

## COMMON COUNCIL MINUTES

Wednesday, March 15, 2017 - 7:00 p.m.

The Common Council of the City of Neenah, Winnebago County, Wisconsin, met in regular session at 7:00 p.m., March 15, 2017 in the Council Chambers of Neenah City Hall.

Mayor Kaufert in the chair.

Present: Aldermen Boyette, Bates, Hillstrom, Lendrum, Erickson, Lang, Pollnow and Kunz, Director of Finance Easker, Director of Community Development & Assessment Haese, Director of Public Works Kaiser, City Attorney Godlewski and City Clerk Sturn. Alderman Stevenson was excused.

Also Present: Director of Parks & Recreation Kading, Police Chief Wilkinson, Police Captains Gonzalez & Olson, Building Inspector Walter, Amy Barker of Future Neenah, Guy Stewart, Rodney Carter of Husch Blackwell - Milwaukee, Steve & Ron Seegers, Keith Laux and Brandon & Lisa Robak.

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

Clerk Sturn called a voice roll call as the Mayor/Aldermen recorded their attendance in the RollCall-Pro System followed by the Pledge of Allegiance.

### Proceedings

- I. **MSCRIP Pollnow/Lendrum to approve the Council Proceedings of September 7, 2016 regular session, October 5, 2016 regular session, October 18, 2016 regular session, November 2, 2016 regular session and March 1, 2017 regular session, all voting aye.**

### Consent Agenda

- I. **MS Bates/Pollnow to approve the Consent Agenda as follows:**
  - A. It was at consensus of the Council to allow Amy Barker to speak on Consent Agenda item B, the Summer Kick-Off Bike to Boogie event.
    1. Amy Barker of Future Neenah advised that their first ever Summer Kick-Off Bike to Boogie which will be held on June 14<sup>th</sup>. They are encouraging people to bike to a Boogie & the Yoyos concert on the lawn in front of Plexus from 6-9 pm. This will kick off all the exciting summer events they sponsor. In conjunction, they are looking to sell beer at this event as a fund raising opportunity. She will be available to answer any questions.
    2. Mayor Kaufert advised that he had a request to have non-alcoholic beer as well.
    3. Amy indicated it will be non-alcoholic beverages as well, water, soda, etc. Not necessarily non-alcoholic beer but they could look at that as an opportunity.
  - B. **Approve Beverage Operator license for: Dawn M. Eccles, Jason A. Meyer and Michelle D. Loula. (PSSC)**

- C. **Approve a temporary Class "B" retail beer license to Future Neenah, Inc., 135 W. Wisconsin Avenue, for their Summer Kick-Off Bike to Boogie event to be held on June 14, 2017. (PSSC)**
- D. **The motion to approve the Consent Agenda carried, by an 8-0 RollCall-Pro System vote, all voting aye.**

