to determine the impacts “fine tuning” the proposed alternatives, such as modifications of downstream lane configurations (lane reductions/merges) or other geometric adjustments and could be done as a preferred alternative is selected.

Based on the raw results of the Phase II ICE investigation, the modified traffic signal is the preferred option. The modified traffic signal has the best benefit/cost ratio, reduces the expected number of crashes, results in the least amount of R/W impacts, and does not require any businesses to be acquired. Unlike the roundabout alternatives, the modified traffic signal has reduced operations (higher delay and queues, lower residual capacity). The modified traffic signal improves on existing operations through the design year, just not to the same extent as the roundabout alternatives. The modified traffic signal alternative does not significantly reduce the likelihood of severe crashes (injury level B, A, or fatalities (K)). However, in the last five years, crashes of this injury magnitude were not reported.

In order to accommodate the design vehicle movements along the STH 114 portions of the intersection, the stop bars for the southbound and eastbound approaches need to be relocated upstream of the intersection in order to allow the design vehicles enough room to complete their

STUDY SUMMARY

Winneconne Ave & Commercial St Intersection Control Evaluation Summary

maneuvers. The eastbound stop bar could remain in its current location; however, in order to accommodate the southbound right turn, additional R/W would be necessary as well as the relocation of at least one significant utility pole.

Restricting access to Church Street down to right-in and right-out movements will impact the existing Route 32 Valley Transit bus line, as it currently turns left from eastbound Winneconne Avenue onto northbound Church Street. The bus line would need to be modified to accommodate this new restriction. Several potential alternatives exist, including:

- Moving northbound operations to Commercial Street and using Church Street for southbound operations
- Relocating the eastbound left-turn to Isabella Street, then using Adams Street to reconnect with Church Street

Current cost estimates included implementing traffic signal changes necessary to accommodate the proposed lane adjustments only, as crash patterns did not indicate the need for additional signalization infrastructure changes for the other intersection approaches. Any further changes would require an increase in funding, but could all be implemented at the same time.

Additional considerations that could be evaluated with the development of further design plans could include:

- Install a raised median on the north approach to separate the southbound right-turn lane from the through lane. The raised median would allow a place of pedestrian refuge, shortening the distance that would need to be crossed at one time, in addition to providing additional signal timing flexibility. Installation of such an island would significantly increase the alternative's impacts to the property in the northwest corner of the intersection and Church Street.
- Install a raised median on the west approach to separate the eastbound and westbound lanes. The physical barrier would better prevent left turns to and from Church Street than if regulatory signs were used alone. Addition of the median would increase the R/W impacts as well:
 - Northern Shift
 - No R/W would need to be acquired on the south side of the approach
 - Creates additional impacts for design vehicles completing southbound right turns from Commercial Street
 - Southern Shift
 - Creates new R/W impacts on the south side of the road where there were few or none previously
 - Allows for realignment of the eastbound left-turn lanes. This could reduce the impacts these left turns have on the southbound approach lanes.
- Upgrading to monotube and signal head-per-lane for all approaches. This would maximize signal visibility, which could further reduce the incidence of front-to-rear crashes. It would also bring the signal infrastructure to the latest WisDOT design standards. Depending on the size of poles needed, additional utility modification may be required in order to accommodate the new poles and associated foundations.
- Converting five-section, protected/permissive left-turn signals to four-section flashing yellow arrow (FYA) indications. This conversion not only offers additional crash reduction potential, but also offers more signal phasing flexibility to accommodate future growth.

STUDY SUMMARY

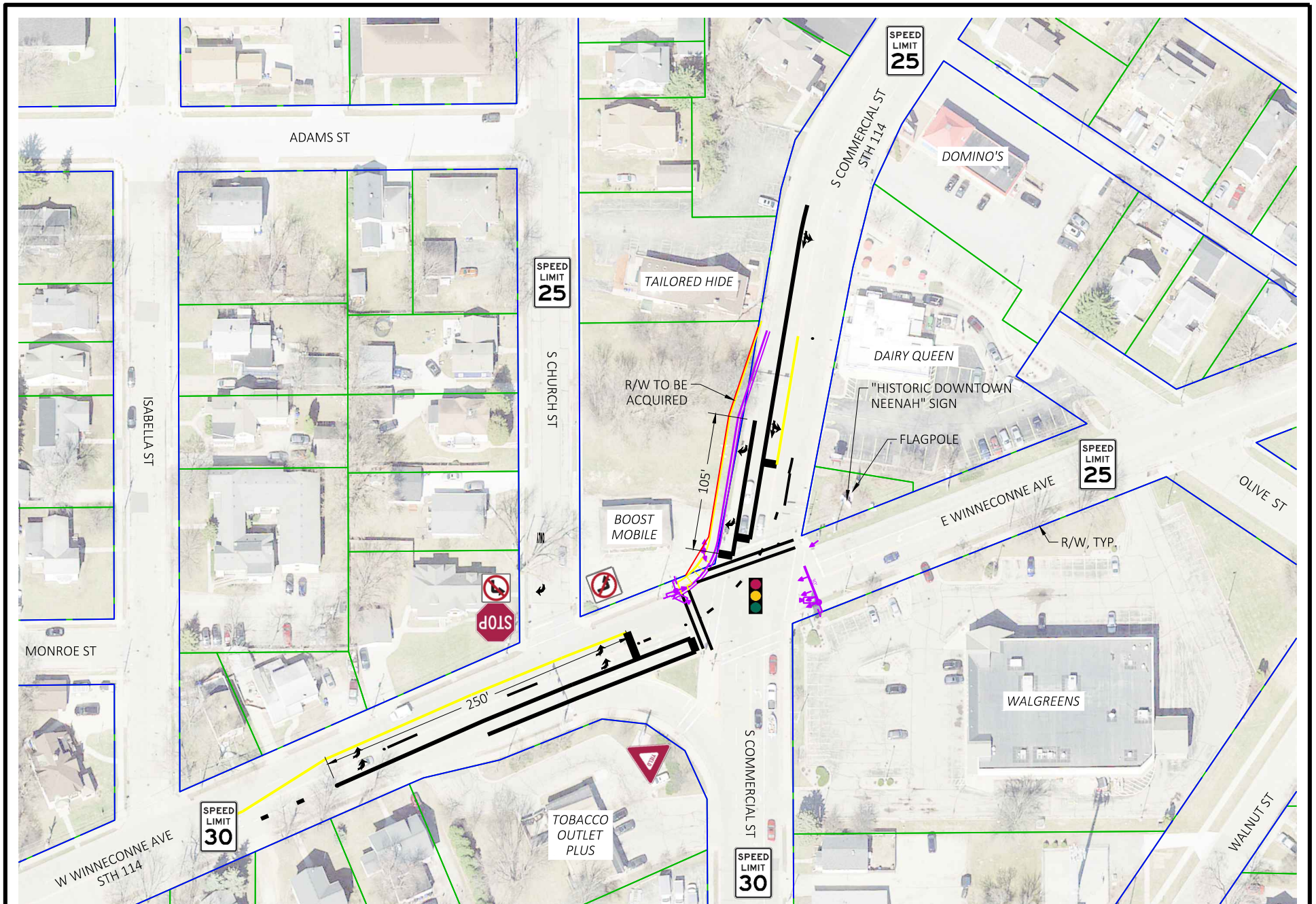
Winneconne Ave & Commercial St Intersection Control Evaluation Summary

- Adding pedestrian push buttons for calling pedestrian phases. Currently, the pedestrian phase is called with every green light. When there are no pedestrians present, this results in additional phase time being used for a phase that may not need it, when it could be used to instead serve other phases requiring more time. It could also allow for conflicting pedestrian phases to be served sooner. Given the existing traffic signal pole layout, additional “pedestrian button poles” may be needed in order to comply with ADA and PROWAG location regulations.
- Adding emergency vehicle preemption (EVP). EVP can allow for certain emergency vehicles to pass through the intersection faster by being able to call for their own green light indication. This equipment does require transponder equipment to be installed on each emergency vehicle in order for it to be effective. The signal infrastructure could be installed now to save implementation costs later.

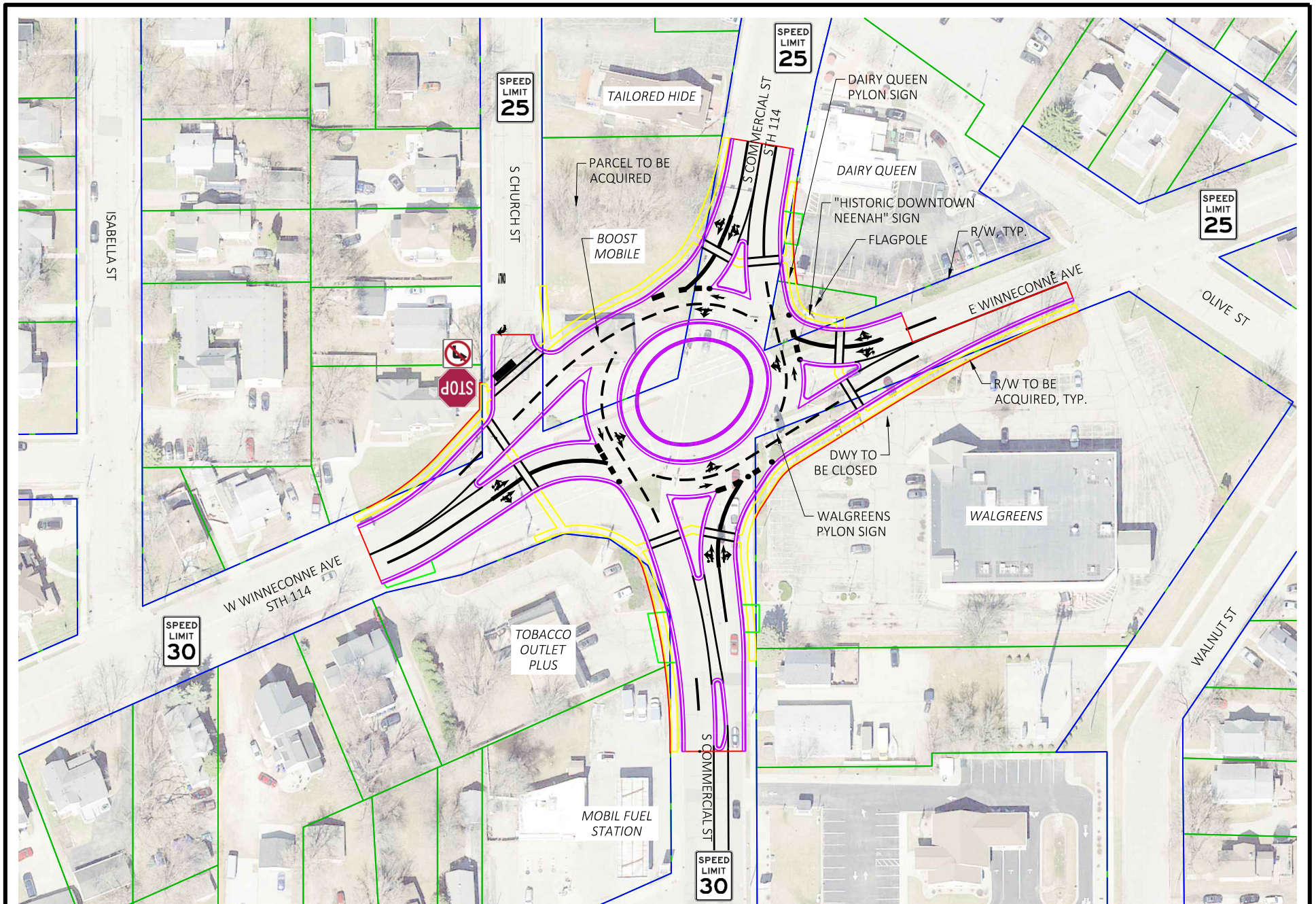
Implementing some or all of the additional traffic signal modifications listed above, beyond what is required for the modified traffic signal alternative would require additional discussion and further investigation to determine a better cost estimate. Simultaneous implementation would have several benefits, including better public perception of only making modifications at one time rather than coming back later for additional work. Completing all the work at once would increase the overall implementation cost estimate, but it would have cost efficiencies with construction mobilization and necessary underground rewiring to accommodate the new signals. It could also offer additional timing flexibilities to better accommodate future growth.

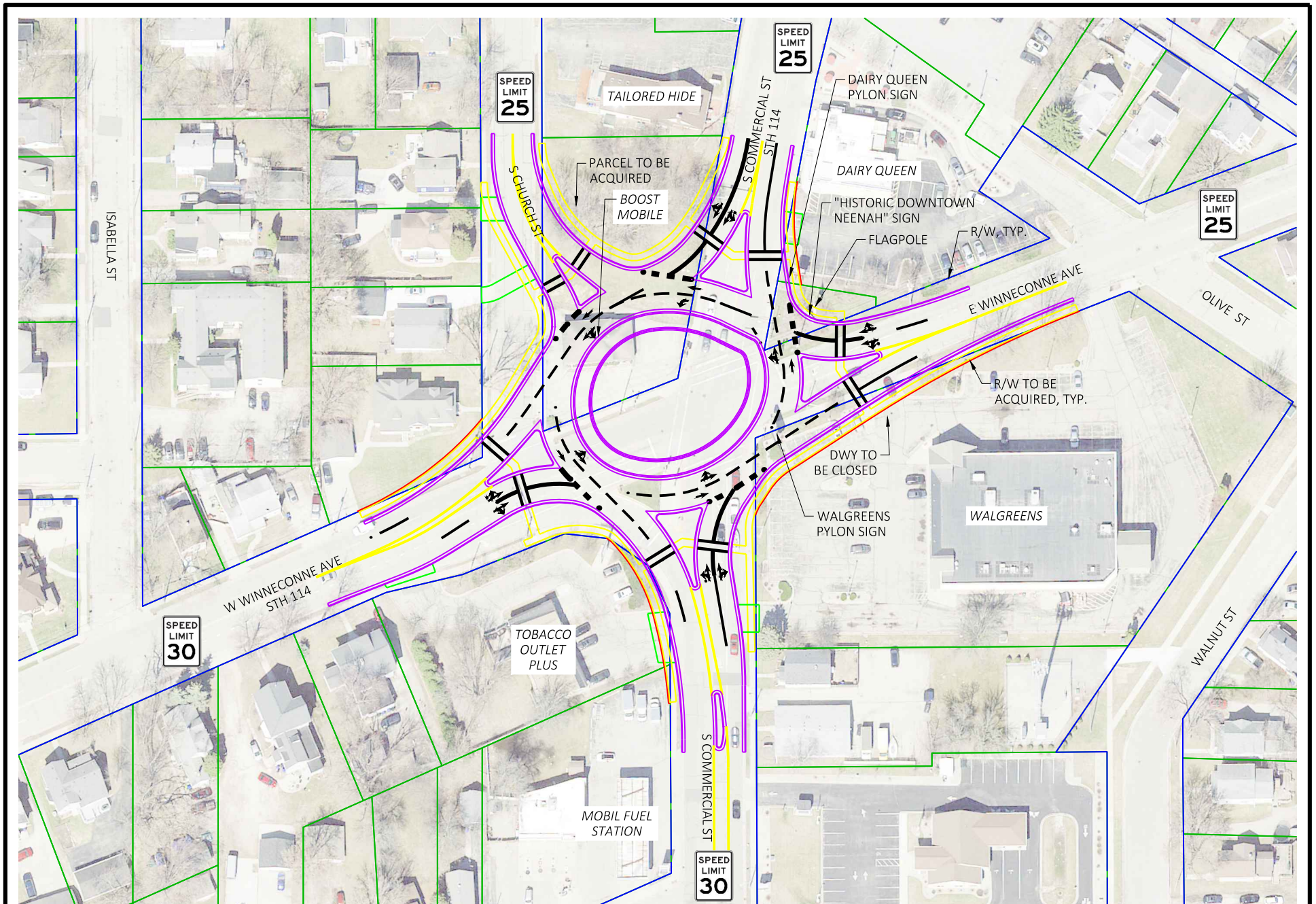
Attachment A : Phase 2 ICE Report (Text & Attachments)

Attachment B : Phase 1 ICE Report (Text Only)



