



**City of Neenah  
COMMON COUNCIL AGENDA  
Wednesday, November 4, 2020 - 7:00 p.m.  
Virtual Meeting**

**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/256469149>

OR

Conference Telephone Number (AUDIO ONLY): [+1 \(571\) 317-3122](tel:+15713173122)  
Access Code: 256-469-149

- **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—None
- III. Approval of Council Proceedings
  - A. Approval of the Council Proceedings of October 21, 2020 regular 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 October 27, 2020: (Chairman Bates/Vice Chairman Lang) (Minutes can be found on the City web site)
    - 1. Committee recommends Council approve Ordinance 20-17 creating Sec. 11-57 of the City Code prohibiting use of metal detectors at Kimberly Point Park and along Lakeshore Avenue **(RollCall-Pro)**
    - 2. Committee recommends Council approve Revocable Occupancy Permit to Michael Geall for the installation of a fence on S. Park Avenue for his property located at 617 E Wisconsin Avenue. **(RollCall-Pro)**
  - B. Regular Finance and Personnel Committee meeting of October 26, 2020—Cancelled
  - C. Regular NMFR Joint Finance & Personnel Committee meeting of October 27, 2020: (Chairman Boyette) (Minutes can be found on the City website)
    - 1. Committee recommends Council approve filling the vacant Assistant Chief Prevention/Fire Marshal position **(Roll Call)**
    - 2. Information only
      - a) Committee recommends Council approve NMFR proposed 2021 budget as will be presented at the November 17, 2020 Common Council meeting
- X. Reports of special committees and liaisons and various special projects committees
- A. Regular Plan Commission meeting of October 27, 2020—Cancelled
  - B. Board of Public Works meeting of October 27, 2020: (Vice Chairman Bates) (Minutes can be found on the City web site)
    - 1. Information Only Items:
      - a) The Board approved Change Order No. 1 for Contract 6-20, Sanitary Sewer, Storm Sewer, and Pavement Construction for Millview Drive to Vinton Construction Inc., Two Rivers, WI in the amount of \$16,236.00 to Furnish and Install 8 Inch Ductile Iron Water Service
      - b) The Board approved Pay Estimate No. 1 for Contract 6-20, Sanitary Sewer, Storm Sewer, and Pavement Construction for Millview Drive to Vinton Construction Inc., Two Rivers, in the amount of \$263,933.75
      - c) The Board approved Pay Estimate No.1 for Contract 1-19W, Removal and Disposal of Lime Sludge to United Liquid Waste Recycling, Inc., of Clyman, WI in the amount of \$304,355.00
    - 2. Council Action Items:
      - a) The Board recommends Council approve Final Pay Estimate for Contract 7-19, Breezewood Lane and Harness Lane Sanitary sewer Construction to Dorner, Inc., Luxemburg, in the amount of \$7,944.65 **(RollCall)**
  - C. Neenah Arts Council
    - 1. Report from the Neenah Arts Council – Alderperson Erickson

- D. Landmarks Commission—Cancelled
  - E. Sustainable Neenah Committee—Cancelled
  - F. Reports on neighborhood groups.
    - 1. Business Improvement District Board (BID Board) – Alderperson Lang
  - G. Bergstrom Mahler Museum
    - 1. Report from the Bergstrom Mahler Museum – Alderperson Spellman
- 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
- XIV. New Business
- A. **Introduction of Resolution 2020-16—A Resolution Vacating a Portion of N. John Street, North of Main Street Pursuant to Section 66.1003(4) Wis. Stats. (For referral to Public Service and Safety Committee and City Plan Commission and scheduled for public hearing on December 16, 2020)**
  - B. 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](mailto:attorney@ci.Neenah.wi.us)** at least 48 hours prior to the scheduled meeting or event to request an accommodation.

**Common Council Proceedings**  
**Wednesday, October 21, 2020—7:00pm**

The Common Council of the City of Neenah, Winnebago County, Wisconsin, met virtually in regular session at 7:00pm, October 21, 2020.

Mayor Kaufert in the chair.

Present: Alderpersons Boyette, Bates, Lang, Lendrum, Erickson, Spellman, 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.

Also Present: Gordon Lewis, Kathy Brost, Deputy Director of Community Development and Assessment Schmidt, Amy Moorefield, Director of Human Resources and Safety Kehl, Courtney Ramsey, Deputy City Attorney Westbrook, and NMFR Chief Kloehn.

Mayor Kaufert called the meeting to order at 7:06pm

I. Clerk Cheslock called a voice roll call

II. Proceedings

**MS Lendrum/Erickson to approve the Council Proceedings of the regular meeting of October 7, 2020. There being no objections the motion was approved by unanimous consent.**

III. Plan Commission Report pertaining to the Public Hearing

A. Council Rep. Lang reported from the Plan Commission meeting of October 13, 2020:

1. Commission recommends Council approve Plan Commission finds that the proposed use meets the findings for a Special Use Permit (Sec, 26-48) and recommends Council approve a Special Use Permit for a tow truck business located at 912 S Commercial Street subject to the Approval letter and by removing the fencing requirement but limiting the number of vehicles related to the tow business to two tow trucks stored in the building and a maximum of four trailers may be stored on the property. A review of the special use permit will be conducted in one year. **MSCR P Lang/Lendrum all voting aye.**

IV. Consent Agenda

**MS Lendrum/Borchardt to approve the Consent Agenda as follows:**

- A. Approve the Retail "Class B" License Application for Rolling Thunder Lanes LLC, d/b/a Rolling Thunder Lanes, 934 Byrd Ave, Neenah, William Smith, Agent, for the 2020-2021 licensing year PSSC)

**B. There being no objections the motion was approved by unanimous consent.**

V. Reports of standing committees

- A. Chairman Bates reported from the Regular Public Service & Safety Committee meeting of October 13, 2020: (Chairman Bates/Vice Chair Lang) (Minutes can be found on the City's website)
1. Committee recommends Council approve Ord. 2020-16 Amending Sec. 22-323 Stormwater Performance Standards. **MSCR P Bates/Lendrum all voting aye.**
- B. Chairman Erickson reported from the regular Finance & Personnel Committee meeting of October 12, 2020:
1. Committee recommends Council approve the petition for Annexation #220 of 0.74 acres located at 1261 W. Winneconne Avenue in the Town of Neenah. **MSCR P Erickson/Boyette, all voting aye.**
  2. Committee recommends Council approve the Lease Agreement between the City of Neenah and Brazee Farms, Inc. for City owned property located at CTH G and Woodenshoe Road in the Town of Vinland. **MSCR P Erickson/Boyette, all voting aye.**
  3. Committee recommends Council approve the Church Lot Lease Agreement between the City of Neenah and First Presbyterian Church of Neenah for the ten-year period from September 1, 2020 through August 31, 2030 at an annual lease rate of \$8,000. **MSCR P Erickson/Boyette, all voting aye.**
  4. Committee recommends Council approve amending Tax Increment District No. 11 Development Agreement with Pendleton Park LLC to increase the Maximum City Contribution to \$2,215,000, change the completion date of the Coral Court Development to January 1, 2021 and increase the estimated value of the Coral Court Development to \$3.75 million. The recommended approval of the amendment includes acknowledgement of the \$2 million increase in the Pendleton Park TIF project value as part of the rationale. **MSCR P Erickson/Borchardt, all voting aye.**
  5. Committee recommends Council approve the 2021 health, dental, and vision insurance plans. **MSCR P Erickson/Boyette, all voting aye.**
- C. Chairman Boyette reported from the regular NMFR Joint Finance & Personnel Committee meeting of October 6, 2020:
1. Committee recommends Council approve the Joint Powers Agreement between Winnebago County and the City of Neenah. **MSCR P Boyette/Stevenson, all voting aye.**

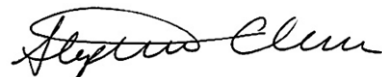
VI. Reports of special committees and liaisons and various special projects committees

- A. Council Rep. Lang reported from the regular Plan Commission Meeting of September 29, 2020:
1. Commission declares the remnant land along Mayer Street and Harrison Street as excess public property and recommend Council authorize the sale of the property. **MSCR P Lang/Stevenson, all voting aye.**

- B. Council Rep. Lang reported from the regular Plan Commission Meeting of October 13, 2020:
  - 1. Commission recommends Council approve Annexation #220 (Ordinance #2020-15) and the property also receive an R-1, Single Family Residence District zoning classification  
**MSCR P Lang/Stevenson, all voting aye.**
- C. Vice Chairman Bates reported from the Board of Public Works meeting of October 13, 2020:
  - 1. Council Action Items
    - a. The Board recommends Council approve Final Payment for Contract 8-20, Epoxy Pavement Markings to Century Fence, Pewaukee, in the amount of \$58,432.45. **MSCR P Bates/Lang all voting aye.**

VII. Adjournment

**MSC Stevenson/Lendrum to adjourn at 8:30 pm, all voting aye.**



Stephanie Cheslock  
City Clerk

**Common Council Minutes**  
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Mayor Kaufert in the chair.

Present: Alderpersons Boyette, Bates, Lang, Lendrum, Erickson, Spellman, 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.

