

CITY OF NEENAH
SPECIAL FINANCE AND PERSONNEL COMMITTEE MEETING
Wednesday, November 1, 2023–6:30 p.m.
Hauser Room, Neenah City Administration Building
211 Walnut Street, Neenah, Wisconsin

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 constitutes a meeting of the Neenah Common Council and must be noticed as such. The Council will follow the same agenda as the committee, but will not take any formal action at this meeting.

AGENDA

1. Public Appearances
2. Approval of Minutes from October 23, 2023 Regular Meeting (minutes can be found on the City's website)
3. Enter into an agreement to purchase a stretch of fiber optics infrastructure, running from the Commercial and Franklin Streets to the Northeast corner of Oak Hill Cemetery, from Neenah Joint School District for a cost of \$15,000 with the purchase being funded from Information Systems Fiber Build Capital Equipment Account (011-1787-743-8115). (Attachment) (Wenninger)
4. Resolution No. 2023-30 Approval of Project for Winnebago County Spirit Fund Local Government Allocation. (Attachment) (Rasmussen)
5. 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) 886-6110 or e-mail clerk@neenahwi.gov at least 48 hours prior to the scheduled meeting or event to request an accommodation.

CITY OF NEENAH
FINANCE AND PERSONNEL COMMITTEE MEETING
Monday, October 23, 2023 – 6:00 pm
Hauser Conference Room, Neenah City Administration Building
211 Walnut Street, Neenah, Wisconsin

MINUTES

The meeting was called to order by Chairman Erickson at 6:00 pm.

Present: Chairman Erickson; Aldermen Boyette, Skyrms and Steiner; Mayor Lang, Director of Finance Rasmussen, Director of Public Works Kaiser, Clerk Nagel, and Paralegal DeWitt. Ald. Lendrum was there to collect information.

Absent/Excused: Council President Borchardt and City Attorney Rashid.

Public Appearances: None.

Minutes: Motion/Second/Carried Skyrms/ Boyette to approve the minutes from the October 9, 2023, Regular meeting. All voting aye, Steiner abstained.

Resolution 2023-28 Transportation Assessment Replacement Fee (TARF) for 2024 and Providing for a Cap on the Fee.

Motion/Second/Carried Steiner/Boyette to recommend Council to approve Resolution 2023-28 Transportation Assessment Replacement Fee (TARF) for 2024 and Providing for a Cap on the Fee, and to exempt any properties that have been issued special assessments for street construction in 2023 for five years. All voting aye.

Discussion: The Transportation Assessment Replacement Fee (TARF) was implemented in 2019 as a replacement to special assessments for street reconstruction, street resurfacing, and sidewalk/trail in-fill projects. TARF utilizes impervious area of a parcel, called impervious area unit (IAU), as a measurement of the impact on the street system. Due to the established timeline, the current TARF rate of \$23/unit is set to expire December 31, 2023. Therefore, the TARF is up for review.

At its inception, the TARF was established to collect 37% of project construction costs and current cost index pricing, as created by the city, measured over a three-year period. Due to the construction industry cost increase and the current cost index, staff recommends the IAU rate be adjusted to \$40/IAU rounding up. A residential property owner would see a quarterly rate of \$10 on the utility bill, an increase of \$4.25, for an overall cost of \$40/IAU annually. Residential properties are charged one IAU, while commercial properties are capped at 90. Commercial property owners capped at 90 will see an annual increase of \$1,530, or \$382.50 quarterly, which brings the overall quarterly charge to \$900. Due to the uncertainty of the construction industry costs, staff also recommends an annual review of TARF IAU unit to stay current with fluctuating prices.

There was discussion regarding residents who were specially assessed for road construction work this year (2023). The committee felt it appropriate to exempt properties who were specially assessed for road construction this year for the next five years. The new TARF IAU pricing of \$40/IAU will go into effect January 1, 2024.

REPORT

Council Directive 2023-03 re: Service Animals and Dog Licensing

Motion/Second/Carried Boyette/Steiner to table Council Directive 2023-03 until a legal opinion can be rendered by the City Attorney. All voting aye.