Attachment 4A, Conceptual Improvement, Alternative 1: Modified Traffic Signal
WINNECONNE AVENUE AT COMMERCIAL STREET
WINNEBAGO COUNTY





Attachment 4C, Conceptual Improvement, Alternative 3: Roundabout, 5-Leg
WINNECONNE AVENUE AT COMMERCIAL STREET
WINNEBAGO COUNTY

Winneconne Avenue & Commercial Street, Neenah, WI
Signal Alternative
Project ID: MSA #07578063
Winnebago County
Date: 1/31/2023

ITEM	ITEM DESCRIPTION	UNIT	QUANTITY	UNIT PRICE	TOTAL
1	REMOVALS	LS	1	\$18,000.00	\$ 18,000
SUBTOTAL REMOVALS					\$ 18,000
2	EARTHWORK		% of Items 1 & 3-4	N/A	\$ -
2.01	Excavation Common	CY	230	\$26.00	\$ 6,000
SUBTOTAL EARTHWORK					\$ 6,000
3	BASE				
3.02	Base Aggregate Dense 1 1/4"	TON	200	\$22.00	\$ 4,400
SUBTOTAL BASE					\$ 4,400
4	PAVEMENT				
4.01	Concrete Pavement 8"	SY	220	\$100.00	\$ 22,000
SUBTOTAL PAVEMENT					\$ 22,000
5	ROADWAY MISCELLANEOUS		% of Items 1 & 3-4	N/A	\$ -
	Concrete Curb and Gutter	LF	230	\$30.00	\$ 6,900
5.07	Concrete Curb Pedestrian	LF	20	\$50.00	\$ 1,000
5.08	Concrete Sidewalk 5-Inch	SF	150	\$10.00	\$ 1,500
SUBTOTAL ROADWAY MISCELLANEOUS					\$ 9,400
6	DRAINAGE/STORM SEWER	LS	1	\$5,000.00	\$ 5,000
SUBTOTAL DRAINAGE/STORM SEWER					\$ 5,000
SUBTOTAL ROADWAY COSTS (ITEMS 1-6)					\$ 64,800
7	TRAFFIC SIGNALS	LS	1	\$66,000.00	\$ 66,000
8	ITS	LS	1	\$45,000.00	\$ 45,000
9	TRAFFIC CONTROL	LS	1	\$20,000.00	\$ 20,000
10	EROSION CONTROL	LS	5 % of Items 1-6	N/A	\$ 3,200
11	LIGHTING	LS	0		\$ -
12	SIGNING/MARKING	LS	1	\$24,000.00	\$ 24,000
13	WETLAND MITIGATION	LS	0		\$ -
14	HAZMAT	LS	0		\$ -
15	ROADWAY INCIDENTALS	LS	30 % of Items 1-6	N/A	\$ 19,400
TOTAL ROADWAY COSTS (Items 1-15)					\$ 242,400
16	STRUCTURES				
TOTAL STRUCTURE COSTS					\$ -
17	MOBILIZATION	LS	1	\$30,000.00	\$ 30,000
CONSTRUCTION SUBTOTAL (Items 1-17)					\$ 272,400
18	E&C	LS	15 % of Items 1-17	N/A	\$ 40,900
19	ROW Acquisition	LS	1	\$20,000.00	\$ 20,000
TOTAL PROJECT COST					\$ 340,000

Assumptions

Pavement Structure: 8" Concrete over 8" Base Aggregate
Signal pole and accessories in northwest quadrant are moved to new location with new signal heads
Eastbound far-side signal replaced with monotube with signal heads per lane
Westbound far-side, right-side signal replaced with new signal heads
Improvements constructed under traffic

Winneconne Avenue & Commercial Street, Neenah, WI
4 Leg Roundabout Alternative
Project ID: MSA #07578063
Winnebago County
Date: 1/31/2023

ITEM	ITEM DESCRIPTION	UNIT	QUANTITY	UNIT PRICE	TOTAL
1	REMOVALS	LS	1	\$70,000.00	\$ 70,000
SUBTOTAL REMOVALS					\$ 70,000
2	EARTHWORK		% of Items 1 & 3-4	N/A	\$ -
2.01	Excavation Common	CY	5,500	\$18.00	\$ 99,000
2.05	Select Borrow	CY	1,100	\$12.00	\$ 13,200
SUBTOTAL EARTHWORK					\$ 112,200
3	BASE				
3.02	Base Aggregate Dense 1 1/4"	TON	3,500	\$20.00	\$ 70,000
SUBTOTAL BASE					\$ 70,000
4	PAVEMENT				
4.01	Concrete Pavement 8"	SY	5,100	\$60.00	\$ 306,000
4.05	Concrete Driveway 6"	SY	160	\$70.00	\$ 11,200
4.21	Concrete Truck Apron 12"	SY	380	\$90.00	\$ 34,200
4.22	Coloring Concrete WisDOT Red	CY	130	\$90.00	\$ 11,700
SUBTOTAL PAVEMENT					\$ 363,100
5	ROADWAY MISCELLANEOUS		% of Items 1 & 3-4	N/A	\$ -
5.01	Concrete Curb and Gutter	LF	2,920	\$25.00	\$ 73,000
5.08	Concrete Sidewalk 4-Inch	SF	3,600	\$6.00	\$ 21,600
5.09	Concrete Sidewalk 5-Inch	SF	6,300	\$9.00	\$ 56,700
SUBTOTAL ROADWAY MISCELLANEOUS					\$ 151,300
6	DRAINAGE/STORM SEWER	LS	1	\$30,000.00	\$ 30,000
SUBTOTAL DRAINAGE/STORM SEWER					\$ 30,000
SUBTOTAL ROADWAY COSTS (ITEMS 1-6)					\$ 796,600
7	TRAFFIC SIGNALS	LS	0		\$ -
8	ITS	LS	0		\$ -
9	TRAFFIC CONTROL	LS	15 % of Items 1-6	N/A	\$ 119,500
10	EROSION CONTROL	LS	3 % of Items 1-6	N/A	\$ 23,900
11	LIGHTING	LS	1	\$40,000.00	\$ 40,000
12	SIGNING/MARKING	LS	1	\$110,000.00	\$ 110,000
13	WETLAND MITIGATION	LS	0		\$ -
14	HAZMAT	LS	0		\$ -
15	ROADWAY INCIDENTALS	LS	35 % of Items 1-6	N/A	\$ 278,800
TOTAL ROADWAY COSTS (Items 1-15)					\$ 1,368,800
16	STRUCTURES				
TOTAL STRUCTURE COSTS					\$ -
17	MOBILIZATION	LS	8 % of Items 1-16	N/A	\$ 109,500
CONSTRUCTION SUBTOTAL (Items 1-17)					\$ 1,478,300
18	E&C	LS	12 % of Items 1-17	N/A	\$ 177,400
19	ROW Acquisition	LS	1	\$450,000.00	\$ 450,000
TOTAL PROJECT COST					\$ 2,110,000

Assumptions

Pavement Structure: 8" Concrete over 8" Base Aggregate
 Signing/Marking includes two overhead sign structures
 Intersection is constructed under traffic
 ROW Acquisition includes moving two signs

Winneconne Avenue & Commercial Street, Neenah, WI
5 Leg Roundabout Alternative
Project ID: MSA #07578063
Winnebago County
Date: 1/31/2023

ITEM	ITEM DESCRIPTION	UNIT	QUANTITY	UNIT PRICE	TOTAL
1	REMOVALS	LS	1	\$70,000.00	\$ 70,000
SUBTOTAL REMOVALS					\$ 70,000
2	EARTHWORK		% of Items 1 & 3-4	N/A	-
2.01	Excavation Common	CY	6,500	\$18.00	\$ 117,000
2.05	Select Borrow	CY	1,300	\$12.00	\$ 15,600
SUBTOTAL EARTHWORK					\$ 132,600
3	BASE				
3.02	Base Aggregate Dense 1 1/4"	TON	3,900	\$20.00	\$ 78,000
SUBTOTAL BASE					\$ 78,000
4	PAVEMENT				
4.01	Concrete Pavement 8"	SY	5,800	\$60.00	\$ 348,000
4.05	Concrete Driveway 6"	SY	230	\$70.00	\$ 16,100
4.21	Concrete Truck Apron 12"	SY	490	\$90.00	\$ 44,100
4.22	Coloring Concrete WisDOT Red	CY	160	\$90.00	\$ 14,400
SUBTOTAL PAVEMENT					\$ 422,600
5	ROADWAY MISCELLANEOUS		% of Items 1 & 3-4	N/A	-
5.01	Concrete Curb and Gutter	LF	3,500	\$25.00	\$ 87,500
5.07	Concrete Sidewalk 4-Inch	SF	3,700	\$6.00	\$ 22,200
5.08	Concrete Sidewalk 5-Inch	SF	6,800	\$9.00	\$ 61,200
SUBTOTAL ROADWAY MISCELLANEOUS					\$ 170,900
6	DRAINAGE/STORM SEWER	LS	1	\$35,000.00	\$ 35,000
SUBTOTAL DRAINAGE/STORM SEWER					\$ 35,000
SUBTOTAL ROADWAY COSTS (ITEMS 1-6)					\$ 909,100
7	TRAFFIC SIGNALS	Each	0		\$ -
8	ITS	LS	0		\$ -
9	TRAFFIC CONTROL	LS	15 % of Items 1-6	N/A	\$ 136,400
10	EROSION CONTROL	LS	3 % of Items 1-6	N/A	\$ 27,300
11	LIGHTING	LS	1	\$50,000.00	\$ 50,000
12	SIGNING/MARKING	LS	1	\$115,000.00	\$ 115,000
13	WETLAND MITIGATION	LS	0		\$ -
14	HAZMAT	LS	0		\$ -
15	ROADWAY INCIDENTALS	LS	35 % of Items 1-6	N/A	\$ 318,200
TOTAL ROADWAY COSTS (Items 1-15)					\$ 1,556,000
16	STRUCTURES				
TOTAL STRUCTURE COSTS					\$ -
17	MOBILIZATION	LS	8 % of Items 1-16	N/A	\$ 124,500
CONSTRUCTION SUBTOTAL (Items 1-17)					\$ 1,680,500
18	E&C	LS	12 % of Items 1-17	N/A	\$ 201,700
19	ROW Acquisition	LS	1	\$460,000.00	\$ 460,000
TOTAL PROJECT COST					\$ 2,350,000

Assumptions

Pavement Structure: 8" Concrete over 8" Base Aggregate
 Signing/Marking includes two overhead sign structures
 Intersection is constructed under traffic
 ROW Acquisition includes moving three signs

Westwood Infrastructure, Inc. Project Change Order
Number 1

PROJECT NAME: S Commercial Street Reconstruction
PROJECT NUMBER: R3001439.00
CLIENT NAME: City of Neenah
DATE OF CHANGE ORDER: June 20, 2022
PROJECT MANAGER: Phil Roberts

This Project Change Order between Client and Westwood is set forth pursuant to our Agreement to provide professional services effective *June 20, 2022*. The purpose of this Project Change Order is to modify the conditions and the scope of work as defined in the originally proposed services dated *January 7, 2022*.

1. REVISION REQUESTED BY: *James Merten*
2. REQUESTED REVISIONS: City of Neenah intends to modify the lane configuration at the intersection of Commercial St and Winneconne Ave. Westwood will perform the following:

A. See Attachment A

3. REVISION TO FEES:

ITEM	METHOD	FEE
<i>CO #1 from 2. above</i>	<i>Lump Sum</i>	<i>\$ 49,800.00</i>
<i>Original Contract</i>	<i>Lump Sum</i>	<i><u>\$557,440.00</u></i>
	<i>NEW CONTRACT TOTAL</i>	<i><u>\$607,240.00</u></i>

4. COMMENTS/ASSUMPTIONS: See Attachment A

By signing below, the parties agree and affirm that each has reviewed and understands the provisions set out above and that each party shall be bound by each and all of said provisions. A copy of this Change Order to the Agreement shall serve and may be relied upon as an original.

WESTWOOD INFRASTRUCTURE, INC.

A handwritten signature in black ink that reads "Phillip T. Roberts". The signature is written in a cursive style with a large initial 'P' and a long horizontal stroke at the end.

Signature

Name: Phillip T. Roberts

Date: June 20, 2022

CITY OF NEENAH

Signature

Name: _____

Date: _____

Project Description

The proposed project will modify the lane configuration at the intersection of Commercial St and Winneconne Ave. On the north side of the intersection a right turn lane will be added as shown in the sketch provided by Neenah. The southbound lane configuration will be changed to a left turn lane, thru lane and right turn lane separated by a pedestrian island.

Capacity analysis of the intersection is not required. One of the design goals is to keep the walk time the same as existing. That is the reason for the pedestrian island. Another key component of the design is for the right turn lane to accommodate large trucks.

Project Scope

Westwood will provide the following professional services for the project.

Project Administration and Coordination

- Coordinate project development and documentation with the City of Neenah.

Agency and Utility Coordination

- Utility coordination
 - Request system maps
 - Send 60% plans and request utility workplans
 - Identify and resolve potential conflicts
 - Review and approve utility workplans
 - Send final plans and specials to each utility

Topographic Survey

- Full topographic survey of the Commercial St and Winneconne Ave intersection.
- Measure downs at all manholes, inlets, and catch basins
- Locate all utilities with the project limits
- Locate existing right of way irons

Design

- Add southbound right turn lane using the existing pavement thickness and reconfigure the remaining lanes with pavement marking.
- Design for WB-65 vehicle
- Adjust storm sewer inlets
- Traffic Signal Modifications
 - Adjust signal pole locations and signal heads as needed
 - Adjust signal timing and sequence as needed
- Traffic Control
- Final Plans
 - Title sheet
 - General notes
 - Typical section



- Construction detail
 - Paving and intersection details
 - Curb ramp details for 6 curb ramps
 - Storm sewer sheets
 - Signing Sheets
 - Pavement marking sheets
 - Traffic Signal Modification Details
 - Temporary Traffic Signals Details
 - Traffic control
 - Miscellaneous Quantity Sheets
 - Plan Sheet including erosion control and removals
 - Cross section sheets at 50' sections
- Final Plans, Specifications and Estimates

Right-of-Way Plat

- Provide 1 title report and 1 title update
- Establish existing right-of-way
- Prepare Transportation Project Plat (TPP) or traditional right-of-way plat for the parcel in the northwest quadrant of the intersection
- Provide legal description, deed and release of rights
- Stake proposed right-of-way one time with lath for appraisals
- Monument new right of way with 1" x 24" iron pipe

Real Estate Acquisition

- Provide Real Estate Project Manager
- Prepare a Project Data Book/Expanded Sales Study and determine nominal parcels. Westwood will subcontract with Steiro Appraisals for this work
- Complete Nominal Payment Parcel Report
- Perform all negotiations
- Obtain all Fee Title, PLE, TLE, and Access Rights
- Provide Fee Titles
- Obtain City approval for each step of the process as outlined in the Local Public Agency (LPA) Manual for Right of Way Acquisition
- Coordinate all work with City of Neenah

Meetings

- Design Kickoff meeting
- Coordinate and attend 30% and 90% design review meetings.
- Pre-construction meeting

Information Provided by Neenah

- As-built plans if available
- Existing plans if available
- Existing signal timing



Extra Work

- Traffic counts and analysis
- Pavement Design
- Public Involvement Meeting
- Geotechnical Investigation
- Hazardous Material Investigation
- Bidding
- Relocation of the Business in the NW quadrant
- Total buyout of the Business in the NW quadrant



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 17, 2023
TO: Mayor Lang and Members of the Public Services and Safety Committee
FROM: Gerry Kaiser, Director of Public Works
RE: Clock Tower Controller

The controller for the clock tower has failed. That unit controls the clock faces and the bell tones. The controller was installed in 2017. It is out of warranty and cost-effective repairs are not possible. The quote from Verdin Company for a new controller is \$5,015. After reviewing the matter with the Finance Department, I am requesting that the Public Facilities Fund balance be used to make this purchase. City staff will install the equipment.

Staff requests that Committee recommend the purchase of a digital bell controller from Verdin Company in the amount of \$5,015 with funding to come from the Public Facilities Fund balance.

