



City of Neenah
COMMON COUNCIL AGENDA
Wednesday, March 20, 2019 - 7:00 p.m.
Neenah City Hall
Council Chambers

I. Roll Call and Pledge of Allegiance.

~~INTRODUCTION OF GREG RADTKE PUBLIC WORKS SUPERINTENDENT AND ASSISTANT SUPERINTENDENT BILL WAECH~~

SWEARING IN OF NEW FIREFIGHTER JOSH BOELK

- II. Introduction and Confirmation of Mayor's Appointment(s).
- A. Mayor Kaufert's appointment of Sean Keepers to fill the unexpired term of Paul Seveska on the Neenah Arts Council for a three-year term to expire April 2022. **(RollCall-Pro)**
 - B. Mayor Kaufert's appointment of Laura Kemps to fill the unexpired term of Trina Woldt on the Neenah Arts Council for a three year term to expire April 2022. (Motion to confirm) **(RollCall-Pro)**
 - C. Swearing in
- III. Approval of Council Proceedings of February 18 & 27, 2019 special sessions. (Proceedings and Minutes can be found on the City web site) **(RollCall-Pro)**
- IV. Public Hearings.
- A. Consider vacating a portion of Laudan Boulevard between Elm Street and Reed Street. (Action to be taken subsequent to the referendum results of April 2, 2019).
 - B. Consider the 2019 Community Development Block Grant Proposed Use of Funds / Annual Action Plan. (Action to be taken at a later date).
 - C. Consider rezoning land located at 140, 142 and 146 N. Lake Street from I-2, General Industrial District to the C-1, General Commercial District.
- V. Plan Commission report pertaining to the Public Hearings.
- A. Plan Commission meeting of March 12, 2019: (Ald. Lang) (Minutes can be found on the City web site)
 - 1. Committee recommends Council approve Ordinance 2019-09 rezoning 140, 142 and 146 N. Lake Street to the C-1 General Commercial District. **(RollCall-Pro)**
- 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.
- A. Approve Beverage Operator License Applications for: Eric J. Balza, Laurie L. Behnke, Brandy L. Brockman, Jacob M. Driessen, Jayda M. Ekholm, Janine L. Heid, Megan M. Morse, Alex R. Ransone and Johann C. Schattenforst. **(PSSC)**

- B. Approve the Street Use Permit for the Neenah Duathlon, sponsored by Dutrirun, Ben West, 920 S. Keller Park Drive, Appleton, to be held on May 11, 2019. (PSSC)
- C. Approve the Street Use Permit for the Memorial Day Parade sponsored by the Twin City Veterans, Michael E. Taylor, 545 Broad Street, Menasha, to be held on May 27, 2019. (PSSC)
- D. Approve the Street Use Permit for CommunityFest-2019, sponsored by the City of Neenah, Mike Kading, 211 Walnut Street, to be held on July 3-4, 2019. (PSSC)
- E. Approve the Street Use Permit for the Community First Fox Cities Marathon, sponsored by the Community First Fox Cities Marathon, Laurie Butz, 2616 S. Oneida Street, Appleton, to be held September 20-22, 2019. (PSSC)
- F. Approve the Street Use Permit for the WI Streetball Neenah 3 on 3 to be held on June 8-9, 2019, in downtown Neenah, sponsored by Mission Basketball Academy Inc., Adam Maulick, 1835 E. Edgewood Drive, Suite 1058, PO Box 8 Appleton. (PSSC)
- G. Approve the Temporary "Class B" (Picnic) Beer & Wine License Application for St. Margaret Mary Parish, 620 Division Street, for their Game Night event to be held on April 6, 2019. (PSSC)
- H. **(RollCall-Pro)**