Also Present: Gordon Lewis, Kathy Brost, Deputy Director of Community Development and Assessment Schmidt, Amy Moorefield, Director of Human Resources and Safety Kehl, Courtney Ramsey, Deputy City Attorney Westbrook, and NMFR Chief Kloehn.

Mayor Kaufert called the meeting to order at 7:06pm

I. Clerk Cheslock called a voice roll call

Amy Moorefield, new Executive Director of the Bergstrom Mahler Museum of Glass, shared the refined direction and goals of the Museum. She looks forward to working with the community here in Neenah and beyond.

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

III. Proceedings

**MS Lendrum/Erickson to approve the Council Proceedings of the regular meeting of October 7, 2020. There being no objections the motion was approved by unanimous consent.**

IV. Public Hearings

A. Consider Special Use Permit—912 Commercial Street-Tow Truck Business  
Courtney Ramsey, applicant for the special use permit, shared the result of the Plan Commission meeting and the agreement they had come to.  
There being no further appearances, Mayor Kaufert closed the public hearing.

V. Plan Commission Report pertaining to the Public Hearing

A. Council Rep. Lang reported from the Plan Commission meeting of October 13, 2020:  
1. Commission recommends Council approve Plan Commission finds that the proposed use meets the findings for a Special Use Permit (Sec, 26-48) and recommends Council approve a Special Use Permit for a tow truck business located at 912 S Commercial Street subject to the Approval letter and by

removing the fencing requirement but limiting the number of vehicles related to the tow business to two tow trucks stored in the building and a maximum of four trailers may be stored on the property. A review of the special use permit will be conducted in one year

The Council discussed the two businesses that will be present on the property, a bounce house rental company and a towing company. There will not be towed vehicles stored on the premise. The two allowed tow trucks must be stored inside the facility when not actively in use. The Council also discussed required insurance for the bouncy house rental, if the houses would be set up on the premises, and what portion of the property is being granted a special use.

**MSCRP Lang/Lendrum all voting aye.**

VI. Public Forum—None

VII. Mayor/Council consideration of public forum issues—None

VIII. **Consent Agenda**

**MS Lendrum/Borchardt to approve the Consent Agenda as follows:**

A. Approve the Retail “Class B” License Application for Rolling Thunder Lanes LLC, d/b/a Rolling Thunder Lanes, 934 Byrd Ave, Neenah, William Smith, Agent, for the 2020-2021 licensing year 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 October 13, 2020: (Chairman Bates/Vice Chair Lang) (Minutes can be found on the City’s website)

1. Committee recommends Council approve Ord. 2020-16 Amending Sec. 22-323 Stormwater Performance Standards  
No Discussion.

**MSCRP Bates/Lendrum all voting aye.**

B. Chairman Erickson reported from the regular Finance & Personnel Committee meeting of October 12, 2020:

1. Committee recommends Council approve the petition for Annexation #220 of 0.74 acres located at 1261 W. Winneconne Avenue in the Town of Neenah

Council discussed when City services begin for this parcel, how this process begins, and how often this kind of annexation occurs.

**MSCRP Erickson/Boyette, all voting aye.**

2. Committee recommends Council approve the Lease Agreement between the City of Neenah and Brazee Farms, Inc. for City owned property located at CTH G and Woodenshoe Road in the Town of Vinland

No Discussion.

**MSCRP Erickson/Boyette, all voting aye.**



3. Committee recommends Council approve the Church Lot Lease Agreement between the City of Neenah and First Presbyterian Church of Neenah for the ten-year period from September 1, 2020 through August 31, 2030 at an annual lease rate of \$8,000.  
No discussion.  
**MSCR P Erickson/Boyette, all voting aye.**
  4. Committee recommends Council approve amending Tax Increment District No. 11 Development Agreement with Pendleton Park LLC to increase the Maximum City Contribution to \$2,215,000, change the completion date of the Coral Court Development to January 1, 2021 and increase the estimated value of the Coral Court Development to \$3.75 million. The recommended approval of the amendment includes acknowledgement of the \$2 million increase in the Pendleton Park TIF project value as part of the rationale  
No discussion.  
**MSCR P Erickson/Borchardt, all voting aye.**
  5. Committee recommends Council approve the 2021 health, dental, and vision insurance plans  
Dir. Kehl explained some of the more noticeable changes in the offered plans and the option for adding vision insurance.  
**MSCR P Erickson/Boyette, all voting aye.**
  - C. Chairman Boyette reported from the regular NMFR Joint Finance & Personnel Committee meeting of October 6, 2020:
    1. Committee recommends Council approve the Joint Powers Agreement between Winnebago County and the City of Neenah  
Chief Kloehn stated this agreement is done each year to continue to use the Winnebago County Sherriff's office as our dispatch center for 911 calls.  
**MSCR P Boyette/Stevenson, all voting aye.**
- X. Reports of special committees and liaisons and various special projects committees
- A. Council Rep. Lang reported from the regular Plan Commission Meeting of September 29, 2020:
    1. Commission declares the remnant land along Mayer Street and Harrison Street as excess public property and recommend Council authorize the sale of the property  
No discussion.  
**MSCR P Lang/Stevenson, all voting aye.**
  - B. Council Rep. Lang reported from the regular Plan Commission Meeting of October 13, 2020:
    1. Commission recommends Council approve Annexation #220 (Ordinance #2020-15) and the property also receive an R-1, Single Family Residence District zoning classification  
**MSCR P Lang/Stevenson, all voting aye.**

- C. Vice Chairman Bates reported from the Board of Public Works meeting of October 13, 2020:
1. Information Only
    - a) The Board approved Pay Estimate No. 1, Contract 11-20, Lakeshore Avenue Street Construction to Sommers Construction Company, Inc., Shiocton, in the amount of \$5,225.00
  2. Council Action Items
    - a. The Board recommends Council approve Final Payment for Contract 8-20, Epoxy Pavement Markings to Century Fence, Pewaukee, in the amount of \$58,432.45  
Dir. Kaiser stated staff had negotiated with the contractor regarding the overages on this contract. Because our specifications were not clear and the contractor over extended the crosswalk lines, they negotiated to split the difference of the overage. This split will bring the final total to \$58,432.45 instead of \$59,183.45  
**MSCRP Bates/Lang all voting aye.**
- D. Community Development Authority
1. Deputy Dir. Schmidt gave a brief update on the projects downtown stating that Site 6 apartment building will begin construction in early November and the majority of the funding for the Plaza Ice Rink project has been secured. The Council discussed any traffic issues that may come up as construction downtown begins.
- E. Library Board
1. Alderperson Erickson reported from the Library Board that the Library is currently closed except for curb side pickup. People can order online and pick up outside the library.
- F. Neenah Arts Council
1. Alderperson Erickson requested this report be moved to the November 4, 2020 meeting.

XI. Council Directives—None

XII. Unfinished Business—None

XIII. New Business

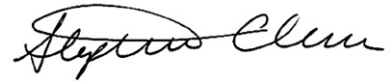
1. Dir. Easker shared some time and date options for the upcoming budget workshops. Council shared their availability. The workshops will be finalized and posted soon.
2. Mayor Kaufert shared an updated on in office absentee voting. It has been extremely busy the first two days but we do anticipate it will taper off as the first rush subsides.
3. Mayor Kaufert stated trick or treat is still on and asks residents to act responsibly and follow CDC guidelines.
4. Mayor Kaufert shared there is a new free testing site at Theda Care on Green Bay Road where people can get a self-administered testing kit.