FINANCE AND PERSONNEL COMMITTEE MEETING
Monday, March 27, 2023 – 6:00 p.m.
Council Chambers, Neenah City Administration Building
211 Walnut Street, Neenah, Wisconsin

MINUTES

Present: Chairman Erickson; Aldermen Boyette, Skyrms, Steiner and Stevenson; Mayor Lang, Director of Finance Rasmussen, City Attorney Rashid.

Others Present: Director of Community Development Haese, Deputy Director of Community Development Schmidt, Assistant Planner Kasimor, Director of Public Works Kaiser and Captain Van Sambeek.

Absent/Excused: None.

Public Appearances: None.

Minutes: **Motion/Second/Carried Skyrms/Steiner to approve the minutes from the February 15, 2023, Regular Meeting and March 15, 2023, Special Meeting.** All voting aye.

Annexation 228 – 1495 Breezewood Lane Town of Neenah

Committee reviewed Annexation No. 228, proposing 2.77 acres of land located at the northwest corner of Breezewood Lane and Alpine Lane in the Town of Neenah, to be annexed into the City. Brett McCormick is the owner of the land with a population of 2. The purpose of this annexation is to subdivide and develop the eastern portion of the site with single-family lots. This area is located with the City's Growth Area as identified in the City of Neenah/Town of Neenah Boundary Agreement. Upon annexation the Zoning Classification will be R-1, Single-Family Residence District.

After further review of the annexation fees outlined in the department memos, staff would recommend Committee honor the original annexation fee amount provided to the property owner which totaled \$74,239.19. The differing annexation fees were a result in the change in the Storm Sewer Fee which occurred in late 2022.

Motion/Second/Carried Boyette/Skyrms recommending Council's approval of Annexation No 228 for 2.77 acres of land located at 1495 Breezewood Lane in the Town of Neenah with revised annexation fees of \$74,239.19. All voting aye.

2022 Operating Budget Carry Forwards to 2023

Committee reviewed memo from Director of Finance Rasmussen recommending Council approve the 2022 Operating Budget Carry Forwards to 2023 as follows:

<u>Community Development:</u>	Landmarks Commission	\$ 2,325
	Sustainable Neenah	3,325
<u>Finance:</u>	Conferences & Meetings	2,600
<u>Mayor's Office:</u>	Community Contribution	4,245
<u>Police:</u>	Training	10,000
	Clothing Allowance	10,000
	Bike Patrol	500
	K-9 professional services	635
<u>Public Works:</u>	TV San Sewers services	10,000
	Traffic Control Equip Maint	600
	Traffic Control Signal Supplies	<u>15,729</u>

Total	\$59,959
--------------	-----------------

Committee and staff discussed various aspects of the proposed carry forwards.

Motion/Second/Carried Stevenson/Steiner recommending Council's approval of the 2022 Operating Budget Carry Forwards to 2023 as submitted. All voting aye.

Resolution 2023-11 Approval of 2023 Community Development Block Grant (CDBG) plan

Committee reviewed memo from Assistant Planner Kasimor requesting approval of Resolution 2023-11 for the 2023 Community Development Block Grant and authorization to enter into agreements for the activities, subject to approval by the U.S. Department of Housing and Urban Development. The proposed program allocates \$207,088 in estimated 2023 funds and an estimated \$5,000 in revolving fund payments from the 2022 CDBG year.

Committee and staff discussed various aspects of the proposed program and related resolution. Issues discussed included the type of services provided by recipients who will receive small dollar amounts and why some public service funds were reduced, and some weren't. The funding is dependent on which category the recipients are part of. The grant is very specific. Property acquisition has \$70,000 allocated to it. It was questioned as to whether this could be moved within the category, for example to street repair projects in low to moderate income neighborhoods. It was further discussed that funds can be reallocated to subcategories if not spent. The term of the grant is from June 1 to May 31.

Motion/Second/Carried Stevenson/Steiner recommending Council's approval Resolution 2023-11 for the 2023 Community Development Block Grant in the amount of \$212,088 and authorization to enter into agreements for the activities, subject to approval by the U.S. Department of Housing and Urban Development. All voting aye.

REPORT

REPORT

Fiscal Matters: January Vouchers: Motion/Second/Carried Stevenson/Boyette to approve the January 2023 vouchers as presented. All voting aye.

Fiscal Matters: February Vouchers: Motion/Second/Carried Stevenson/Boyette to approve the February 2023 vouchers as presented. All voting aye.

Closed session under Wis. Stat. ss. 19.85(1)(g) to confer with legal counsel (City Attorney) with respect to litigation in which the City is involved. (Rashid)

Motion/Second/Carried Stevenson/Boyette for the committee to convene into closed session under Wis. Stat. ss. 19.85(1)(g) to confer with legal counsel (City Attorney) with respect to litigation in which the City is involved. The Committee may reconvene into open session to consider or take action on matters discussed in closed. All voting aye.

At 6:40 PM the Committee convened into closed session.

The Committee adjourned the meeting in closed session. No action taken in open session.

Motion/Second/Carried Stevenson/Boyette to adjourn the meeting 6:52 pm. All voting aye.

Respectfully submitted,



Vicky Rasmussen, CPA
Director of Finance



Dept. of Legal & Administrative Services
Office of the City Clerk
211 Walnut St. • P.O. Box 426 • Neenah WI 54957-0426
Phone 920-886-6110 • Fax 920-886-6109
e-mail jherron@ci.neenah.wi.us
CHAR NAGEL, CITY CLERK

MEMORANDUM

DATE: March 14, 2023

TO: Board of Education
Director of Finance Rasmussen
Director of Public Works Kaiser
Dir. of Water Utility Mach
Dir. of Comm. Dev. & Assessment Haese
City Plan Commission
Park and Recreation Commission
Police Chief Olson
Fire Chief Kloehn
City Attorney Rashid
Town of Neenah Administrator-Clerk-Treasurer Ellen Skerke

FROM: Char Nagel, City Clerk

RE: 1495 Breezewood Lane

Please be advised that a Petition for Annexation Pursuant to Section 66.0217(2) Wisconsin Statutes has been filed in the Clerk's Office for property in the Town of Neenah. Brett McCormick are the owner of the land with a population of two. In accordance with Section 26-29 of the Municipal Code.

**Please submit your report to Lorie Raddatz in the Finance Office
no later than Wednesday, March 22, 2023.**

Committee and Council consideration of this annexation will be as follows:

Committee Approval and Recommendation to Council:

Finance and Personnel Committee meeting March 27, 2023

Plan Commission meeting March 28, 2023

Final Council Approval:

Council meeting April 5, 2023

Attached is a copy of the petition and map showing the area proposed to be annexed.

cc: Lorie Raddatz, Finance

PETITION FOR THE DIRECT ANNEXATION BY UNANIMOUS APPROVAL PURSUANT TO
SECTION 66.0217(2), WISCONSIN STATUTES, WHERE ALL PROPERTY IS OWNED BY THE
PETITIONERS

I (WE), THE UNDERSIGNED, CONSTITUTING ALL OF THE OWNER(S) AND ELECTOR(S) OF THE
REAL PROPERTY WHICH RESIDES IN THE TERRITORY OF THE TOWN OF NEENAH, WINNEBAGO
COUNTY, WISCONSIN, LYING CONTIGUOUS TO THE CITY OF NEENAH, PETITION THE
HONORABLE MAYOR AND COMMON COUNCIL OF THE CITY OF MEENAH TO ANNEX THE
TERRITORY DESCRIBED BELOW AND SHOWN ON THE ATTACHED SCALED MAP TO THE CITY OF
NEENAH, WINNEBAGO COUNTY, WISCONSIN.

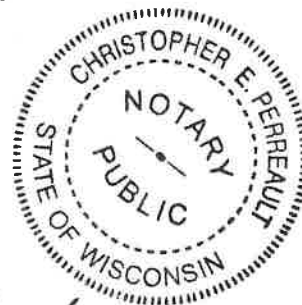
TERRITORY TO BE ANNEXED:

BEING PART OF THE SOUTHWEST ¼ OF THE SOUTHWEST ¼ OF SECTION 32, TOWNSHIP 20 NORTH,
RANGE 17 EAST, TOWN OF NEENAH, WINNEBAGO COUNTY, WISCONSIN, BOUNDED AND DESCRIBED AS
FOLLOWS: COMMENCING AT THE SOUTHWEST CORNER OF SECTION 32; THENCE N89°52'38"E, 561.60
FEET ALONG THE SOUTH LINE OF THE SOUTHWEST ¼ OF SECTION 32 TO THE SOUTHERLY EXTENSION OF
THE WEST LINE OF LANDS DESCRIBED DOCUMENT NO. 1833798; THENCE N01°10'26"W, 40.01 FEET
ALONG SAID EXTENSION TO THE NORTH LINE OF BREEZEWOOD LANE AND THE POINT OF BEGINNING;
THENCE CONTINUING N01°10'26"W, 380.34 FEET ALONG THE WEST LINE OF SAID DESCRIBED LAND TO
THE SOUTH LINE OF BLOCK 10 OF THE 2ND ADDITION TO CONANT HEIGHTS PLAT; THENCE N89°54'52"E,
317.95 FEET ALONG SAID SOUTH LINE TO THE WEST LINE OF ALPINE LANE; THENCE S01°10'26"E, 380.13
FEET ALONG SAID WEST LINE TO THE NORTH LINE OF BREEZEWOOD LANE; THENCE S89°52'38"W,
317.95 FEET ALONG SAID NORTH LINE TO THE POINT OF BEGINNING. SUBJECT TO ALL EASEMENTS AND
RESTRICTIONS OF RECORD.

I (WE), THE UNDERSIGNED, ELECT THAT THIS ANNEXATION SHALL TAKE EFFECT TO THE FULL
EXTENT CONSISTENT WITH THE OUTSTANDING PRIORITIES OF OTHER ANNEXATIONS,
INCORPORATIONS OF CONSOLIDATION PROCEEDINGS, IF ANY.


BRETT T. MCCORMICK, PETITIONER

STATE OF WISCONSIN)
COUNTY OF Ooutagamie)SS



PERSONALLY CAME BEFORE ME THIS 13th DAY OF March, 2023, THE
ABOVE NAMED PERSON(S) TO ME KNOWN TO BE THE PERSON(S) WHO EXECUTED THE
FOREGOING INSTRUMENT AND ACKNOWLEDGED THE SAME.


NOTARY PUBLIC

MY COMMISSION EXPIRES 12/10/2023

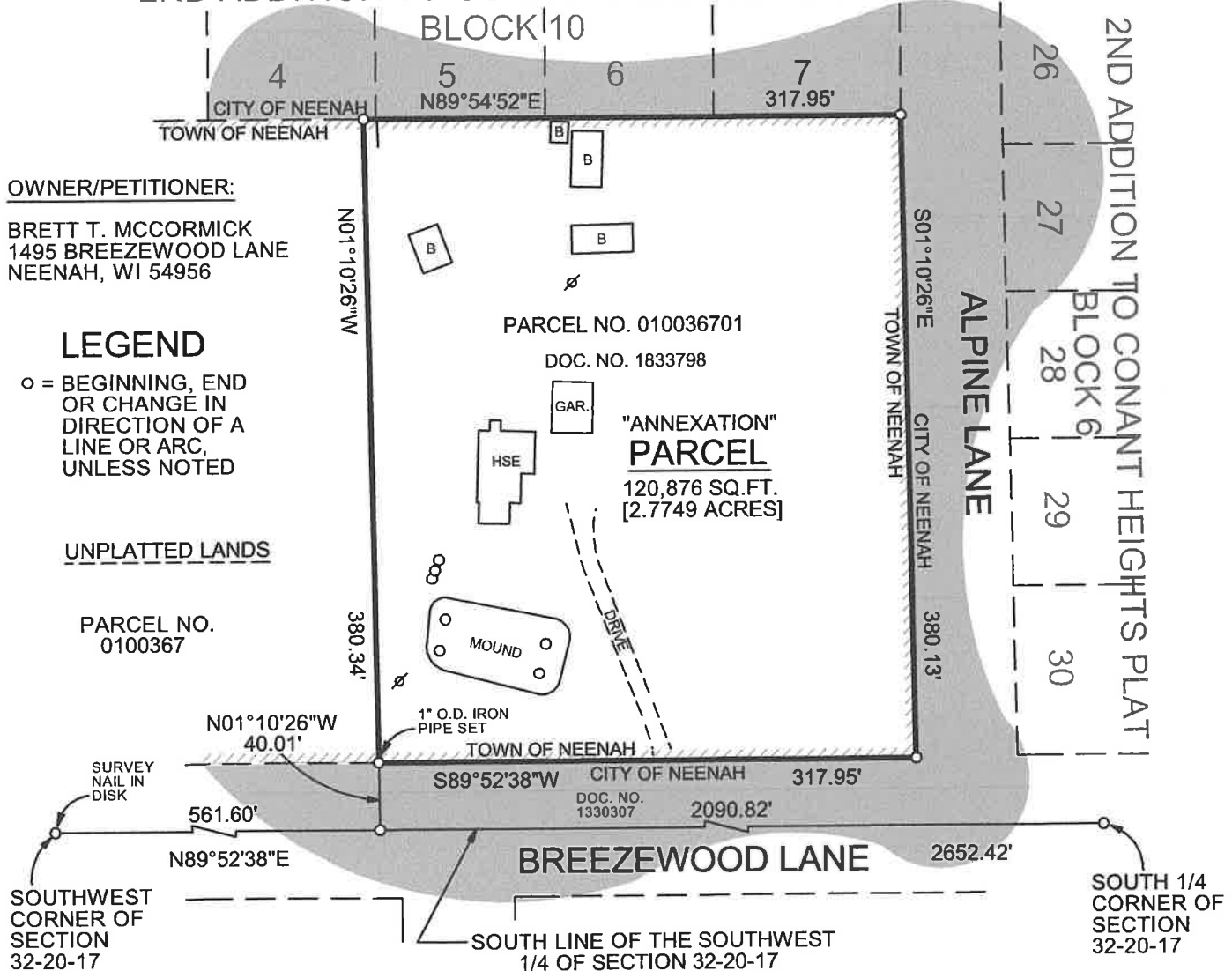
ANNEXATION MAP

BEING PART OF THE SOUTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 32, TOWNSHIP
20 NORTH, RANGE 17 EAST, TOWN OF NEENAH, WINNEBAGO COUNTY, WISCONSIN

"ANNEXATION" PARCEL DESCRIPTION:

BEING PART OF THE SOUTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 32, TOWNSHIP
20 NORTH, RANGE 17 EAST, TOWN OF NEENAH, WINNEBAGO COUNTY, WISCONSIN,
BOUNDED AND DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHWEST CORNER OF
SECTION 32; THENCE N89°52'38"E, 561.60 FEET ALONG THE SOUTH LINE OF THE
SOUTHWEST 1/4 OF SECTION 32 TO THE SOUTHERLY EXTENSION OF THE WEST LINE OF
LANDS DESCRIBED DOCUMENT NO. 1833798; THENCE N01°10'26"W, 40.01 FEET ALONG
SAID EXTENSION TO THE NORTH LINE OF BREEZEWOOD LANE AND THE POINT OF
BEGINNING; THENCE CONTINUING N01°10'26"W, 380.34 FEET ALONG THE WEST LINE
OF SAID DESCRIBED LAND TO THE SOUTH LINE OF BLOCK 10 OF THE 2ND ADDITION
TO CONANT HEIGHTS PLAT; THENCE N89°54'52"E, 317.95 FEET ALONG SAID SOUTH
LINE TO THE WEST LINE OF ALPINE LANE; THENCE S01°10'26"E, 380.13 FEET
ALONG SAID WEST LINE TO THE NORTH LINE OF BREEZEWOOD LANE; THENCE
S89°52'38"W, 317.95 FEET ALONG SAID NORTH LINE TO THE POINT OF BEGINNING.
SUBJECT TO ALL EASEMENTS AND RESTRICTIONS OF RECORD.