Discussion: Paralegal DeWitt advised that Atty. Rashid issued a memo recommending repealing and replacement of language for city ordinance section 3-14(d)(3). This particular section of the ordinance contradicts state statute as it exempts service dogs from the licensing requirement. The amended language would require the licensing of service dogs. Atty. Rashid also recommends the current ordinance definition of a service dog remain as is because it is an exact mirror of state statute. Unless or until state law changes its definition of a service dog, the city cannot change the ordinance because state law is the governing body over municipalities, therefore, municipal ordinances cannot be more restrictive than state statute.

Ald. Boyette discussed an e-mail she received from Representative Cabral-Guevara's legislative counsel. The e-mail advises of conflicting state statutes regarding the licensing requirement of a service dog. The e-mail advised that the Department of Justice (DOJ) recommends a temporary waiver be utilized until the state can amend the law for licensing fees exemptions for service dogs. If a temporary waiver is used, then city can amend the ordinance once the new statute is adopted.

Director Rasmussen talked about the current practice for issuing licenses for service dogs. Current practice is that there is a checkbox on the license application which an applicant can check indicating their dog is a service dog. The license fee is then waived without any questions being asked. Therefore, the recommendation from the DOJ is already in practice. Director Rasmussen clarified that all dogs must be vaccinated and licensed, however, the city waives the fee for a service dog. There are currently four service dogs licensed in the city.

Ald. Boyette insisted the practice be put in writing and asked Paralegal DeWitt for a legal opinion. Since a legal opinion is not within the professional scope of Paralegal DeWitt, Ald. Boyette wished to table the item until a legal opinion could be rendered.

Fiscal Matter: August 2023 Vouchers

Motion/Second/Carried Boyette/Skyrms to accept the August 2023 Vouchers and place them on file.

Director Rasmussen included the reports in the committee packet and answered any questions.

Fiscal Matter: September 2023 Vouchers

Motion/Second/Carried Skyrms/Boyette to accept the September 2023 Vouchers and place them on file.

Director Rasmussen included the reports in the committee packet and answered any questions. The purchase card (P-Card) policy was explained to the committee.

2nd Quarter Financials

Motion/Second/Carried Skyrms/Steiner to approve and place on file the Second Quarter Financial Statements as presented. All voting aye.

Director Rasmussen went through the 2nd Quarter Financial Report to provide a status update for the committee. The 2nd Quarter Financial Report is through June 30, 2023. Financially, the city budget is tracking at 72.77% which is on par for being three-quarters of the way through the fiscal year.

Working through the budget process, the city is tracking for an anticipated surplus in the general fund. Suggestions for the use of the anticipated surplus will be brought to the budget workshops. However, application of any surplus will come after the first quarter 2024 financials to see where the final 2023 finances land.

There was discussion on the carry forwards. Through the budget process, staff spent time working through capital projects that were budgeted but not complete, and where to apply the carry forwards of such projects. With the increasing interest rates, the city does not want to borrow money if it can be avoided. The goal is to get control of the borrowing by using the carry forwards as needed.

A change to the budget this year is the GIS Department will be consolidated under the Community Development general fund instead of split amongst all departments. IS will continue to be split amongst all departments and will remain an internal service fund.

Another change in this year's budget is the closing of TIFs 5 and 6. Staff has been going through the audit process of seven different TIFs; TIFs are required to have audits at certain times during their life cycle. Both TIF 5 and 6 had some money designated to affordable housing.

Municipal Court and Fire Department are custodial funds. Currently the Fire Department is tracking on par with the budget. The overtime expenditure is stabilizing.

Expendable Trust Funds are funds that can only be spend on designated areas. The report shows the balance.

The Investments Report is the total cash investments including water and library. The Local Government Investment Pool (LGIP), specific to Wisconsin, is showing a strong rate and is fully collateralized. The portfolio shows all the city investments and their balance.

Director Rasmussen answered questions regarding the General Fund expenditures.