Council Minutes  
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XIV. Adjournment

**MSC Stevenson/Lendrum to adjourn at 8:30 pm, all voting aye.**



Stephanie Cheslock  
City Clerk

**CITY OF NEENAH**  
**PUBLIC SERVICES AND SAFETY COMMITTEE MEETING MINUTES**  
**Tuesday, October 27 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, Spellman and Stevenson

**Excused:**

**Also Present:** Mayor Kaufert, Public Works Director Kaiser, Assistant Chief Bernice, Captain Van Sambeek, Deputy Attorney Westbrook, Deputy Director Community Development and Assessment Schmidt, Public Works Office Manager Mroczkowski, Mark Geall, John Manchester, Bernice Meyer

Approval of Minutes of the meetings for October 13, 2020

**Motion Second/Carried Lendrum/Spellman to approve of the minutes of the Meeting of October 13, 2020. All voting aye.**

Public Appearances:

None

**Motion /Second/Carried Lendrum/Lang to move agenda item Revocable Occupancy Permit 617 E Wisconsin Ave to end of agenda since Alderperson Stevenson was not yet in attendance due to a meeting conflict. All voting eye.**

Ord 20-17 Creating Sec. 11-57 Metal Detectors Prohibited on Public Lands and Right-of-Way:

Deputy City Attorney Westbrook reviewed his memo of October 27, 2020 regarding the committees requested changes that were discussed at the Public Services & Safety Committee meeting of October 13, 2020. The ordinance was amended to only disallow metal detectors at Kimberly Point Park and along Lakeshore Avenue. Language related to digging on public land and city parks was removed as that is covered in the posted Park Rules. Language remained regarding the need for a permit to dig in the right-of-way.

Alderperson Stevenson entered the meeting.

Alderperson Lendrum asked if the old playground area near the lighthouse is part of Kimberly Point Park or Riverside Park. Director Kaiser stated that area is part of Kimberly Point Park.

Alderperson Bates asked if no digging signage will be added to the park signs.

Deputy City Attorney Westbrook stated the current park signs only list the park rules. Other signs will be posted with the new ordinance. Alderperson Bates asked what will be on the posted signs at Kimberly Point Park and along Lakeshore Avenue. Deputy City Attorney Westbrook stated the right-of-way signs for Lakeshore Avenue will list the state statute. The signs for Kimberly Point Park will have symbols and the city ordinance.

Alderperson Lendrum asked how enforcement will be handled. Deputy City Attorney Westbrook stated calls will go through the Police Departments non-emergency phone number. He further stated Director Kaiser and Director Haese would also have the authority to issue a citation, but the majority of enforcement will be handled by the police department.

Report Following discussion, **Motion/Second/Carried Lendrum/Stevenson recommend Council approve Ordinance 20-17 creating Sec. 11-57 of the City Code prohibiting use of metal detectors at Kimberly Point Park and along Lakeshore Avenue.** Roll Call Vote. All voting aye.

**Motion /Second/Carried Lendrum/Lang to move agenda item Revocable Occupancy Permit 617 E Wisconsin Ave to top of agenda due to Alderperson Stevenson now being in attendance.** All voting aye.

Revocable Occupancy Permit 617 E Wisconsin Avenue:

**Motion/Second/Carried Lendrum/Stevenson to remove from the table Revocable Occupancy Permit - 617 E Wisconsin Avenue.** All voting aye.

Alderperson Bates stated she requested the City Attorney's Office add a requirement to the revocable permit which states that if the fence becomes in disrepair or if there is a lack of maintenance, the city would have the option to have the fence be taken down or replaced. She further stated she wanted it on record that she asked the property owner to work with the City of Neenah in regards to the fence along the East Wisconsin Avenue side of the property. She requests the fence be moved out of the city right-of-way since there are no utility easement issues along the Wisconsin Avenue side when E. Wisconsin Avenue is reconstructed in 2023.

Mr. Geall responded by stating he is willing to work with the City of Neenah regarding the placement of a new fence along the Wisconsin Avenue side of his property. He stated the original intent was to include both S. Park Avenue and Wisconsin Avenue on the same permit. He stated that was not done because he is waiting to see what the reconstruction plan is for E. Wisconsin Avenue.

Director Kaiser stated the plans for the sidewalk installation are complete. E. Wisconsin Avenue road reconstruction is not slated until 2023 so the design phase won't begin for a couple of years. He further stated he can provide Mr. Geall with the location of the new

sidewalk. Mr. Geall stated that the plan was to install the S. Park Avenue fence this year and the Wisconsin Avenue fence next year.

Aldersperson Lendrum asked if the proposed fence will cause any sight line hazards. Deputy Director Schmidt stated it will not. The current fence at the corner of Wisconsin Avenue and S. Park Avenue is out of the vision triangle.

Aldersperson Bates requested that the maintenance requirement that she has requested be added to the revocable permit before it goes to council. Deputy City Attorney Westbrook informed Aldersperson Bates that item 8 of the permit, states, the occupant is responsible for the installation and all maintenance of the encroachment. He stated this implies that the property owner must maintain the fence and the surrounding area. He confirmed this language is sufficient to give the city the option to revoke the occupancy permit in the future if the fence comes under disrepair.

Aldersperson Lendrum asked Mr. Geall if he is in agreement with the terms of the permit. Mr. Geall responded stating he is in agreement with the terms of the permit.

Aldersperson Lendrum stated we have an appeal and variances process in place to deal with situations like this. She further stated this area of the city, S. Park Avenue and Lakeshore Avenue was donated for the residents of Neenah to enjoy. She stated this fence will add an elegance along S. Park Avenue and at the same time benefit the City of Neenah. She stated she is in support of the new fence.

Following discussion, **Motion/Second/Carried Lendrum/Lang to recommend Council approve the Revocable Occupancy Permit to Michael Geall for the installation of a fence on S. Park Avenue for his property located at 617 E. Wisconsin Avenue.** Roll Call Vote. All voting aye.

Report

Licenses:

Beverage Operator's License Appeal:

Deputy City Attorney Westbrook reviewed the criteria that has been set up under the new review process for obtaining a Beverage Operator's License regarding OWI's with the committee and Mr. Manchester.

Deputy City Attorney Westbrook presented the City's case for the denial of Mr. Manchester's application of a Beverage Operator's License. He stated Mr. Manchester has three OWI's on his driving record. The first was prior to 2012 which was a non-criminal offence, the 2<sup>nd</sup> was in 2012 and the 3<sup>rd</sup> was in 2015. This application meets the criteria of the review process for recommendation for denial.

Mr. Manchester addressed the committee and thanked them for the opportunity defend his denial. He stated he has worked at Cranky Pat's off and on for the last seventeen years. He started working there in 2003. From 2003 to 2006 he would worked as a summer camp counselor and then for the remainder of the year would work at Cranky Pat's. In 2006 in joined the military as a medic. He served eight years. During this time he suffered from depression, was in an unhealthy relationship and turned to alcohol to deal with these

issues which resulted in his three OWI's. Mr. Manchester stated Cranky Pat's has gone through staffing issues since the pandemic. By obtaining this bartender license it will relieve some of the staffing issues and it will also provide more employment opportunities for him at Cranky Pat's. He feels because of his past issues and his OWI's he is more equipped to see the signs of someone who has had too much to drink and be responsible and not continue to serve them. He is aware of the city's standard for holding an operator's license. He stated that Cranky Pat's has a zero tolerance for bartenders drinking on duty.

Deputy City Attorney Westbrook asked Mr. Manchester when his license was reinstated. Mr. Manchester stated 2018.

Deputy City Attorney Westbrook stated there was a three year time span between the 2<sup>nd</sup> OWI and the 3<sup>rd</sup> OWI. He asked Mr. Manchester what he has done since his 3<sup>rd</sup> OWI to change his lifestyle in regards to drinking alcohol.

Mr. Manchester stated he left a toxic relationship and is raising his son. He works as much as he can, takes walks in the park and is currently in a healthy relationship and has realized he no longer wants that lifestyle.

Deputy City Attorney Westbrook asked Mr. Manchester if he had an Alcohol or Drug Abuse Assessment. (AODA).

Mr. Manchester stated that he had. He stated it was done after his first OWI even though it was not required. The outcome was his realization that his behavior was stupid and he was not dealing with his personal issues in the right way. He then stated after the 2<sup>nd</sup> OWI he entered an outpatient treatment program and Alcoholic Anonymous meetings.

Deputy City Attorney Westbrook asked Mr. Manchester if he feels he has an alcohol dependency issue. Mr. Manchester stated he does not consider it to be an alcohol dependency problem. He stated he was hiding from his problems by sitting in bars. Deputy City Attorney Westbrook asked Mr. Manchester if his three OWI's were the result of him being an alcoholic or alcohol dependent, or rather making poor, stupid choices in the past. Mr. Manchester replied that he believes it was the latter.

Aldersperson Lendrum asked Captain Van Sambeek if he was aware of a statistic that a drunk driver will drive many times before they are actually stopped for the offense. Captain Van Sambeek stated he has heard of that statistic, but is not confident of its validity.

