

## **COMMON COUNCIL MINUTES**

Wednesday, April 5, 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., April 5, 2017 in the Council Chambers of Neenah City Hall.

Mayor Kaufert in the chair.

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

Also Present: Director of Parks & Recreation Kading, Director of Information Systems Wenninger, Police Chief Wilkinson, Police Captain Olson, Building Inspector Walter, Autumn Grimm, Trina Doxtator, Kim Ritzow, Jesse Drake, Megan Vande Hey and Lisa & Brandon 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.

### **Introduction and Confirmation of Mayor's Appointment(s)**

- I. **MSCRP Bates/Pollnow to confirm Mayor Kaufert's appointment of Brian Gajewski to fill the expired term of Gina Louis on the Business Improvement District (BID) Board, term expires December 2019, all voting aye.**

### **Proceedings**

- I. **MSCRP Pollnow/Stevenson to approve the Council Proceedings of August 3 & 17, 2016, September 21, 2016 & March 15, 2017 regular sessions and the March 15, 2017 special session, all voting aye.**

### **Consent Agenda**

- I. Ald. Kunz asked for clarification of the sponsor for the Temporary Class B License for A-Mazing Events.
  - A. Dir. Kaiser clarified that the event sponsor is A-mazing Events, LLC. Future Neenah has nothing to do with that event. He will make sure the minutes reflect the same.
  - B. Dir. Kaiser advised that the start time for the Homecoming Parade will be adjusted ½ hour forward. Assembly is not 3:30 pm instead of 4 pm and the parade will be moved to 4:30 pm.

- II. **MSCRIP Pollnow/Hillstrom to approve the Consent Agenda as follows:**
- A. **Approve Beverage Operator License Applications for: James J. Carter, Jenna M. Kuepper, Jennifer L. Lee, Polly S. Lund, Alexi J. Quinn, Amanda R. Rausch, Andrea L. Sword and Caura E. Winters. (PSSC)**
  - B. **Approve Beverage Operator License Application (new) for Karly M. Coopman contingent upon payment of a delinquent utility bill of \$190.23 and any other outstanding City fees. (PSSC)**
  - C. **Approve the Street Use Permit for the Minds Matter! Event, Autumn Grimm, N282 Stoney Brook Rd, Ste. D, Appleton, to be held on September 16, 2017, in the Church Street Ramp, 135 N. Church Street, contingent upon receipt of a certificate of liability insurance, confirmation by the Traffic Engineer of coordination with Alta Resources and Plexus Corporation, and use of a wristband arrangement for alcohol sales. (PSSC)**
  - D. **Approve the Temporary Class "B" Retail Beer/Wine License to Amazing Events, LLC, N282 Stoney Brook Road, Ste D, Appleton, for the Minds Matter! Event to be held on September 16, 2017, in the Church Street Ramp, 135 N. Church Street. (PSSC)**
  - E. **Approve the Street Use Permit for the Community First Fox Cities Marathon & 5K, sponsored by the Community First Fox Cities Marathon, Jesse Drake, 2616 S. Oneida Street, Appleton, to be held September 22-24, 2017. (PSSC)**
  - F. **Approve the Street Use Permit for the JDRF One Walk, sponsored by the Juvenile Diabetes Research Foundation, Dana Paschen and Julie Feest, 1800 Appleton Road, Ste. 2, Menasha, to be held on May 20, 2017, contingent upon receipt of a certificate of liability insurance and permit payment. (PSSC)**
  - G. **Approve the Street Use Permit for the Memorial Day Parade sponsored by the Nicolet Post 2126 Menasha VFW, Dave Mix, 1427 Baytree Lane, Neenah, to be held on May 29, 2017. (PSSC)**
  - H. **Approve the Street Use Permit for CommunityFest 2017, sponsored by the City of Neenah, Mike Kading, 211 Walnut Street, to be held on July 3-4, 2017. (PSSC)**
  - I. **Approve the Street Use Permit for the Neenah High School Homecoming Parade, Vicki Strebel, 1275 Tullar Road, Neenah, to be held on September 29, 2017. (PSSC)**
  - J. **All voting aye.**

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

- I. Chairman Bates reported the regular meeting of March 28, 2017:
- A. Committee recommends Council adopt Ordinance 2017-05B, as amended, creating Chapter 3, Article IV Permitting Bee Keeping. **MS Bates/Lendrum.**
    - 1. Ald. Kunz expressed concern that a registration could be revoke for someone already registered to keep bees. If someone registers and keeps bees for twenty years, a new neighbor could request their registration be revoked. He would like to amend Section 3 – 43 (d) to

read, "Abutting neighbors of a proposed or previously registered apiary may appeal to the Public Services and Safety Committee to ~~revoke~~ or deny a registration approval based on a documented Anaphylaxis medical condition of one or more of the occupants residing at an abutting property. In the event that the Committee finds a documented Anaphylaxis medical condition exists at an abutting property, it may ~~revoke~~ or refuse to register the adjoining apiary".

