



City of Neenah
COMMON COUNCIL AGENDA
Wednesday, October 7, 2020 - 7:00 p.m.
Neenah City Hall
Council Chambers

Due to the Public Health Emergency caused by the COVID-19 Pandemic, this meeting will occur at a virtual location accessed by the below link or conference call. Committee members and the public should use the following information:

Link: <https://global.gotomeeting.com/join/311298157>

OR

Conference Telephone Number (AUDIO ONLY): [+1 \(872\) 240-3311](tel:+18722403311)

Access Code: 311-298-157

- Members of the public who join the meeting will be asked for their name and address and whether they wish to speak during the Public Forum.
- The web link or conference call-in number may be accessed from any location.
- For members of the public unable to access this meeting online or via conference call, the Mayor and a staff member will be present in the Council Chambers, City Hall, 211 Walnut Street, Neenah, to assist those wishing to attend the meeting. The Council Chambers will be open to eight (8) people in addition to the Mayor and one staff person, consistent with the social distancing rules established under Emergency Order 12 (Safer at Home Order).

I. Roll Call

II. Introduction and Confirmation of Mayor's Appointment(s)

- A. Ratification of Alderperson Brian Borchardt's appointment to the following Committees
 1. Finance & Personnel Committee
 2. Neenah-Menasha Fire Rescue Finance & Personnel Committee
 3. Committee of Rules
 4. Park & Recreation Commission
 5. Sustainable Neenah Committee

III. Approval of Council Proceedings

- A. Approval of the Council Proceedings of September 16, 2020 regular session and the September 29, 2020 special session. **(UC)**

IV. Public Hearings—**None**

V. Committee report pertaining to the Public Hearings—**None**

VI. Public Forum

- A. Speakers should give their name and residential address (not mailing address) and are allowed five minutes to speak on any topic.
- VII. Mayor/Council consideration of public forum issues
- VIII. Consent Agenda—None
- IX. Reports of standing committees
 - A. Regular Public Services and Safety Committee meeting of September 29 2020: (Chairman Bates/Vice Chairman Lang) (Minutes can be found on the City web site)
 - 1. Committee recommends Council approve the Easement for We Energies work request 4437057 for the installation of a transformer at 231 E Wisconsin Avenue **(RollCall)**
 - B. Regular Finance and Personnel Committee meeting of September 28, 2020: (Chairman Erickson/Vice Chairman Boyette) (Minutes can be found on the City web site)
 - 1. Committee recommends Council authorize the sale of 1,200 square feet of public land to Corey and Michelle VerHaagh for \$500 **(RollCall)**
 - 2. Committee recommends Council approve the authorization to expend \$71,000 of reserves divided equally from Tax Increment Districts #5 (\$35,000) and #8 (\$35,000) to expand the City's fiber network into the downtown area, starting at City Hall and terminating near Gateway Plaza. **(RollCall)**
 - 3. Committee recommends Council approve the authorization to enter into a 60 month agreement with Gordon Flesch Company for the lease of 21 Canon Multifunction Devices, support services for those devices and support services for 21 HP printers currently owned by the City at an average monthly cost of \$2,540. **(RollCall)**
- X. Reports of special committees and liaisons and various special projects committees
 - A. Regular Plan Commission meeting of September 29, 2020: (Council Rep Lang) (Minutes can be found on the City web site)—**No Report**
 - B. Board of Public Works meeting of October 1, 2020: (Vice Chairman Bates) (Minutes can be found on the City web site)
 - 1. Information Only Items:
 - a) The Board approved Pay Estimate No. 6 for Contract 1-20, Sewer and Water Main and Street Construction on Abby Avenue, Bond Street, Center Street, and Clybourn Street to Kruczek Construction, Inc., Green Bay, in the amount of \$1,281,502.83
 - b) The Board approved Pay Estimate No. 3 for Contract 3-20, HMA Street Construction on Cavalry Lane, Gillingham Road, Monroe

Street, and Van Street to Sommers Construction, Shiocton in the amount of \$23,155.12

- c) The Board approved Pay Estimate No. 3 for Contract 4-20, Water Main and Street Construction on Green Bay Road, Marathon Avenue, and Tullar Road to Vinton Construction, Co Inc., Two Rivers, in the amount of \$380,686.29
- d) The Board approved Pay Estimate No. 1 for Contract 7-20, Re-Roof Apparatus Garage, Neenah-Menasha Fire Station #2, to Oshkosh Industrial Roofing and Sheet Metal, Winnebago, in the amount of \$30,087.50

C. Landmarks Commission

- 1. Report from the Landmarks Commission – Alderperson Lang

D. Sustainable Neenah Committee

- 1. Report from the Sustainable Neenah Committee – Alderperson Borchardt

E. Reports on neighborhood groups.

- 1. Business Improvement District Board (BID Board) – Alderperson Lang

F. Bergstrom Mahler Museum

- 1. Report from the Bergstrom Mahler Museum – Alderperson Spellman

G. Neenah Arts Council

- 1. Report from Neenah Arts Council—Alderperson Erickson

XI. Presentation of petitions

- A. Any other petition received by the City Clerk's Office after distribution of the agenda.

XII. Council Directives

XIII. Unfinished Business

- A. Motion by Boyette, seconded by Stevenson to reconsider the Revocable Occupancy Permit to Michael Geall for installation of a fence on S. Park Avenue for his property located at 617 E Wisconsin Avenue (Originally recommended for approval by the August 25, 2020 meeting of the Public Service and Safety Committee and rejected by the Council at the September 2, 2020 meeting.)
 - 1. If the above motion passes, the following question will be before the Council: "Committee recommends Council approve the Revocable Occupancy Permit to Michael Geall for installation of a fence on S. Park Avenue for his property located at 617 E. Wisconsin Avenue."
- B. Consideration of revised mitigation plan relating to the recovery and cataloguing of cultural artifacts, and monitoring of excavation for the road reconstruction of the Lake Shore Avenue project (contract 11-20)—attachment to be distributed at a later date.

XIV. New Business

- A. Any announcements/questions that may legally come before the Council.

XV. 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.

**Common Council Proceedings
Wednesday, September 16, 2020—7:00pm**

The Common Council of the City of Neenah, Winnebago County, Wisconsin, met virtually in regular session at 7:00pm, September 16, 2020, in the Council Chambers of Neenah City Hall.

Mayor Kaufert in the chair.

Present: Alderpersons Boyette, Bates, Lang, Lendrum, Erickson, Spellman, Steele Borchardt, and Stevenson, Director of Finance Easker, Director of Community Development & Assessment Haese, Director of Public Works Kaiser, City Attorney Godlewski, and City Clerk Cheslock.

Also Present: Police Chief Olson, Assistant Police Chief Bernice, Deputy Director of Community Development & Assessment Schmidt, Captain Van Sambeek, Deputy Clerk Lopez, Deputy City Attorney Westbrook, Duke Behnke, John Hogerty, Kathy Siminski, and Lauri Asbury.

Mayor Kaufert called the meeting to order at 7:00pm

I. Clerk Cheslock called a voice roll call

II. Proceedings

MS Lendrum/Erickson to approve the Council Proceedings of the regular meeting of September 02, 2020. There being no objections the motion was approved by unanimous consent.

III. Consent Agenda

MS Lang/Lendrum to approve the Consent Agenda as follows:

- A. Approve the change of agent application for Ultimate Mart, LLC/Pick’N Save #124, 1530 S Commercial Street, Neenah, WI 54956, Agent Matthew Sullivan. (PSSC)
- B. **There being no objections the motion was approved by unanimous consent.**

IV. Reports of standing committees

- A. Chairman Bates reported from the Regular Public Service & Safety Committee meeting of September 8, 2020: (Chairman Bates/Vice Chair Lang) (Minutes can be found on the City’s website)
 - 1. Committee recommends Council approve the purchase of 5 desktop computers and 3 tablets for the Investigative Crime Unit and 2 laptops for the School Resource Officers along with miscellaneous components for an estimated cost not to exceed

\$31,000.00 using carry forward funds from 2018 and 2019 budgets.

MSCRP Bates/Lang, all voting aye.