Aldersperson Lendrum stated three OWI's are appalling to her. She stated the reasons Mr. Manchester has given this committee do not give her comfort of how he has changed his lifestyle. She did not hear a plan or anything specific that his AODA has guided Mr. Manchester away from not drinking and driving again.

Deputy City Attorney Westbrook asked Mr. Manchester if he has a structured AODA plan to address his previous mistakes or if he has a less structured plan. Mr. Manchester replied by stating he has a less structured plan that he follows. He stated it is split into two areas. He now exits Cranky Pat's through a back door so he does not pass through the bar area and he no longer gives rides home to coworkers or friends. Deputy City Attorney Westbrook asked Mr. Manchester why these changes did not happen after his first or

second OWI. Mr. Manchester replied stating he did not take them seriously at the time. Since then he has matured, taken on more responsibility in raising his son and he did not want to expose his son to that type of behavior. He has now realized the severity of what he was doing.

Deputy City Attorney Westbrook stated at the time of the 2<sup>nd</sup> OWI your son was three. Why did you not make the changes you have done since your 3<sup>rd</sup> OWI then. Mr. Manchester stated he was not happy with his life. He did not learn his lesson and continued his bad habits. He stated it took a 3<sup>rd</sup> OWI to make him sit down and take a look at his life and make the changes.

Deputy City Attorney Westbrook stated we have heard the changes you have made at work, but what else have you changed to insure you will drink and drive again and get a 4<sup>th</sup> OWI. Mr. Manchester stated he lives within a mile of work and will walk home if he has been drinking. He has changed his lifestyle.

Aldersperson Bates asked if a person who holds an operator's license receives a 4<sup>th</sup> OWI, are their licenses automatically revoked. Deputy City Attorney Westbrook stated a license can be revoked by this committee if there is just cause. He stated however, that the committee would need to be informed in some manner that a bartender had received that 4<sup>th</sup> OWI or any offense that violates the rules. With the number of operator's licenses and the number of OWI's, informing this committee would be a huge task for the Police Department. He further stated that this is the purpose for the two year renewal process. Aldersperson Bates then asked Captain Van Sambeek if, at the time of renewal a 4<sup>th</sup> OWI is reported, would the review committee deny the license. Captain Sam Vanbeek stated it would be recommended for denial.

Aldersperson Spellman asked if the license renewal could be on a yearly basis. Deputy City Attorney Westbrook stated the state statute is clear on what type of licenses we can issue, a provisional which is a 60-day license or a two year license. The city cannot create their own license.

Aldersperson Stevenson asked Mr. Manchester to restate his work history at Cranky Pat's. Mr. Manchester stated he started working there in October 2003. The summer of 2003 through 2005 he worked as a summer camp as a counselor and then in the off season he would work at Cranky Pat's. In 2005 he took a two year break from the summer camp counselor job, but continued to work at Cranky Pat's. In 2006 he joined the army. In 2007 he returned to Camp Nan A Bo Sho to be a program director for six months. He did try a machinist job at Plexus for 6 months, but that did not work out. He returned to Cranky Pat's in 2013 as a shift leader and has been there ever since.

Aldersperson Stevenson stated Mr. Manchester has worked at Cranky Pat's off and on for over seventeen years. He has a letter of recommendation from the owner, who is a well-respected business owner in the City and who is putting his liquor license on the line by supporting Mr. Manchester's request for an operator's license. He stated Mr. Manchester has been there full time for the last seven years. He further stated he will support the application. Mr. Manchester is a veteran and has admitted to his past mistakes.

Aldersperson Stevenson asked Mr. Manchester why this license application did not come three years ago. Mr. Manchester stated there was not a need for him to hold an operator's



license because they were fully staffed. He stated that when the COVID-19 pandemic hit they lost the bar manager and assistant bar manager prior to shutting down in March. After we reopened, none of the bartenders returned along with the assistant bar manager. The only employee to return was the bar manager. He stated that he was the one who suggested to his general manager that he apply for the license knowing that the likelihood of it being approved was not good based on his driving record. He stated that after the reopening, the employees that remained all stepped in when needed as a bartender. He stated getting this license will enable him to be put on the schedule and relieve the pressure of the general manager who has been having to do all the new bartender training.

Alderson Stevenson stated Mr. Manchester was proactive in his attempt to get an operator's license to help the business knowing that his OWI's would come into question.

Mayor Kaufert asked Mr. Manchester if his main job is in the kitchen. Mr. Manchester confirmed that it was. Mayor Kaufert further stated, bartending will not be his full-time job at Cranky Pat's. This license will provide some scheduling flexibility for the general manager. He stated that the owner is willing to put his liquor license on the line and support Mr. Manchester getting his Operator's License. He noted that says a lot to him about the trust the owner has in him.

Alderson Bates asked Mr. Manchester what establishments had he been drinking in at the time he received the OWI's. Mr. Manchester responded by stating the first and the third were at Cranky Pat's and the second one was a different bar.

**Following discussion Motion/Seconded/Carried Lendrum/Stevenson to approve the Beverage Operator's License for John Manchester.** Roll Call Vote. Motion passed. 4-1 (Alderson Bates voting no)

Public Works General Construction and Department Activity:

- 1) Contract 7-19 (Breezewood Sanitary Sewer) – Work is complete. A final pay request is being taken to the Board of Public Works.
- 2) Contract 1-20 (Abby, Bond, Center, Clybourn) - Utility work is complete. The lower course of pavement has been placed on Bond, Center and the west half of Abby.
- 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.

Bernice Meyer, 116 Armstrong Street, Town of Neenah addressed the Committee to ask what boundary issues are being discussed.

Deputy City Attorney Westbrook stated that we are in discussion with the Town of Neenah over several boundary agreement issues. Shootingstar Street and

Armstrong Street are among them. He stated that is all the information he can share at this time.

5) Contract 4-20 (Green Bay, Tullar, Marathon)

c) Tullar, Marathon – Work is complete.

d) Green Bay – Water main work is complete. Concrete pavement is done with the exception of a gap in the northbound lane. Concrete driveway aprons and sidewalk are ongoing. Terracing has been completed on the west side and about half of the east side. Asphalt aprons are scheduled for the week of October 26.

Alderson Stevenson asked when Green Bay Road will be open to two-way traffic. Director Kaiser stated we are hoping by the end of this week.

6) Contract 5-20 (Utilities - Lakeshore) – Utility work is complete.

7) Contract 6-20 (Millview Drive Utility Relocation) – Utility work and concrete pavement repairs are complete. Asphalt pavement paving on Millview Drive is scheduled for late in the week of October 26.

8) Contract 7-20 (Fire 32 Roof) – Work is complete.

9) Contract 9-20 (Misc. Asphalt Pavement Repairs) – Work has not been scheduled.

10) Contract 10-20 (Misc. Concrete Pavement and Sidewalk Repair) – Work is nearly complete for the year.

11) Contract 11-20 (Street - Lakeshore) – Archaeology mitigation is complete. Monitored excavation is scheduled to resume on October 26. This work is being staged to maximize the availability of access to the residents. In looking at the work remaining, the most likely project status at the conclusion to this construction season is that the roadway and trail areas are excavated and graveled. This is based on the expectation that asphalt plants will close around November 20. After the monitored excavation is complete and the burial features within the roadway are addressed, the contractor has about two weeks of excavation and graveling, which will put us very near the time of plant shutdown. If weather allows, additional progress on the project may be made. We will be discussing the full schedule with the contractor in the coming week.

Mayor Kaufert asked if given the late completion of a number of the projects, the contractors will return in the spring to complete the terrace restoration. Director Kaiser stated we provide a punch list to the contractor in the spring of items that need to be addressed.

Alderson Bates asked if there as many artifacts on the west side towards the people's homes than were on the east side. Director Kaiser stated they did find artifacts on the west side with that initial investigation that was done in August. Based on what we've seen since August, most of the issues have been along the east side. Director Kaiser stated that they did uncover another burial feature today on at south end. There appeared to be evidence that his area had previously been disturbed. Director Kaiser stated mostly likely from plowing.

October 27, 2020

Page 8

Aldersperson Stevenson asked about the expenditures to date. Director Kaiser confirmed we are short approximately \$7,400.

Aldersperson Bates asked if there is a possibility of getting the curbing in or the trail paved this year yet. Director Kaiser stated if we're not putting the asphalt down we would rather not put the curb down because of the potential damage that could occur over winter with plowing. The concrete trail and sidewalk would be a possibility, but staff needs to have a discussion with the contractor. The contractor can pour in cooler weather, but we may get into additional cost and cold weather curing.