Motion/Second/Carried Skyrms/Boyette to adjourn the meeting 7:05 pm. All voting aye.

Respectfully submitted,



Charlotte Nagel
City Clerk



M E M O R A N D U M

DATE: Friday, October 27, 2023
TO: Council President Borchardt and Members of the Council
FROM: Joseph L. Wenninger, Information Systems Director
RE: Purchase of Fiber Optics Cable from Neenah Joint School District

I am requesting Council approval to enter into an agreement to purchase a stretch of fiber optics infrastructure, running from the Commercial and Franklin Streets to the Northeast corner of Oak Hill Cemetery, from Neenah Joint School District for a cost of \$15,000 with the purchase being funded from Information Systems Fiber Build Capital Equipment Account (011-1787-743-8115).

I met with the Finance and Personnel Committee in closed session on Monday, September 11, 2023, to discuss entering negotiations with NJSD to purchase this stretch of fiber that NJSD recently abandoned. This request was granted and negotiations resulted on both parties agreeing that \$15,000 was a reasonable price based on length and age of the fiber. In comparison, it would cost the City roughly \$60,000 if we were able to overlash on existing infrastructure or \$70,500 if we were not able to utilize an overlash build to reconstruct this fiber route. With this acquisition the City would also be responsible for future pole attachment fees from WE Energies, vault and pole replacements, underground locate fees and any periodic maintenance to the fiber, minimal expenses the City already incurs on all City owned fiber.

By acquiring this fiber the City will only have “last mile” builds to reach Oak Hill Cemetery and Washington Park replacing current Spectrum installs and integrate traffic signals on Lake/Main Streets, Green Bay Road/Main Street and Winneconne Avenue/Harrison Street adding three more intersections to the current 4 that Traffic Engineer Mertern currently manages remotely.

In negotiations with NJSD, the city included the following two conditions; 1) Council approval of purchase after both parties agreed on a reasonable cost and 2) the fiber passing an ODTR test indication that the fiber is not damaged and falls within acceptable service ranges.

The ODTR test will be performed at a cost of roughly \$500 after approval to purchase is received from Council.

If you have any questions regarding this acquisition, please feel free to reach out to me prior to the November 1, 2023 Council meeting or Network Administrator Schroeder can handle questions at that time as I am unable to attend the meeting.



RESOLUTION NO. 2023-30

RESOLUTION FOR APPROVAL OF PROJECT FOR WINNEBAGO COUNTY SPIRIT FUND LOCAL GOVERNMENT ALLOCATION

WHEREAS, the Winnebago County board created the Spirit Fund in March of 2023 allocating \$145,000 to each municipal government located primarily in the county to fund one time capital needs; and

WHEREAS, the City of Neenah is eligible to receive an allocation of \$145,000; and

WHEREAS, the City and County wish to see the funds allocated to legacy projects improving sustainability, emergency response, water quality, quality of life and debt avoidance; and

WHEREAS, through this resolution and the attached standard agreement, the City of Neenah is requesting approval to expend the funding on street resurfacing on Hunt Avenue, Brookwood Drive and Fairwood Drive, with an estimated cost of \$486,851; and

WHEREAS, the project neighborhood consists primarily of rental housing unit, and the census block group including this neighborhood is comprised of about 71% of low to moderate income households; and

WHEREAS, the City of Neenah will follow all required competitive bidding procedures and documentation required by Winnebago County, the State of Wisconsin and will meet Federal guidelines: and

BE IT RESOLVED, that the City of Neenah Common Council approves this project to be submitted to Winnebago County for reimbursement to receive the allocated \$145,000 from the Spirit Fund Local Government Allocation.

Adopted, approved and recorded this 1st day of November 2023.

Recommended by: Finance and Personnel Committee

CITY OF NEENAH, WISCONSIN

Moved: _____

Jane B. Lang, Mayor

Passed: _____

Charlotte K. Nagel, City Clerk

City of Neenah - Spirit Fund Information

Project: Street Resurfacing on Hunt Avenue, Brookwood Drive, and Fairwood Drive
City of Neenah Contract 11-23

Project Cost: \$486,851

The streets were selected for resurfacing construction to address poor pavement conditions.