IX. Reports of standing committees and consideration thereof.

- A. Special Public Services and Safety Committee meeting of March 20, 2019: (Chairman Bates/Vice Chairman Hillstrom)
 - 1. Consideration of Committee recommendation regarding Reconsideration of License Action regarding Beverage Operator License of Nicole Brisky. **(RollCall-Pro)**
- B. Regular Public Services and Safety Committee meeting of March 12, 2019: (Chairman Bates/Vice Chairman Hillstrom) (Minutes can be found on the City web site)
 - 1. Committee recommends Council purchase two Protech Intruder G2 ballistic shields with LED lights from Streicher's-Milwaukee for an estimated cost of \$2,150.50 each, for a total of \$4,301 plus shipping, with funds from the 2019 Police Capital Outlay Budget. **(RollCall-Pro)**
 - 2. Committee recommends Council extend the provisional beverage operator's license for Nicole Brisky through September 2019 and schedule her application for review by the Public Services and Safety committee on September 24, 2019. (Information only – previously acted on during report of Special PSSC meeting of March 20th)
 - 3. Committee recommends Council adopt Final Resolution No. 2019-10 for installation of sanitary sewer laterals for properties served by sanitary sewers on Caroline Street (Union to Van), Stevens Street (Congress to Doty), 5th Street (Clark to Lincoln). **(RollCall-Pro)**
- C. Regular Finance and Personnel Committee meeting of March 11, 2019: (Chairman Erickson/Vice Chairman Boyette) (Minutes can be found on the City web site)
 - 1. Committee recommends Council create the position of Parks Supervisor at Grade K on the salary plan. **(RollCall-Pro)**
 - 2. Committee recommends Council approve to fill the position of Parks Supervisor subject to the approval of its creation by Council. **(RollCall-Pro)**
 - 3. Committee recommends Council approve Policy No. 2018-04 regarding the procedures for cemetery lot use and deed transfer for family members that fall outside of the generation of ownership. **(RollCall-Pro)**

4. Committee recommends Council approve writing off a total debt of \$14,719.79 from past due accounts that are beyond the statute of limitations or otherwise uncollectable. **(RollCall-Pro)**
 5. Committee recommends Council approve Ord. 2019-07 amending the Transportation Assessment Replacement Fee (TARF) to replace measuring unit for assessing TARF and removing references to assigning TARF to tenants. **(RollCall-Pro)**
 6. Committee recommends Council approve the 2018 Operating Budget Carry Forwards to 2019 totaling \$89,720 as submitted. **(RollCall-Pro)**
- X. Reports of special committees and liaisons and various special projects committees and consideration thereof.
- A. Regular Plan Commission meeting of March 12, 2019: (Council Rep Lang) (Minutes can be found on the City web site)
 1. Committee recommends Council approve the Preliminary Plat of the Cardinal Plat subject to comments on the Preliminary Plat Review Letter. **(RollCall-Pro)**
 - B. Board of Public Works meeting of March 12, 2019: (Vice Chairman Hillstrom) (Minutes can be found on the City web site)
 1. Council Action Items:
 - a. The Board recommends Council award Contract 1-19 Sewer & Water Main and Street Construction on Caroline Street, Stevens Street and Fifth Street to Carl Bowers & Sons Construction Company, Inc., Kaukauna in the amount of \$1,199,529.00. **(RollCall-Pro)**
 - b. The Board recommends Council award Contract 2-19 Sewer and Water Main Construction and Street Construction on Stanley Street, Stanley Court and Thomas Court to Robert J. Immel Excavating, Inc., Greenville in the amount of \$1,578,470.50. **(RollCall-Pro)**
 - c. The Board recommends Council award Contract 3-19 Epoxy Pavement Marking to Brickline Inc., Madison in the amount of \$54,217.70. **(RollCall-Pro)**
 - C. Community Development Authority
 1. Report from the CDA – Director Haese
 - D. Library Board
 1. Report from the Library Board – Alderman Erickson
 - E. Neenah Arts Council
 1. Report from the Neenah Arts Council – Alderman Erickson
- XI. Presentation of petitions.
- A. Any other petition received by the City Clerk's Office after distribution of the agenda.
- XII. Council Directives.
- XIII. Unfinished Business.
- XIV. New Business.
- A. Any announcements/questions that may legally come before the Council.

