

CITY OF NEENAH
SPECIAL FINANCE AND PERSONNEL COMMITTEE MEETING
Monday, May 13, 2024 at 7:00 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 the May 6, 2024 Regular. (minutes can be found on the City's website)
3. Approve Interim City Attorney agreement. (Mayor Lang) (Attachment)
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 Clerk's Office (920) 886-6100 or the **City's ADA Coordinator at (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, May 6, 2024 at 5:30 pm
Hauser Room, Neenah City Administration Building
211 Walnut Street, Neenah, Wisconsin

MINUTES

The meeting was called to order by Chairman Erickson at 5:30 pm.

Present: Chairman Erickson; Vice-Chair Boyette, Aldermen Borchardt, and Ellis appearing in person, Alderman Steiner appeared by phone; Mayor Lang, Finance Director Rasmussen, and Clerk Nagel.

Absent/Excused: None.

Also Present: Aldermen Pollnow, Police Chief Olson, Human Resource Director Fairchild, Community Development Director Haese, Paralegal DeWitt, and Neenah News Report Bethanie Gengler.

Chairman Erickson made an announcement that Roberts Rules of Order, the governing meeting doctrine of the City of Neenah, will be followed to the best of the Chair's ability. Which means members of the committee will be the only ones allowed to speak once public appearance section of the meeting is complete, the Chair will call upon members to speak in an orderly manner, committee members will be limited to speaking only twice on a item, the Chair will restate the motion to be clear on what the motion being acted on is, and only members of the committee those pertinent to the closed session will be able to attend the closed session.

1. **Public Appearances:** None.
2. **Minutes: Motion/Second/Carried Ellis/Boyette to approve the minutes from the April 22, 2024, Regular meeting as written.** All voting aye.
3. **Fiscal Matters: March 2024 Vouchers (Attachments) (Rasmussen)**
Motion/Second/Carried Ellis/Boyette to accept and place on file the March 2024 Vouchers.
4. **Discussion and Possible Action on City Legal Services (Information Distributed at Meeting) (Mayor Lang)**

Discussion: Mayor Lang advised there is no information to distribute at this time. This is a very complicated process to navigate. Mayor Lang created a team to determine what the immediate legal needs are and how to approach finding legal services.

The team first met with Attorney Struve of the City of Menasha who gave guidance on the how to approach an interim city attorney. Attorney Struve can assist with some of the immediate legal needs under an informal agreement between the cities. However, Attorney Struve gave direction to find one attorney that could provide all legal services.

The team next met an attorney from a local firm who advised more of an 'a la carte' approach to legal services because of the price tag involved. This attorney would not do prosecution because it would not be cost effective for the city. However, gave leadership advise that Mayor Lang has the authority to govern until an agreement could be ratified by Council.

The third attorney interviewed by the team was a local retired municipal attorney. This attorney would come to the city on a part-time basis with regular office hours a couple of days a week to handle the day-to-day routine legal responsibilities.

Info. Only

Info. Only

Although this item is for discussion only, it is hopeful to have some type of an agreement by the end of the week. Since this is an unforeseen, unbudgeted situation, there was discussion on funding the agreement.

5. Ordinance 2024-07 Amend Section 3-14 Dog and Cat License (Attachments) (Nagel)

Motion/Second/Carried Borchardt/Boyette to recommend Council approve Ordinance 2024-07 Amend Section 3-14 Dog and Cat License with the changes as discussed. All voting aye.

Discussion: There was discussion on a change brought forth by Alderman Boyette. Alderman Boyette advised that she had legislative legal counsel review the proposed ordinance amendment written by Attorney Rashid. The legislative legal counsel suggested the ordinance amendment should end after, "... upon an annual application for a dog license." Therefore, the definition of a service animal that followed this sentence was stricken.

The second change was request by Chairman Erickson to add the word "Fee" to paragraph (d)(3) for clarification purposes. The clarification is that service animals must still meet the remaining criteria to be licensed, (i.e. vaccinations must be up to date, etc.) but the dog license itself has no monetary cost. Thus, paragraph (d)(3) is entitled, "Fee exemption dogs that are service animals."

6. Adjournment

Motion/Second/Carried Boyette/Ellis to adjourn the meeting at 5:59 pm. All voting aye.