2ND ADDITION TO CONANT HEIGHTS PLAT



OWNER/PETITIONER:

BRETT T. MCCORMICK
1495 BREEZEWOOD LANE
NEENAH, WI 54956

LEGEND

○ = BEGINNING, END
OR CHANGE IN
DIRECTION OF A
LINE OR ARC,
UNLESS NOTED

UNPLATTED LANDS

PARCEL NO.
0100367

CAROW LAND SURVEYING CO., INC.

615 N LYNNDAL DRIVE

APPLETON, WI 54914

DATE: 3/1/2023

SCALE: 1" = 100'

DRAWN BY: CP

REVISED: 3/7/2023

A2302.8 ANNEX



Aaron L. Olson
Chief of Police

CITY OF NEENAH POLICE DEPARTMENT



2111 Marathon Avenue
Neenah, Wisconsin 54956

Memo

To: Neenah City Council
Mayor Jane Lang
From: Chief Aaron L. Olson
Date: March 15, 2023
Re: 1495 Breezewood Lane

The Neenah Police Department has received a copy of the petition for annexation 1495 Breezewood Lane.

We review annexation requests based on the following criteria:

- Size of proposed annexation
- Anticipated use of property
- Accessibility to emergency vehicles
- 5-year history of law enforcement response to the property
- Impact on safe traffic movement

In this case, the property has no significant history. The key factors for police are size, anticipated use, and traffic concerns.

Size: The size of this annexation does not present a police concern in its present use.

Anticipated Use: No known law enforcement concerns.

Five year history of law enforcement: No known law enforcement concerns.

Traffic Concerns: Given the size and location of this parcel, there is little concern for increased traffic problems and or accessibility to emergency vehicles.

Recommendation: The police department offers no objection to the proposed annexation.



DATE: March 27, 2023
TO: Mayor Lang, Finance Committee and Common Council
FROM: Brad Schmidt, Deputy Director of Community Development
RE: Annexation #228 (1495 Breezewood Lane – T. of Neenah) – 2.77 Acres

In accordance with Section 26-29 of the Zoning Code, I am submitting the following comments relative to the proposed annexation.

- Revenues will be generated from development review fees, plan reviews and construction permits.
- The proposed annexation includes approximately 2.77 acres of land along the northwest corner of Breezewood Lane and Alpine Lane in the Town of Neenah.
- The purpose of the annexation to subdivide and develop the eastern portion of the subject site with single-family lots.
- Upon annexation, the Zoning Classification will be R-1, Single-Family Residence District.
- The proposed annexation will not have any significant impact on the Assessor's operation.
- The annexation area is located within the City's Growth Area as identified in the City of Neenah/Town of Neenah Boundary Agreement. Land within the City's Growth Area can be annexed to the City per the terms of the agreement.
- The subject property includes a single-family home, several outbuildings, and undeveloped area. The property has an assessed value of \$261,100 (2022 Assessment Year).
- The City's Comprehensive Plan identifies this area as on the border between High Density Residential and Residential Neighborhood Investment Area. The proposed use and zoning are consistent with the City's Comprehensive Plan.

Recommendation

The Department of Community Development and Assessments recommends the petition for annexation of 2.77 acres located along Breezewood Lane in the Town of Neenah be accepted.

CITY OF NEENAH
Dept. of Community Development

March 27, 2023





Neenah Water Utility

211 Walnut St. PO Box 426 Neenah, WI 54957-0426

Office: (920) 886-6182 Cell: (920) 858-6300

Email: amach@ci.neenah.wi.us

Anthony L. Mach

Director of Neenah Water Utility

MEMORANDUM

DATE: March 22, 2023

TO: Hon. Mayor Lang, Chairperson Erickson, and Members of the Finance and Personnel Committee

FROM: Anthony L. Mach

RE: Annexation No. 228 – Town of Neenah Parcel No. 010036701

In accordance with Section 26-29 (3) of the City of Neenah Municipal Code, the following information summarizes the anticipated impact upon the Water Utility of the proposed annexation of 2.7749 acres of property currently located in the Town of Neenah (Parcel 010036701)

1. No additional personnel will be required at this time. However, further expansions in the distribution system will warrant a reevaluation of personnel needs in the future.
2. Upon establishment of Water Utility service, one (1) 5/8" water meter unit will be installed at an estimated cost of \$260. This cost will be recovered through quarterly base meter charges.
3. No additional buildings will be required.
4. Water main is currently installed in the vicinity of this parcel. The property owner will be responsible for all costs applicable to the installation of a water service and any required internal plumbing. The calculated property owner assessment is \$11,406.66 for the water main installed on Breezewood Lane, \$4,290.05 for the water main installed on Alpine Lane, and \$1,000.00 for two installed short-side water services, for a total calculated assessment of \$16,696.71.
5. The estimated annual cost to treat and deliver water to these properties is \$120. The user will be billed for water usage through the quarterly utility bill.
6. The estimated Water Utility cost is \$260 for the purchase of a meter and endpoint.
7. The estimated annual Water Utility revenue is \$230 for water, \$80 for meter base charges, and \$80 for fire protection, for a total revenue of \$390 per year. Sewer and storm water revenues are not included in these estimates. In addition to establishment of City water service, if the property owner decides to operate any existing private wells on the property, each well must be tested per Neenah Water Utility requirements and the private well permit fee paid to the Water Utility.
8. We recommend approving this annexation.



MEMORANDUM

DATE: March 22, 2023
TO: Mayor Lang, Chairman Erickson, Members of the Finance and Personnel Committee
FROM: Gerry Kaiser, Director of Public Works
RE: Annexation Impact Memo – 1495 Breezewood Lane

In response to City Clerk Nagel's note of March 14, 2023, relative to the above annexation, I submit the following in accordance with Section 26-29, City of Neenah Code of Ordinances.

- A. Additional Personnel: Although this annexation by itself will not require additional personnel, please be advised that the aggregate effect of several small annexations such as this one will eventually require additional personnel to maintain streets and infrastructure, collect garbage and recyclables, and continue to provide the current level of service.
- B. Additional Equipment: No additional equipment will be required.
- C. New Buildings: No new buildings would be required.
- D. Additional Public Improvements and Costs:\$0
1. None.
- E. Miscellaneous Costs:\$0
1. None.
- F. Estimated Revenues:\$72,101.49
1. Fees
a. Oversized existing sanitary sewer interceptor fee at \$1,000/acre. \$ 2,770.00
Est. Actual size = 2.77 acres
Size per Ordinance = 2.77 acres
b. Storm sewer fee at \$9,000/acre. \$ 24,930.00
Est. actual size = 2.77 acres
Size per Ordinance = 2.77 acres
2. Deferred Assessments:\$ 44,401.49
a. Sanitary Sewer Main – Breezewood Lane \$ 8,904.00
b. Sanitary Sewer Main – Alpine Lane \$ 11,270.87
c. Sanitary Sewer Lateral – Breezewood Lane \$ 1,290.00
d. Storm Sewer Lateral – Breezewood Lane \$ 1,060.00
e. Pavement – Alpine Lane \$ 6,806.48
f. Pavement – Breezewood Lane \$ 7,950.00
g. Trail/Sidewalk – Breezewood Lane \$ 3,180.00
h. Engineering/Inspection/Contract Administration = \$ 3,940.14
- G. Recommendation: This annexation is recommended. It provides for collection of deferred assessments and fees.



*Department of
Parks & Recreation*

DATE: 20 March 2023

TO: Members of the Finance and Personnel Committee
Members of the Plans Commission

FROM: Michael T. Kading, Director of Parks & Recreation

RE: ANNEXATION IMPACT REPORT
1495 Breezewood Lane

We have reviewed the annexation petition and have the following comments:

Service Radius – City of Neenah residents should have access to a suitable public park within .5 miles from their homes that is walkable and/or bikeable, uninterrupted by non-residential roads and other physical barriers.

This property falls within the Memorial Park service area.

Additional Personnel – None required.

Additional Equipment – None required.

Additional Improvements – None required

The annexation is recommended.

Creating Community Through People, Parks & Programs

Department of Parks & Recreation
PO Box 426
Neenah, WI 54957-0426

phone: 920-886-6062
fax: 920-886-6069
email: emccoy@ci.neenah.wi.us



Memorandum

TO: Mayor Lang
City of Neenah Common Council
City of Neenah Finance & Personnel Committee

FROM: Kevin Kloehn
Fire Chief

DATE: March 14, 2023

RE: Impact on 1495 Breezewood Lane Annexation

This memo is reference to the proposed annexation.

This annexation would have no immediate impact to the operations of Neenah-Menasha Fire Rescue. The property is within our normal response time and protection capabilities that currently exist with Neenah-Menasha Fire Rescue.

If you have any questions or concerns, please feel free to call me at 886-6203.

Thank you.



Finance Department
211 Walnut St. • Neenah WI 54957-0426
Phone 920-886-6140 • Fax: 920-886-6150
e-mail: vrasmussen@neenahwi.gov
Vicky K. Rasmussen, CPA
Director of Finance

M E M O R A N D U M

TO: Chairman Erickson and Members of the Finance and Personnel Committee

FROM: Vicky Rasmussen, Director of Finance

DATE: March 22, 2023

RE: 2022 Operating Budget Carry Forwards to 2023

Attached are the detailed departmental requests for the 2022 Operating Budget Carry Forwards to 2023. Included in the attachment are memos/email from Director of Public Works Kaiser, Chief of Police Olson and Assistant Planner Kasimor documenting their need for their carry forwards. The requests for Finance and Mayor's Office are as follows:

Conferences & Meetings (Finance) – 010-0501-703-0204

Due to staff transitions and the retirement of the Director of Finance in 2022, over half of the training budget was not utilized. We are requesting a carry forward of the remaining **\$2,600**. With the transition of leadership in our department, we would use these funds to train our employees and provide leadership opportunities.

Community Contribution (Mayor) – 010-0201-701-0531

There is \$4,245 remaining in this account. We would like to carry forward this **\$4,245** to use for additional 150th birthday celebration costs.

The carry forward requests are all within the City's General Fund and total \$59,959.

Motion to recommend Council approve the 2022 Operating Carry Forwards to 2023 as submitted.

CITY OF NEENAH
2022 OPERATING BUDGET CARRY FORWARDS

DEPARTMENT	DESCRIPTION	ACCOUNT NUMBER	BUDGET LINE ITEM	BALANCE LINE ITEM BUDGET	AMOUNT REQUESTED
MAYOR	Community Contribution	010-0201-701-0531	7,200	4,245	4,245
FINANCE	Conferences & Meetings	010-0501-703-0204	5,500	2,622	2,600
PUBLIC WORKS	T-V San. Sewers - Outside Services	010-4104-733-0236	33,000	26,847	10,000
	Traffic Control - Equip. Maint. Supplies	010-7101-736-0316	600	600	600
	Traffic Control - Traffic Signal Supplies	010-7101-736-0317	27,000	15,729	15,729
POLICE	Operations-Training	010-2101-711-0115	49,050	21,201	10,000
	Operations-Clothing Allowance	010-2101-711-0117	56,500	22,328	10,000
	Operations-Bike Patrol	010-2101-711-0348	500	500	500
	K9-Professional Services	010-2109-711-0238	1,800	635	635
COMMUNITY DEVELOPMENT	Landmarks Commission	Full Budget	3,550	2,325	2,325
	Sustainable Neenah Committee	Full Budget	4,350	3,325	3,325
					59,959
					General Fund 59,959



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: February 14, 2023
TO: Mayor Lang, Chairman Erickson, Members of the Finance & Personnel Committee
FROM: Gerry Kaiser, Director of Public Works
RE: Operating Budget carry Forward Request – Public Works

The Public Works Department requests that Committee recommend Council approval of a carry forward for the following operating budget items:

010-7101-736-0317 (Traffic Signal Supplies): \$15,728.61.

010-7101-736-0316 (Equipment Maintenance Supplies) in the amount of \$600.

- These are needed to cover the cost for a pallet of signal bases that was ordered in November 2022.

010-4104-733-0236 (TV San Sewers, Outside Services): \$10,000

- This request is to supplement the budgeted funds for 2023 to allow for additional lateral televising for future street construction projects.



Aaron L. Olson
Chief of Police

CITY OF NEENAH POLICE DEPARTMENT



2111 Marathon Avenue
Neenah, Wisconsin 54956

Memo

To: Alderperson Tamara Erickson, Finance Committee Chair
Mayor Jane Lang, Finance Director Rasmussen and Deputy Director Kahl

From: Chief Aaron L. Olson *ALO*

Date: 2/24/2023

Re: 2022 to 2023 Carry Forwards

During 2022, we managed our operating budget very well and had a remaining balance of \$250,464. Of this money, we are requesting to carry forward \$21,135, which is outlined below.

Training - 010-2101-711-0115

Due to our department being short staffed during 2022, much of our training budget was not utilized. With \$21,201 remaining in the line item, we would like to carry forward **\$10,000**. With several new supervisors in our department, we would like to get each of them to one or more supervisory/leadership schools. By carrying forward this money, we will be able to better train our new supervisors.

Clothing Allowance - 010-2101-711-0117

We will be hiring a minimum of six new officers in 2023 and it costs approximately \$3,000 to equip and outfit each new officer. To offset this \$18,000, we are asking to carry forward **\$10,000** in an attempt to assist with these upcoming expenses.

Bike Patrol - 010-2101-711-0348

We did not spend any of the \$500 that was allocated to this line item. This was due to our new bike patrol supervisor not having the training needed to fix our bikes. This supervisor will be able to maintain our police bikes in 2023, and we are requesting that **\$500** be carried forward to 2023. This will allow the bike patrol supervisor the ability to fix and maintain all of our bikes.

K9 Project - Professional Services - 010-2109-711-0238

One of our K9's has cancer and to help combat the veterinarian bills, we are asking to carry forward all of this remaining line item, which is **\$635**.



2022 Carry forward for Landmarks Commission and Sustainable Neenah Committee

Carol M Kasimor to: Vicky K Rasmussen

03/09/2023 11:24 AM

Cc: Chris A Haese

From: Carol M Kasimor/Neenah
To: Vicky K Rasmussen/Neenah@Neenah
Cc: Chris A Haese/Neenah@Neenah

History: This message has been replied to and forwarded.

Hi Vicky,

Landmarks Commission and Sustainable Neenah Committee would like to carry forward 2022 budget funds for expenditure in 2023.

Landmarks Commission - \$2,325

Sustainable Neenah Committee - \$3,325

Thank you, please let me know if there are any questions about this!

Carol

Carol Kasimor
Department of Community Development, City of Neenah
Phone: 920-886-6128
Fax: 920-886-6129



M E M O R A N D U M

TO: Chairperson Erickson and members of the Finance and Personnel Committee

FROM: Carol Kasimor, Assistant Planner

DATE: March 23, 2023

SUBJ: Resolution 2023 - 11: Approval of 2023 Community Development Block Grant (CDBG) plan

On Monday, March 27, the Finance and Personnel Committee will consider Resolution 2023 - 11 to approve the 2023 Community Development Block Grant plan. There will be consideration by the Common Council at the April 5, 2023 meeting.

Public input was invited in the development of the plan, including an application and comment process and two public hearings. Goals addressed with the plan include support for:

- A. Needs of low and moderate income households through public services, housing and job creation.
- B. Revitalization, blight elimination, and site improvements.
- C. Improvements in neighborhoods, especially those with low and moderate income residents.
- D. Fair housing and planning

The proposed program allocates \$207,088 in estimated 2023 funds and an estimated \$5,000 in revolving fund payments from the 2022 CDBG year. Regulatory limits on the public service category prevent fully funding the requests received this year. We also received an application from Rebuilding Together Fox Valley in the amount of \$10,000, which we may be able to fund in the Housing and Economic Development category or with another source of funds. Additional information on the CDBG program may also be found on our website at <https://www.ci.neenah.wi.us/departments/community-development/block-grants/>

The Department requests approval of Resolution 2023 – 11 for the 2023 Community Development Block Grant and authorization to enter into agreements for the activities, subject to approval by the U.S. Department of Housing and Urban Development.