Aldersperson Bates asked what is the procedure when a project is not completed in the year it was supposed be. Director Kaiser stated we've had discussions with this contractor providing them status reports along the way. We've done this in the past with other contracts, where we are carrying work over to the following year. He stated we always clear it with the contractor to make sure that they're comfortable doing that and will be able to proceed with the work in the following year. He further stated Sommers Construction is good with the plan.

Director Kaiser stated he had a discussion with the Jeweler Park/ Bridgewood Trail consultant. They raised an issue with the plan to widen out the road grade over a box culvert. Their analysis is that that it will cause structural issues with the box culvert. Staff met with the consultant discuss alternatives to widening the roadway in that area without reducing the amount of dirt over the top of that box culvert. A solution has been developed.

Director Kaiser stated they've also been finishing the hydrology work on the crossing of the Neenah slough covering options. Once we have this information, a route selection can be made and permitting started.

Adjournment: **Motion/Second/Carried Lendrum/Spellman to adjourn at 8:06 p.m.** All voting aye.

Respectfully submitted,



Lisa Mroczkowski

Public Works Officer Manager



211 Walnut Street  
Neenah, WI 54956

AN ORDINANCE: By Public Services & Safety  
Committee  
Re: Creating Neenah Code § 11-57 – Use of Metal  
Detectors Prohibited

ORDINANCE NO. 2020-17  
Introduced: 10/13/2020 & 10/27/2020  
Committee/Commission Action:  
Recommended for Passage

## AN ORDINANCE

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

**Section 1.** Section 11-57 of the Code of Ordinances of the City of Neenah is created to read as follows:

**Sec. 11-57 Use of Metal Detectors Prohibited**

- (a) Definitions. As used in this section, the following terms shall have the meanings indicated:  
**Metal Detectors:** Any device that gives an audible or other signal when it is close to metal, typically used to search for lost or buried items.
- (b) The use of metal detectors at Kimberly Point Park or along Lakeshore Avenue is prohibited.
- (c) Exception. If the City, after hearing evidence indicating a strong necessity, finds that a metal detector must be used, the Director of Public Works, Director of Parks and Recreation, or the City Attorney may issue a no-cost permit to the requesting party for the specific location required to be searched.
- (d) Penalties: Any person who shall violate this section shall pay a forfeiture of \$200 plus costs.

**Section 2. Severability.** In the event any section, subsection, clause, phrase or portion of this ordinance is for any reason held illegal, invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remainder of this ordinance. It

is the legislative intent of the Common Council that this ordinance would have been adopted if such illegal provision had not been included or any illegal application had not been made.

**Section 3. Repeal and Effective Date.** All ordinances or parts of ordinances and resolutions in conflict herewith are hereby repealed. This ordinance shall take effect from and after its passage and publication.

Moved by: \_\_\_\_\_

Adopted: \_\_\_\_\_

Approved: \_\_\_\_\_

Published: \_\_\_\_\_

Approved:

\_\_\_\_\_  
Dean R. Kaufert, Mayor

Attest:

\_\_\_\_\_  
Stephanie A. Cheslock, City Clerk

THIS INSTRUMENT WAS DRAFTED BY:  
Deputy City Attorney Adam J. Westbrook  
211 Walnut Street  
Neenah WI 54956  
State Bar No. 1098561

**NMFR Joint Finance & Personnel Committee Meeting Minutes**  
**October 27, 2020 – 5:30 p.m.**  
**Virtual Meeting**

Present: Ald. Borchardt, Ald. Grade, Ald. Sevenich, Ald. Boyette, Ald. Stevenson and Ald. Ropella.

Also Present: Chief Kloehn, DC Voss, Director Easker, Director Sassman and MA Ellis

Public: Amos Mikkelson, Ald. Nichols, Deputy Chief Voss and Director Kehl

Ald. Boyette called the meeting to order at 5:33 p.m.

Public Forum: Ald. Nichols said hello to the group.

Minutes: The Committee reviewed the October 6, 2020. Ald. Sevenich noted one correction for the minutes. **MSC Sevenich/Grade approve the October 6, 2020, with the correction, all voting aye.**

Ald. Ropella joined the meeting at 5:36 p.m.

Activity Report: The Committee reviewed the September activity report. **MSC Ald. Stevenson/Sevenich to approve the September activity report, and place on file, all voting aye.**

Assistant Chief/Fire Marshal Position: The Committee reviewed the information from Chief Kloehn for consideration of filling the vacant Assistant Chief/Fire Marshal position. Chief Kloehn reviewed the job duties on this position. He also noted other departments in our area have this split between two different positions. One Assistant Chief and one Fire Marshal. Our department is the only one that has both positions into one. The average salary for the Fire Marshal position is in the \$80,000. The salary range starts at \$10,000 less than what the previous person in this position made. However, the salary is negotiable. Chief Kloehn reviewed the statistical data and explained how this has grown since the merger. Information included inspections, public education, plan reviews, etc. Chief Kloehn noted if there is a request to eliminate this position from the department he didn't know what process would need to be taken with the merger agreement in place. Both City Attorneys would need to be consulted.

Ald. Borchardt asked if this position was two positions or one at the time of the merger. Chief Kloehn noted that this was one position at the merger. Ald. Borchardt asked if there has been discussion on splitting this position into two positions due to the increased duties this position has taken on over the years. Chief Kloehn said they have looked at adding a position for the Management Team. We try to adapt with what we have and feels this can be done with one person. However, he doesn't feel eliminating this position is the right thing for the department due to the amount of work that is done with this position and with the upcoming turnover next year. Managing without this position, and having up to 10 new firefighters who need to be trained in inspections, prevention, etc., would be extremely difficult.

Ald. Grade asked if this was a union position. Chief Kloehn said it isn't. It's a non-union, management position. Ald. Grade feels this is a key position for both Cities to have and is not looking to eliminate this

position due to the intangibles and what the need is in the future, especially with this being a job that covers two cities. The proposed 2021 budget is only a 1% increase. He thanked Chief Kloehn for his efforts and feels we can work something out with replacing this position.

Ald. Sevenich said at the last Menasha Council Meeting, Ald. Taylor felt this position should be eliminated and consolidated with the Deputy Chief's position. He said there are members on the Menasha Council that feel there should be further study on this and not jump into filling this position. He said we should check with the City Attorneys but if one Council says yes and one says no then we stick with what we have.

Ald. Ropella said he appreciates Chief Kloehn's work on this. He feels the duties from this position should be split between the three remaining chiefs and feels they should have learned something over the years on how to do his job and it will save money. If we replace this position it will cost more money.

Discussion was held on the table of organization of the department. Ald. Stevenson said according to the organizational chart there is one Chief, one Deputy and two Assistant Chief Positions. Exhibit A of the original merger agreement shows an organizational chart of one Chief and three Deputy Chiefs. To say this organizational chart was not reviewed is untrue as it was reviewed at least 10 years ago where it was changed to one Chief, one Deputy Chief, one Assistant Chief/Fire Marshal and a second Assistant Chief. He is supportive in keeping this position as we will see savings in the next few years with turnover of firefighters who will be hired at a lesser pay and we will need this position to train new firefighters. It's one thing to say I want to eliminate a position. It's another thing to say that and state how the duties should be divided up and what the ramifications are. Ald. Sevenich said he agreed with Ald. Stevenson and said this was one Alderman in Menasha who didn't attend this meeting to find out more information but appreciates Ald. Nichols attending this meeting to hear the information.

Ald. Boyette feels Ald. Taylor is late to the game on trying to do this. She appreciates his thoughts but this should have been looked at earlier before the budgets so it was in place for when a retirement happens. For future, she thinks a plan should be put together to plan for upcoming retirements in the administrative positions. That way we can see the impact of the department and services if we do not replace these positions. She is all about cutting costs but doesn't agree with cutting this position without doing research on how this affects the department's services, can existing staff handle the additional responsibilities, etc.

Ald. Ropella said he agrees with Ald. Boyette and felt they are stuck between a rock and hard place. He feels this may have been by design by doing this in October, versus when the budgets started, and is forcing us to approve this position versus doing due diligence. Ald. Boyette said it's also the Committee's fault for not doing diligence in planning ahead of time. Chief Kloehn said this wasn't done at the last minute by design. AC Green only gave us two weeks' notice of his retirement. He had no idea this was happening when budget planning began. Ald. Grade said he agrees with Chief Kloehn that you cannot speculate on what ifs. You can't ask for a replacement with a position until someone actually gives notice.