2. City Atty. Godlewski clarified that this amendment would provide that a registration would be denied only if it is a new registration. Existing registrations would not be revoked.
3. **MS Kunz/Pollnow to amend the motion to deny only new apiary registrations.**
4. Ald. Bates explained that since this was posted on social media and the news stations did a story on it, comments were received. Many of the comments indicate rural areas are where bees should be located however, some did support bees. Her concern is changing the ordinance so an existing apiary cannot be revoked. She asked what would happen if someone just finds out they are now allergic. She will vote against the amendment.
5. Ald. Pollnow questioned if the bee trials would be set up similar to the dangerous dog hearings.
6. City Atty. Godlewski advised that it would be a due process hearing. This would be set up similar to the dangerous dog hearings. The next step would be circuit court.
7. Ald. Lendrum expressed concern over paying higher taxes to live in the city with an expectation for some sort of control. The residents she has talked to that pay city taxes are relieved we have control. She will be voting against the amendment.
8. Ald. Boyette indicated she will vote no because she has been asked to vote no by her constituents. She does not understand why people are not getting the message about these meetings. The information is out there but rarely do we get feedback. She did her own research and gathered information regarding apiaries and found it very interesting. Her concern is that a lot of the things she learned are not being brought out in the discussions. She was asked to vote against this and she will do so.
9. Ald. Kunz expressed concern that if someone has allergies, they would have a prescription whether or not bees are in the picture. His only exception here is not to revoke an existing registration.
10. Ald. Bates indicated Inspector Walter reviewed the changes and is fine with them. He is here tonight to answer questions from the Council. She will vote against the amendment.
11. Ald. Boyette indicated that if this ordinance passes, residents would need to be aware of these bee operations when purchasing a home in Neenah. Her concern is the ability to revoke a registration. She feels that unless a resident is doing something wrong the City would not revoke their permit. She is confused with the amendment.

12. City Atty. Godlewski indicated the intent of the amendment was to allow an appeal be made to the Public Services & Safety Committee to revoke a permit. Ald. Kunz would like to get rid of that provision.
  13. Ald. Boyette indicated she does not agree with that. No licenses should be permanent, but should be renewable each year.
  14. Ald. Pollnow asked Inspector Walter to give an overview of his research on allowing bees.
  15. Inspector Walter indicated the City of Appleton has an annual license. They have a process built in for residents to appeal those license renewals. Nothing else is quite like this. In Appleton renewal applicant must get permission from the neighbors every year. If they do not get permission, they go to the hearing process. As a result of that, there are no active apiaries in Appleton.
  16. **The amendment failed by a 2-6 RollCall-Pro System vote, all voting nay, Ald. Pollnow and Kunz voting aye.**
  17. **The original motion, carried by a 7-1 RollCall-Pro System vote, all voting aye, Ald. Boyette voting nay.**
- B. Committee recommends Council approve the purchase of the Castle Oak play equipment proposal #2 from Lee Recreation, Cambridge, in the amount of \$64,300. **MSCRP Bates/Hillstrom, all voting aye.**
1. Ald. Bates asked that the concept of bubblers in the two new parks be revisited.
- C. Committee recommends Council approve the purchase of the Carpenter Preserve play equipment proposal #2 from Lee Recreation, Cambridge, in the amount of \$64,000. **MS Bates/Lendrum.**
1. Ald. Erickson questioned the plan for installation of the play equipment.
  2. Dir. Kading advised that after approval tonight, they will contact the vendor and set a time for the installation. They are targeting September. He will keep everyone posted as it is a community install and they are looking for volunteers.
  3. Mayor Kaufert added that there is an opportunity for citizen living in those neighborhood to help out. Notification will be posted on social media.
  4. Ald. Bates asked where the playground will be installed at the Carpenter Preserve.
  5. Dir. Kading advised it will be located in the triangle north of the bridge, just south of the school area.
  6. Ald. Bates asked that an email be sent to the Council once that date is known.
  7. Ald. Stevenson commented that the sooner that date is out the sooner people will put the date on their calendar and be available.
  8. **Motion carried by an 8-0 RollCall-Pro System vote, all voting aye.**
- D. Committee recommends Council approve 2017-08 Repealing and Recreating Article IV of Chapter 22, Construction Site Erosion Control and Post-Construction Storm Water Management with the modifications as noted by City Attorney Godlewski. **MS Bates/Lendrum.**