2. Committee recommends Council approve Committee recommends Council approve the purchase of fifty (50) Motorola APX6000 Portable Radios with 2020 Capital Equipment Reserve funds in the amount not exceed \$212,000.00. **MSCRP Bates/Boyette, all voting aye.**

V. Reports of special committees and liaisons and various special projects committees

A. Council President Stevenson reported from Committee of the Whole Meeting of September 16, 2020:

1. Consideration of action taken during Committee of the Whole regarding downtown public amenity. **MSCRP Stevenson/Lang, to approve the Memorandum of Understanding between the City of Neenah, Neenah Gateway Plaza, and the Neenah Community Development Authority, all voting aye.**

VI. Unfinished Business

A. Alderperson Boyette made a motion, seconded my Alderperson Stevenson, to reconsider the denial of the revocable occupancy permit for Michael Geall for installation of a fence on S. Park Avenue for his property located at 617 E Wisconsin Avenue.

1. The motion is not debatable at this meeting and will appear on the next Council agenda.

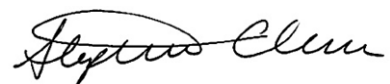
VII. New Business

A. The Committee will convene in closed session pursuant to Wis. Stat. Sec. 19.85(1)(e) for the purpose of deliberating or negotiating the purchase of public properties, the investing of public funds, or conducting other specified public business, whenever complete or bargaining reasons require a closed session relating to discussion of Boundary negotiation with adjacent municipalities

M/S Lendrum/Boyette to adjourn into closed session pursuant to Wis. Stat. Sec. 19.85(1)(e) for the purpose of deliberating or negotiating the purchase of public properties, the investing of public funds, or conducting other specified public business, whenever complete or bargaining reasons require a closed session relating to discussion of Boundary negotiation with adjacent municipalities, all voting aye.

VIII. Adjournment

MSC Steele/Erickson to adjourn at 9:24 pm, all voting aye.



Stephanie Cheslock
City Clerk

Common Council Minutes
Wednesday, September 16, 2020—7:00pm

The Common Council of the City of Neenah, Winnebago County, Wisconsin, met virtually in regular session at 7:00pm, September 16, 2020, in the Council Chambers of Neenah City Hall.

Mayor Kaufert in the chair.

Present: Alderpersons Boyette, Bates, Lang, Lendrum, Erickson, Spellman, Steele Borchardt, and Stevenson, Director of Finance Easker, Director of Community Development & Assessment Haese, Director of Public Works Kaiser, City Attorney Godlewski, and City Clerk Cheslock.

Also Present: Police Chief Olson, Assistant Police Chief Bernice, Deputy Director of Community Development & Assessment Schmidt, Captain Van Sambeek, Deputy Clerk Lopez, Deputy City Attorney Westbrook, Duke Behnke, John Hogerty, Kathy Siminski, and Lauri Asbury.

Mayor Kaufert called the meeting to order at 7:00pm

- I. Clerk Cheslock called a voice roll call

Mayor Kaufert asked for a moment of silence in remembrance of 9/11

- II. Introduction and Confirmation of Mayor's Appointments—None

- III. Proceedings

MS Lendrum/Erickson to approve the Council Proceedings of the regular meeting of September 02, 2020. There being no objections the motion was approved by unanimous consent.

- IV. Public Hearings - None

- V. Report pertaining to the Public Hearings – None

- VI. Public Forum

A. Lauri Asbury, 234 Lymekiln Drive, Neenah, spoke on behalf of the Neenah Joint School District and shared a resolution from the Board. The Resolution asks for cooperation and acknowledgement from residents of Neenah that the spread of COVID-19 in our community is directly related to the ability keep the schools open. Member Asbury read a letter from the Board and the Resolution.

B. There being no further appearances, Mayor Kaufert closed the public hearing.

VII. Mayor/Council consideration of public forum issues

- A. The Council discussed the transmission rate of COVID-19 in our community and how the school district is working with the Winnebago County Health Department.

VIII. Consent Agenda

MS Lang/Lendrum to approve the Consent Agenda as follows:

- A. Approve the change of agent application for Ultimate Mart, LLC/Pick’N Save #124, 1530 S Commercial Street, Neenah, WI 54956, Agent Matthew Sullivan. (PSSC)
- B. **There being no objections the motion was approved by unanimous consent.**

IX. Reports of standing committees

- A. Chairman Bates reported from the Regular Public Service & Safety Committee meeting of September 8, 2020: (Chairman Bates/Vice Chair Lang) (Minutes can be found on the City's website)

1. Committee recommends Council approve the purchase of 5 desktop computers and 3 tablets for the Investigative Crime Unit and 2 laptops for the School Resource Officers along with miscellaneous components for an estimated cost not to exceed \$31,000.00 using carry forward funds from 2018 and 2019 budgets. Council discussed the potential for using mobile devices only in lieu of desktop computers, the amount of power and memory needed to run the programs and applications the Police need, and the savings opportunity currently being taken advantage of by purchasing now instead of waiting for 2021, though this will be a 2021 budget expense.

MSCRP Bates/Lang, all voting aye.

2. Committee recommends Council approve Committee recommends Council approve the purchase of fifty (50) Motorola APX6000 Portable Radios with 2020 Capital Equipment Reserve funds in the amount not exceed \$212,000.00.

No discussion.

MSCRP Bates/Boyette, all voting aye.

X. Reports of special committees and liaisons and various special projects committees

- A. Council President Stevenson reported from Committee of the Whole Meeting of September 16, 2020:

1. Consideration of action taken during Committee of the Whole regarding downtown public amenity.

The recommendation from the Committee of the Whole is for Council to approve the Memorandum of Understanding between the City of

Neenah, Neenah Gateway Plaza LLC, and the Neenah Community Development Authority.

Dir. Haese clarified the motion and explained the project: Neenah Gateway Plaza LLC will be constructing and operating an ice rink on Site 2, also known as the Plexus lawn. John Hogerty, one of the members of Neenah Gateway Plaza LLC, was present to answer questions regarding the project. The facility and land will be gifted to the City after five years of operation.

Council discussed the area in which the facility will be constructed, the amount of work over the years that has gone into this project, and thanked Neenah Gateway Plaza LLC for their time, effort, and generosity.

MSCRP Stevenson/Lang, to approve the Memorandum of Understanding between the City of Neenah, Neenah Gateway Plaza, and the Neenah Community Development Authority, all voting aye.

- B. Community Development Authority
 - 1. Dir. Haese gave a brief update on the Community Development Authority stating that they would be acting on the Plaza project at their next meeting.
- C. Library Board
 - 1. Alderperson Erickson reported from the Library Board meeting of September 16, 2020: shared the success of the adult summer reading program and that after Labor Day there will be select evening hours.
- D. Neenah Arts Council
 - 1. Alderperson Erickson asked to report the Neenah Arts Council meeting at the next Council meeting.

XI. Petitions—None

XII. Council Directives—None

XIII. Unfinished Business

- A. Alderperson Boyette made a motion, seconded by Alderperson Stevenson, to reconsider the denial of the revocable occupancy permit for Michael Geall for installation of a fence on S. Park Avenue for his property located at 617 E Wisconsin Avenue.
 - 1. The motion is not debatable at this meeting and will appear on the next Council agenda.

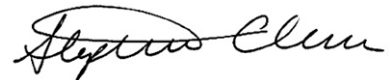
XIV. New Business

- A. Alderperson Lang stated the Historical Society is holding their first program virtually on Facebook Live on September 17th regarding the hidden history of Doty Island.

- B. Alderperson Bates asked for an update on the Green Bay Road construction. Dir. Kaiser stated that the closures will stay the same for the near future. Access to businesses will be maintained. The contractors did take the incentive on the project so will complete the work within 45 working days.
- C. Mayor Kaufert shared that the Farm Market is still going on Saturday mornings through October 17th and asked for Council input over the next couple of weeks regarding Trick or Treating.
- D. The Committee will convene in closed session pursuant to Wis. Stat. Sec. 19.85(1)(e) for the purpose of deliberating or negotiating the purchase of public properties, the investing of public funds, or conducting other specified public business, whenever complete or bargaining reasons require a closed session relating to discussion of Boundary negotiation with adjacent municipalities
M/S Lendrum/Boyette to adjourn into closed session pursuant to Wis. Stat. Sec. 19.85(1)(e) for the purpose of deliberating or negotiating the purchase of public properties, the investing of public funds, or conducting other specified public business, whenever complete or bargaining reasons require a closed session relating to discussion of Boundary negotiation with adjacent municipalities, all voting aye.

XV. Adjournment

MSC Steele/Erickson to adjourn at 9:24 pm, all voting aye.



Stephanie Cheslock
City Clerk

Special Common Council Proceedings
Tuesday, September 29, 2020—6:00pm

The Common Council of the City of Neenah, Winnebago County, Wisconsin, met virtually in special session at 6:00pm, September 29 2020, in the Council Chambers of Neenah City Hall.