### **Public Services and Safety Committee**

- I. Chairman Bates reported the regular meeting of March 7, 2017:
  - A. Committee recommends Council approve the quote for the purchase of 13 lights for the trestle bridge project from Crescent Electric, Appleton, in the amount of \$27,998.99 with funding from the 2016 Community Development Block Grant (CDBG) Funds. **MS Bates/Hillstrom.**
    - 1. Ald. Lendrum indicated she will vote against this because she has voted against the trestle bridge project all along. She feels this is an inappropriate use of CDBG funds.
    - 2. Dir. Haese gave a justification for using block grant funds. Block grant funds are typically required to be spent in low and moderate income neighborhoods, which this is defined as per data from Housing and Urban Development. Also, park uses and park development are acceptable uses of CDBG funds.
    - 3. Ald. Pollnow spoke in opposition to spending CDBG funds on this purchase. This is not a good use for federal tax payer dollars.
    - 4. **Motion carried, by a 5-3 RollCall-Pro System vote, all voting aye, Ald. Pollnow, Boyette and Lendrum voting nay.**
  - B. Committee recommends Council adopt Ordinance 2017-05A - Reorganizing and amending Chapter 3 - Animals. **MS Bates/Boyette.**
    - 1. Ald. Boyette questioned if the section relating to vicious animals relates to raising bees. She also questioned if the area for raising bees is limited.
    - 2. City Atty. Godlewski indicated the bee ordinance contains a provision where the City can revoke a bee permit if the bee keeper is not adequately managing the bees. He explained to Ald. Boyette that there is not limit on the number of properties that can own bees just a limitation to where they can be located on a particular lot.
    - 3. Ald. Pollnow asked what exactly is being reorganized and amended.
    - 4. City Atty. Godlewski indicated he reorganized the Chapter to be in order by Articles. Article 1 contains definitions/general matters, Article 2 deals with licensing, investigations and rabies control, and Article 3 deals with dangerous animals. If the bee keeping ordinance would pass, it would become Article 4. The only policy change that was added was that if an animal was declared dangerous by another municipality that animal would be subject to the regulations of our code. The policies of the two communities must be similar. The pet license application would need to be changed to ask if their pet has been declared dangerous by another community.
    - 5. **Motion carried, by a 7-1 RollCall-Pro System vote, all voting aye, Ald. Pollnow voting nay.**

- C. Committee recommends Council adopt Ordinance 2017-05B – Creating Chapter 3, Article IV Permitting Bee Keeping. **MS Kunz/Lang.**
1. **MS Bates/Boyette to refer this back to the March 28<sup>th</sup> Public Services & Safety Committee to give us an opportunity to get the word out and obtain additional comments.**
  2. Dir. Haese asked if she is expecting staff to be present at that meeting.
  3. Ald. Bates indicated she hopes Brian Walter would be at that meeting to answer questions. She indicated she is looking for areas within the city that could possibly become a bee preserve. If you cannot put a hive in your backyard, you would be able to raise your bees in these preserves. She wants to encourage bees but also recognize there are some people that are allergic to them.
  4. Ald. Kunz indicated he will vote against tabling this motion. His concern is this already went through the Public Services & Safety Committee and there all kinds of people there. The Sustainable Neenah Committee has been discussing this for one year now. This has been a long time coming. Timing is important. He thought the Town of Menasha's survey told the number of people supporting bees in a time when the bee population is declining. It is time we move forward.
  5. Ald. Boyette indicated cats and dogs are leashed and given many other restrictions. The police department assist in dog/cat control and we have an animal shelter in the town. Bees are a different avenue. They are not necessarily a pet. The requirements for dogs/cats are enforceable. She does not see how we would enforce stray bees. She has received many phone calls asking her to vote no on this. Bee keeping is a rural activity and should be kept that way.
  6. Ald. Bates clarified for Ald. Kunz that there were 3 people at the committee meeting. She does not feel people are aware of this and does not want to make a decision that could affect someone very seriously. It would be helpful to her to hear what the people have to say.
  7. Ald. Kunz indicated there are much larger communities in Wisconsin that allow bees. Menasha has been allowing bees for decades. He can guarantee there are people in the City that are allergic to bees. Having a bee hive does not increase the opportunity to get stung, there are already a lot of stinging insects in the air.
  8. Ald. Pollnow concurred with Ald. Kunz. He would rather see those opposing bees vote no rather than sending it back to see how many people were not informed and show up at the meeting. He will vote against tabling this motion.
  9. Ald. Bates indicated moving slowly with this is not bad. She opposed passing this with no one knowing about it.
  10. Mayor Kaufert indicated one of the problems is lack of local media coverage. Times have changed and they do not have staff available to report things like they did in the past. Any time an alderman asked for more time, out of respect for that alderman, we should accept the request if it is reasonable. He will make an attempt to get the word out on social media.