1. Mayor Kaufert clarified for Ald. Boyette that this is an overall ordinance and does not target a specific area in the City.
2. City Atty. Godlewski added it effects any new construction. This updates our current Storm Water Management Ordinance.
3. **Motion carried by an 8-0 RollCall-Pro System vote, all voting aye.**

### **Finance & Personnel Committee**

- I. Chairman Pollnow reported the regular meeting of March 27, 2017:
  - A. Committee recommends Council approve the Castle Oak V Development Agreement. (To be acted on following a report from the Board of Public Works meeting of March 30, 2017)
  - B. Committee recommends Council approve the 2016 Operating Budget Carry Forwards to 2017 requests for a total carry forward of \$55,000 as follows 1). Community Development/Weights and Measures - \$16,000 for Outside Services-Code Compliance; 2). Community Development/Weights and Measures - \$2,000 for Capital Equipment-Computer Equipment and 3). Public Works/T.V. Sanitary Sewers - \$37,000 for Outside Services. **MSCR Pollnow/Stevenson, all voting aye.**
  - C. Committee recommends Council approval to purchase a replacement storage solution, necessary networking equipment, a new Hewlett Packard server and associated licenses for the Redundant Data Center for a cost not to exceed \$99,400. This cost includes equipment, implementation services, a three-year warranty and staff training. Funding for this purchase consists of \$72,000 approved in Information System's 2016 Capital Equipment budget and \$27,400 approved in Information System's 2017 Capital Equipment budget. **MSCR Pollnow/Erickson, all voting aye, Ald. Pollnow abstained.**
  - D. Committee recommends Council approval of the purchase of Cemetery Information Management System (CIMS), from Ramaker and Associates at a cost not to exceed \$48,000 to be funded by \$50,000 approved in the 2017 Oak Hill Cemetery Facility CIP budget. This cost includes software licenses, implementation services, training and first year maintenance costs. **MSCR Pollnow/Stevenson, all voting aye.**
  - E. Committee recommends Council approval of Phase II Engineering Agreement for Loop the Lake with Graef USA in the amount not to exceed \$61,300, with the cost to be funded from the Loop the Lake project budget within the City Capital Project Facilities Fund. **MS Pollnow/Kunz.**
    1. Ald. Pollnow questioned how far along this work is. His concern is approving this without receiving the bid numbers.
    2. Dir. Kading advised that bids were opened and are currently being analyzed by the engineer. They will meet tomorrow afternoon to decide the best course of action moving forward. After that decision is made, they will set a timeframe for the work.
    3. Ald. Pollnow asked for that information to be provided to the Council now. His concern is the process, being asked to approve something

- before the bids are provided to the Council. If this would be voted down tonight, what would happen since the work is already done.
4. Mayor Kaufert advised once they open bids, there is no requirement to release those numbers right away. This motion is for the next step for the engineering agreement. He asked if there would be any implication to holding this over until the Council obtains more information on the bids. Later this week, they will bring forward a recommendation based on those bids.
  5. City Atty. Godlewski added that the bids are being analyzed and staff is not ready to determine the low bid at this point therefore those numbers are not being released. The contract is for the work related to Phase II.
  6. Mayor Kaufert indicated that the Park & Rec Commission could have approved this action without Council approval but we elected not to do that. We have elected that the Council have some oversight to this project which is probably a better way to go. The steps might have been done differently.
  7. City Atty. Godlewski responded to concerns by Ald. Pollnow indicating the Park & Rec Commission, by ordinance, has complete charge over the park system and development thereof. The practice of the Council has been to run expenditures through the Council.
  8. As the Council representative on the Park & Rec Commission, Ald. Kunz expressed concern over taking away the responsibilities of the committee. It makes sense for this project due to the scope of work. Some bids are easier to digest than others and his guess is this bid is not as easy to digest. He see no problem allowing the engineer and staff to review those bids as long as they are presented to the Council in a timely manner.
  9. Ald. Stevenson indicated he recognizes three distinct issues. First, he does not see a fault in the methodology of approving expenditures. This practice has worked in the past. The second issue is approving expenditures when the scope of work is already done. The Council caused the delay. The third issue is the concept of the Council demanding to see the bid numbers. He takes issue and cautioned the Council on utilizing their authority to force numbers when it may not be in the best financial interest of the City. Historically bid numbers come in and are reviewed by the engineer & staff and a recommendation is brought forward to the Council. The Council has every right to ask for numbers and additional information but to force that issue in a power play would put the city in a unique territory and wrong methodology for both department heads and the subcontractor.
  10. Ald. Lendrum asked if it would have been appropriate to make this an information only agenda item.
  11. City Atty. Godlewski reminded that if the bid results are not ready to be disclosed because they are not analyzed yet there is nothing to report out at this point. This motion is not contingent on the bids that were received. It is work beyond that.