Mayor Kaufert in the chair.

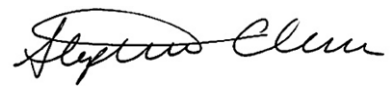
Present: Alderpersons Boyette, Bates, Lang, Lendrum, Erickson, Borchardt, Steele, and Stevenson, Director of Finance Easker, Director of Community Development & Assessment Haese, Director of Public Works Kaiser, City Attorney Godlewski, and City Clerk Cheslock.

Excused: Alderperson Spellman

Also Present: Deputy City Attorney Westbrook and Police Chief Olson

Mayor Kaufert called the meeting to order at 6:00pm

- I. Clerk Cheslock called a voice roll call as the Mayor/Alderpersons recorded their attendance in the RollCall-Pro System followed by the Pledge of Allegiance.
- II. Partial Report of Finance & Personnel Committee meeting of September 28, 2020:
 - A. Consideration of Committee recommendation regarding the Agreement of Donation with the Kimberly Clark Copr. for 350 Byrd Avenue including authorization for payment of associated closing costs
MSCRP Stevenson/Boyette, to approve the Agreement of Donation and authorize City staff to close on the property including making the necessary payments to the title company, all voting aye.
- III. Adjournment
MSC Lendrum/Steele to adjourn at 6:26 pm, all voting aye.



Stephanie Cheslock
City Clerk

Special Common Council Minutes
Tuesday, September 29, 2020—6:00pm

The Common Council of the City of Neenah, Winnebago County, Wisconsin, met virtually in special session at 6:00pm, September 29 2020, in the Council Chambers of Neenah City Hall.

Mayor Kaufert in the chair.

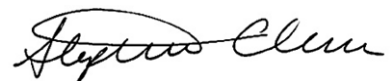
Present: Alderpersons Boyette, Bates, Lang, Lendrum, Erickson, Borchardt, Steele, and Stevenson, Director of Finance Easker, Director of Community Development & Assessment Haese, Director of Public Works Kaiser, City Attorney Godlewski, and City Clerk Cheslock.

Excused: Alderperson Spellman

Also Present: Deputy City Attorney Westbrook and Police Chief Olson

Mayor Kaufert called the meeting to order at 6:00pm

- I. Clerk Cheslock called a voice roll call as the Mayor/Alderpersons recorded their attendance in the RollCall-Pro System followed by the Pledge of Allegiance.
- II. Partial Report of Finance & Personnel Committee meeting of September 28, 2020:
 - A. Consideration of Committee recommendation regarding the Agreement of Donation with the Kimberly Clark Copr. for 350 Byrd Avenue including authorization for payment of associated closing costs
Dir. Easker reported out from the Committee meeting stating they recommended approval of the agreement as presented and to authorize staff to close on the property and pay any closing fees to the title company.
Council discussed the estimated costs associated with this transaction, which will be roughly \$2500 at closing, the payment of 2020 taxes, and when the property will become tax exempt, which will be January 1, 2021. Council also discussed any potential environmental issues with the property being adjacent to the foundry, the history of the foundry property, the possible future uses of 350 Byrd Ave, how the property will be managed and maintained, and the intent for this property to be used as a dog park.
MSCRP Stevenson/Boyette, to approve the Agreement of Donation and authorize City staff to close on the property including making the necessary payments to the title company, all voting aye.
- III. Adjournment
MSC Lendrum/Steele to adjourn at 6:26 pm, all voting aye.



Stephanie Cheslock
City Clerk

**CITY OF NEENAH
PUBLIC SERVICES AND SAFETY COMMITTEE MEETING MINUTES
Tuesday, September 29, 2020, 6:30 PM**

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

Present: Alderpersons Bates, Lang, Lendrum and Stevenson

Excused: Alderperson Spellman

Also Present: Alderperson Boyette, City Attorney Godlewski, Joseph Drake, Mayor Kaufert, Public Works Director Kaiser, Police Chief Olson, Captain Van Sambeek, Lisa Mroczkowski, Assistant City Attorney Westbrook

Approval of Minutes of the meetings for September 30, 2020

Motion Second/Carried Lendrum/Lang to approve of the minutes of the Meeting of September 8, 2020. All voting aye.

Public Appearances: None

Licenses:

Beverage Operator License Appeal:

Assistant City Attorney Westbrook reviewed the new process for obtaining a Beverage Operators License. The Police Department now reviews all applications for approval and denial. The new process has established criteria for denying licenses. One reason for denial under the new review process is being identified as a habitual offender. Under the new process, Mr. Drake was identified as a habitual offender for 3 violations within a 2 year time span for failure to have vehicle insurance.

Joseph Drake was sworn in by City Attorney Godlewski.

Mr. Drake addressed the committee in defense of his denial. He stated he has been hired by Dollar General. One of the conditions of his employment is that he is required to obtain a Beverage Operator License. He stated he has a family to support and needs the license. He stated one of the violations occurred when he was selling a vehicle and he had taken the insurance off of the vehicle. The potential buyer delayed in buying the vehicle and he continued to drive the vehicle until the purchase was complete. During that time he was stopped and cited for driving without insurance.

Assistant Attorney Westbrook asked why he had no insurance at the time of the 3 violations. Mr. Drake stated at the time of the violations he could not afford insurance. He currently has two jobs and has obtained insurance.

Assistant Attorney Westbrook informed Mr. Drake that it seemed like he didn't care or take the violations seriously. He let Mr. Drake know that the City of Neenah takes issuing beverage operator's license seriously and expects those who hold these licenses to accept the responsibility that comes with the license and be a law abiding citizen. Mr. Drake stated he understands and will send a copy of his insurance to the Clerk's Office.

C.A. Following discussion, **Motion/Second/Carried Lendrum/Lang to approve and grant the Beverage Operator's License to Joseph Drake.** Motion passed. 3-1 (Aldersperson Stevenson voting no)

WE Energies Easement Request-231 E Wisconsin Ave

Director Kaiser reviewed his memo of September 23, 2020. The easement is for the placement of a transformer which will serve a parking lot light and the Masonic Lodge. It is a 10-foot easement that runs along the east side of the city property at 231 E Wisconsin Avenue. Director Kaiser talked to We Energies relative to the placement of the transformer and this was the most suitable location. Director Kaiser further stated he received correspondence late Tuesday from We Energies asking that Spectrum be incorporated in the easement for a pedestal installation.

Director Kaiser stated for the council packet he will have the revised easement that includes the Spectrum language.

Director Kaiser stated there is different language in this easement that states if the city, in the future, develops this property, We Energies and Spectrum would need to relocate their equipment at their own cost.

Aldersperson Stevenson asked what other locations were considered. Director Kaiser stated there were two other locations considered, the right-of-way in front of 231 E Wisconsin Avenue and in front of the Masonic Lodge. He stated from a visibility standpoint, those options were less desirable.

Aldersperson Bates asked what the proposed easement site is currently used for. Director Kaiser stated it is greenspace and a side yard buffer for the parking lot.

Report Following discussion, **Motion/Second/Carried Stevenson/Lang to recommend Council approval of the Easement for We Energies work request 4437057 for the installation of a transformer at 231 E Wisconsin Avenue.** All voting aye.

Public Works General Construction and Department Activity:

- 1) Contract 7-19 (Breezewood Sanitary Sewer) – Work is complete.
- 2) Contract 1-20 (Abby, Bond, Center, Clybourn) Utility work is complete. Concrete repairs should be complete by 9/28. Landscaping is ongoing. Road grading will start the week of 9/28.

- 3) Contract 2-20 (Utilities - Van, Monroe) – Work is complete. A final estimate is being prepared
- 4) Contract 3-20 (Street - Van, Monroe, Gillingham)
 - a) Gillingham, Van, Monroe, Cavalry – Work is complete.
 - b) Shootingstar – Work is on hold pending resolution of boundary issues. A CSM is being prepared.
- 5) Contract 4-20 (Green Bay, Tullar, Marathon)
 - a) Tullar, Marathon – Work is complete.
 - b) Green Bay – Water main work is complete. Water service work is scheduled for completion on 9/25. Road excavation is scheduled to start the week of 9/28.
- 6) Contract 5-20 (Utilities - Lakeshore) – Utility work is complete except for the northernmost storm sewer outfall.
- 7) Contract 6-20 (Millview Drive Utility Relocation) – Work started on 9/24 with saw cutting and pavement removal. Traffic on Main Street has been shifted to the south half of the road. Millview Drive is closed.
- 8) Contract 7-20 (Fire 32 Roof) – Work is complete except for replacement of the skylights, which are still on order.
- 9) Contract 9-20 (Misc. Asphalt Pavement Repairs) – Work has not been scheduled.
- 10) Contract 10-20 (Misc. Concrete Pavement and Sidewalk Repair) – Pavement repairs are ongoing. Miscellaneous sidewalk repairs will follow.
- 11) Contract 11-20 (Street - Lakeshore) – Archaeology investigation is ongoing. Staff provided Council with a memo updating the status of that work. We are meeting with archaeology stakeholders to clarify the revised mitigation scope and procedures to follow during the excavation monitoring. Tree removal and trimming is complete with the exception of one ash tree. City crews are air excavating in sensitive areas around the trees near the trail.