11. Ald. Lendrum indicated this can be changed into a positive. You think you know about bees, however, you don't know anything. She feels this could be a positive and give us an opportunity to learn about bees. She encouraged anyone with knowledge of bees to attend the March 28<sup>th</sup> meeting to help us learn. She supports sending it back.
12. Ald. Erickson added that this past summer Sustainable Neenah place mason bee houses in front of the Neenah Library, City Hall and the Octagon House. She is a master gardener who works the gardens in front of the Library and they had no problems with the bees. They are great pollinators and wonderful for plants in the city.
13. **Motion carried by a 5-3 RollCall-Pro System vote, all voting aye, Ald. Lang, Kunz and Pollnow voting nay.**

### **Finance & Personnel Committee**

- I. Chairman Pollnow reported the regular meeting of March 6, 2017:
  - A. Committee recommends Council authorize staff to execute the proposed parking lot lease with the Masonic Lodge (Kane Lodge #61). **MSCR Pollnow/Kunz, all voting aye.**
  - B. Committee recommends Council approval to replace the 2016 Ford Explorer Police Utility AWD with a 2017 version of the same vehicle. The vehicle would be purchased from Bergstrom Automotive, total cost not to exceed \$29,357 plus changeover costs of \$2,000 to be funded by CVMIC automobile liability coverage of \$28,357, with the remaining \$3,000 to be funded by Equipment Replacement Fund reserves. **MS Pollnow/Kunz.**
    1. Police Captain Gonzalez advised that the estimates he provided at the meeting on March 6<sup>th</sup> for the changeover costs were incorrect. The day after the meeting, March 7<sup>th</sup>, the estimates were received from the vendor. The estimate was short by about \$1,500. Both the changeover costs and the amount to be funded by reserves would need to be increased by \$1,500.
    2. **MS Bates/Pollnow to amend the motion to increase changeover costs from \$2,000 to \$3,500 and increase the \$3,000 to be funded by Equipment Replacement Fund reserves to \$4,500.**
    3. Ald. Hillstrom questioned if those dollars are available.
    4. Dir. Easker indicated there are enough dollars in that account to cover these increased cost.
    5. **The amendment carried, by an 8-0 RollCall-Pro System vote, all voting aye.**
    6. Ald. Bates questioned why these vehicles do not go to the Public Services & Safety Committee like other vehicles.
    7. Dir. Easker advised that historically all police vehicles go through the Finance & Personnel Committee rather than Public Services & Safety Committee. This may be partially due to the insurance aspect.
    8. **The original motion, as amended, carried by an 8-0 RollCall-Pro vote, all voting aye.**

- C. Committee recommends Council approve the Tentative Agreements with the Neenah Professional Police Officers Association and Neenah Police Supervisory Bargaining Unit for contract terms from January 1, 2017 to December 31, 2018 and authorize preparation and execution of amended contracts reflecting the changes outlined in the Tentative Agreement between the City and unions. **MSCR Pollnow/Boyette, all voting aye.**
- D. Committee recommends Council adopt Policy 2017-02, Americans with Disabilities Act Title II Policy. **MSCR Pollnow/Boyette, all voting aye.**