DRAFT 2023 COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM - FINAL FUNDING CONTINGENT ON GRANT AWARD AND PROGRAM INCOME

Public Services

	Activity	Funding Request	2023 Proposed Funding	Description	2022 Funding	2022 Activities/Benefit	2023 - 2024 Proposed Activities/ Benefit
1	Christine Ann Domestic Abuse Services - CADAS	\$15,000 to provide services that address physical safety, basic needs, healing from trauma, connections to community resources, and prevention of further abuse, injury, and death due to domestic abuse.	\$7,000	CADAS is committed to empowering individuals and families through education, safety and support, and leading our community to reduce the incidents and the effects of domestic abuse and dating violence. http://www.christineann.net	\$7,000	Shelter - 7 persons Advocacy Services - 78 persons	Shelter - 20 persons Advocacy - 70 persons
2	Advocap Nutrition Program	\$20,000 to assist in providing meals to low income seniors and frail elderly persons at 1 congregate meal site and with home delivered meals.	\$7,000	The Nutrition Program aims to promote health by providing nutritious and affordable meals, reducing hunger, creating opportunities for social interaction, and helping seniors remain independent in their homes and communities. https://www.advocap.org/food-nutrition.html	\$7,000	182 persons	160 persons
3	Pillars, Inc. (formerly Homeless Connections)	\$10,000 to provide shelter services at the Adult and Adult and Family Shelters, Resource Center services, and case management services for Neenah residents experiencing homelessness.	\$7,000	From homelessness to coming home, Pillars provides shelter, support and solutions to address the housing needs in our community. All Pillars programs aim to ensure every person has a place to call home. http://pillarsinc.org	\$7,000	58 persons	50 persons
4	Reach Counseling Services	\$6,000 to provide sexual assault counseling services at a reduced fee to qualified Neenah residents.	\$6,000	Reach Counseling Services is a sexual assault service provider for children and adults that offers culturally responsive outreach, prevention education, victim advocacy, trauma counseling, and sex offender treatment. https://reachcounseling.com	\$6,000	65 persons	65 persons
5	LEAVEN Inc. - Limited Emergency Assistance Valley Ecumenical Network	\$5,000 to provide emergency financial, referral and service coordination assistance to City of Neenah residents with housing issues.	\$4,000	LEAVEN's stabilizes and empowers people in financial crisis by providing financial assistance, resource coordination and case management to address their near-term and long-term basic needs. https://www.leavenfoxcities.org/	\$4,000	14 households	15 households proposed to receive emergency rental assistance.
6	Big Brothers/Big Sisters of East Central Wisconsin (formerly Best Friends of Neenah-Menasha)	\$4,000 to support one-to-one youth mentoring services.	\$0	BBBS helps children achieve success in school, achieve social and emotional well-being, increase their sense of connection and belonging, and the ability to empower themselves through positive behavior and choices in school and outside of school. https://www.bbbsnew.org	\$2,000	44 youth	
7	Goodwill Industries of North Central Wisconsin, Inc. - Financial Counseling, Education, and Employability Self-Sufficiency (formerly FISC)	\$1,000 to provide financial, housing, bankruptcy and employability skill information and counseling.	\$0	Goodwill helps consumers develop core financial competencies in key areas like earning, spending, saving, borrowing and protecting against risk. https://www.goodwillncw.org/financial-and-debt-solutions/	\$500	8 persons served with financial counseling	
8	Total Public Service Funds		\$31,000	Cap of 15% of grant plus program income. Allocations may be adjusted based on final program income amounts.	\$33,500		

Housing and Economic Development

	Activity	Funding Request	2023 Proposed Funding	Description	2022 Funding	2022 Activities
9	Façade Improvement and Design Assistance Program	Program offers matching grants to commercial property owners for the restoration and improvement of building facades.	\$20,000	Funds are provided in conjunction with private investment dollars (up to \$10,000 on a matching basis) to stimulate capital reinvestment, property improvement, tax base enhancement, and job creation.	\$30,000	106 W. Wisconsin Ave., 125 W. Wisconsin Ave.
10	Property Acquisition and Redevelopment Activities	Funding for acquisition, demolition, rehabilitation, development, site and/or infrastructure improvements and economic development.	\$70,000	Purpose of the program is to remove deteriorated structures where necessary and assist with revitalization and redevelopment efforts. Projects developed through housing organizations such as Greater Fox Cities Habitat for Humanity, Pillars, Inc. and Rebuilding Together Fox Valley may also be considered in this category.	\$70,000	Habitat for Humanity acquisitions of 630 Main Street, 109 King Street, and 312 E. Franklin Avenue
11	Neighborhood Improvements	Assistance for upgrades to neighborhoods and neighborhood facilities such as parks.	\$44,538	Improvements for purposes of assistance to low and moderate income neighborhoods.	\$32,230	
12	Total Housing and Economic Funds		\$134,538		\$132,230	

**Planning and
Administration**

	Activity	Funding Request	2023 Proposed Funding	Description	2022 Funding	2022 Activities
13	Fair Housing Center of Northeast Wisconsin	\$11,550 to provide services to households encountering discrimination in the housing market, and to provide technical assistance to housing providers and the City of Neenah.	\$11,550	The prevention of housing discrimination and the enforcement of fair housing law ensures that housing is available to low and moderate income households and racial/ethnic minorities and other protected classes. http://www.fairhousingwisconsin.com/	\$11,550	Staffing to answer questions, provide technical assistance to housing seekers and providers, provide intake and counseling regarding fair housing violations, as well as provide housing referral services, fair housing presentations, distribution of educational materials to Neenah organizations, and rental management training.
14	Planning and Program Administration	Assist with costs of planning and administering the CDBG program.	\$30,000	Planning, staff salaries and program expenses are funded through the CDBG program.	\$30,000	Salaries and benefits.
15	Total Planning and Administration Funds		\$41,550	Cannot exceed cap of 20% of grant plus program income.	\$41,550	

Programs funded with previous years' Community Development Block Grant program repayments

	Activity		2023 Proposed Funding from 2022 repayments	Description			
16	Small Business /Microenterprise Loan Program	\$0 estimated in repayments during the previous year.	\$0	Program provides low cost, fixed rate financing to small growing companies that are creating new jobs in Neenah.			No small business loans approved to date.
17	Housing Rehabilitation/ Homebuyer Assistance Program	\$5,000 estimated in repayments during the previous year.	\$5,000	Ongoing program assists low and moderate income homeowners with basic structural and mechanical repairs. Homebuyer program assists low and moderate income households to purchase homes in the City of Neenah. Winnebago County Housing Authority was contracted to provide homebuyer education and project management, and the City of Neenah provides downpayment, closing cost and housing rehabilitation assistance.			5 households approved for assistance in the total amount of \$47,900.
18	Total Estimated Program Repayments		\$5,000	Estimated Housing Rehabilitation, Small Business and Homebuyer assistance repayments from 2022 program year.			
19	Total Estimated 2023 Community Development Block Grant		\$207,088			\$207,280	



RESOLUTION NO. 2023 - 11
RESOLUTION OF THE CITY OF NEENAH APPROVING THE
2023 COMMUNITY DEVELOPMENT BLOCK GRANT PLAN

WHEREAS, the City of Neenah is a Community Development Block Grant formula grantee and evaluates community needs, conditions and resources to be addressed by the grant; and,

WHEREAS, the City of Neenah estimates resources totaling \$207,088 for the 2023 Community Development Block Grant program, and revolving funds in the estimated amount of \$5,000; and,

WHEREAS, the City of Neenah is committed to approving a program of Community Development Block Grant activities which gives maximum feasible priority to low and moderate income persons and community development;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Common Council of the City of Neenah that the 2023 Community Development Block Grant Annual Plan including the programming of 2023 Community Development Block Grant funds is hereby approved. The 2023 Community Development Block Grant program will fund the following activities:

Christine Ann Domestic Abuse Services	\$7,000
Advocap Nutrition Program	\$7,000
Pillars, Inc.	\$7,000
Reach Counseling Services	\$6,000
LEAVEN	\$4,000
Façade Improvement and Design Assistance	\$20,000
Property Acquisition and Redevelopment Activities	\$70,000
Neighborhood Improvements	\$44,538
Fair Housing Center of Northeast Wisconsin	\$11,550
Planning and Program Administration	\$30,000
Grant Total	\$207,088
Revolving Funds/Program Income	
Housing Rehabilitation/Homebuyer Assistance	\$5,000
Small Business/Microenterprise Loan Program	-
Total	\$212,088

Recommended by: Finance and
Personnel Committee

CITY OF NEENAH, WISCONSIN

Moved: _____

Jane B. Lang, Mayor

Passed: _____

Charlotte K. Nagel, City Clerk



MEMORANDUM

DATE: March 28, 2023
TO: Mayor Lang and Plan Commission
FROM: Brad Schmidt, AICP, Deputy Director of Community Development
RE: Residential Driveway Standards – Sec. 26-550(1) – (Ord. No. 2023-03)

The City Plan Commission held a public hearing and reviewed an ordinance creating residential driveway standards at its March 7, 2023, meeting. The Plan Commission ultimately voted to postpone action and requested for further clarification on how these standards would impact existing driveways.

As stated at the March 7, 2023, Plan Commission meeting, the primary purpose of this ordinance amendment is to create standards for residential driveways as no standards currently exist in the Municipal Code. The standards are focused on newly constructed driveways. However, this ordinance does try to address common complaints regarding existing driveways related to location, material, and size.

The proposed ordinance is intended to clarify the standards of new driveways, constructed after May 1, 2023, and existing driveways, constructed before May 1, 2023. Below is a framework of the proposed driveway standards.

New Residential Driveways / Driveway Expansions – Constructed after 5/1/2023

- Driveway Apron (Public Side)**

	Maximum Width		Material
	R/W Line	Curb Line	
Single-Family	30 feet	36 feet	Hard Surface
Two-Family (w/ side-by-side garage)	36 feet	42 feet	Hard Surface

- Driveway (Private Side)**

	Front Property Line (Max width)	Max Width (w/ garage)	Max Width (no garage)	Side Yard Setback	Material	Location
Single-Family	30 feet	8 feet beyond garage	15 feet	2 feet (outside of drainage easements)	Hard Surface	Prohibited in front of dwelling
Two-Family (w/ side-by-side garage)	36 feet	8 feet beyond garage	15 feet	2 feet (outside of drainage easements)	Hard Surface	Prohibited in front of dwelling

March 28, 2023 – Page 2

Residential Driveways Reconstruction/ Driveway Expansions – Constructed before 5/1/2023

- **Driveway Apron (Public Side)**

	Max Widths		Non-Conforming Aprons	Expansion/Reconstruction
	R/W	Curb		
Single-Family	30 feet	36 feet	Cannot extend beyond max widths	Hard Surface
Two-Family (w/ side-by-side garage)	36 feet	42 feet	Cannot extend beyond max widths	Hard Surface

- **Driveway (Private Side)**

**All Residential
Driveways**

Expansions

- No expansions in front of dwelling
- Side Yard Setback - up to but not on property line (can't impede storm water drainage)
- Existing gravel driveways - can be maintained and expanded with gravel subject to the limitation noted above (width, location requirements)
- Existing paved driveways - can expand subject to the limitations noted above and must expand with similar hard surface

Reconstruction

- Full driveway reconstruction requires hard surface material, but footprint may stay the same (w/ the exception of parking in front of dwelling)

Recommendation

Appropriate action at this time is for Plan Commission to recommend Common Council approve Ordinance No. 2023-03, amending Section 26-550(1) of the City's Code of Ordinances related to residential driveway standards.



211 Walnut Street
Neenah, WI 54956

AN ORDINANCE: By the Neenah Plan Commission
Re: Amending Neenah Municipal Code Section 26-550(1) of the Zoning Code relating to Residential Driveway Standards.

ORDINANCE NO. 2023-03

Introduced: _____

Committee/Commission Action: _____

AN ORDINANCE

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

Section 1. That Neenah Municipal Code, Section 26-550(1) of the Zoning Code is hereby amended by deleting the stricken language noted in subsection (1)d, and adding the highlighted language as new subsection (1)l, so as to now read as follows:

Sec. 26-550. District regulations.

The following regulations shall be applied to each of the described zoning districts:

(1) R-1 and R-2 Districts.

- a. All automobiles parked outside must be parked on a graveled or paved surface and must be licensed and operable;
- b. Not more than three vehicles per dwelling unit, shall be parked in the required front yard, one of which may be a recreational vehicle. All vehicles must be on a graveled or paved driveway surface;
- c. A single large recreational vehicle may be parked in the required front setback area between April 15 and November 15. These vehicles must be parked on a graveled or paved surface;
- d. No more ~~then~~ **than** three recreational vehicles may be parked in the side or rear yards, one of which may be a large recreational vehicle. A large recreational vehicle must maintain a minimum three-foot setback from all property lines and must be parked on a graveled or paved surface;
- e. Portable storage containers may be used for a maximum of 30 days, subject to the following conditions;
 1. Not more than one portable storage container shall be allowed per property, and shall maintain a minimum ten-foot setback from all property lines;

2. No portable storage container shall be placed on public streets or sidewalks without prior approval of the City; and
 3. Portable storage containers shall be kept locked when not in use and shall be no larger than eight feet wide by 16 feet long by eight feet high.
- f. Portable storage containers (dumpsters, PODS, etc.) are permitted during construction to store on-site tools, materials or construction debris. The temporary portable storage containers must be removed immediately upon completion or cessation of construction, subject to the following conditions;
1. Not more than two portable storage containers shall be allowed per property during construction, with a minimum ten-foot setback from all property lines; and
 2. No portable storage container shall be placed on public streets or sidewalks without prior approval of the City.
- g. No commercial vehicle with a weight in excess of 8,000 pounds, over 20 feet in length, or having a height of more than eight feet, shall be parked or stored in a residential district, except when rendering a service; and
- h. No parking of any kind shall be allowed in the vision clearance area or vision clearance triangle.
- i. **Residential Driveway Standards**
1. **New residential driveways and the expansion of driveways constructed after May 1, 2023, shall meet the following requirements:**
 - a. **Driveways shall be constructed with a hard surface material such as concrete, asphalt, permeable pavers, or other material approved by the Zoning Administrator.**
 - b. **Maximum Driveway Width:**
 1. **Front Property line – 30 feet for single-family and 36 feet for two-family with side-by-side garage.**
 2. **Up to eight feet wider than garage.**
 3. **15 feet for properties without a garage.**
 4. **15 feet for Looped/Circular driveways.**
 - c. **Driveways shall be setback a minimum of 2 feet from a side property line.**
 - d. **Driveways are prohibited from extending in front of a dwelling unit unless a circular/looped driveway has been permitted. Pedestrian walks and other hard surface areas attached to the driveway, but not used for vehicular access or parking purposes, may be constructed in front of a dwelling unit.**
 2. **Driveway aprons, the portion of the driveway located within the public right-of-way, shall not exceed the following maximum widths:**
 - a. **Single-Family Dwellings: 36 feet in width when measured at the curb.**
 - b. **Two-Family Dwellings with side-by-side garages: 42 feet in width when measured at the curb.**
 - c. **Single-Family Dwellings: 30 feet when measured at the right-of-way line.**
 - d. **Two-Family Dwellings with side-by-side garages: 36 feet when measured at the right-of-way line.**
 - e. **Driveway aprons shall be constructed with a hard surface material at the time a street is finished with curb and gutter.**

- f. Prior to construction/reconstruction or modification of a driveway opening, a right-of-way permit is required pursuant to the City Municipal Code of Ordinances.
- 3. Driveways constructed before May 1, 2023, shall meet the following requirements related to expansions and reconstruction:
 - a. No driveway shall be expanded or reconstructed in front of a dwelling unit.
 - b. Expanded or reconstructed driveways can be built up to, but not on a side property line and must not impede storm water drainage.
 - c. Expansion of gravel driveways may not exceed the maximum width requirements for driveways constructed after May 1, 2023. Expansions of existing gravel driveways can be constructed with gravel material.
 - d. Expansion of hard surface driveways may not exceed the maximum width requirements for driveways constructed after May 1, 2023. Expansions of existing hard surface driveways must be constructed with similar hard surface material.
 - e. Driveway aprons may be expanded, but the width of the expansion is limited to the maximum widths outlined in Sec. 26-550 (i)(2) and the driveway apron shall be constructed with a hard surface material.
- 4. A driveway may be extended along the side of a garage by a maximum of eight feet and must maintain a setback of two feet from the side property line. Driveways expanded along the side of a garage may be constructed with a hard surface material or gravel. All areas in front of the garage must be constructed with a hard surface material.