XV. Closed (Executive) Sessions

- A. Motion to convene into closed session pursuant to Wis. Stats. §19.85(1)(g) for the purpose of conferring with the City Attorney who will render oral or written advice concerning strategy to be adopted regarding the following subjects:**
 - 1. Incorporation of a township in Winnebago County**
 - 2. Potential litigation against the Wisconsin Department of Natural Resources relating to the Certificate of Completion due the Community Development Authority for completion of environmental remediation work at the Glatfelter Mill Site.**
- B. Motion to continue in closed session pursuant to Wis. Stats. §19.85(1)(e) for the purpose of:**
 - 1. Discussing bargaining strategy related to acquiring property for park land on Doty Island.**
 - 2. Reconvene into open session to consider or act on closed session recommendation(s).**
- C. Adjournment.**

In accordance with the requirements of Title II of the Americans with Disabilities Act (ADA), the City of Neenah will not discriminate against qualified individuals with disabilities on the basis of disability in its services, programs, or activities. If you need assistance, or reasonable accommodation in participating in this meeting or event due to a disability as defined under the ADA, please call the Clerk's Office (920) 886-6100 or the **City's ADA Coordinator at (920) 886-6106 or e-mail attorney@ci.Neenah.wi.us** at least 48 hours prior to the scheduled meeting or event to request an accommodation.

City of Neenah

Application for Appointment



Name	Sean Keepers
Address	413 Church Street
City, ST Zip	Neenah, WI 54956
Eve. Phone	920-574-6331
E-mail	seankeepers24@gmail.com

Date	February 13, 2019
Employer	self-employed / graphic designer
Day Phone	920-574-6331
Fax	

What appointment are you seeking? You may check more than one box.

- ☐ Board of Appeals
- ☐ Board of Review
- ☐ Business Improvement District (BID)
- ☐ Citizen Advisory Committee
- ☐ Committee of Aging
- ☐ Community Development Authority (CDA)
- ☐ Fox Cities Transit Commission
- ☐ Joint Review Board for TIFs
- ☐ Landmarks Commission
- ☐ Library Board
- ☐ Loan Assistance Board

- ☐ N-M Joint Fire Commission
- ☐ N-M Sewerage Commission
- ☒ Neenah Arts Council
- ☐ Neenah Harbor Committee
- ☐ Park & Recreation Commission
- ☐ Parking Task Force
- ☐ Plan Commission
- ☐ Police Commission
- ☐ Sustainable Neenah Committee
- ☐ Water Works Commission
- ☐ Other:

Do you currently serve on other boards, commissions, or hold an elected office? ☐ Yes ☒ No Detail Below

Please provide or attach a brief statement outlining your interest and qualifications for this appointment:

I've been a professional graphic artist for 21 years, working in advertising for non-profit arts & cultural institutions like museums, theaters, libraries, music and dance. I returned to the Fox Valley in 2008 after spending 18 years in New York City. Today many of my clients are still on the East coast, but I also work with local businesses like Image Studios in Appleton, Wisconsin's own Johnsonville Sausage, and the brand-new Mosinee Brewing Company. I recently spent one year on the board of the Appleton-based non-profit, Sculpture Valley.

I'm a believer in the arts as a vital part of community and shared experience. I look forward to assisting the Neenah Arts Council in bringing the arts into the lives of the people of Neenah and beyond.