Ald. Borchardt asked what the responsibilities of this committee were. He said this is Chief Kloehn's budget and we have to trust him on what the department needs and we have to trust that he is doing what is needed. Ald. Sevenich asked if there was a job description for this position and asked that be shared. He said he feels more time needs to be spent on this but agrees with Ald. Borchardt and that this

is Chief Kloehn's department and his job to manage the department and will respect him for that. He has to do his job to see if there is a way for the taxpayers to save money.

Chief Kloehn noted each City receives 2% dues from the State of Wisconsin. Per the State's requirements, this money has to be used towards public education, public safety, a Fire Marshal position, fire related equipment, etc. Neenah receives \$94,000 and Menasha receives \$50,000.

Ald. Stevenson said the comment about being manipulated into approving this position was not appropriate. He did his diligence in researching the replacement of this position before the meeting by talking to the Chief, Mayor Kaufert and AC Green before he left. There was no motivation by AC Green to manipulate anyone with only a two weeks' notice. Implication that this was a staged thing is not the case. Per the merger agreement, the role of this committee is the oversight of the day-to-day operations and budgetary matters. They shall review budgetary issues, labor contracts, position vacancies, proposed new positions, capital outlay items and expenses of \$5,000 or more and make recommendations to both Common Councils of the Cities of Neenah and Menasha. Recommendations of the Joint Finance & Personnel Committee shall be acted upon separately by the common councils of both Neenah and Menasha and shall be effective only upon concurrence of both councils. If we look back, the organizational chart has been changed since the merger and this was changed years ago from three Deputy Chief Positions to one Deputy Chief and two Assistant Chief Positions to better utilize the management dollars that were being allocated to the department. We have had ongoing review of management structure within the fire department. It's been done at least once since the merger and its working. We have responsible management and operational leadership and if we are going to investigate opportunities to improve efficiencies there are other ways to do this. We are in a unique situation with the number of new firefighters and the amount of time we were given for retirement from Vern. We have a lot of new people coming on board over the next three years. If we are going to investigate how to stream line and be more efficient it would take months to do. It's easy to just say cut a position but you have to look at what it will look at when it's done and how it affects services to both cities. Ald. Sevenich requested a roll call vote for this. He then asked Chief Kloehn if we will have a difficult time finding someone to replace this position or does he feel confident we will have someone in house. Chief Kloehn said he feels there is a potential of 4-5 in-house candidates and hopefully can fill this with either an internal or external candidate. Ald. Grade said he wants to echo Ald. Borchardt and Ald. Stevenson's comments that Chief Kloehn has done an excellent job managing the department. We could look at the organizational chart in the future but we continue to stay in line with the budget and is happy how things are working here. **Motion made by Ald. Stevenson, Seconded by Ald. Grade recommends the City of Neenah and City of Menasha Common Councils approve filling the vacate Assistant Chief Prevention/Fire Marshal position, motion carried on roll call vote,**

Proposed budget for 2021: The Committee reviewed the information regarding the proposed 2021 budget. Chief Kloehn reviewed the budget cuts that were made by both Mayors and Finance Directors. The total increase for 2021 budget is 1.09% with salaries being the largest portion of the budget.

**Motion made by Sevenich, Seconded by Grade recommend the City of Menasha Common Council approve NMFR proposed 2021 budget as presented.**



Discussion was held one if one motion could be done for both cities or if two motions were needed. Ald. Stevenson noted that this Committee has always only done one motion for both councils.

**Motion made by Stevenson seconded by Borchardt to amend the motion to include the City of Neenah Common Council in original motion, all voting aye by voice vote.**

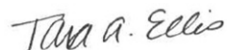
**Original Motion carried as amended, all voting aye by voice vote.**

Ald. Grade asked Chief Kloehn about the number of upcoming retirements. He said when someone retires, and we wait to fill the position, we will have overtime and asked if he was comfortable with this budget. Chief Kloehn said he is and does feel we have to figure out the timeline of the retirements and the recruit class and hiring as the retirements will space from January through June.

Ald. Ropella asked if there was thought on replacing with paid on call. Chief Kloehn said there is no thought on replacing full-time positions with paid on call. He noted neighboring departments who have this model cannot get people to apply and work in these positions. People have full-time jobs and employers will not allow people to leave work to respond to EMS and/or fire calls. In addition to full-time jobs, people have families, they are busy, and will have a hard time fulfilling the average of 120 hours of training each of our firefighters complete every year to maintain their skills. Grand Chute was a paid on call department and is now a full-time career department. This change was made as they couldn't get staffing. Fox Crossing is slowly implementing to a full-time career department as they cannot get staffing. Rural departments who only respond to 100 calls a year can do this. However, we average over 3,000 calls per year. If we did this we will not be able to get staffing and this will have an effect on the high quality of service we provide. In addition, there are a couple of departments in the state who closed and no longer provide service as there are no people to fill these paid on call positions. He continues to have conversations with neighboring departments to see if there is a way we can work together but it won't work unless both departments are full-time. Ald. Ropella asked if we have a hard time coming up with recruits. Chief Kloehn said there was an increase of applications this year.

**MSC Sevenich/Stevenson to adjourn at 6:35 p.m. all voting aye.**

Respectfully Submitted,



Tara Ellis

Management Assistant



## **Memorandum**

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**TO:** NMFR Joint Finance & Personnel Committee

**FROM:** Chief Kloehn

**DATE:** October 14, 2020

**RE:** Replacement of Assistant Chief Prevention/Fire Marshal Position

We currently have a vacant Assistant Chief/Fire Marshal position and I am asking for consideration in replacing this position.

Our Assistant Chief Prevention/Fire Marshal is responsible for job tasks, these are just a few of those tasks:

- Development, delivery and administration of Fire Prevention, enforcement of local, state and national fire and life safety codes/standards within our two Cities.
- Supervises the fire inspection duties for all Shift Inspectors and company inspections.
- Coordinates all plan reviews for fire sprinklers, alarms and built-in fire protection system plans for all new construction and remodeling projects.
- Issues permits to ensure safety and compliance (i.e. fireworks, flammable liquids, opening burning, etc.).
- Oversees all fire cause investigations. This includes coordinating investigations with both Police Departments and the State, when needed.
- Manages and oversees the Records Management System along with CAD. This includes mandatory reporting of activities for NFIRS.
- Implements, and oversees, all fire prevention activities.
- Involved in Planning, Safety Committees for both Cities and both school districts.
- Coordinates all fire investigation, arson, inspection, prevention code/standards, etc. for all line staff members.

Any insurer doing a fire insurance business in Wisconsin must pay to the state, fire department dues equal to 2% of the amount of all Wisconsin-based premiums paid to the company during the preceding calendar year for insurance against loss by fire, including insurance on property exempt from taxation. In turn, the State of Wisconsin gives each municipality, who maintains a fire department, their portion of the 2% dues with the requirement that these monies only be used for:

- Fire inspection and public education materials; and the continuing education for firefighters and fire inspectors.
- Salaries of fire prevention and fire inspector positions.

In 2020, the City of Neenah received \$94,000 and the City of Menasha received \$50,000 in 2% dues, which covers each City's portions of funding this position.

This memo is a request to be able to fill the important position within my management staff at NMFR. 2021, begins the start of turnover for 1/3 of our department. We anticipate up to 9 retirements in 2021 alone. We need to make sure we maintain the high level of service we provide for both Cities and make sure staff members are training appropriately.

I am asking for consideration and action to recommend the City of Neenah and City of Menasha Common Councils approve filling the vacant Assistant Chief Prevention/Fire Marshal position as soon as possible.

Thank you for your consideration.