Section 2. Severability. In the event any section, subsection, clause, phrase or portion of this ordinance be 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 otherwise 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 3. 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.

Published: _____

Moved by: _____

Adopted: _____

Approved: _____

Approved:

Jane B. Lang, Mayor

Attest:

Charlotte Nagel, City Clerk

THIS INSTRUMENT WAS DRAFTED BY:
City Attorney David C. Rashid
211 Walnut Street
Neenah, WI 54956
State Bar No. 1056542



M E M O R A N D U M

DATE: March 28, 2023
TO: Mayor Lang and Plan Commission
FROM: Brad Schmidt, AICP, Deputy Director of Community Development
RE: Portable Collection Containers – Sec. 26-550(4) (**Ord. No. 2023-04**)

The Plan Commission, at its March 7, 2023, meeting, reviewed and provided comments related to the proposed ordinance creating standards for portable storage containers on non-residential property. Based on input from the public and the Plan Commission, I'm including a revised ordinance addressing those comments.

This ordinance proposes to allow portable storage containers, as a temporary use, on non-residential properties. The definition of portable storage containers is amended to mean “a portable receptacle designed and used for the storage or shipment of household goods, refuse, building material or merchandise, including, but not limited to, dumpsters, construction trailers, shipping containers, semi-trailers, portable on demand storage units (PODS) or other similar containers on wheels, or placed on the ground, and typically used for transportation or storage purposes.” The new definition expands the types of containers including shipping containers, semi-trailers and other similar containers on wheels or placed on the ground. These are not structures and therefore are not regulated as such in the Zoning Code.

Portable storage containers can assist in providing for the temporary storage of finished goods (i.e. overstock items, seasonal merchandise, or equipment) and unfinished goods (i.e. raw materials). These are typically used by large retail chains over the holiday season to store seasonal merchandise, or contractors who store equipment and materials on a construction site. The proposed ordinance includes the following standards:

- Limited to up to 120 days in a calendar year.
- No more than two can be placed on a property.
- Prohibits the storage of refuse material, tires, or opened containers of paint, oil, gas, or any other hazardous material.
- Must be placed on a hard surface behind the principal structure and outside of any required yard, building setback, or bufferyard area.
- Shall not be placed in an area which obstructs drive aisles or impacts off-street parking.
- Exempts construction-related portable storage containers.
- Provides flexibility to extend time (up to one year) and number of containers (up to 5) with Plan Commission approval.

Recommendation

Appropriate action at this time is for Plan Commission to recommend Common Council approve Ordinance No. 2023-04, amending Section 26-3 and Section 26-550(4) of the City's Code of Ordinances related to portable storage containers.



211 Walnut Street
Neenah, WI 54956

AN ORDINANCE: By the Neenah Plan Commission
Re: Amending Neenah Municipal Code Section 26-3 and Section 26-550(2) of the Zoning Code relating to Portable Collection Containers in Non-Residential Districts.

ORDINANCE NO. 2023-04

Introduced: _____

Committee/Commission Action: _____

AN ORDINANCE

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

Section 1. That Neenah Municipal Code, Section 26-3 of the Zoning Code is hereby amended by deleting the stricken language under the definition of “Portable storage container” and by adding the new highlighted language so as to now read as follows:

Portable storage container means a portable receptacle designed and used for the storage or shipment of household goods, refuse, building material or merchandise, including, but not limited to, dumpsters, construction trailers, **shipping containers, semi-trailers, and portable on demand storage units (PODS) or other similar containers on wheels, or placed on the ground, and typically used for transportation or storage purposes.**

Section 2. That Neenah Municipal Code, Section 26-550(2) of the Zoning Code is hereby amended by and adding the new highlighted language to new subsection (2)(k)1-8, so as to now read as follows:

Sec. 26-550. District regulations.

The following regulations shall be applied to each of the described zoning districts:

(2) M-1, M-2, C-1, C-2, I-1 and 1-2 Districts.

- a. Driveways and parking areas for all multifamily, commercial and industrial uses shall be free from dust or loose particles and surfaced with a durable material acceptable to the Department of Community Development at time of building and principal use occupancy;

- b. Parking spaces shall be in conformance with the required district setback regulations;
- c. No parking shall be allowed in the vision clearance area;
- d. A minimum six-inch curb wall or bumper guard shall be constructed so that no part of any vehicle shall extend over or beyond any property line, public rights-of-way or required front yard area;
- e. Any lights used to illuminate a parking area shall be so arranged and screened as to reflect the light away from adjacent R-1 and R-2 uses or districts, and streets;
- f. Parking spaces and driveways shall be so arranged as to require ingress or egress from the parking area to a street, by forward motion of a vehicle;
- g. Required parking spaces shall be adequately marked;
- h. No addition or enlargement of an existing building or use shall be permitted unless all parking requirements are met for the entire building or use;
- i. All required parking spaces shall be located on the lot which the use is located, or on a contiguous lot. Parking within 300 feet from the principal use or building may be permitted if approved by the Department of Community Development; and
- j. No motor vehicle repair work of any kind shall be permitted in such parking areas.

k. Portable Storage Containers may be placed on a property subject to the following conditions:

- 1. A portable storage container may be placed on a property for up to 120 days during any calendar year.
- 2. No more than two portable storage containers may be placed on a single lot at any one time.
- 3. Portable storage containers may only be used for the storage of finished goods (i.e. overstock items, seasonal merchandise, or equipment), or unfinished goods (i.e. raw materials). The storage of refuse material, tires, or opened containers of paint, oil, gas, or any other hazardous material is prohibited.
- 4. Portable storage containers shall be placed on a hard surface area such as asphalt or concrete.
- 5. Portable storage containers shall be located behind the principal structure or otherwise located to preclude their visibility from public streets.
- 6. Portable storage containers shall not encroach upon any required yard, building setback or buffer yard area required by ordinance.
- 7. Portable storage containers shall not obstruct any drive or other space necessary for access by fire vehicles, equipment or other apparatus.

8. The placement of a portable storage container shall not reduce the number of parking spaces below the minimum number required for the zoning district in which the use is located.
9. Portable storage containers used in conjunction with a construction project, for which a building permit has been issued, are exempt from these standards. The temporary portable storage container must be removed immediately upon completion or cessation of construction.
10. The City's Plan Commission, upon review, may permit the temporary placement of portable storage containers for periods longer than 120 days during any calendar year and for the placement of more than two on the property. In no case shall the Plan Commission approve the placement of a portable storage container for more than one year or the placement of more than five containers on a property.

Section 3. Severability. In the event any section, subsection, clause, phrase or portion of this ordinance be 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 otherwise 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 4. 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:

Jane B. Lang, Mayor

Attest:

Charlotte Nagel, City Clerk

Moved by: _____

Adopted: _____

Approved: _____

Published: _____

THIS INSTRUMENT WAS DRAFTED BY:
City Attorney David C. Rashid
211 Walnut Street
Neenah, WI 54956
State Bar No. 1056542



MEMORANDUM

DATE: March 28, 2023
TO: Mayor Lang, and Members of Plan Commission
FROM: Brad Schmidt, AICP, Deputy Director
RE: Annexation #228 (1495 Breezewood Lane) – 2.77 Acres

Brett McCormick, owner of property located at 1495 Breezewood Lane, has submitted a petition requesting annexation of his property to the City. The property, located on the northwest corner of Breezewood Lane and Alpine Lane, is 2.77 acres in size and includes a single-family residence, several outbuildings, and undeveloped land located on the eastern portion of the property. The property is in the Town of Neenah.

Mr. McCormick intends to subdivide his property and sell the eastern portion for the development of future single-family homes. Per the Town of Neenah/City of Neenah Boundary Agreement, the subdivision of Town property in City Growth Areas is prohibited. A subdivision can only be approved if the property owner annexes to the City.

Upon annexation the subject land will become part of the R-1, Single-Family Residence District. The City's Comprehensive Plan Future Land Use Map (2017) currently identifies the annexation area as on the border of High Density Residential and Residential Neighborhood Investment Area. The proposed use and zoning are consistent with the City's Comprehensive Plan.

Future land division and development will require Plan Commission approval. A water service line and sanitary sewer lateral are located along Breezewood Lane which can serve the existing house. There are no laterals along Alpine Lane. Any development along the eastern portion of this property will require lateral installation prior to development.

Recommendation

Appropriate action at this time is for Plan Commission to recommend Common Council approve Annexation #228 (Ordinance #2023-06) and the property also receive an R-1, Single-Family Residence District zoning classification.



211 Walnut Street
Neenah, WI 54956

AN ORDINANCE: By the Neenah Plan Commission
Re: Annexing – 2.77 acres of land located at 1495
Breezewood Lane in the Town of Neenah to
the City of Neenah.

ORDINANCE NO. 2023-06

Introduced: _____

Committee/Commission Action: _____

AN ORDINANCE

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

Section 1. Pursuant to Section 66.0217(2), Wis. Stats., the following described territory contiguous to the City of Neenah and presently in the Town of Neenah, be and the same hereby is, annexed to the City of Neenah, and the corporate limits of said City are hereby extended so as to include the following described property and shown on the attached Exhibit A:

BEING PART OF THE SW 1/3 OF THE SW ¼ OF SECTION 32, TOWNSHIP 20 NORTH, RANGE 17 EAST, TOWN OF NEENAH, WINNEBAGO COUNTY, WISCONSIN, BOUNDARIED AND DESCRIBED AS FOLLOWS: COMMENCING AT THE SW CORNER OF SECTION 32; THENCE N89°52'38"E, 561.60 FEET ALONG THE SOUTH LINE OF THE SW ¼ OF SECTION 32 TO THE SOUTHERLY EXTENSION OF THE WEST LINE OF LANDS DESCRIBED IN DOCUMENT NO. 1833798; THENCE N01°10'26"W, 40.01 FEET ALONG SAID EXTENSION OF THE NORTH LINE OF BREEZEWOOD LANE AND THE POINT OF BEGINNING; THENCE CONTINUING N01°10'26"W, 380.34 FEET ALONG THE WEST LINE OF SAID DESCRIBED LAND TO THE SOUTH LINE OF BLOCK 10 OF THE 2ND ADDITION TO CONANT HEIGHTS PLAT; THENCE N89°54'52"E, 317.95 FEET ALONG SAID SOUTH LINE TO THE WEST LINE OF ALPINE LANE; THENCE S01°10'26"E, 380.13 FEET ALONG SAID WEST LINE TO THE NORTH LINE OF BREEZEWOOD LANE THENCE S89°52'38"W, 317.95 FEET ALONG SAID NORTH LINE TO THE POINT OF BEGINNING.

Section 2. Said annexation is proposed to be zoned R-1, Single-Family Residence District upon annexation.

Section 3. The petition for annexation is conducted under unanimous approval (Wisconsin State Statute Sec. 66.0217(2)). The Wisconsin Department of Administration issued this annexation petition Municipal Boundary Review number 14575. The annexation area is 2.77 acres in size and is wholly located in the Town of Neenah, Winnebago County. The parcel number of the land being annexed is 010036701 and the population of all people living on the transferred land is 2.

Section 4. That the limits of the Third Aldermanic District in the City of Neenah are hereby extended in such manner as to include said territory.

Section 5. 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:

Adopted: _____

Jane B. Lang, Mayor

Published: _____

Attest:

Charlotte Nagel, City Clerk

ANNEXATION MAP

BEING PART OF THE SOUTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 32, TOWNSHIP 20 NORTH, RANGE 17 EAST, TOWN OF NEENAH, WINNEBAGO COUNTY, WISCONSIN

"ANNEXATION" PARCEL DESCRIPTION:

BEING PART OF THE SOUTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 32, TOWNSHIP 20 NORTH, RANGE 17 EAST, TOWN OF NEENAH, WINNEBAGO COUNTY, WISCONSIN, BOUNDED AND DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHWEST CORNER OF SECTION 32; THENCE N89°52'38"E, 561.60 FEET ALONG THE SOUTH LINE OF THE SOUTHWEST 1/4 OF SECTION 32 TO THE SOUTHERLY EXTENSION OF THE WEST LINE OF LANDS DESCRIBED DOCUMENT NO. 1833798; THENCE N01°10'26"W, 40.01 FEET ALONG SAID EXTENSION TO THE NORTH LINE OF BREEZEWOOD LANE AND THE POINT OF BEGINNING; THENCE CONTINUING N01°10'26"W, 380.34 FEET ALONG THE WEST LINE OF SAID DESCRIBED LAND TO THE SOUTH LINE OF BLOCK 10 OF THE 2ND ADDITION TO CONANT HEIGHTS PLAT; THENCE N89°54'52"E, 317.95 FEET ALONG SAID SOUTH LINE TO THE WEST LINE OF ALPINE LANE; THENCE S01°10'26"E, 380.13 FEET ALONG SAID WEST LINE TO THE NORTH LINE OF BREEZEWOOD LANE; THENCE S89°52'38"W, 317.95 FEET ALONG SAID NORTH LINE TO THE POINT OF BEGINNING. SUBJECT TO ALL EASEMENTS AND RESTRICTIONS OF RECORD.



REVISED: 3/7/2023

A2302.8 ANNEX

CAROW LAND SURVEYING CO., INC.

615 N LYNNDAL DRIVE

APPLETON, WI 54914

DATE: 3/1/2023

SCALE: 1" = 100'

DRAWN BY: CP

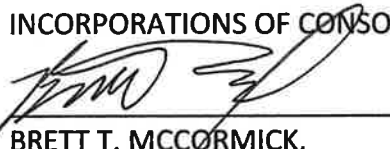
PETITION FOR THE DIRECT ANNEXATION BY UNANIMOUS APPROVAL PURSUANT TO
SECTION 66.0217(2), WISCONSIN STATUTES, WHERE ALL PROPERTY IS OWNED BY THE
PETITIONERS

I (WE), THE UNDERSIGNED, CONSTITUTING ALL OF THE OWNER(S) AND ELECTOR(S) OF THE
REAL PROPERTY WHICH RESIDES IN THE TERRITORY OF THE TOWN OF NEENAH, WINNEBAGO
COUNTY, WISCONSIN, LYING CONTIGUOUS TO THE CITY OF NEENAH, PETITION THE
HONORABLE MAYOR AND COMMON COUNCIL OF THE CITY OF MEENAH TO ANNEX THE
TERRITORY DESCRIBED BELOW AND SHOWN ON THE ATTACHED SCALED MAP TO THE CITY OF
NEENAH, WINNEBAGO COUNTY, WISCONSIN.

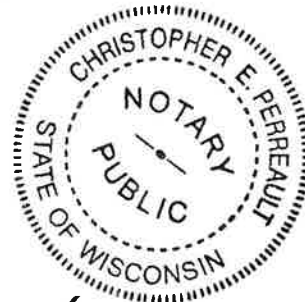
TERRITORY TO BE ANNEXED:

BEING PART OF THE SOUTHWEST ¼ OF THE SOUTHWEST ¼ OF SECTION 32, TOWNSHIP 20 NORTH,
RANGE 17 EAST, TOWN OF NEENAH, WINNEBAGO COUNTY, WISCONSIN, BOUNDED AND DESCRIBED AS
FOLLOWS: COMMENCING AT THE SOUTHWEST CORNER OF SECTION 32; THENCE N89°52'38"E, 561.60
FEET ALONG THE SOUTH LINE OF THE SOUTHWEST ¼ OF SECTION 32 TO THE SOUTHERLY EXTENSION OF
THE WEST LINE OF LANDS DESCRIBED DOCUMENT NO. 1833798; THENCE N01°10'26"W, 40.01 FEET
ALONG SAID EXTENSION TO THE NORTH LINE OF BREEZEWOOD LANE AND THE POINT OF BEGINNING;
THENCE CONTINUING N01°10'26"W, 380.34 FEET ALONG THE WEST LINE OF SAID DESCRIBED LAND TO
THE SOUTH LINE OF BLOCK 10 OF THE 2ND ADDITION TO CONANT HEIGHTS PLAT; THENCE N89°54'52"E,
317.95 FEET ALONG SAID SOUTH LINE TO THE WEST LINE OF ALPINE LANE; THENCE S01°10'26"E, 380.13
FEET ALONG SAID WEST LINE TO THE NORTH LINE OF BREEZEWOOD LANE; THENCE S89°52'38"W,
317.95 FEET ALONG SAID NORTH LINE TO THE POINT OF BEGINNING. SUBJECT TO ALL EASEMENTS AND
RESTRICTIONS OF RECORD.