Alderson Stevenson stated the Bridgewood project is now complete. He asked for the volume of wastewater that was put into our sanitary sewer system and the cost to the foundry. Director Kaiser will look into this and provide the information.

Alderson Bates asked for a tour of the Bridgewood site where the potential Jewelers Park trail is to be constructed.

Alderson Lendrum asked if there is any grant money available for the Jewelers Park Trail.

Director Kaiser stated we applied for the Multimodal Local Supplement Grant for this project. He said there was discussion for other grants through the Convention & Visitors Bureau.

Mayor Kaufert stated the City is talking to the CVB and Jewelers Mutual. He noted that another business is also interested.

Adjournment: **Motion/Second/Carried Lang/Stevenson to adjourn at 7:28 p.m.** All voting aye.

Respectfully submitted,

A handwritten signature in blue ink, reading "Lisa Mroczkowski". The signature is written in a cursive, flowing style.

Lisa Mroczkowski
Public Works Officer Manager

**DISTRIBUTION EASEMENT
UNDERGROUND**

Document Number

WR NO. **4437057** IO NO. **52670**

For good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, **CITY OF NEENAH, a Wisconsin municipal corporation**, hereinafter referred to as "Grantor", owner of land, hereby grants and warrants to **WISCONSIN ELECTRIC POWER COMPANY, a Wisconsin corporation doing business as We Energies and SPECTRUM MID-AMERICA, LLC**, hereinafter referred to as "Grantee", a permanent easement upon, within, beneath, over and across a part of Grantor's land hereinafter referred to as "easement area".

The easement area is described as **a strip of land Ten (10) Feet in width, being part of Lot Ten (10), Block C, WINNEBAGO RAPIDS**, being a subdivision of a portion of the **Northeast 1/4 of the Northwest 1/4 of Section 26, Township 20 North, Range 17 East**, City of Neenah, Winnebago County, Wisconsin.

The location of the easement area with respect to Grantor's land is as shown on the attached drawing, marked Exhibit "A", and made a part of this document.

RETURN TO:
We Energies
PROPERTY RIGHTS & INFORMATION GROUP
231 W. MICHIGAN STREET, ROOM P129
PO BOX 2046
MILWAUKEE, WI 53201-2046

81000360000
(Parcel Identification Number)

- 1. Purpose:** The purpose of this easement is to construct, install, operate, maintain, repair, replace and extend underground utility facilities, conduit and cables, electric pad-mounted transformers, concrete slabs, power pedestals, riser equipment, terminals and markers, together with all necessary and appurtenant equipment under and above ground as deemed necessary by Grantee, all to transmit electric energy, signals, television and telecommunication services, including the customary growth and replacement thereof. Trees, bushes, branches and roots may be trimmed or removed so as not to interfere with Grantee's use of the easement area.
- 2. Access:** Grantee or its agents shall have the right to enter and use Grantor's land with full right of ingress and egress over and across the easement area and adjacent lands of Grantor for the purpose of exercising its rights in the easement area.
- 3. Buildings or Other Structures:** Grantor agrees that no structures will be erected in the easement area or in such close proximity to Grantee's facilities as to create a violation of all applicable State of Wisconsin electric codes or any amendments thereto.
- 4. Elevation:** Grantor agrees that the elevation of the ground surface existing as of the date of the initial installation of Grantee's facilities within the easement area will not be altered by more than 4 inches without the written consent of Grantee.
- 5. Restoration:** Grantee agrees to restore or cause to have restored Grantor's land, as nearly as is reasonably possible, to the condition existing prior to such entry by Grantee or its agents. WE Energies shall complete site restoration within 30 days of completion of installation of the facilities, weather permitting. This restoration, however, does not apply to any trees, bushes, branches or roots which may interfere with Grantee's use of the easement area.
- 6. Relocation:** In the event that Grantor requires the relocation of the electrical facilities within the easement area due to building construction, installation of roads and/or driveways, or development and redevelopment activities on land surrounding the easement area Grantee agrees to relocate said electrical facilities at its expense, on a one-time basis, upon reasonable written notice from Grantor, provided that Grantor provides a suitable alternate location for said facilities with all necessary easement rights using standard easement language for their construction and maintenance at the new location. This relocation agreement applies to the original Grantor at the new location. This relocation agreement applies to the original Grantor only and does not apply to any heirs, successors or assigns of said land.
- 7. Exercise of Rights:** It is agreed that the complete exercise of the rights herein conveyed may be gradual and not fully exercised until some time in the future, and that none of the rights herein granted shall be lost by non-use.

- 8. Binding on Future Parties:** This grant of easement shall be binding upon and inure to the benefit of the heirs, successors and assigns of all parties hereto.
- 9. Easement Review:** Grantor acknowledges receipt of materials which describe Grantor's rights and options in the easement negotiation process and furthermore acknowledges that Grantor has had at least 5 days to review this easement document *or* voluntarily waives the five day review period.
- 10. Indemnification:** The grantee agrees to indemnify, save and keep harmless Grantor, its agents, employees, successors and assigns, from all liability, liens, judgments, costs, damages, and expense of whatever kind and nature which may in any way be suffered by Grantor, its agents, employees, successors or assigns by reason of, or in consequence of the operation of said easement by Grantee or for, or on account of an act or thing done or suffered, or omitted to be done, under grant of this easement to Grantee.
- 11. Use of Easement by Grantor:** It is acknowledged by Grantor that said easement shall not interfere with any buildings of Grantor. Grantor may use said easement area for his own purposes, however, Grantor shall not make any construction over or use of said property which will interfere with said easement by Grantee, without written consent of the Grantee. The Grantor may not erect permanent buildings or structures in the easement area.

Grantor:

City of Neenah, a Wisconsin municipal corporation

By _____

(Print name and title): _____

By _____

(Print name and title): _____

Personally came before me in _____ County, Wisconsin on _____, _____,
the above named _____, the _____
and _____, the _____
of the CITY OF NEENAH, a Wisconsin municipal corporation, for the municipal corporation, by its authority, and pursuant to
Resolution File No. _____ adopted by its _____
on _____, _____.

Notary Public Signature, State of Wisconsin

Notary Public Name (Typed or Printed)

(NOTARY STAMP/SEAL)

My commission expires _____

This instrument was drafted by Chris Anderson on behalf of Wisconsin Electric Power Company, PO Box 2046, Milwaukee, Wisconsin 53201-2046.