The City uses the Pavement Surface Evaluation and Rating (PASER) system to grade streets. With that system, streets are graded on a scale from 1 to 10 with 1 being a street in very poor condition and 10 being a street in excellent condition.

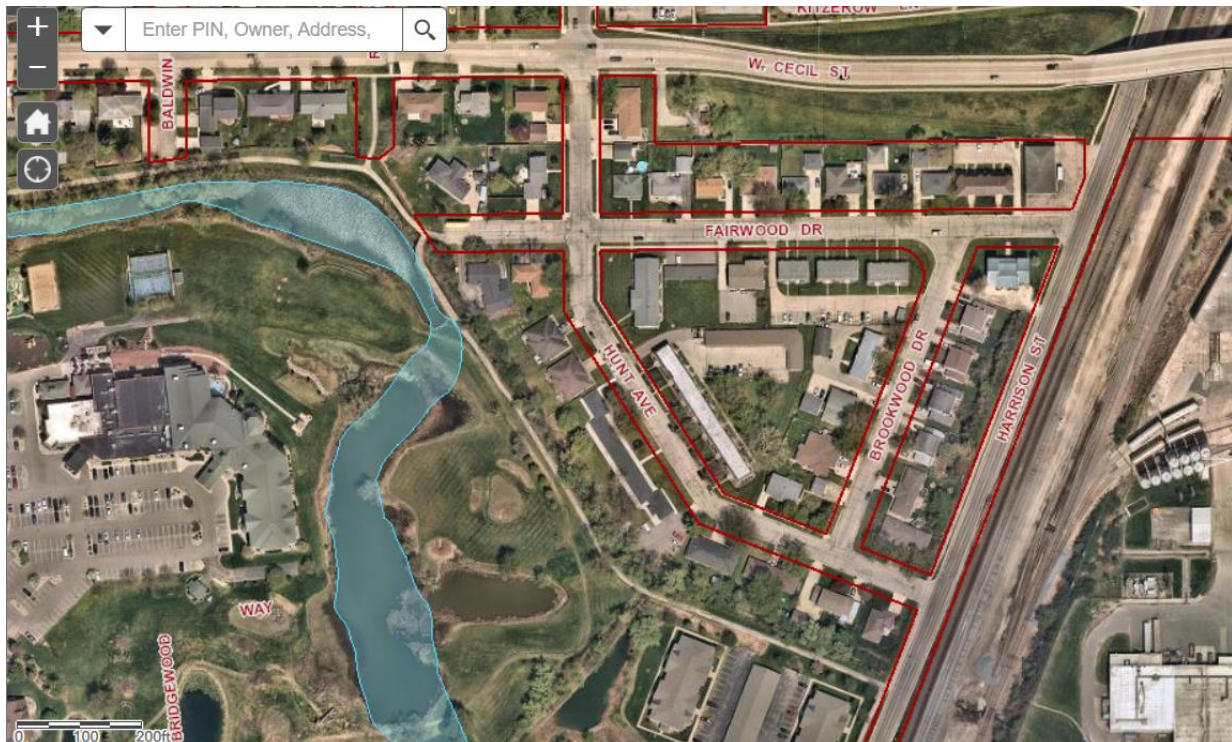
These streets had been previously resurfaced in 1996.

Using the PASER rating system, Hunt Avenue had rating of 2, Brookwood Drive had a rating of 3, and Fairwood Drive had a rating of 2. Those grades indicate that the streets were in poor condition.