Please Sign and Date:

02 / 13 / 2019

Please return to the Neenah City Clerk's Office

City of Neenah

Application for Appointment



Name LAURA KEMPS
 Address 629 Chestnut St.
 City, ST Zip Neenah WI 54956

Date 2-13-19

Employer The Brigade

Eve. Phone 920-740-2045
 E-mail Lakemps200@gmail.com

Day Phone 920-725-3983
 Fax

What appointment are you seeking? You may check more than one box:

- ☐ Board of Appeals
- ☐ Board of Review
- ☐ Business Improvement District (BID)
- ☐ Citizen Advisory Committee
- ☐ Committee of Aging
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- ☐ Park & Recreation Commission
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- ☐ Plan Commission
- ☐ Police Commission
- ☐ Sustainable Neenah Committee
- ☐ Water Works Commission
- ☐ Other:

Do you currently serve on other boards, commissions, or hold an elected office? ☐ Yes ☒ No Detail Below

Please provide or attach a brief statement outlining your interest and qualifications for this appointment:

As the Executive Director of the Brigade and
life long resident of Neenah quality of life
is very important to me.
The Arts Council would offer an opportunity
for The Brigade and myself to actively
engage creative opportunities.
My best qualifications are commitment
and enthusiasm.

Please Sign and Date:

Laura Kamps

2/13/19

Please return to the Neenah City Clerk's Office

Proceedings of the Common Council of the City of Neenah

Monday, February 18, 2019 – 6:19 p.m.

The Common Council of the City of Neenah, Winnebago County, Wisconsin, met in special session at 6:19 p.m., February 18, 2019 in the Council Chambers of Neenah City Hall.

Mayor Kaufert in the chair.

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

Alderman Steele was absent.

Mayor Kaufert called the meeting to order at 6:19 pm.

Public Hearing

- I. Consider the proposed First Amendment to Tax Increment District #9.
 - A. There being no appearances, Mayor Kaufert declared the public hearing closed.

Plan Commission Report Pertaining to the Public Hearing

- I. Council Rep. Lang reported from the Plan Commission meeting of January 29, 2019:
 - A. The Commission recommends Council adopt Resolution No. 2019-07 approving the amended Project Plan and amending Tax Increment District #9 boundaries. **MSCRP Lang/Hillstrom, all voting aye.**

Finance & Personnel Committee

- I. Chairman Erickson reported from the Finance & Personnel Committee meeting of February 18, 2019:
 - B. Committee recommends Council approve the Annexation Impact Report – Annexation #214 (Loren's Auto Recycling/2405 Schultz Drive – Town of Neenah – 18.97 Acres. (To be acted on following a report from the Plan Commission)

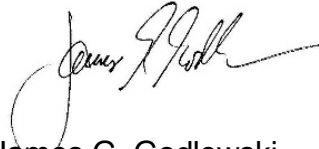
Plan Commission

- I. Council Rep. Lang reported from the Plan Commission meeting of February 12, 2019:
 - A. Commission recommends Council approve Annexation #214 (Ordinance #2019-04) and the property also receive a temporary I-1, Planned Business Center District zoning classification, subject to review of the annexation by the State Dept. of Administration. **MSCRP Lang/Hillstrom, all voting aye.**

Adjournment

- I. **MSC Stevenson / Boyette to adjourn at 6:29 p.m., all voting aye.**

Respectfully submitted,

A handwritten signature in black ink, appearing to read "James G. Godlewski", with a long horizontal flourish extending to the right.

James G. Godlewski
City Attorney

SPECIAL COMMON COUNCIL MINUTES

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Mayor Kaufert in the chair.

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

Mayor Kaufert called the meeting to order at 6:19 pm.

Acting City Clerk, City Attorney Godlewski called a voice roll call followed by the Pledge of Allegiance.

Public Hearing

- I. Consider the proposed First Amendment to Tax Increment District #9.
 - A. The Mayor announced the public hearing for the First Amendment to Tax Increment District #9.
 - B. After three calls by the Mayor for speakers for the public hearing and there being no appearances, Mayor Kaufert declared the public hearing closed.