ELECTRIC WORK REQUEST

4437057

Temporary Exhibit A

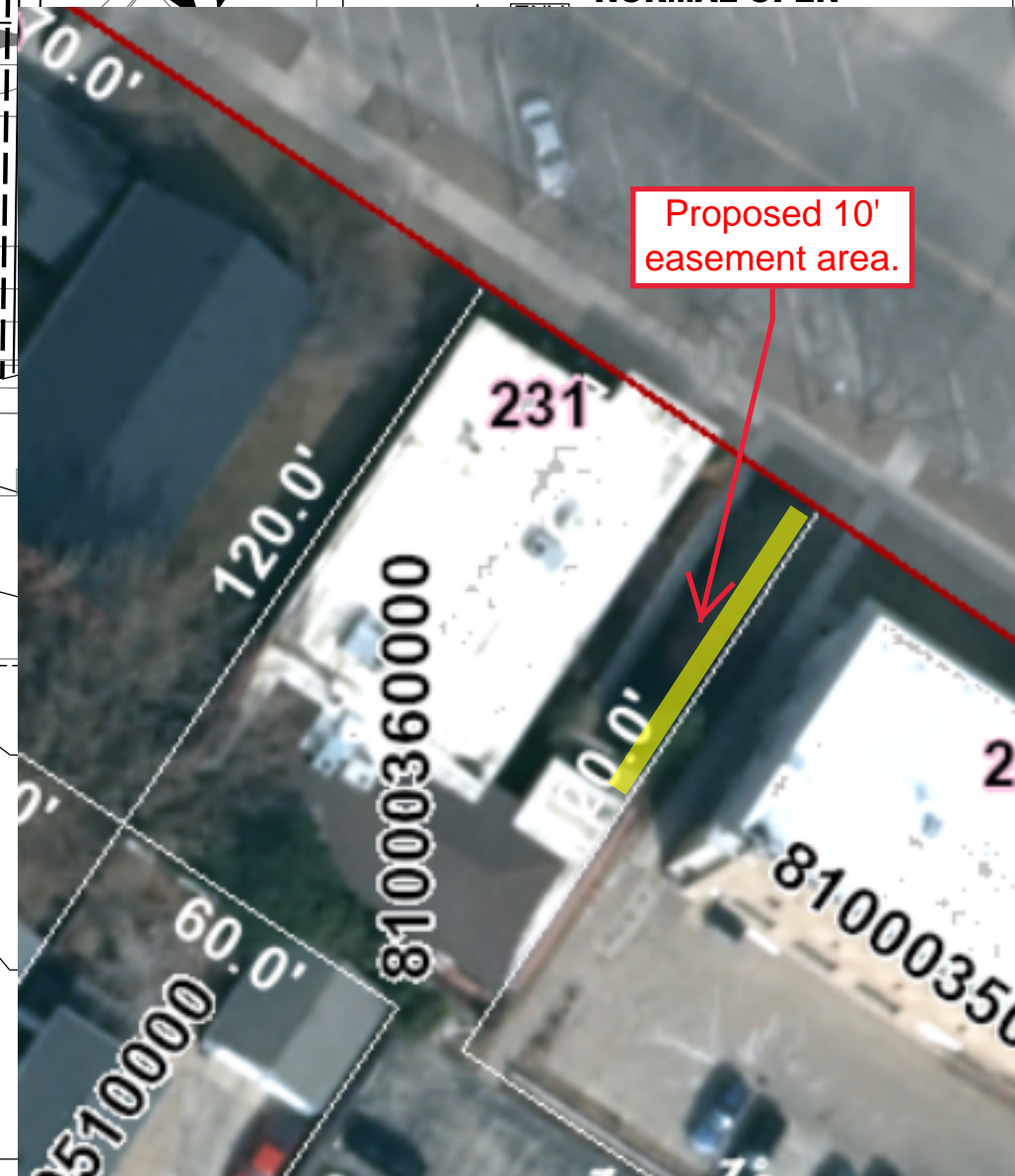
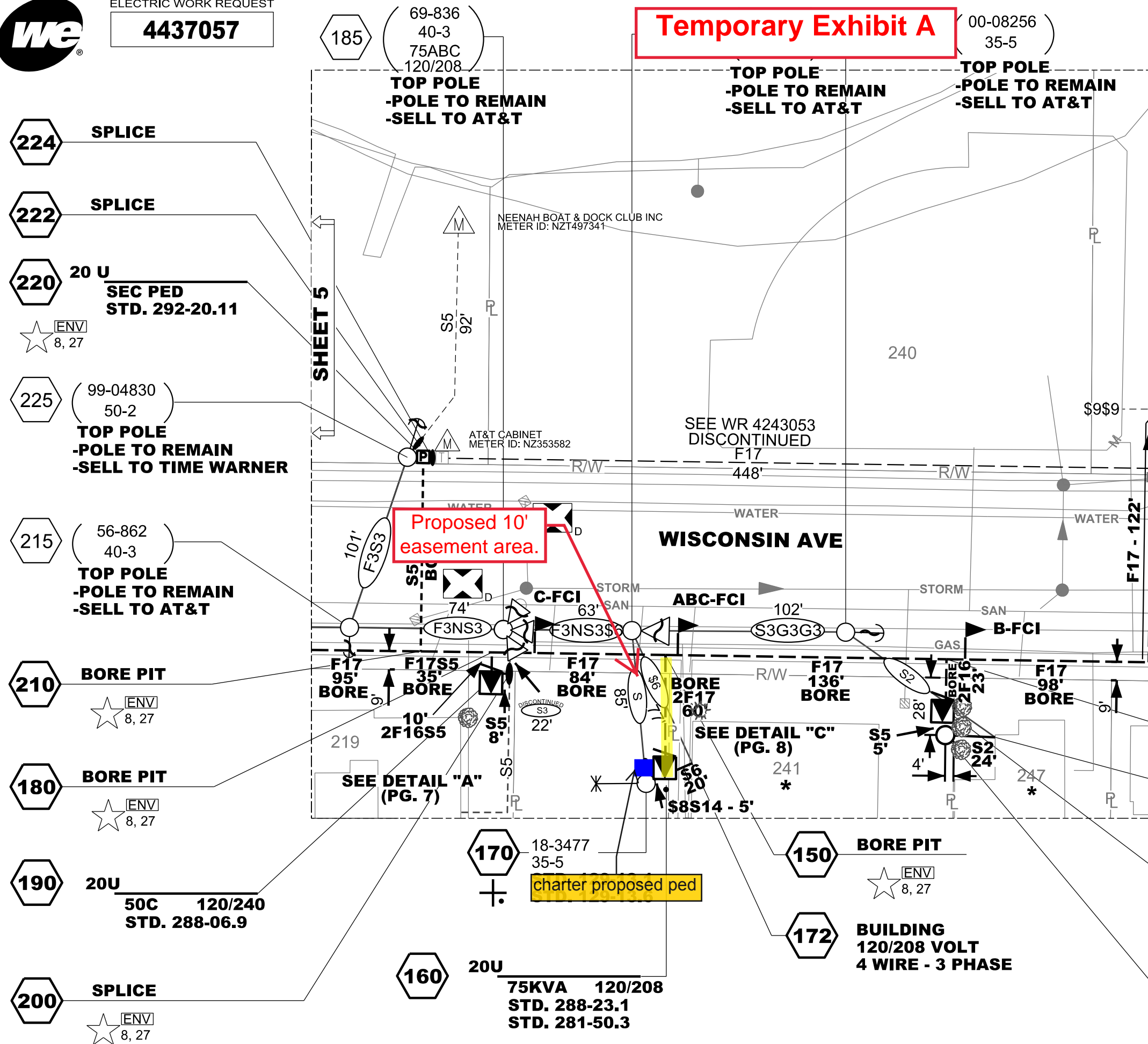
NOTE: PLACE ALL FCI'S AFTER
AFTER TRANSFORMERS ON CABLE
RUN THAT HEADS EAST.



DUCT KEY
3-#2AL: 4" DUCT
1-#2AL: 2" DUCT
350 TXR: 3" DUCT

SPECIAL WIRE KEY
\$4 - 350 TXF 600V
\$14 - 6 DX CIC

ENVIRONMENTAL NOTE:
FOLLOW ENV NOTES 24 - 26 FOR
ALL GROUND DISTURBING WORK ON
THIS PAGE.



**CITY OF NEENAH
FINANCE AND PERSONNEL COMMITTEE MEETING**

Monday, September 28, 2020 – 6:30 p.m.

Due to the Public Health Emergency caused by the COVID-19 Pandemic, this meeting occurred at a virtual location accessed by conference call on gotomeeting.com.

MINUTES

Present: Chairman Erickson; Aldermen Borchardt, Boyette, Stevenson and Steele (6:45); City Attorney Godlewski; Mayor Kaufert; Director of Finance Easker.

Others Present: Director of Information Systems Wenninger, Deputy Director of Finance Kahl, Deputy Director of Community Development and Assessment Schmidt, Deputy City Attorney Westbrook.

Absent/Excused: None.

Public Appearances: None.

Minutes: Motion/Second/Carried Stevenson/Borchardt to approve the minutes from the August 19, 2020 Special Meeting and the August 24, 2020 Regular Meeting. All voting aye.

Excess Public Land at Mayer Street: Committee reviewed memo of Deputy Director Schmidt recommending Council authorize the sale of 1,200 square feet of public land to Corey and Michelle VerHaagh for \$500. The VerHaaghs are adjoining property owners and would like to purchase the land remnant to construct a new fence and enlarge their back yard. The City had acquired the property as part of the Main Street overpass project. Deputy Director Schmidt said the proposed sale is similar to the sale of 113 Van Street in 2007. He also indicated that the City has no current or future use for the property except as a truck turnaround access point. Committee and staff discussed various aspects of the proposed land sale.

Motion/Second/Carried Borchardt/Boyette recommending Council authorize the sale of 1,200 square feet of public land to Corey and Michelle VerHaagh for \$500. All voting aye.