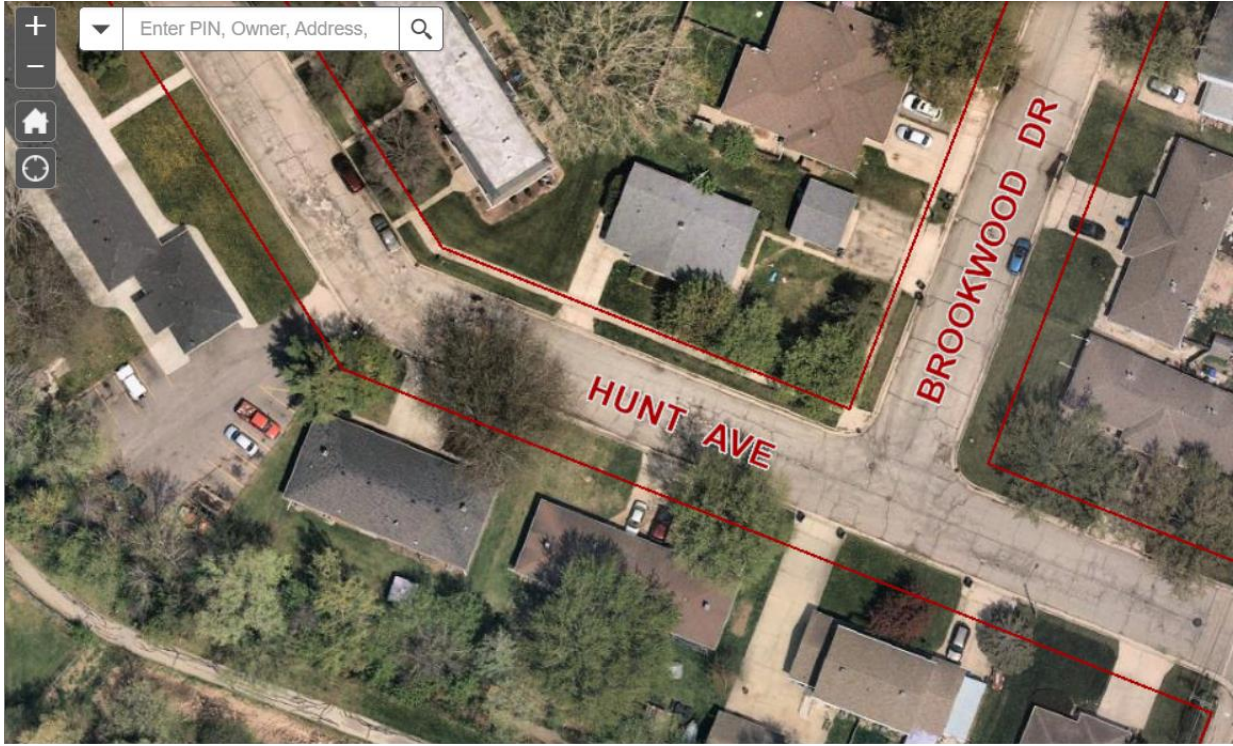
The project neighborhood consists primarily of rental housing units. The census block group including this neighborhood is comprised of about 71% of low to moderate income households.

The project removed the existing pavement and gravel base, placed a geogrid fabric, new gravel base and new pavement. In addition, concrete curb and sidewalk repairs were done.

Before aerial images are shown below. Those images are followed by followed by pictures of the streets since the construction.











Winnebago County Spirit Fund Local Government Allocation

- 1) **Background:** In March of 2023, the Winnebago County Board applied surplus dollars to a special revenue fund titled the "Spirit Fund" to invest in legacy projects for the county government and certain identified community projects. The fund totals just over \$33 million and is split roughly in half for county government projects and government identified community projects. Spending proposals are sent to the county board after deliberation of the ARPA Strategy and Outcomes Commission.

The county board allocated \$145,000 for municipal governments located primarily in Winnebago County to fund one-time capital needs projects which increase the resiliency of the community, quality of life for residents, or other needs. This program amounts to \$3,045,000 county wide.