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

KK/te



# NMFR Organizational Chart

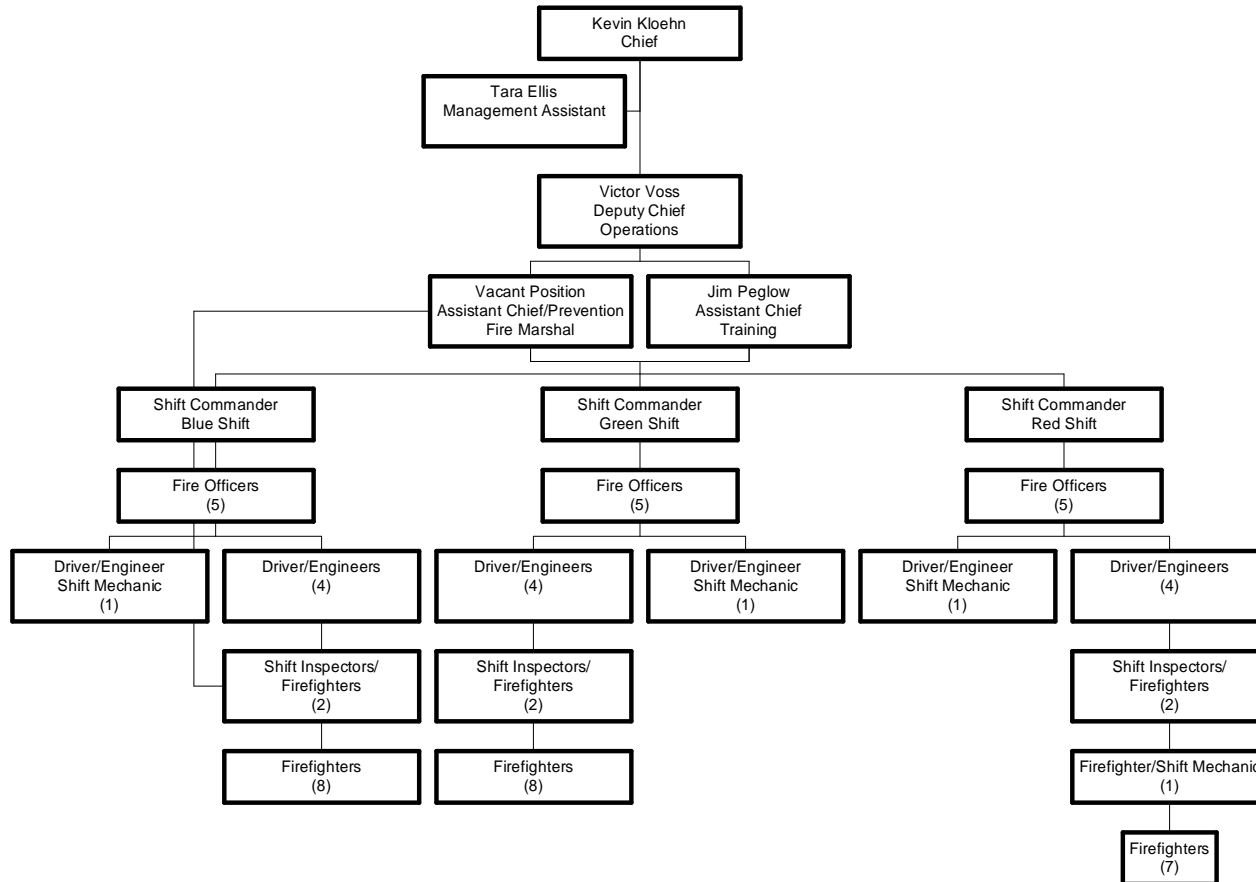
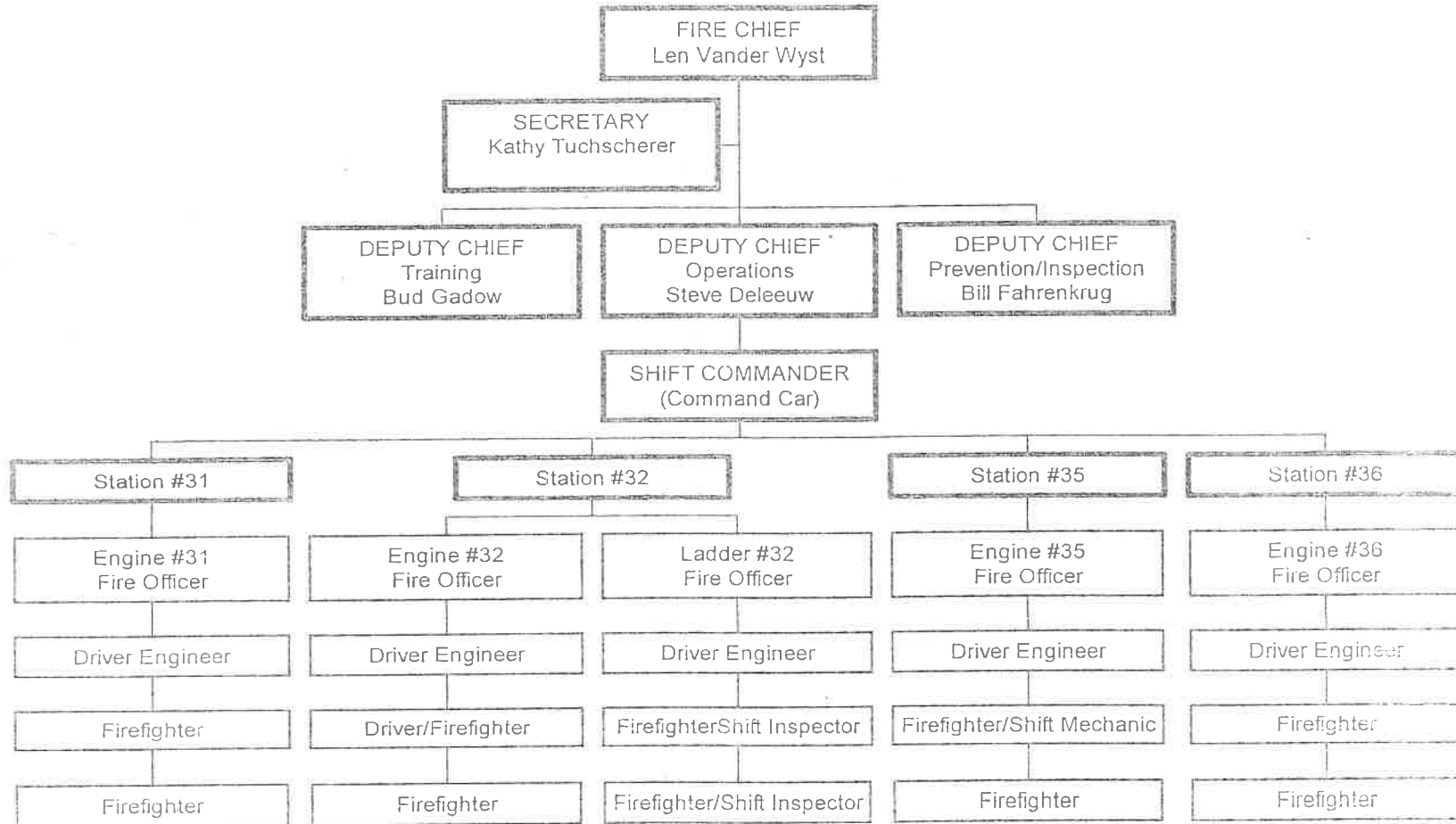


EXHIBIT A

# NEENAH-MENASHA FIRE-RESCUE



**Minutes of the Board of Public Works Meeting  
Tuesday, October 27, 2020, 12:00pm Noon**

**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 and Director of Water Utility Mach

Mayor Kaufert called the meeting to order at 12:01 p.m.

**MINUTES:** MSC Bates/Kaiser to approve the minutes from the October 13, 2020 meeting, all voting aye.

**APPEARANCES:** None.

**UNFINISHED BUSINESS:** None.

**NEW BUSINESS:**

**Public Works:**

1. Change Order No. 1 for Contract 6-20: Dir. Kaiser stated this is due to sanitary storm work on Millview related to the Site 6 development. This work was not in the original contract and therefore not bid out with the contract because the type of lateral was dependent on the final development design on Site 6, which had not yet been determined. The Site 6 project will be complete in February of 2022. Dir. Kaiser requested approval of Change Order No.1 for Contract 6-20, Sanitary Sewer, Storm Sewer, and Pavement Construction for Millview Drive to Vinton Construction Inc., Two Rivers in the amount of \$16,236.00 to Furnish and Install 8 Inch Ductile Iron Water Service  
**MSC Kaiser/Godlewski to approve Change Order No.1 for Contract 6-20, Sanitary Sewer, Storm Sewer, and Pavement Construction for Millview Drive to Vinton Construction Inc., Two Rivers in the amount of \$16,236.00 to Furnish and Install 8 Inch Ductile Iron Water Service, all voting aye.**
2. Pay Estimate No. 1 for Contract 6-20: Dir. Kaiser stated this payment is for the same contract as the previous change order and includes all the sanitary and storm sewer work as it is complete. All that is left to complete on the project is asphalt and pavement repair. Dir. Kaiser requested approval of Pay Estimate No. 1 for Contract 6-20, Sanitary Sewer, Storm Sewer, and Pavement Construction for Millview Drive to Vinton Construction Inc., Two Rivers, in the amount of \$263,933.75.  
**MSC Kaiser/Lang to approve Pay Estimate No. 1 for Contract 6-20, Sanitary Sewer, Storm Sewer, and Pavement Construction for Millview Drive to Vinton Construction Inc., Two Rivers, in the amount of \$263,933.75, all voting aye.**
3. Final Payment for Contract No. 7-19: Dir. Kaiser stated this payment is so low because of the clean up on the itemized listing they previously did via change order. The cost sharing between the City of Neenah, Town of Neenah, and Sanitary District will begin as soon a final payment is processed. Dir. Kaiser requested approval of the Final Pay Estimate for

Info Only

Info Only

Report

Contract 7-19, Breezewood Lane and Harness Lane Sanitary Sewer Construction to Dorner, Inc. Luxemburg, in the amount of \$7,944.65.