Plan Commission Report Pertaining to the Public Hearing

- I. Council Rep. Lang reported from the Plan Commission meeting of January 29, 2019:
 - A. The Commission recommends Council adopt Resolution No. 2019-07 approving the amended Project Plan and amending Tax Increment District #9 boundaries. **MSCRC Lang / Hillstrom to adopt Resolution No. 2019-07, all voting aye.**

Finance & Personnel Committee

- I. Chairman Erickson reported from the Finance & Personnel Committee meeting of February 18, 2019:
 - B. Committee recommends Council approve the Annexation Impact Report – Annexation #214 (Loren's Auto Recycling/2405 Schultz Drive – Town of Neenah – 18.97 Acres. (To be acted on following a report from the Plan Commission)

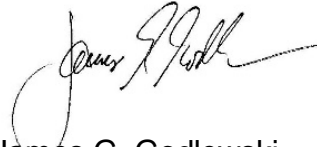
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Adjournment

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Respectfully submitted,

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James G. Godlewski
City Attorney

Proceedings of the Common Council of the City of Neenah

Wednesday, February 27, 2019 - 7:00 p.m.

The Common Council of the City of Neenah, Winnebago County, Wisconsin, met in regular session at 7:00 p.m., February 27, 2019 in the Council Chambers of Neenah City Hall.

Mayor Kaufert in the chair.

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

Also Present: Assistant Director of Community Development & Assessment Schmidt, Police Chief Olson, Assistant Police Chief Sievert, Police Lieutenant Voelker, Police School Liaison Officer Ross (Accreditation Manager), Police Administrative Service Technician Mathison, Grand Chute Police Chief Greg Peterson (President of the Wisconsin Law Enforcement Accreditation Group (WILEAG) and Aldermanic Candidate Stephanie Spellman.

Mayor Kaufert called the meeting to order at 7:04 pm.

Introduction and Confirmation of Mayor's Appointments

- I. **MSCRP Bates/Lang to confirm Mayor Kaufert's appointment of Joseph Ziembra (J. Anthony Jewelers) to fill the expired terms of John Skyrms on the Business Improvement District Board (BID) for three-year terms to expire December 2021, all voting aye, Ald. Boyette voting nay.**

Proceedings

- I. **MSCRP Lendrum/Hillstrom to approve the Council Proceedings of the February 6, 2019 regular session, all voting aye.** Since the Proceedings from the Special Council meeting of February 18, 2019 were not included in the packet, approval will be made at the next meeting.

Public Hearings

- I. Consider the installation of sanitary sewer laterals for properties served by sanitary sewers on the following streets: Caroline Street (Union to Van); Stevens Street (Congress to Doty); 5th Street (Clark to Lincoln); ~~and Courtney Court.~~
 - A. Dir. Kaiser advised that Courtney Court was pulled from this public hearing. That public hearing will be held at a later time when it can be done in conjunction with the Town Public Info meeting.
 - B. There being no appearances, Mayor Kaufert declared the public hearing closed at 7:26 pm.

- C. Mayor Kaufert thanked staff for the information session in the lobby prior to this meeting. They were here to answer questions regarding this street work.
- II. Consider several amendments to Chapter 26 of the Municipal Code of the City of Neenah, Zoning, related to Definitions, District Standards, and Accessory Structures.
 - A. There being no appearances, Mayor Kaufert declared the public hearing closed.

Plan Commission Report Pertaining to the Public Hearings

- I. Council Rep. Lang reported from the Plan Commission meeting of February 26, 2019:
 - A. Commission recommends Council adopt Ordinance No. 2019-08 miscellaneous updates to Municipal Code Chapter 26 Zoning Code. **MSCRP Lang/Kunz, all voting aye.**