Funding Request for Downtown Fiber Build Out: Committee reviewed memo of Director Wenninger requesting Council's authorization to expend \$71,000 of reserves from Tax Increment Districts #5 and 8 to expand the City's fiber network into the downtown area, starting at City Hall and terminating near Gateway Plaza. The project would expand the City's existing fiber network into downtown to provide connectivity for current and future technology opportunities. The network would support current City initiatives such as public downtown WiFi, downtown traffic interconnect signals, traffic cameras to assist with policing and downtown security surveillance cameras.

Committee and staff discussed various aspects of the proposed project. Issues discussed included the relationship of this project to the Smart Cities Initiative included in the 2020-2024 Capital Improvement Program, how the project could benefit a future City parking

REPORT

ramp and how other areas of the City may benefit from an expanded fiber network. Upon questioning, Director Easker said staff believes that TIF 5 and 8 reserves should pay 50% each toward the \$71,000 cost since both would benefit equally from the project. He also felt that the project and funding would qualify as a 2020 budget amendment, which would require a 2/3 vote for approval by the Common Council.

Motion/Second/Carried Stevenson/Boyette requesting Council's authorization to expend \$71,000 of reserves divided equally from Tax Increment Districts #5 (\$35,500) and #8 (\$35,500) to expand the City's fiber network into the downtown area, starting at City Hall and terminating near Gateway Plaza. All voting aye.

Print Environment Lease Agreement: Committee reviewed memo of Director Wenninger requesting Council's authorization to enter into a 60-month agreement with Gordon Flesch Company for the lease of 21 Canon Multifunction Devices, support services for those devices and support services for 21 HP printers currently owned by the City at an average monthly cost of \$2,540. The City currently has a contract with Gordon Flesch Company for Canon devices. The City received five quotations for the contract, with I/S staff recommending Gordon Flesch Company based upon total overall cost, monthly lease device and image cost, page per minute performance ratings and analysis of several head to head studies.

Committee and staff discussed various aspects of the proposed lease agreement. Issues discussed included how these costs are ultimately distributed to City departments that use the service, the status of Gordon Flesch Company as the city's current vendor, how the vendors' quotes were solicited and the benefits of familiarity with Canon devices for City staff.

Motion/Second/Carried Borchardt/Stevenson recommending Council's authorization to enter into a 60-month agreement with Gordon Flesch Company for the lease of 21 Canon Multifunction Devices, support services for those devices and support services for 21 HP printers currently owned by the City at an average monthly cost of \$2,540. All voting aye.

Land Donation from Kimberly Clark: Committee reviewed memo of Deputy City Attorney Westbrook recommending Council approve the Agreement of Donation and authorize City staff to close on the property including making the necessary payments to the title company. The Agreement is the culmination of efforts initiated by Mayor Kaufert to secure the 7.65 acre property located at 350 Byrd Avenue from Kimberly Clark to serve as a dog park within the City. While that is the City's current intent for the property, Deputy Attorney Westbrook said that the Agreement does not place any conditions for which the City must use or keep the land. As a condition of the Agreement, the City would be responsible for 50% of the title company and real estate transfer taxes as well as our attorney's costs, basic policy changes and the cost of all review period costs incurred by the City in connection with the City's due diligence. He also indicated that Kimberly Clark needs to finalize closure on the donation by October 9, 2020.

REPORT

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REPORT

Committee and staff discussed various aspects of the proposed agreement. Upon questioning, Deputy Attorney Westbrook estimated that the City's out-of-pocket costs would likely be in the \$2,500 - \$3,500 neighborhood. Other issues discussed included the potential timeline to open the dog park and the proper way for the City to designate the land to provide the City maximum flexibility for use of the land, now and in the future. Committee members and the Mayor also expressed appreciation to Kimberly Clark for the generous donation.

Motion/Second/Carried Stevenson/Boyette recommending Council approve the Agreement of Donation and authorize City staff to close on the property including making the necessary payments to the title company. All voting aye.

Council Referral of Audit Reports: Committee reviewed for discussion both the City's 2019 Comprehensive Annual Financial Report (CAFR) and Reporting and Insights from 2019 Audit Report as prepared by the audit firm Baker Tilly. The reports had been reviewed and accepted by the Common Council at the August 19 Common Council meeting and then were referred to the committee for further discussion, if necessary. Discussion took place on the findings regarding the 2019 implementation of a compensating control to mitigate the ongoing issue of Segregation of Duties within the Municipal Court. Baker Tilly stated that they now consider that issue to be resolved. Upon discussion, it was determined that no further action by the committee was necessary regarding the audit reports.

City Attorney Report on City Involved Litigation: Tax Appeals and Lakeshore Avenue: Attorney Godlewski provided a verbal update on the status of litigation on City Tax Appeals and Lakeshore Avenue.

Fiscal Matters: July and August Vouchers: **Motion/Second/Carried Boyette/Borchardt to approve the July and August vouchers as presented.** All voting aye.

Motion/Second/Carried Steele/Boyette to adjourn the meeting at 8:10 p.m. All voting aye.

Respectfully submitted,



Michael K. Easker, CPA
Director of Finance

MINUTES OF THE NEENAH PLAN COMMISSION
Tuesday, September 29, 2020
4:15 p.m.

Due to the Public Health Emergency caused by the COVID-19 Pandemic, this meeting occurred at a virtual location accessed by conference call on www.gotomeeting.com

Present:

Mayor Dean Kaufert, Chairman	PRESENT	Gerry Kaiser, Director of Public Works	PRESENT	Nick Piergrossi, Vice Chairman	ABSENT
Kate Hancock-Cooke	PRESENT	Karen Genett	PRESENT	Betsy Ellenberger	PRESENT
Gerry Andrews	PRESENT	Ald. Jane Lang	PRESENT		

Also present:

Brad Schmidt, Deputy Director of Community Development	Chris Haese, Director of Community Development	Dave Gliniecki, Applicant, 125 Byrd Avenue

Minutes: MSC Andrews/Ellenberger, the Plan Commission to approve the August 25, 2020 meeting minutes. All aye. Motion passed.

Public Appearances: None.

Public Hearings: None.

Action Items:

1. Site Plan Review – 510 Discovery Drive – Change of Use

Deputy Director Schmidt explained why the Plan Commission would review this site plan. Due to the proposed change in use, the Plan Commission must review the application.

The building at 510 Discovery Drive (approximately 4,000 square feet) was previously used as a printing company and has been vacant for approximately 12 months. TD Supply (currently located on Cecil Street) purchased the building and is planning to relocate their business there. They exist as a tool and equipment distributor. They will be utilizing the site for mainly warehouse space but there will be some trucks that may travel to and from the site. This use is permitted in the I-1 district.

Mayor Kaufert asked if the application is allowed to leave equipment outdoors for any length of time. No personal items should be stored outside of the building and outdoor storage of material, equipment or products for a period longer than 24 hours is prohibited unless the site is screen with a six-foot tall sight tight fence. The applicant plans to extend the parking lot slightly and is being asked to stripe parking spaces and add a handicap stall.

MSC Lang/Andrews, the Plan Commission to approve the site plan for a change of use to establish a tool and equipment distribution business at 510 Discovery Drive subject to the following conditions:

- 1. Obtain all necessary building permits prior to any construction, alteration, parking lot expansion or sign installation.**
- 2. Stripe parking spaces and add a handicap accessible stall.**

2. Site Plan Review – 125 Byrd Avenue – Change of Use

A site plan has been submitted for a change of use at 125 Byrd Avenue. The property was previously used as an assisted living facility and the applicant is proposing to reconfigure the existing rooms inside the building into 58, 1 bedroom and studio apartments. The reconfiguration also includes tenant amenity areas and offices for staff. Due to the proposed change of use and because it has been vacant for over 12 months, a site plan review is required.

This size of the site is 4.15 acres which would allow for 75 apartment units – the applicant is planning for 58 units. Deputy Director Schmidt's memo says that the property contains 82 off-street parking stalls but the Zoning Code requires a minimum of 1.5 off-street parking stalls for each bedroom unit therefore they are required to have 87 off-street parking stalls. The applicant has since shown that the site has all of the required parking. The applicant will indicate the location of handicap accessible parking stalls.

All refuse disposal areas shall be screened from adjacent properties and public right-of-way with a 6-foot tall sight tight fence or an evergreen screen approved by the Community Development Department. The Zoning Code requires that landscaping be maintained. The applicant will submit a lighting plan and is encouraged to construct a sight tight, 6-foot fence along the west property line to buffer noise and light from vehicles in the parking lot.