### **Plan Commission**

- I. Council Rep. Lang reported the regular meeting of February 21, 2017:
  - A. **Council Rep. Lang stated the motion from the February 21, 2017 meeting that was postponed from the March 1, 2017 Council meeting with the contingency that they authorize the 14 day extension of the approval deadlines as stated in Wis. Stat. 66.0404.** Commission recommends Council approve the Special Use Permit for the construction of a 105 foot tall telecommunication tower and associated ground equipment located at 512 S. Commercial Street subject to the following conditions: Any future expansion of the fenced area, addition of future equipment within the fenced area, or adding new antennas to the telecommunication pole will require an amendment to the special use permit; Submit a revised landscape plan which identifies the frontage landscape strip with a minimum of 3 shade trees and 7 shrubs. In addition, the landscape plan shall include evergreen plantings around the north, south, and east sides of the fenced area to create a visual buffer to surrounding properties; No driveway access is allowed from Maple Street; All internal access to the telecommunication area shall be constructed of a hard surfaced material such as asphalt or concrete; Obtain all necessary building permits prior to construction; Submit an exterior lighting (photometric) plan if exterior lighting is included as part of this project. The photometric plan shall indicate the location of all light fixtures and the intensity of those lights, measured in foot-candles, at the property line. **MS Lang/Pollnow.**
    - 1. Ald. Pollnow asked for comments from Atty. Rod Carter since he was the one requesting this item be moved back two weeks due to a bad snow storm.
    - 2. It was the consensus of the Council to allow the applicants attorney to speak.
    - 3. Rod Carter, Husch Blackwell, representing Bright Star Properties/Verizon Wireless urged the Council to approve the Special Use Permit with the conditions stated. He and Guy Stewart were present to answer any questions. He clarified for Ald. Lendrum that the property is being leased not purchased.
    - 4. Ald. Kunz spoke in opposition to the motion in hopes to deny for reasons not covered by State Statutes.
    - 5. Ald. Pollnow spoke in opposition to approving the Special Use Permit based on the grounds previously addressed. He asked for clarification that if this is voted down no other action can be taken.

6. City Atty. Godlewski advised that voting this down would have the effect of not granting the permit but would not be the final motion as there was no motion to deny or approve the application. He added that if the 90<sup>th</sup> day from the application date passes, it is deemed approved. We believe the 90<sup>th</sup> day is March 22<sup>nd</sup>. That does not include the 14 day extension due to the weather.
7. **The motion ended in a tie RollCall-Pro System vote, Ald. Erickson, Lang, Bates and Hillstrom voting aye, Ald. Pollnow, Kunz, Boyette and Lendrum voting nay.** Mayor Kaufert advised that the State Statute indicated the Mayor “may” break a tie. He advised that due to the fact he was in the Legislature at the time this was discussed and it was part of the overall budget package, he abstained. Since he abstained in the Plan Commission, he abstained. **Mayor Kaufert abstained. The motion failed for lack of a majority.**
8. Ald. Kunz questioned if a motion to deny is in order. Otherwise after 90 days it would pass without any conditions.
9. City Atty. Godlewski advised that the effect of this motion is not to grant the Special Use Permit or deny the Special Use Permit, it was basically not to pass the recommendation from the Plan Commission. He suggested a separate meeting with the motion to deny on the agenda since it was not on this agenda. He clarified for Ald. Pollnow that a motion would be in order to refer this to a meeting to a date specific prior to the deadline.
10. **MSCRP Pollnow/Lendrum to refer the Street Use Permit application for the construction of a 105 foot tall telecommunication tower and associated ground equipment located at 512 S. Commercial Street to a Special Council meeting, prior to the March 22, 2017 deadline, on a date to be determined, all voting aye.**

#### **N-M Fire Rescue Jt. Finance & Personnel Committee**

- I. Ald. Pollnow reported the regular meeting of February 28, 2017:
  - A. Committee recommends the City of Neenah and City of Menasha Common Councils approve hiring a firefighter after April 7, 2017 based on the known retirement NMFR will experience on June 24, 2017, to have the person trained prior to the retirement, and to reduce the overtime NMFR would experience if the department waited to fill the position until after the retirement. **MSCRP Pollnow/Boyette, all voting aye.**
  - B. Committee recommends the City of Neenah and City of Menasha Common Councils approve P.O. #17-18 to purchase a Sur Trac STW 6'x12' trailer from Y-Pay-More Trailer Sales for a cost not to exceed \$4,100.00 with the purchase to be primarily funded by the sale of the public education van and secondly be funded through a contribution from the Annual Mayor's Charity golf outing. **MSCRP Pollnow/Boyette, all voting aye.**

#### **Board of Public Works**

- I. Vice Chairman Hillstrom reported the meeting of March 9, 2017:
  - A. Council Action Items:
    - 1. Board recommends Council award Contract 2-17 sewer & water main construction and street construction on Cleveland, Edward & Helen Streets to the low bid from Don E. Parker Excavating, Hortonville in the amount of \$620,620.35. **MSCR Hillstrom/Bates, all voting aye.**