12. Ald. Boyette questioned if this motion should be reworded to not include what has already been done.
13. Ald. Stevenson commented that we have a request from a department head, a contractual relationship for the scope of services which includes some bid prep work. If you take that part of the scope of work out of the contract how would you pay them? Even though 15% of the contract has been completed that does not preclude us from approving the ability to pay them and enter into an agreement for the entire scope of work brought to us a month ago. Graef, in good faith, has continued to do work for us even though this contract has not been approved. They believe the city is good for it. His original support for delaying the project was to hear the fund raising numbers, but we have heard that. It is as good as we thought it would be. He hopes we learn from that. Now we should support the project like we did 1-1/2 years ago at the Menasha Library. This is a little bit out of whack because they have gone beyond the scope we have contracted for. If we don't want them to do that anymore, vote the contract down and the project will stop.
14. Ald. Pollnow indicated his opposition is not against the project, it is the process. The first phase of this went through Public Services & Safety Committee then this comes before Finance. His concern is the letter written by Graef five minutes before that meeting. This is problematic. Now we are made aware there is an MOU. He does not feel it is unfair for Council to ask questions when projects like this go outside the process.
15. Ald. Kunz thanked Council President Stevenson for relaying his thoughts in a better way than he would have. If we want to get projects done, we need to be aware that we are part of the project timeline. He would like to see this done by fall.
16. Mayor Kaufert added this is a complicated issue. Working with two communities and on top of that a new director comes on board it creates complications. Timing is important. The Council has numerous times expressed its support for the project. Asking questioned is not a bad thing. He has no problem with that but it is also important to recognize that this Council has made some commitment to this project. The community is overwhelming with support of this project. The Council is doing their due diligence and making sure it is fiscally responsible and correctly. We will move forward and hopefully complete it by November. There has been some out of the ordinary protocols and Ald. Pollnow does a good job of showing concern for that as he is a process guy. He appreciates that but there is also the fact of getting the project done within the communities' expectation. This was a good discussion.
17. Ald. Pollnow indicated he is fine with getting the information in a timely manner. His concern is always process and transparency.
18. **Motion carried, by a 7-1 RollCall-Pro System vote, all voting aye, Ald. Lendrum voting nay.**

### Plan Commission

- I. Ald. Kunz reported the regular meeting of March 28, 2017:
  - A. Commission recommends Council approve the Final Plat of the Castle Oak V Subdivision subject to the inclusion of a storm sewer easement between Lots 176 and 177. **MSCRK Kunz/Stevenson, all voting aye.**

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

- I. Chairman Stevenson reported the regular meeting of March 28, 2017:
  - A. Committee recommends that the City of Neenah and City of Menasha Common Councils approve filling the vacated firefighter position as soon as possible. **MSCRK Stevenson/Pollnow, all voting aye.**

### Board of Public Works

- I. Vice Chairman Hillstrom reported the meeting of March 30, 2017:
  - A. Council Action Items:
    1. The Board recommends Council award Contract 3-17 Parking Lot, Street and Trail Construction to the low bid from Sommers Construction, Shiocton in the amount of \$738,974.15. **MSCRK Hillstrom/Bates, all voting aye.**
    2. The Board recommends Council approve the Development Agreement for Castle Oak V Subdivision. **MSCRK Hillstrom/Bates, all voting aye.**