- 2) **Spirit Funds:** All funds must be referred to as Spirit Funds. All projects are funded from county general fund balances.
- 3) **Standard Agreement:** This document, when signed and returned by the chief official of the local government, serves as the standard agreement required under the resolution.
- 4) **Eligibility Period:** Funds allocated to each municipality can be spent on projects or items incurred between April 1, 2023, to December 31, 2024.
- 5) **Eligible Projects:** All projects funded under these allocations must have a government purpose and further comply with the Framework of Spirit Fund Spending approved by the ARPA Strategy and Outcomes Commission. Projects might be ones that would not have been funded without the Spirit Fund allocation or ones which reduce the debt levy. Projects should not have been budgeted for in the 2023 budget. Eligibility questions should be referred to spirit@winnebagoctywi.gov
- 6) **Selecting Projects:** All projects must be identified by a governing body vote. Municipalities should submit either a signed resolution or meeting minutes indicating the vote and the project. Projects do not require county board approval. If utilizing funds for multiple projects, a single resolution could be passed by the governing body of the local government.
- 7) **Geographic restriction:** All projects must occur within the boundaries of Winnebago County.
- 8) **Project Narrative:** All projects shall have a narrative on how the project complies with the Framework of Spirit Fund Spending. Narratives should be succinct yet provide enough information for the public to understand the project and its impact for years to come.
- 9) **Project Submittal:** Project documents shall be submitted to spirit@winnebagoctywi.gov. Governments should refer questions to that address as well.

10) **Reimbursement, Advance, or County Fee for Service:** Place X next to option chosen.

- a. **Reimbursement:** All previously expended funds will be reimbursements to the local government. Invoices shall be compiled and submitted on or before the 15th of each month beginning in September of 2023. Payment shall be made by the county by the 15th of the subsequent month. Reimbursements will not be sent if all items on the attached check list are not completed.
- b. **Advance:** Funds will be provided as an advance when requested on a project or projects approved by the governing board and when all items on the attached list have been completed. Documentation showing completion of the project is required. Completion of the project is required by December 31, 2024, or recipient agrees to send funds back to Winnebago County.
- c. **County Work:** If the local government desires the county to perform work as a fee for service, most likely highway work, with consent of the local government, the county will apply the allocation to an invoice.

11) **Competitive Bidding:** The local government agrees to submit the competitive bidding procedure and documents as requested by the county. If a local government believes a project is exempt from state and federal bidding requirements, the government shall seek the county's written consent.

12) **Transferring Funds:** All funds must be used on general government services for governmental purposes. No funds may be sub-granted to an entity not part of the government structure. Funds may be expended for fire department and government owned utilities projects. Municipalities can also transfer the allocation to another municipality with governing body approval.

13) **Matching Funds:** Use of the allocation does not require local matching funds. Additionally, the funds may be used for local match requirements for state and federal awards.

14) **Signage:** The county reserves the right to post signage at the project identifying the funding source. Signs may be temporary or permanent and shall comply with all local sign ordinances and local government requests.

15) **Progress Updates:** The local government shall provide the county regular progress updates to include on a Spirit Fund spending dashboard and local government allocation. The local government shall supply before, during, and after pictures to the county for use on the dashboard. The county may request other information for inclusion on the dashboard that the local government shall provide.

16) **Events and Press:** The county shall be included in date selection and invited to all groundbreaking, ribbon cutting, dedication or other such events should events occur. The county shall be provided all press or public statements regarding the project prior to release.

17) **Additional Spirit Funds:** It is unlikely additional Spirit Funds will be available for local government projects. Local governments looking to submit additional project ideas or requests should email spirit@winnebagocountywi.gov for more information.

Received and accepted by:

Signature: 

Name: Jane B. Lang

Title: Mayor, City of Neenah

Date: 9/22/2023

Project Checklist for Local Government Spirit Fund Allocation

- Proof of Governing Body Approval for Each Project (resolution or minutes)
- Narrative on How the Project Complies with the Framework of Spirit Fund Spending
- Before Pictures (during and after pictures due later)
- Address or Location of Project (GIS information or Google Map showing address if applicable)
- Invoices for Items Paid Toward the Project
- Provide documentation procurement procedures were followed or exempt certificate from county
- Sign standard agreement (above)
- Provide EFT letter from bank regarding routing number and account number
- Provide W9 form for Municipalities.