Mayor Kaufert commented that the site is currently in rough shape and would like to see it fixed up. The Mayor strongly suggests the six-foot fence on the west side of the property to shield the homes from car lights. He felt that there is a market for this type of housing for individuals or couples. He also asked if there would be an onsite manager for this facility. Mr. Gliniecki was not certain but will ask the owner and report back to Deputy Director Schmidt.

Member Hancock-Cooke asked what the timeline is for construction and residency. Mr. Gliniecki explained that they are hoping for residency by next spring.

Director Kaiser asked if the site tight fence that is being suggested will be just along the parking lot. Deputy Director Schmidt indicated that this is the intent but it may extend a bit further.

Member Ellenberger asked what the typical rent will be expected to be. Mr. Gliniecki did not know as he is working on the construction and not management.

Member Hancock-Cooke asked how it would occur if the city wanted to have low-income housing. Deputy Director Schmidt explained that a developer would approach the city proposing to develop these to receive tax credits.

MSC Kaiser/Andrews, the Plan Commission to approve the site plan for a change of use to establish a multi-family residence at 125 Byrd Avenue subject to the following conditions:

1. Obtain all necessary building permits prior to any construction, alteration, parking lot expansion or sign installation.
2. Submit a landscape plan if any landscaping is proposed to be removed or added.
3. Provide details for screening or refuse collection area.
4. Provide a detailed parking lot layout to show the location of handicap accessible stalls.
5. Consider installing a 6-foot tall sight tight fence along the west property line.
6. Submit a lighting plan showing the location, lighting levels and light fixture details prior to installation of any exterior lighting.

All aye. Motion passed.

3. Excess Public Land – Mayer Street/Harrison Street

During the construction of the Main Street Overpass, several properties were acquired to provide enough room for the project. For some of this land, small pieces of the previous parcels were not needed and now exist as an unbuildable piece of land. This exists in the case of a piece of land that exists along Mayer Street and Harrison Street. It is about 7,700 square feet in size and abuts three properties. Staff will suggest that this land be sold to adjoining property owners but it must be declared excess public property by the Plan Commission.

MSC Andrews/Genett, the Plan Commission declares the remnant land along Mayer Street and Harrison Street as excess public property and recommend the Common Council authorize the sale of the property. All aye. Motion passed.

Discussion Items: None.

Announcements and Future Agenda Items: Deputy Director Schmidt hopes to have the consultant who is working on S. Commercial Street Corridor Plan present the plan to the Plan Commission within the next month.

Next meeting: October 14, 2020

Adjournment: The Commission adjourned its meeting at 4:54 P.M. MSC Ellenberger/Kaiser. All Aye. Motion passed.

Respectfully Submitted,



Samantha Jefferson
Office Manager, Community Development

**Minutes of the Board of Public Works Meeting
Thursday, October 1, 2020, 1:00 AM**

MEMBERS PRESENT: Mayor Kaufert, City Attorney Godlewski, Director of Public Works Kaiser, Director of Finance Easker, Director of Community Development & Assessment Haese and Alderpersons Bates & Lang.

ALSO PRESENT: City Clerk Cheslock

Mayor Kaufert called the meeting to order at 11am.

MINUTES: MSC Kaiser/Lang to approve the minutes from the August 25, 2020 meeting, all voting aye.

APPEARANCES: None.

UNFINISHED BUSINESS: None.

NEW BUSINESS:

Public Works:

Info Only

1. Pay estimate No. 6 for Contract 1-20: Dir. Kaiser explained this payment is for utility and street work on Doty Island and mostly related to concrete curb and gutter and grading on the contracted streets. The Board discussed the time frame of the completion for this project as residents seem to be getting restless, a projected date of paving is mid-October. Dir. Kaiser requested approval of Pay estimate No. 6 for Contract 1-20, Sewer and Water Main and Street Construction on Abby Avenue, Bond Street, Center Street and Clybourn Street to Kruczek Construction, Inc., Green Bay, in the amount of \$1,281,502.83.
MSC Kaiser/Bates to approve Pay estimate No. 6 for Contract 1-20, Sewer and Water Main and Street Construction on Abby Avenue, Bond Street, Center Street and Clybourn Street to Kruczek Construction, Inc., Green Bay, in the amount of \$1,281,502.83, all voting aye.

Info Only

2. Pay Estimate No. 3 for Contract 3-20: Dir. Kaiser explained this payment is partially for some asphalt work done on Cavalry Lane but is mostly for reducing the retainage amount to \$5000. He stated that staff is still working on the issues with Shooting Star and any potential change orders that would come along with that. The Board discussed the construction in Castle Oak and noted that it is now complete. Dir Kaiser requested approval of Pay estimate No. 3 for Contract 3-20, HMA Street Construction on Cavalry Lane, Gillingham Road, Monroe Street, Van Street to Sommers Construction, Shiocton in the amount of \$23,155.12.
MSC Kaiser/Godlewski to approve Pay estimate No. 3 for Contract 3-20, HMA Street Construction on Cavalry Lane, Gillingham Road, Monroe Street, Van Street to Sommers Construction, Shiocton in the amount of \$23,155.12, all voting aye.

3. Pay Estimate No. 3 for Contract 4-20: Dir. Kaiser explained this estimate is for the ongoing Green Bay Road construction and the finalizing work on Tullar Road and Marathon Drive. The Board discussed the addition of some conduits for future fiber to be laid in the Green Bay Road area. Dir. Kaiser requested approval of Pay estimate No. 3 for Contract 4-20,

Info Only

Water Main and Street Construction on Green Bay Road, Marathon Avenue and Tullar Road to Vinton Construction, Co Inc., Two Rivers, in the amount of \$380,686.29.

MSC Kaiser/Godlewski to approve Pay estimate No. 3 for Contract 4-20, Water Main and Street Construction on Green Bay Road, Marathon Avenue and Tullar Road to Vinton Construction, Co Inc., Two Rivers, in the amount of \$380,686.29, all voting aye.

Info Only

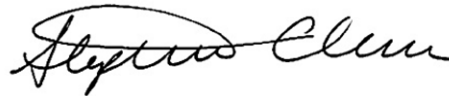
4. Pay estimate No. 1 for Contract 7-20: Dir. Kaiser explained this pay estimate is for the reroofing of Fire Station #32 and is a lump sum contract and is being paid out at 75% completion. Dir. Kaiser requested approval of Pay estimate No. 1 for Contract 7-20, Re-Roof Apparatus Garage, Neenah-Menasha Fire Station #2, to Oshkosh Industrial Roofing & Sheet Metal, Winnebago, the amount of \$30,087.50

MSC Kaiser/Easker to approve Pay estimate No. 1 for Contract 7-20, Re-Roof Apparatus Garage, Neenah-Menasha Fire Station #2, to Oshkosh Industrial Roofing & Sheet Metal, Winnebago, in the amount of \$30,087.50, all voting aye.

ADJOURNMENT

MSC Godlewski/Kaiser to adjourn at 11:14am, all voting aye.

Respectfully Submitted,



Stephanie Cheslock,
City Clerk

STATUS OF COUNCIL DIRECTIVES ISSUED SINCE JULY 1, 1981

Date: October 7, 2020

Date of Directive: 4/17/2018

Item: Review the street assessment policy – Ordinance Chapter 13.5(D) (2).

Responsible Party: Ald. Lendrum

Status: Pending



M E M O R A N D U M

DATE: October 5, 2020

TO: Mayor Kaufert and members of the Common Council

FROM: Director of Public Works Gerry Kaiser &
City Attorney Jim Godlewski

RE: Consideration of revised mitigation plan relating to the recovery and cataloguing of cultural artifacts, and monitoring of excavation for the road reconstruction of the Lake Shore Avenue project (Contract 11-20)

The conclusion of the recent informational memo to the Council regarding the archaeology mitigation program for the Lake Shore Avenue project, listed the following summary of issues and tasks. This memo will review the status of these items and request Council approval to proceed with the necessary work.