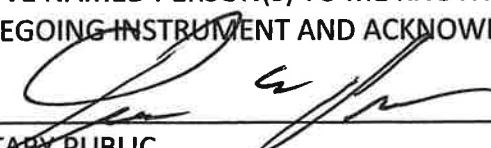
I (WE), THE UNDERSIGNED, ELECT THAT THIS ANNEXATION SHALL TAKE EFFECT TO THE FULL
EXTENT CONSISTENT WITH THE OUTSTANDING PRIORITIES OF OTHER ANNEXATIONS,
INCORPORATIONS OF CONSOLIDATION PROCEEDINGS, IF ANY.


BRETT T. MCCORMICK, PETITIONER

STATE OF WISCONSIN)
COUNTY OF Ooutagamie)SS



PERSONALLY CAME BEFORE ME THIS 13th DAY OF March, 2023, THE
ABOVE NAMED PERSON(S) TO ME KNOWN TO BE THE PERSON(S) WHO EXECUTED THE
FOREGOING INSTRUMENT AND ACKNOWLEDGED THE SAME.


NOTARY PUBLIC

MY COMMISSION EXPIRES 12/10/2023

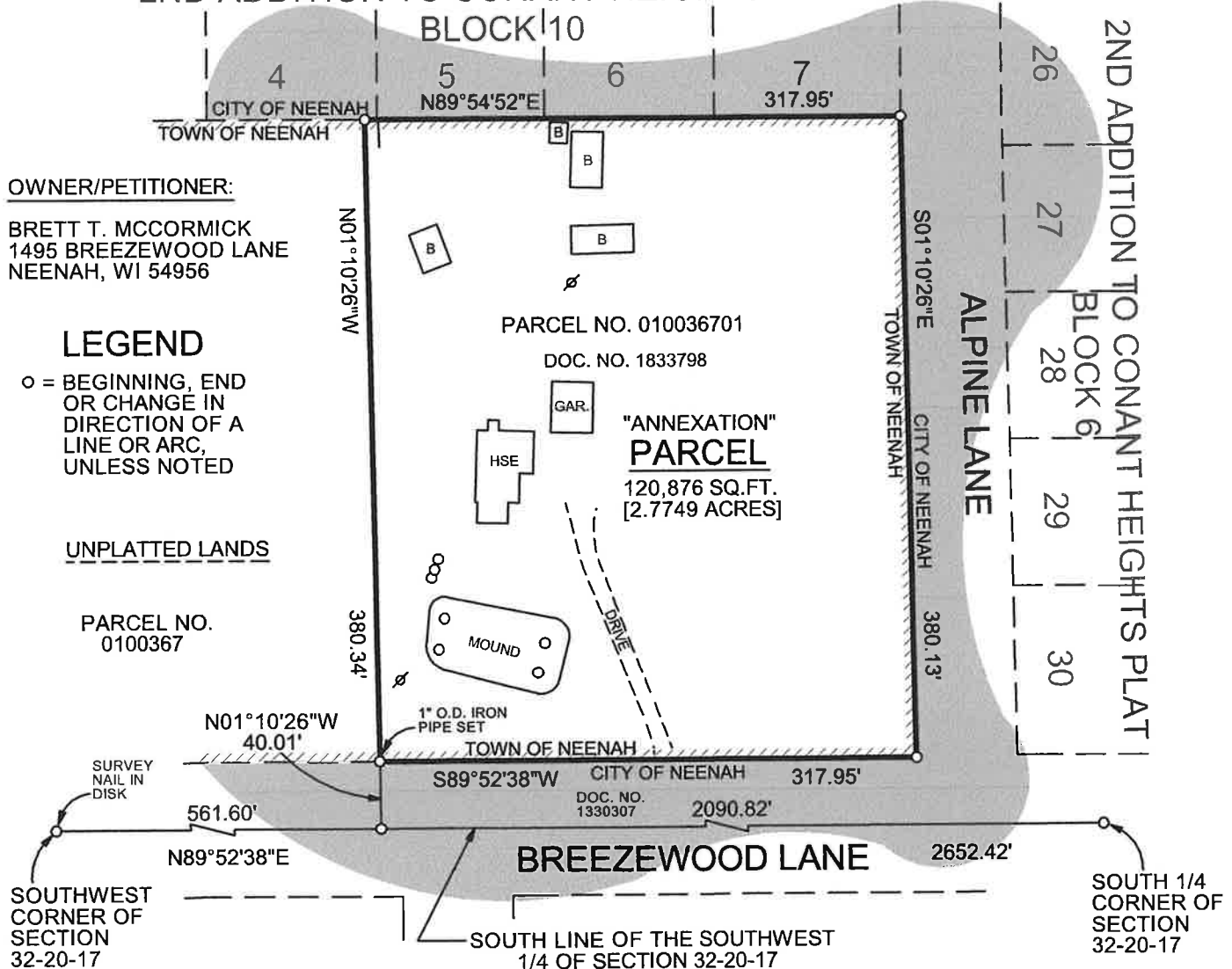
ANNEXATION MAP

BEING PART OF THE SOUTHWEST ¼ OF THE SOUTHWEST ¼ OF SECTION 32, TOWNSHIP
20 NORTH, RANGE 17 EAST, TOWN OF NEENAH, WINNEBAGO COUNTY, WISCONSIN

"ANNEXATION" PARCEL DESCRIPTION:

BEING PART OF THE SOUTHWEST ¼ OF THE SOUTHWEST ¼ OF SECTION 32, TOWNSHIP
20 NORTH, RANGE 17 EAST, TOWN OF NEENAH, WINNEBAGO COUNTY, WISCONSIN,
BOUNDED AND DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHWEST CORNER OF
SECTION 32; THENCE N89°52'38"E, 561.60 FEET ALONG THE SOUTH LINE OF THE
SOUTHWEST ¼ OF SECTION 32 TO THE SOUTHERLY EXTENSION OF THE WEST LINE OF
LANDS DESCRIBED DOCUMENT NO. 1833798; THENCE N01°10'26"W, 40.01 FEET ALONG
SAID EXTENSION TO THE NORTH LINE OF BREEZEWOOD LANE AND THE POINT OF
BEGINNING; THENCE CONTINUING N01°10'26"W, 380.34 FEET ALONG THE WEST LINE
OF SAID DESCRIBED LAND TO THE SOUTH LINE OF BLOCK 10 OF THE 2ND ADDITION
TO CONANT HEIGHTS PLAT; THENCE N89°54'52"E, 317.95 FEET ALONG SAID SOUTH
LINE TO THE WEST LINE OF ALPINE LANE; THENCE S01°10'26"E, 380.13 FEET
ALONG SAID WEST LINE TO THE NORTH LINE OF BREEZEWOOD LANE; THENCE
S89°52'38"W, 317.95 FEET ALONG SAID NORTH LINE TO THE POINT OF BEGINNING.
SUBJECT TO ALL EASEMENTS AND RESTRICTIONS OF RECORD.

2ND ADDITION TO CONANT HEIGHTS PLAT



CAROW LAND SURVEYING CO., INC.

615 N LYNNDAL DRIVE

APPLETON, WI 54914

DATE: 3/1/2023

SCALE: 1" = 100'

DRAWN BY: CP

REVISED: 3/7/2023

A2302.8 ANNEX

**Minutes of the Board of Public Works Meeting
Tuesday, March 28, 2023 at 11:00 a.m.**

MEMBERS PRESENT: Mayor Lang, Director of Finance Rasmussen, Director of Community Development & Assessment Haese, Director of Public Works Kaiser, Aldermen Lendrum and Hillstrom. City Attorney Rashid was excused.

ALSO PRESENT: Director of Water Utility Mach and City Clerk Nagel.

CALL TO ORDER: Mayor Lang called the meeting to order at 11:06 a.m.

- I. Approval of the minutes of the March 9, 2023 meeting. (Minutes can be found on the City web site)

MSC Haese/Hillstrom to approve the meeting minutes as written, all voting aye.

- II. Appearances.
None.

- III. Unfinished Business.
None.

- IV. New Business.

A. Public Works

1. Recommend Council approve Contract 5-23, Street, Curb & Gutter, Sidewalk and Apron Construction on streets in Arthur Plat, Cardinal Plat, Integrity Acres Plat, 1st Addition to Integrity Acres Plat and Liberty Heights Plat, to MCC, Inc., Appleton, in an amount of \$2,776,445.00. (Attachment)
MSC Kaiser/Hillstrom to recommend Council award Contract 5-23 as presented, all voting aye.

Discussion: Four bids were received. This project is for special assessment road construction for the above-mentioned subdivisions. This bid was for concrete with an asphalt option. After a life cycle analysis was completed, it was determined that the asphalt option was the better option for the money. The project came in below budget in which that saving will be passed along to the property owners via the assessment process.

2. Recommend Council approve Contract 10-23, city Hall and Market Place Parking Lot Resurfacing, 2" Mat Overlay in Freedom Acres, Home of Freedom Acres, and Library Bump Out, to Northeast Asphalt Inc., Greenville, in an amount of \$347,995.00. (Attachment)
MSC Kaiser/Hillstrom to recommend Council award Contract 10-23 as presented. After discussion, the motion and second was rescinded by Kaiser/Hillstorm.

MSC to table contract 10-23 to a later date, all voting aye.

Discussion: Two bids were received on this project. There was conversation on the exact location of the library bump out which is anticipated to be west of the Masonic Building to the east side of the library

Report

parking lot entrance. The library will be losing six parking spaces with the construction of the bump out. There is potential redevelopment in this area within the next year which could adjust the location of the bump out. Due to this, the Board decided to table the item until the exact location of the bump out is known.

Info. Only

B. Water Utility

1. Approve Pay Request No. 3, Contract 11A-22, water service replacement Reddin Avenue and Zemlock Avenue to Donald Hietpas & Sons, Inc. in the amount of \$3,934.12. (Attachment)
MSC Lendrum/Hillstrom approve Pay Request 3, Contract 11A-22 as presented, all voting aye.

No discussion.

IV. Any announcements/questions for the Board.

- A. None.

V. Adjournment.

MSC Haese/Kaiser to adjourn, all voting aye. Meeting adjourned at 11:27 a.m.

Respectfully Submitted,



Charlotte Nagel
City Clerk

Contract 5-23

New Subdvision Street, Curb & Gutter, Sidewalk and Apron Construction

Line	Item				Engineer Estimate		Zignego		Vinton Construction Company		MCC, Inc.		Northeast Asphalt, Inc.	
Item	Code	Item Description	Quantity	UofM	Unit Price	Extension	Unit Price	Extension	Unit Price	Extension	Unit Price	Extension	Unit Price	Extension
	Base Bid													
1	405.1	Sawcut Existing Bituminous Pavement	1,200	Lin. Ft.	\$3.00	\$3,600.00	\$0.00	\$0.00	\$0.00	\$0.00	\$1.65	\$1,980.00	\$1.00	\$1,200.00
2	402.2.6.1	Pulverize existing 2-inch HMA pavement	31,000	Sq. Yd.	\$1.00	\$31,000.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.50	\$15,500.00	\$0.75	\$23,250.00
3	403.2.5.1	Remove Concrete Curb and Gutter	80	Lin. Ft.	\$3.00	\$240.00	\$0.00	\$0.00	\$0.00	\$0.00	\$4.00	\$320.00	\$5.00	\$400.00
4	404.4.4	Remove Concrete Sidewalk/Driveway Apron	70,000	Sq. Ft.	\$2.00	\$140,000.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.41	\$28,700.00	\$1.25	\$87,500.00
5	402.1.7.4	Unclassified Excavation	6,650	Cu. Yd.	\$15.00	\$99,750.00	\$0.00	\$0.00	\$0.00	\$0.00	\$12.40	\$82,460.00	\$12.25	\$81,462.50
6	402.1.4.11	Furnish and Install Geogrid	2,000	Sq. Yd.	\$3.00	\$6,000.00	\$0.00	\$0.00	\$0.00	\$0.00	\$2.00	\$4,000.00	\$2.80	\$5,600.00
7	401.1.1	Furnish and Install Base Crushed Aggregate Base	18,250	Ton	\$16.00	\$292,000.00	\$0.00	\$0.00	\$0.00	\$0.00	\$13.00	\$237,250.00	\$12.45	\$227,212.50
8	403.2.1.7	Furnish & Install 30-inch Concrete Curb and Gutter (continuous)	30,000	Lin. Ft.	\$16.00	\$480,000.00	\$0.00	\$0.00	\$0.00	\$0.00	\$14.60	\$438,000.00	\$14.95	\$448,500.00
9	404.4.1	Furnish & Install 4-inch Concrete Sidewalk Repair	19,000	Sq. Ft.	\$7.00	\$133,000.00	\$0.00	\$0.00	\$0.00	\$0.00	\$6.57	\$124,830.00	\$7.05	\$133,950.00
10	404.4.2	Furnish & Install 6-inch Concrete Sidewalk/Driveway Apron Repair	77,000	Sq. Ft.	\$8.00	\$616,000.00	\$0.00	\$0.00	\$0.00	\$0.00	\$7.78	\$599,060.00	\$7.85	\$604,450.00
11	105.2	Adjust sewer manhole	155	Each	\$500.00	\$77,500.00	\$0.00	\$0.00	\$0.00	\$0.00	\$725.00	\$112,375.00	\$555.00	\$86,025.00
12	203.1.6	Adjust Water Valve Box	55	Each	\$200.00	\$11,000.00	\$0.00	\$0.00	\$0.00	\$0.00	\$100.00	\$5,500.00	\$150.00	\$8,250.00
13	306.6	Furnish and install Chimney Seal	73	Each	\$500.00	\$36,500.00	\$0.00	\$0.00	\$0.00	\$0.00	\$835.00	\$60,955.00	\$380.00	\$27,740.00
14	305.7	Adjust Storm Catch Basin	82	Each	\$400.00	\$32,800.00	\$0.00	\$0.00	\$0.00	\$0.00	\$550.00	\$45,100.00	\$550.00	\$45,100.00
15	308.2.3	Install & Maintain Catch Basin Protection Type C	88	Each	\$125.00	\$11,000.00	\$0.00	\$0.00	\$0.00	\$0.00	\$55.00	\$4,840.00	\$125.00	\$11,000.00
16	9999	Fine grade road base	48,000	Sq. Yd.	\$2.00	\$96,000.00	\$0.00	\$0.00	\$0.00	\$0.00	\$1.30	\$62,400.00	\$1.95	\$93,600.00
17	402.2.3.1	Furnish & Install HMA Pavement (4-inch)	10,550	Ton	\$77.00	\$812,350.00	\$0.00	\$0.00	\$0.00	\$0.00	\$70.00	\$738,500.00	\$67.40	\$711,070.00
18	402.1.5.1	Furnish and Install 1/2-inch rods	2,100	Lin. Ft.	\$1.50	\$3,150.00	\$0.00	\$0.00	\$0.00	\$0.00	\$1.50	\$3,150.00	\$1.50	\$3,150.00
19	403.2.4.7	Furnish & Install Detectable Warning Fields (Furnished by City)	30	Each	\$75.00	\$2,250.00	\$0.00	\$0.00	\$0.00	\$0.00	\$100.00	\$3,000.00	\$50.00	\$1,500.00
20	505.1	Furnish & Install Terracing, Fertilize, Seed & Hydromulch	40,000	Sq. Yd.	\$9.00	\$360,000.00	\$0.00	\$0.00	\$0.00	\$0.00	\$4.95	\$198,000.00	\$5.45	\$218,000.00
21	706.1	Install and Maintain Traffic Control	1	Lump Sum	\$100,000.00	\$100,000.00	\$0.00	\$0.00	\$0.00	\$0.00	\$10,525.00	\$10,525.00	\$6,480.00	\$6,480.00
		Base Bid Total:				\$3,344,140.00		\$0.00		\$0.00		\$2,776,445.00		\$2,825,440.00
22	405.1	Sawcut Existing Bituminous Pavement	1,200	Lin. Ft.	\$3.00	\$3,600.00	\$2.35	\$2,820.00	\$2.50	\$3,000.00	\$1.65	\$1,980.00	\$0.00	\$0.00
23	402.2.6.1	Pulverize existing 2-inch HMA pavement	31,000	Sq. Yd.	\$1.00	\$31,000.00	\$0.52	\$16,120.00	\$0.65	\$20,150.00	\$0.50	\$15,500.00	\$0.00	\$0.00
24	403.2.5.1	Remove Concrete Curb and Gutter	80	Lin. Ft.	\$3.00	\$240.00	\$4.00	\$320.00	\$10.00	\$800.00	\$4.00	\$320.00	\$0.00	\$0.00
25	404.4.4	Remove Concrete Sidewalk/Driveway Apron	70,000	Sq. Ft.	\$2.00	\$140,000.00	\$0.45	\$31,500.00	\$0.75	\$52,500.00	\$0.41	\$28,700.00	\$0.00	\$0.00
26	402.1.7.4	Unclassified Excavation	4,900	Cu. Yd.	\$15.00	\$73,500.00	\$13.50	\$66,150.00	\$0.01	\$49.00	\$13.35	\$65,415.00	\$0.00	\$0.00
27	402.1.4.11	Furnish and Install Geogrid	2,000	Sq. Yd.	\$3.00	\$6,000.00	\$2.00	\$4,000.00	\$2.50	\$5,000.00	\$1.95	\$3,900.00	\$0.00	\$0.00
28	401.1.1	Furnish and Install Base Crushed Aggregate Base	8,500	Ton	\$16.00	\$136,000.00	\$13.00	\$110,500.00	\$0.01	\$85.00	\$13.00	\$110,500.00	\$0.00	\$0.00
29	105.2	Adjust sewer manhole	155	Each	\$500.00	\$77,500.00	\$750.00	\$116,250.00	\$360.00	\$55,800.00	\$725.00	\$112,375.00	\$0.00	\$0.00
30	203.1.6	Adjust Water Valve Box	55	Each	\$200.00	\$11,000.00	\$750.00	\$41,250.00	\$200.00	\$11,000.00	\$100.00	\$5,500.00	\$0.00	\$0.00
31	306.6	Furnish and install Chimney Seal	73	Each	\$500.00	\$36,500.00	\$750.00	\$54,750.00	\$525.00	\$38,325.00	\$835.00	\$60,955.00	\$0.00	\$0.00
32	305.7	Adjust Storm Catch Basin	82	Each	\$400.00	\$32,800.00	\$550.00	\$45,100.00	\$360.00	\$29,520.00	\$550.00	\$45,100.00	\$0.00	\$0.00