Consent Agenda

- I. **MSCRP Bates/Lendrum to approve the Consent Agenda as follows:**
 - A. **Approve Beverage Operator License Applications for: Sarah N. Gima, Penny N. Glick, Rebecca L. Hilgers, Chelsie C. Nachreiner-Wickman, Andrea L. Reinke, and Brenda L. Schmulske. (PSSC)**
 - B. **Approve the Beverage Operator License Application (new) for Elizabeth Reyes contingent upon payment of all delinquent City fees. (PSSC)**
 - C. **Approve the Temporary Class "B" (Picnic) Beer License Application for St. Gabriel Parish, 900 Geiger Street, for their Friday Fish Fry to be held on March 8, March 15, March 22, April 5 and April 12, 2019. (PSSC)**
 - D. **Approve the Preliminary Plat of the Integrity Acres Subdivision subject to the Preliminary Plat Review letter. (PC)**
 - E. **All voting aye.**

Public Services and Safety Committee

- I. Chairman Bates reported the regular meeting of February 12, 2019:
 - A. Committee recommends Council approve Public Works purchase of a 2019 Chevrolet Silverado 1500 extended cab work truck for use by Superintendent Radtke from Ewald Hartford Ford of Hartford for \$31,321.00 and an allowance of \$1,000 for a toolbox and road temperature sensor with funds coming from the Public Works 2019 Capital Equipment Budget. **MSCRP Bates/Hillstrom, all voting aye.**
 - B. Committee recommends a fee schedule resolution to increase the taxi cab license fee from \$25 to \$50 and to direct staff to prepare an update to the taxi cab licensing ordinance and to provide for a taxicab drivers fee

(Resolution No. 2019-09). **MSCRP Bates/Lang, all voting aye, Ald. Steele, Kunz and Boyette voting nay.**

- C. Committee recommends Council approve Ordinance 2019-06 revising the solid waste ordinance to allow single family residential premises to obtain an additional refuse and a recycling can with a fee to be established by the Common Council. (Ordinance No. 2019-06). **MSCRP Bates/Lendrum, all voting aye.**

Finance & Personnel Committee

- I. Chairman Erickson reported the regular meeting of February 18, 2019:
 - A. Committee recommends Council approve Resolution 2019-06 amending the Fee Schedule of the City of Neenah to provide for an Automated Collection Cart Swap Fee and an Additional Cart Annual Fee. **MSCRP Erickson/Lang, all voting aye.**
 - B. Committee recommends Council approve expenditures not to exceed \$38,000 to upgrade all devices on the city network to the Windows 10 Operating System (OS). Funding for this purchase will be a combination of \$35,000 that was approved in Information Systems 2019 CIP Budget and \$3,000 of unspent funds from the Door Swipe Access Control project in Information Systems 2018 CIP Budget. **MSCRP Erickson/Kunz, all voting aye.**
 - C. Committee recommends Council approval to purchase a Spectra Logic Storage solution from Heartland Business Systems at a cost not to exceed \$20,000. Funding for this purchase will be a combination of \$15,000 that was approved in Information Systems 2019 CIP Budget and \$5,000 of unspent funds from the Expanded Citrix Disaster Recovery Capabilities project in Information Systems 2018 CIP Budget. **MSCRP Erickson/Kunz, all voting aye.**
 - D. Committee recommends Council approve Resolution 2019-08 establishing the Interest Rate for Special Assessments Paid in Installments under Wis. Stats. §66.0715 at 5.00% for 2019 projects. **MSCRP Erickson/Lang, all voting aye.**

Board of Public Works

- I. Vice Chairman Hillstrom reported the meeting of February 26, 2019:
 - A. Council Action Items:
 - 1. The Board recommends Council award the bid for Washington Park Phases 3 and 4 to R & R Wash Materials from Ripon, the lowest qualified bid in the amount not to exceed \$1,101,556.04 for the base bid minus lighting deduct; accept Alternate Bid #2 Decorative Lighting in the amount not to exceed \$44,650 for a total project award to R&R Wash Materials of \$1,146,206.04; and reject Alternative Bid #1 Harrison Street Parking. In addition, the Board recommends Council approve a 5% contingency for the project in the amount of \$57,310.30; and an allowance to bid out and direct purchase by the City, specific equipment in the amount of \$332,793.