The Board discussed how the project went over all, how the coordination between entities was over all successful, and how this project has set Neenah up for future growth in that area.

**MSC Kaiser/Godlewski to recommend Council approve the Final Pay Estimate for Contract 7-19, Breezewood Lane and Harness Lane Sanitary Sewer Construction to Dorner, Inc. Luxemburg, in the amount of \$7,944.65, all voting aye.**

**Water Department**

1. Pay Estimate No. 1 for Contract 1-19W: Dir. Mach requested approval of Pay Estimate No. 1 for Contract 1-19W, Removal and Disposal of Lime Sludge to United Liquid Waste Recycling, Inc., of Clyman, WI in the amount of \$304,355.00

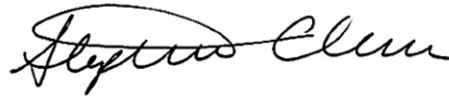
The Board discussed keeping a retainage on the contract and the frequency of this kind of project, which is roughly once every two years.

**MSC Kasier/Bates to approve the Pay Estimate No. 1 for Contract 1-19W, Removal and Disposal of Lime Sludge to United Liquid Waste Recycling, Inc., of Clyman, WI in the amount of \$304,355.00, all voting aye.**

**ADJOURNMENT**

**MSC Lang/Kaiser to adjourn at 12:21pm all voting aye.**

Respectfully Submitted,



Stephanie Cheslock,  
City Clerk

Info Only

**STATUS OF COUNCIL DIRECTIVES ISSUED SINCE JULY 1, 1981**

Date: November 4, 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





**RESOLUTION NO 2020-16**

**A RESOLUTION VACATING A PORTION OF N. JOHN STREET, NORTH OF MAIN STREET PURSUANT TO SECTION 66.1003 (4) WIS. STATS.**

WHEREAS, the City of Neenah finds it in the public interest to vacate a portion of N. John Street north of Main Street, described as follows:

*PORTION OF N. JOHN STREET, BEING PART OF GOVERNMENT LOT 3, SECTION 21, TOWNSHIP 20 NORTH, RANGE 17 EAST, CITY OF NEENAH, WINNEBAGO COUNTY, WISCONSIN, MORE FULLY DESCRIBED AS FOLLOWS:*

*COMMENCING AT THE SOUTH 1/4 CORNER OF SAID SECTION 21; THENCE SOUTH 89 DEGREES 16 MINUTES 33 SECONDS WEST, ALONG THE SOUTH LINE OF SAID SECTION, A DISTANCE OF 676.29 FEET; THENCE NORTH 00 DEGREES 04 MINUTES 34 SECONDS EAST, ALONG THE EAST RIGHT-OF-WAY LINE OF N. JOHN STREET AND ITS SOUTHERLY EXTENSION, A DISTANCE OF 1828.48 FEET TO THE POINT OF BEGINNING; THENCE NORTH 89 DEGREES 55 MINUTES 26 SECONDS WEST, 60.00 FEET; THENCE NORTH 00 DEGREES 04 MINUTES 34 SECONDS EAST, ALONG THE WEST RIGHT-OF-WAY LINE OF N. JOHN STREET, A DISTANCE OF 158.62 FEET; THENCE SOUTH 87 DEGREES 39 MINUTES 51 SECONDS EAST, ALONG THE NORTH RIGHT-OF-WAY LINE OF N. JOHN STREET, A DISTANCE OF 60.05 FEET; THENCE SOUTH 00 DEGREES 04 MINUTES 34 SECONDS WEST, ALONG THE EAST RIGHT-OF-WAY LINE OF N. JOHN STREET, A DISTANCE OF 156.25 FEET TO THE POINT OF BEGINNING. CONTAINING 9,446 SQUARE FEET.*

WHEREAS, the Common Council received and introduced the resolution on the 4<sup>th</sup> day of November, 2020 for hearing on the 16<sup>th</sup> day of December, 2020; and

WHEREAS, a Lis Pendens was filed by the City with the Winnebago County Register of Deeds on or about November 2, 2020 as Document Number \_\_\_\_\_ in compliance with Wis. Stats. §66.1003(9).

NOW, THEREFORE, BE IT RESOLVED, BY THE COMMON COUNCIL OF THE CITY OF NEENAH, WISCONSIN this 16<sup>th</sup> day of December, 2020, that the above-described portion of N. John Street is hereby vacated.

BE IT FURTHER RESOVLED, that a Certified Copy of this Resolution shall be filed with the Winnebago County Register of Deeds upon passage and approval by the Common Council and Mayor of the City of Neenah.

CITY OF NEENAH, WISCONSIN

Introduced: November 4, 2020

Dean R. Kaufert, Mayor

Recommended by: \_\_\_\_\_

Moved: \_\_\_\_\_

Stephanie Cheslock, City Clerk

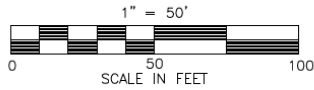
Passed: \_\_\_\_\_

# STREET VACATION

PORTION OF N. JOHN STREET, BEING PART OF  
GOVERNMENT LOT 3, SECTION 21, TOWNSHIP 20 NORTH,  
RANGE 17 EAST, CITY OF NEENAH, WINNEBAGO COUNTY, WISCONSIN.



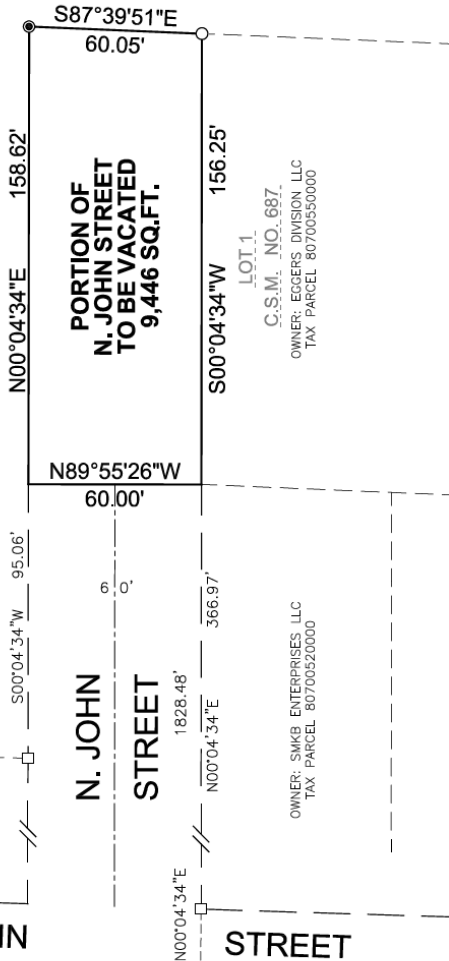
BEARINGS ARE REFERENCED TO THE WINNEBAGO COUNTY COORDINATE SYSTEM IN WHICH THE SOUTH LINE OF THE SOUTHWEST 1/4 OF SECTION 21 BEARS S 89°16'33" W



### LEGEND

- 1" O.D. IRON PIPE FOUND
- 3/4" O.D. REBAR FOUND
- DRILL HOLE FOUND
- ⊕ GOVERNMENT CORNER BRASS PLUG FOUND

PART OF LOT 28  
PALMER'S MAP.  
OWNER: EGGERS DIVISION LLC  
TAX PARCEL 80700020000



LOT 1  
C.S.M. NO. 667.  
OWNER: EGGERS DIVISION LLC  
TAX PARCEL 80700550000

OWNER: SAKB ENTERPRISES, LLC  
TAX PARCEL 80700520000

SOUTHWEST CORNER  
SECTION 21  
T20N, R17E

SOUTH 1/4 CORNER  
SECTION 21  
T20N, R17E

## Martenson & Eisele, Inc.



1377 Midway Road  
Menasha, WI 54952  
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info@martenson-eisele.com  
920.731.0381 1.800.236.0381

Planning  
Environmental  
Surveying  
Engineering  
Architecture

DATE: OCTOBER 6, 2020

PROJECT NO. 1-0349-025  
FILE 1-0349-025StVacMap.dwg  
THIS INSTRUMENT WAS DRAFTED BY: A.Sedor