Contract 5-23

New Subdvision Street, Curb & Gutter, Sidewalk and Apron Construction

Line	Item				Engineer Estimate		Zignego		Vinton Construction Company		MCC, Inc.		Northeast Asphalt, Inc.	
Item	Code	Item Description	Quantity	UofM	Unit Price	Extension	Unit Price	Extension	Unit Price	Extension	Unit Price	Extension	Unit Price	Extension
33	308.2.3	Install & Maintain Catch Basin Protection Type C	88	Each	\$125.00	\$11,000.00	\$58.95	\$5,187.60	\$68.28	\$6,008.64	\$59.50	\$5,236.00	\$0.00	\$0.00
34	9999	Fine grade road base	9,000	Sq. Yd.	\$2.00	\$18,000.00	\$1.75	\$15,750.00	\$2.00	\$18,000.00	\$1.75	\$15,750.00	\$0.00	\$0.00
35	402.1.1.4	Furnish & Install 7-inch Concrete Pavement	37,000	Sq. Yd.	\$39.00	\$1,443,000.00	\$52.60	\$1,946,200.00	\$38.49	\$1,424,130.00	\$53.78	\$1,989,860.00	\$0.00	\$0.00
36	402.1.1.1	Furnish & Install 6-inch Concrete Pavement	10,200	Sq. Yd.	\$36.00	\$367,200.00	\$48.90	\$498,780.00	\$37.94	\$386,988.00	\$50.38	\$513,876.00	\$0.00	\$0.00
37	403.2.1.7	Furnish & Install 30-inch Concrete Curb and Gutter (continuous)	4,520	Lin. Ft.	\$16.00	\$72,320.00	\$15.65	\$70,738.00	\$15.00	\$67,800.00	\$17.95	\$81,134.00	\$0.00	\$0.00
38	403.2.1.8	Furnish & Install 30-inch Concrete Curb and Gutter (repair)	520	Lin. Ft.	\$60.00	\$31,200.00	\$45.00	\$23,400.00	\$55.00	\$28,600.00	\$66.30	\$34,476.00	\$0.00	\$0.00
39	404.4.1	Furnish & Install 4-inch Concrete Sidewalk Repair	19,000	Sq. Ft.	\$7.00	\$133,000.00	\$7.70	\$146,300.00	\$6.50	\$123,500.00	\$6.83	\$129,770.00	\$0.00	\$0.00
40	404.4.2	Furnish & Install 6-inch Concrete Sidewalk/Driveway Apron Repair	77,000	Sq. Ft.	\$8.00	\$616,000.00	\$8.25	\$635,250.00	\$7.60	\$585,200.00	\$7.93	\$610,610.00	\$0.00	\$0.00
41	402.2.3.1	Furnish & Install HMA Pavement (4-inch)	2,000	Ton	\$79.00	\$158,000.00	\$74.75	\$149,500.00	\$82.12	\$164,240.00	\$74.50	\$149,000.00	\$0.00	\$0.00
42	402.1.5.1	Furnish and Install 1/2-inch rods	300	Lin. Ft.	\$1.50	\$450.00	\$1.50	\$450.00	\$2.00	\$600.00	\$2.50	\$750.00	\$0.00	\$0.00
43	403.2.4.7	Furnish & Install Detectable Warning Fields (Furnished by City)	30	Each	\$75.00	\$2,250.00	\$50.00	\$1,500.00	\$50.00	\$1,500.00	\$100.00	\$3,000.00	\$0.00	\$0.00
44	505.1	Furnish & Install Terracing, Fertilize, Seed & Hydromulch	40,000	Sq. Yd.	\$9.00	\$360,000.00	\$4.85	\$194,000.00	\$9.75	\$390,000.00	\$5.00	\$200,000.00	\$0.00	\$0.00
45	706.1	Install and Maintain Traffic Control	1	Lump Sum	\$100,000.00	\$100,000.00	\$64,704.00	\$64,704.00	\$47,000.00	\$47,000.00	\$10,525.00	\$10,525.00	\$0.00	\$0.00
		Aternate Bid Total:				<u>\$3,860,560.00</u>		<u>\$4,240,519.60</u>		<u>\$3,459,795.64</u>		<u>\$4,194,232.00</u>		<u>\$0.00</u>

City of Neenah

Contract 10-23

City Hall and Market Place Parking Lot Resurfacing, 2" Mat Overlay in Freedom Acres Subdivisions and Library Bump Out

Line Item	Item Code	Item Description	UofM	Quantity	Engineer Estimate		Northeast Asphalt, Inc.		MCC, Inc.	
					Unit Price	Extension	Unit Price	Extension	Unit Price	Extension
1	405.1	Sawcut Existing Bituminous Pavement	Lin. Ft.	600	\$3.00	\$1,800.00	\$0.30	\$180.00	\$1.90	\$1,140.00
2	402.2.6.1	Remove Existing Bituminous Pavement	Sq. Yd.	5000	\$3.00	\$15,000.00	\$3.30	\$16,500.00	\$5.20	\$26,000.00
3	403.2.5.1	Remove Concrete Curb and Gutter	Lin. Ft.	160	\$5.00	\$800.00	\$8.50	\$1,360.00	\$16.00	\$2,560.00
4	404.4.5	Remove Concrete Sidewalk/Driveway Apron	Sq. Ft.	800	\$3.00	\$2,400.00	\$6.50	\$5,200.00	\$2.90	\$2,320.00
5	401.1.1	Furnish and Install Crushed Aggregate Base	Ton	1500	\$18.00	\$27,000.00	\$10.80	\$16,200.00	\$20.75	\$31,125.00
6	403.2.1.7	Furnish and Install 30-inch Concrete Curb and Gutter (continuous)	Lin. Ft.	180	\$70.00	\$12,600.00	\$65.00	\$11,700.00	\$65.10	\$11,718.00
7	404.2.3	Furnish and install 8" Concrete Driveway	Sq. Ft.	1000	\$11.00	\$11,000.00	\$15.00	\$15,000.00	\$15.05	\$15,050.00
8	404.1.1	Furnish and Install 4" Concrete Sidewalk	Sq. Ft.	1200	\$9.00	\$10,800.00	\$14.00	\$16,800.00	\$14.15	\$16,980.00
9	706.2	Install Detectable Warning Fields (supplied by City)	Each	16	\$50.00	\$800.00	\$150.00	\$2,400.00	\$155.00	\$2,480.00
10	999	Fine Grade Roadway / Parking Lot	Sq. Yd.	17000	\$2.00	\$34,000.00	\$1.55	\$26,350.00	\$1.85	\$31,450.00
11	402.2.3.1	Furnish and install HMA pavement (2-4" Pavement)	Ton	2450	\$85.00	\$208,250.00	\$74.60	\$182,770.00	\$78.75	\$192,937.50
12	999	Furnish and install gravel shoulder (3/4" dense)	Ton	200	\$30.00	\$6,000.00	\$32.20	\$6,440.00	\$31.50	\$6,300.00
13	306.8	Adjust Sewer Manhole	Each	22	\$400.00	\$8,800.00	\$655.00	\$14,410.00	\$275.00	\$6,050.00
14	305.8	Adjust Storm Catch Basin	Each	22	\$400.00	\$8,800.00	\$655.00	\$14,410.00	\$400.00	\$8,800.00
15	999	Adjust Water Valve	Each	15	\$100.00	\$1,500.00	\$250.00	\$3,750.00	\$55.00	\$825.00
16	505.1	Furnish & Install Terracing, Fertilize, Seed & Hydromulch	Sq. Yd.	100	\$15.00	\$1,500.00	\$25.00	\$2,500.00	\$35.60	\$3,560.00
17	999	Install Pavement Markings - Parking Lots	Lump Sum	1	\$15,000.00	\$15,000.00	\$1,320.00	\$1,320.00	\$7,000.00	\$7,000.00
18	308.2.4	Install and Maintain Type "D" Inlet Protection	Each	26	\$100.00	\$2,600.00	\$135.00	\$3,510.00	\$90.25	\$2,346.50
19	706.1	Install and Maintain Traffic Control	Lump Sum	1	\$25,000.00	\$25,000.00	\$7,195.00	\$7,195.00	\$2,000.00	\$2,000.00
						\$393,650.00		\$347,995.00		\$370,642.00

City of Neenah Department of Public Works Contractor Request for Payment					
Contractor Name: Donald Hietpas & Sons Inc			Contract No. 11A-22		
Address 1450 E North Avenue			Contract Amount \$469,949.70		
City Little Chute, WI 54140					
Name of Project		Water Service Replacement			
Location of Project		Reddin Avenue & Zemlock Avenue			
Pay Request No. 3		For Period		February 7, 2023 through March 9, 2023	
CONTRACT SUMMARY					
Original Contract Amount			\$469,949.70		
Net Amount of Change Order			\$0.00		
Adjusted Contract Amount			<u>\$469,949.70</u>		
WORK PERFORMED TO DATE					
Work Performed to Date			\$404,115.00		
Less Retainage of 5%. If different indicate here			2.5%	\$10,102.88	
Net Amount Earned to Date			\$394,012.12		
Less Previous Payments			\$390,078.00		
BALANCE DUE THIS PAYMENT			<u>\$3,934.12</u>		
CONTRACT BREAKOUT					
	Account Numbers	Budget Total	Contract Breakdown	Due This Estimate	Paid to Date
Water Service Replacement	012-4401-742-0236	\$384,000.00	\$468,924.70	\$3,934.12	\$389,053.00
Water Service Replacement	400-0000-207-0492	\$4,400.00	\$1,025.00	\$0.00	\$1,025.00
		<u>\$388,400.00</u>	<u>\$469,949.70</u>	<u>\$3,934.12</u>	<u>\$390,078.00</u>
CERTIFICATION OF CONTRACTOR:					
I certify that the foregoing is just and correct and the amount claimed is legally due after showing all just credits					
Certified by Engineer			Date:		
Certified by Public Works			Date: 3-22-2023		
Certified by Water Utility			Date: 3/15/2023		
Certified by Contractor			Date: 3/15/2023		
Approved BPW			Date:		
Approved Common Council (Final Payments Only)			Date:		

Contract 11A-22
Reddin Avenue and Zemlock Avenue
Water Service Replacement

						Pay Request No.3					
						Quantity Completed This Pay Estimate	\$ Completed This Pay Estimate	2.5% Retainage Due	Due This Estimate	Previously Paid	Due to Contractor to Date
Item Code	Item Description	UofM	Quantity	Unit Price	Extension						
201	Furnish & Install Service from ROW to House by Pulling W/Sanitary Sewer Pipeburst	Lin. Ft.	3,650	\$10.00	\$36,500.00	41	\$410.00	\$10.25	\$399.75	\$40,014.00	\$41,040.00
202	Furnish & Install Service from ROW to House by Pulling/Directional Boring	Lin. Ft.	100	\$40.00	\$4,000.00	0	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
203	Furnish and Install 1.25-Inch Service from ROW to House by Excavation	Lin. Ft.	50	\$60.00	\$3,000.00	0	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
204	Furnish and Install 1.25-Inch Service from PE Water Service from Main to ROW	Lin. Ft.	50	\$75.00	\$3,750.00	0	\$0.00	\$0.00	\$0.00	\$365.63	\$375.00
205	Furnish and Install 1.25-Inch Service Brass Set	Each	1	\$650.00	\$650.00	0	\$0.00	\$0.00	\$0.00	\$633.75	\$650.00
206	Furnish and Install Cathodic Protection to Water Service	Each	84	\$125.00	\$10,500.00	1	\$125.00	\$3.13	\$121.88	\$11,456.25	\$11,750.00
207	Water Service Connection to Structure Including Concrete Repair and Regrounding	Each	84	\$3,500.00	\$294,000.00	1	\$3,500.00	\$87.50	\$3,412.50	\$334,425.00	\$343,000.00
208	Water Service Extra Hole (Curb Stop Connection)	Each	12	\$0.00	\$0.00	0	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
209	Remove Footing	Vert. Ft.	12	\$400.00	\$4,800.00	0	\$0.00	\$0.00	\$0.00	\$4,680.00	\$4,800.00
210	Furnish and Install 30-Inch Concrete Curb and Gutter (Repair)	Lin. Ft.	0	\$165.00	\$0.00	0	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
211	Furnish and Install 4-Inch Concrete Sidewalk Repair	Sq. Ft.	4,600	\$16.41	\$75,486.00	0	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
212	Furnish and Install 6-Inch Concrete Sidewalk/Driveway Apron Repair	Sq. Ft.	250	\$18.45	\$4,612.50	0	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
213	Furnish and Install HMA Pavement	Sq. Ft.	300	\$40.00	\$12,000.00	0	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
214	Furnish and Install Drilled Tie Bars	Each	120	\$26.26	\$3,151.20	0	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
221	Terracing, Seed, Mulch, Fertilizing	Sq. Yd.	1,000	\$12.00	\$12,000.00	0	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
222	Furnish, Install & Maintain Traffic Control	Lump Sum	1	\$2,500.00	\$2,500.00	0	\$0.00	\$0.00	\$0.00	\$2,437.50	\$2,500.00
223	Furnish, Install & Maintain Inlet Protection	Each	24	\$125.00	\$3,000.00	0	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
	TOTAL Water				\$469,949.70		\$4,035.00	\$100.88	\$3,934.13	\$394,012.13	\$404,115.00