### **Community Development Authority (CDA)**

- I. Dir. Haese reported from the Community Development Authority (CDA):
  - A. Geiger Auto Body and Therapy Bar on Main Street have been removed. Some work remains to clean up the sites.
  - B. The CDA will go to bid soon for the parking area at the end of Martens Street. We should have a new parking lot by June 1<sup>st</sup>.
    - 1. Ald. Pollnow asked Dir. Haese to pass on to Go Green that they did a great job.
    - 2. Dir. Haese indicated they have done good work for us in the 8 or 10 demolitions in the past 12 months. He will
    - 3. Ald. Kunz questioned the rock pile on the Minergy site.
    - 4. Dir. Haese advised that Go Green is doing that work and are experiencing equipment problems. A mystery metal is causing the equipment problems. They are working to resolve that issue and continue to make progress.

### **Sustainable Neenah Committee**

- I. Ald. Kunz reported from the Sustainable Neenah Committee meeting of March 8, 2017:
  - A. The Committee continues to look for ways to play a more visible role in the Farmers' Market.
  - B. The Committee is looking into reducing the number of members from 16 to 14. They would like a smaller group to make it more manageable.
  - C. Mayor Kaufert indicated that may be addressed at the organizational meeting.

### **Library Board**

- I. Ald. Erickson reported from the Library Board meeting of March 15, 2017:
  - A. The Library will offer Spring Events for Youth & Families every day during spring break. If you are looking for things to do during spring break, the Library has a lot of great programming for the kids. Information can be obtained on the web site.
  - B. In April the Library will have an Earth Day craft.
  - C. Tomorrow night at 7:00 pm at the Library, the Galloway Company (Ted Galloway) and Neenah Dairy Queen (Jim Reiser), will do a presentation on the history of their companies and the unique & long-term business relationship between the two companies.

- D. The Library held a Genealogy Lock-in on Friday March 10<sup>th</sup> from 6-9 pm. Twenty people participated and loved the program. They plan to repeat the program in the future.
- E. The Library has planned a follow up on the “Paper Clutter” event in May.
- F. New bags are available to check out in the youth department. Each bag features different items, i.e. English as a Second Language, Coding Games, Math, Baking, Music and Motion. These bags are so popular, Ald. Erickson suggested you reserve one ahead of time.

### **Unfinished Business**

- I. Ald. Pollnow reminded the Council to leave their iPad at their desk tonight so I/S can prepare them for the go live for paperless agendas.
- II. Ald. Hillstrom advised the Council that the sign-up sheet for the drop off site is available on line. He asked those interested in helping to sign-up.
- III. Ald. Lendrum reminded everyone of the Neenah School Board Candidate Forum sponsored by the League of Women Voters Winnebago County to be held Wednesday, March 22, 2017 at 6 pm in the Shattuck Community Room at the Neenah Library.
- IV. Mayor Kaufert advised everyone that early voting is now available in the Clerk’s Office for the April 4<sup>th</sup> Spring Election. Hours are 7:30 am to 4:30 pm Monday thru Thursday and 7:30 am to 4:00 pm on Fridays.
- V. Ald. Erickson asked the hours for the drop off site.
  - A. Dir. Kaiser indicated the drop off site hours are 7 am to 5 pm Monday thru Friday. They will be open Saturdays beginning in May.
- VI. Mayor Kaufert asked the Council to check their availability for the Special Council meeting next week. Two aldermen could not attend on Monday and Tuesday. They discussed the possibility of Friday night at 4 pm. Mayor Kaufert indicated he would talk to Council President Stevenson, select a date and notify the Council.

### **Adjournment**

- I. **MSC Pollnow/Boyette to adjourn at 8:38 p.m., all voting aye.**

Patricia A. Sturn, WCPC/MMC  
City Clerk