### Board of Canvass

- I. Council President Stevenson reported from the Board of Canvass meeting of April 5, 2017:
  - A. The Board compared the Image Cast Evolution (ICE) machine printout with the immediate return sheets as filed by the Elections Board of the City of Neenah and confirmed Aldermanic election vote of April 4, 2017 as follows:
    1. Cari Lendrum received 348 votes and there were 9 write-ins. Cari Lendrum, having received the highest number of votes cast, is hereby declared elected Alderperson in the First Aldermanic District of the City of Neenah for a three-year term, expiring April 2020.
    2. Tami Erickson Kunz received 570 votes and there were 6 write-ins. Tami Erickson, having received the highest number of votes cast, is hereby declared elected Alderperson in the Second District of the City of Neenah for a three-year term, expiring April 2020.
    3. Jane Lang received 420 votes and there were 4 write-ins. Jane Lang, having received the highest number of votes cast, is hereby declared elected Alderperson in the Third District of the City of Neenah for a three-year term expiring April 2020.
    4. **MSCRK Stevenson/Bates to accept the report from the Board of Canvass and place it on file, all voting aye.**



### **Bergstrom Mahler Museum**

- I. Ald. Erickson reported from the Bergstrom Mahler Museum:
  - A. The Museum will host a new exhibit called Quantum beginning April 23<sup>rd</sup> and running through August 20<sup>th</sup>. Quantum is about experiences with natural phenomena. The exhibit will open on Sunday April 23<sup>rd</sup> from 1-4 pm.
  - B. The Museum has new classes for kids and adults. Check the website for more information.

### **Unfinished Business**

- I. Ald. Pollnow questioned the timing for the electronic agenda process.
  - A. City Atty. Godlewski indicated May 3<sup>rd</sup> is targeted for the parallel and May 17<sup>th</sup> the Go Live date.
- II. Ald. Kunz questioned the plans for the piles of concrete on the Minergy site.
  - A. Dir. Haese clarified that it is crushed concrete. Half of the pile will be used in the construction of the new parking lot. We had had interest expressed in acquiring those materials but until that parking lot is done and we know exactly how much is left we are not committing to that. Plan B is to work with Public Works to see if there are other projects in the city that might be advantageous. He hopes we get enough from the remaining crushed concrete to break even on the crushing. That would include the cost savings for the new parking lot.
  - B. Ald. Kunz questioned the railroad work being done in that area and plans to clean up that area.
  - C. Dir. Haese indicated he is of the understanding that would be cleaned up. He hopes Mayor Kaufert will make contact with Canadian National to talk about a little better up keep for that area especially as we begin to make improvements to Arrowhead Park.
- III. Ald. Boyette asked which committee she can take questions to for future agenda items.
  - A. City Atty. Godlewski advised any Alderman can bring agenda items forward to the Chairman of any committee at any time. He suggested talking to Mayor Kaufert or Dir. Haese first to see if those questions can be answered.
- IV. Mayor Kaufert reported that the Vendor Management Committee met today. They will get started on the Council request to look at our purchasing issues.

### **New Business**

- I. Mayor Kaufert reminded the Council that the next meeting will be the organizational meeting on Tuesday April 18<sup>th</sup>.
- II. Mayor Kaufert announced the following appointments to be made at the April 18, 2017 Organizational Meeting:

- A. His appointment to fill the expired term of Trish Nau as the City of Neenah representative to the Fox Cities Transit Commission for a 3-year term to expire in April 2020.
  - B. His appointment to fill the expired term of Wayne Streck on the Fox Cities Room Tax Commission for a term to expire April 2018.
  - C. His appointment of himself or his designee to the Exhibition Center Advisory Committee of the Appleton Redevelopment Authority for a term to expire April 2018.
  - D. His appointments to the newly created Neenah Arts Council for 3-year terms to expire April 2018, 2019 & 2020.
  - E. His appointment to fill the expired terms of Merry Whipple and Carol Codner on the Library Board for 3-year terms to expire April 30, 2017.
  - F. His appointment to fill the expired terms of Tom Martin and Jim Perras on the Community Development Authority for 4-year terms to expire April 2021.
  - G. His appointment to fill the expired term of Mike Faulks as public representative to the Joint Review Board for Tax Increment Districts.
- III. Ald. Erickson asked if the appointment application on the web site could be made fillable and have the ability to submit on line.
- A. Clerk Sturn informed she will follow up with Information Systems to get that done.
- IV. Ald. Bates thanked staff and the poll workers for a great job with the Election yesterday. Poll workers work from 6 am to 9 pm. It is a long day.

### **Adjournment**

- I. **MSC Pollnow/Stevenson to adjourn at 8:45 p.m., all voting aye.**

Patricia A. Sturn, WCPC/MMC  
City Clerk