- The archaeological mitigation work has identified 216 cultural features along Lake Shore Avenue.
 - The final total of features identified in the trenches is 211.
- UWM-CRM is preparing a modified mitigation plan to in an effort to reduce the number of these features that need to be investigated.
 - UWM-CRM prepared a modified mitigation plan based on discussions with the stakeholders. We were notified on October 2 that the plan was approved. The plan calls for the investigation of 131 of the 211 identified features and leaving the remaining 80 features in place.
- UWM-CRM is preparing a revised cost estimate for the modified mitigation plan.
 - The initial estimate for the additional cost to excavate all 211 identified features was \$178,000 for a projected total mitigation cost of \$234,200. UWM-CRM has since provided an amendment (attached) to our previous agreement to cover the revised scope of work noted in the mitigation plan. The additional cost for the amendment work is \$92,922 for a total mitigation project cost of \$149,121.
- UWM-CRM is preparing the required documentation for the human burial features.
 - This work is shown in the UWM-CRM amendment and is included in the revised cost estimate.

- UWM-CRM is preparing an estimate for field monitoring during the road excavation.
 - The discovery of burial features led the Wisconsin Historical Society to require monitoring by a qualified archaeologist in the areas of road excavation lying outside of the previously disturbed portions of the road. The focus of this monitoring is to identify burial features and properly manage those remains. It is difficult to estimate this work since it is dependent on the number of features encountered during excavation. We are basing the estimate on the need for an archaeologist and two technicians in order to allow excavation to move at a steady pace. Based on that staffing the weekly cost estimate is \$6,630. We are estimating two weeks of work for a total monitoring cost estimate of \$13,260.
 - In addition to working through the monitoring details, staff evaluated options for excavating the areas that require monitoring. It was determined that having the contractor provide an excavator/operator while the City provides trucking was our best option. The charge for the excavator/operator is \$120 per hour. Again, we are estimating two weeks of work, which comes to approximately \$12,000 for excavating. This work will necessarily reduce the volume of excavation from the amount that was bid in Contract 11-20, so this cost will be somewhat offset by the reduced cost for that bid item.
- Staff is reviewing design options to reduce the amount of road excavation.
 - Staff is adjusting the road cross-section to reduce the depth of excavation along the east edge of the road, where we have a higher portion of undisturbed ground.

It is again important to note that we would be at this step regardless of the project option selected because the amount of land disturbance for each option exceeded the one acre threshold for the WDNR permit. We would even have needed to take these steps if the road were reconstructed to the original width because the amount of disturbed area would also exceed one acre.

In discussing the matter of funding for the work involved, Finance Director Easker has recommended that it be funded through Public Infrastructure Reserves.

Staff requests that Council approve the professional services agreement UWM-CRM for work related to the amended mitigation plan and implementation of the excavation monitoring plan for the Lake Shore Avenue project to be funded through Public Infrastructure reserves.



Sabin Hall, Rm 290
 3413 N. Downer Ave
 Milwaukee, WI
 53211-0413
 414 229-3078 phone
 414 229-5848 fax

Gerry Kaiser, PE
 Director
 City of Neenah – Public Works
 211 Walnut Street
 Neenah, WI 54956
 (920) 886-6241

September 28, 2020

**RE: Amendment 1
 Mitigation for Site 47WN0562 End of Road Site
 WisDNR Permit for Lakeshore Avenue
 City of Neenah**

Dear Mr. Kaiser,

The following is an amended cost and schedule for the archaeological mitigation at 47WN0562 (BWN-0213) End of Road Site.

This amendment includes:

- 1) Excavation, analysis, and reporting for an additional 101 archaeological features (for a total of 1 cultural features) following the methods in the mitigation plan (Schneider and Haas 2020) developed for the project. Attachment A lists the identified cultural feature by trench;
- 2) Consultation with the Wisconsin Historical Society, the Wisconsin DNR, and other stakeholders relative to the inadvertent discoveries of human burial features, per Wis. Stat. §157.70;
- 3) Preparation of a “burial contract” for the recovery of human skeletal material from secondary (backfill) deposits and skeletal analysis or assessment of these remains, and preparation of an “Inadvertent Discovery” report for the Wisconsin Historical Society, per Wis. Stat. §157.70.

Cost

The cost of the amendment is \$92,922 for a total project cost of \$149,121.

	<i>Original Budget (30 features)</i>	<i>Amended Budget (+101 features)</i>	<i>Total (131 features)</i>
<i>Consultation/ Admin</i>	\$950	\$0.00	\$950
<i>Field Work</i>	\$20,316	\$50,385	\$70,701
<i>Lab Analysis & Report</i>	\$34,934	\$42,537	\$77,471
<i>Total</i>	\$56,200	\$92,922	\$149,122

**Schedule**

Completion of the field excavation is October 15, 2020.

Field Investigations:	August 27 to October 16, 2020
Interim Field Report Submitted to Stakeholders:	October 20, 2020
Laboratory Processing and Analysis:	September 1, 2020 to April 30, 2021
Draft Report:	May 2021
Final Report:	July 1, 2021 (or within 30 days upon receipt of comments)

Contracting

The official institution name used in contracts, grants, and other official agreements is The Board of Regents of the University of Wisconsin System on behalf of the University of Wisconsin-Milwaukee. If awarded, we respectfully request the ability to negotiate the terms and conditions from the sponsor. Please note that as an agency of the State of Wisconsin and an academic institution the following conditions are required:

1. We are self-insured under secs. 895.46, 893.82 and 20.505(2)(k) of the Wisconsin Statutes.
2. We are not permitted, by law, to indemnify or defend any sponsor.
3. We require the right to publish or use information, data, writings, or materials resulting from research for educational and research purposes.

If you would like a copy of our standard research agreement to review our language in more detail, please feel free to visit [UWM Standard Terms and Conditions](#).

As always, if there are questions or concerns regarding the scope of work, or to further discuss the project, please do not hesitate to contact me at (414) 251-8853 or at haasjr@uwm.edu.

Sincerely,

A handwritten signature in black ink, appearing to read "J. Haas".

Jennifer R. Haas, Ph.D.
Acting Director-CRM &
Principal Investigator

DocuSigned by:

Kate Mollen

555DCF8C12B6453...

Kate Mollen
Interim Director, Office of Sponsored Programs

References Cited

Schneider, Seth A. and Jennifer R. Haas
2020 *Phase I Archaeological Investigations for the Lakeshore Avenue Street Construction Project, City of Neenah, Winnebago County, Wisconsin*. Technical Memo 2020-0244. University of Wisconsin-Milwaukee, Cultural Resource Management. Milwaukee, Wisconsin.



Attachment A: Cultural Features Identified by Trench

TRENCH	STATUS	NUMBER OF FEATURE IDENTIFIED	PRESERVE FEATURES IN PLACE	NUMBER TO FEATURES TO PRESERVE IN PLACE	NUMBER OF FEATURES TO TEXCAVATE
1	COMPLETED	8	NO	0	8
2	COMPLETED	0	NO	0	0
3	COMPLETED	0	NO	0	0
4-5	IN PROGRESS	79	PARTIAL	40	39
6	COMPLETED	0	NO	0	0
7	IN PROGRESS	2	YES	2	0
8	COMPLETED	2	YES	2	0
9	IN PROGRESS	4	NO	0	4
10	IN PROGRESS	11	YES	11	0
11	IN PROGRESS	20	POSSIBLY	9	11
12	COMPLETED	3	NO	3	0
13	IN PROGRESS	9	POSSIBLY	8	1
14	IN PROGRESS	6	POSSIBLY	5	1
15	IN PROGRESS	24	POSSIBLY	0	24
16	IN PROGRESS	7	NO	0	7
17	IN PROGRESS	10	NO	0	10
18	IN PROGRESS	11	NO	0	11
19	IN PROGRESS	15	NO	0	15
TOTALS		211		80	131



MEMORANDUM

DATE: October 5, 2020

TO: Mayor Kaufert and members of the Common Council

FROM: Director of Public Works Gerry Kaiser & City Attorney Jim Godlewski

RE: Lake Shore Avenue as Cataloged and Uncatalogued Burial Site

As part of the review of the revised mitigation plan, we were informed that the State is listing the Lake Shore Avenue right of way from Wisconsin Avenue north to Kimberly Point Park as a Cataloged and Uncatalogued Burial Site. Under state law, when an area is so designated, soil disturbance activities are generally prohibited except by permit administered by the Director of the State Historical Society. As owner of the Right of Way, we have responsibilities that include implementing steps aimed at protecting the burial site. To that end, Traffic Engineer Merton will be posting signs at the entrances to the Lake Shore Avenue right of way (at Wisconsin, Wheeler and Kimberly Point Park East Entrance) which graphically indicate that digging in the right of way and use of metal detectors are prohibited. They will look like the following:



After reconstruction of the road pavement and installation of the new trail, signs will be added to the posts containing the parking regulations signs along the sides of the roadway. The adjoining residents will be notified of these restrictions by letter.