

**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 15<sup>th</sup> Common Council meeting for further discussion. She noted the complaint statistics that had been provided. She asked if there were any additional questions were.

Alderperson 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.

Alderperson 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 1<sup>st</sup> 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 1<sup>st</sup> 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 7<sup>th</sup> 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 stated 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.

Report

**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.

**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