Respectfully submitted,



Charlotte Nagel
City Clerk



M E M O R A N D U M

DATE: May 13, 2024
TO: Chairman Erickson and the Finance and Personnel Committee
FROM: Mayor Jane Lang
RE: Interim City Attorney

Following the need to place Attorney David Rashid on administrative leave on May 1, 2024, a committee including Vicky Rasmussen, Amy Fairchild, Aaron Olson, Chris Haese, Char Nagel, and Becky DeWitt was established to research and assess the immediate and long-term needs of the city as we move through this issue.

Working initially with Atty. Jim Macy from Von Briesen for guidance on the issue, we then reached out to City Attorney Meggie Struve to establish what she could immediately address for us (i.e. city council, court, etc.). We had input from Jim Macy that Attorney Steven Sorenson of Von Briesen would be able to talk about what services he could provide as well.

We conducted a lengthy interview with Atty. Struve with the committee on May 3rd. We conducted a similar interview with Atty. Steven Sorenson on Monday, May 6th. Upon the recommendation of Att. Struve, we conducted a third lengthy interview with Attorney Jim Walsh, retired City of Appleton attorney, on Tuesday, May 7th.

Atty. Struve did extensive research for the City of Neenah by contacting the State Bar's Ethics Hotline, the League of Municipalities, and additional colleagues regarding creating a more formalized agreement between the cities of Neenah and Menasha to create something more than the current informal agreement which currently exists. This allows for legal assistance to be provided to aid our surrounding communities on an as needed basis.

Our recommendation after extensive conversations with all four of these attorneys has led us to the conclusion that we would like to enter into a more formalized agreement with the City of Menasha to assist us with our current and longer-term prosecutorial needs. More information on that agreement will be presented as we work towards its creation with plans for it to be presented to the Finance and Personnel Committee at a special June 5 meeting ahead of the Council meeting on that night.

Additionally, we recommend hiring Atty. Jim Walsh as an interim city attorney to provide office hours two days a week (half days for a total of 8 hours per week) to cover our routine needs such as contracts, development agreements, code enforcement issues, pending land sales, and additional duties. Atty. Walsh would also provide coverage at City Council meetings. This contractual agreement with Atty. Walsh would begin on May 15th.

CITY OF NEENAH
Office of the Mayor

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We are grateful for the extraordinary assistance that has been provided to us by the City of Menasha Atty. Meggie Struve as well as Atty. Jim Macy and Steven Sorenson at Von Briesen. We look forward to entering into the aforementioned agreement with Atty. Jim Walsh and we appreciate the support of our city council in the process.

(Appropriate action at this time is to recommend to Council the hiring of James Walsh as an interim city attorney for 8 hours/week at \$125/hour as outlined in the contract also included)

*The agreement with the City of Menasha for services provided by their city attorney will be addressed at the next Finance and Personnel Committee meeting following the legal work required to create that agreement.



Office of the Mayor

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Phone 920-886-6104 • Fax: 920-886-6109 • e-mail: jlang@neenahwi.gov

JANE B. LANG

Mayor

May 10, 2024

Dear Attorney Jim Walsh,

It was a pleasure meeting with you to discuss the City of Neenah's interest in having you serve as Interim City Attorney while we work through the current situation of our City Attorney being placed on administrative leave.

We will work with Attorney Meggie Struve to handle serving as our Municipal Prosecutor representing the City of Neenah on cases that pass-through Neenah-Menasha Municipal Court.

We anticipate your work will include items such as:

- Contract Review
- Development Agreement Review and Creation
- Claims
- Open Records
- Employment Law
- Ordinance Review and Creation
- Nuisance Abatement
- Attending Common Council meetings
- Attending Committee Meetings as needed/requested
- General municipal law

We understand that there may be items that you do not have familiarity or experience with or that you may have conflicts. We can look to other specialized attorneys in those cases.

We would like you to hold scheduled office hours at City Hall on Tuesdays from 9:00 a.m. until 1:00 p.m. and Thursdays from 09:00 a.m. until 1:00 p.m. beginning on May 16, 2024. You will be considered a casual, limited term employee and are not eligible for employee benefits. Your hourly rate will be \$125.00, and you will receive payment every other week in accordance with the City's payroll process.

If these terms meet with your approval, please counter-sign this letter and return to me at your earliest convenience.

Jane Lang, Mayor

James Walsh