- The funding for the project will be 2019 Washington Park CIP Budget of \$1,063,444.00; Washington Park Carry Forward Phase 2 (2018) \$219,791.97; Washington Park Carry Forward Phase 1 (2017) \$47,083.37; Stormwater Utility Off-set \$61,990.00; and Alternate Funding: (current) \$144,000.00 for a total of \$1,536,309.30, all voting aye. **MSCRP Hillstrom/Kunz, all voting aye, Ald. Boyette and Lendrum voting nay.**
2. The Board recommends Council accept the Construction Administration Agreement from Ayres and Associates for Washington Park Phases 3 & 4 in the amount of \$25,000, utilizing 2019 Washington Park CIP Budget in the amount of \$25,000. **MSCRP Hillstrom/Bates, all voting aye, Ald. Boyette and Lendrum voting nay.**
- II. Vice Chairman Hillstrom reported the meeting of February 12, 2019: (Minutes can be found on the website)
- A. Council Action Items:
1. The Board recommends Council approve the Final Payment for Contract 8-17 Commerce Court Pond Expansion and Storm Sewer Installation to Carl Bowers & Sons Construction, Kaukauna in the amount of \$35,401.00. **MSCRP Hillstrom/Bates, all voting aye.**

New Business

- I. Mayoral Proclamation No. 2019-01 declaring February 12th Snow Emergency. (Motion to ratify) **MSCRP Bates/Erickson, all voting aye.**
- II. Mayoral Proclamation No. 2019-02 rescinding Mayoral Proclamation No. 2019-01 declaring February 12th Snow Emergency. (Motion to ratify) **MSCRP Bates/Lang, all voting aye.**

Adjournment

- I. **MSC Lendrum/Boyette to adjourn at 8:18 p.m., all voting aye.**


Patricia A. Sturn, WCPC/MMC
City Clerk

SPECIAL COMMON COUNCIL MINUTES

Wednesday, February 27, 2019 - 7:00 p.m.

The Common Council of the City of Neenah, Winnebago County, Wisconsin, met in regular session at 7:00 p.m., February 27, 2019 in the Council Chambers of Neenah City Hall.

Mayor Kaufert in the chair.

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

Also Present: Assistant Director of Community Development & Assessment Schmidt, Police Chief Olson, Assistant Police Chief Sievert, Police Lieutenant Voelker, Police School Liaison Officer Ross (Accreditation Manager), Police Administrative Service Technician Mathison, Grand Chute Police Chief Greg Peterson (President of the Wisconsin Law Enforcement Accreditation Group (WILEAG) and Aldermanic Candidate Stephanie Spellman.

Mayor Kaufert called the meeting to order at 7:04 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.

Presentation of Police Department Accreditation Award

- I. Grand Chute Police Chief Greg Peterson, President of the Wisconsin Law Enforcement Accreditation Group (WILEAG), presented the Neenah Police Department with an Accreditation Award for demonstrating its commitment to law enforcement excellence through its compliance to a body of standards.
 - A. Police Chief Olson accepted the award. He thanked Greg and the Group for the fantastic job they do to professionalize the police profession. This is not something he can do by himself. He thanked Police School Liaison Officer Ross (Accreditation Manager), Police Administrative Service Technician Mathison, Police Lieutenant Voelker and Assistant Police Chief Sievert for their part in achieving this award.

Introduction and Confirmation of Mayor's Appointments

- I. **MSCRP Bates/Lang to confirm Mayor Kaufert's appointment of Joseph Ziemba (J. Anthony Jewelers) to fill the expired terms of John Skyrms on the Business Improvement District Board (BID) for three-year terms to expire December 2021, all voting aye, Ald. Boyette voting nay.**

Proceedings

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the Special Council meeting of February 18, 2019 were not included in the packet, approval will be made at the next meeting.

Public Hearings

- I. Consider the installation of sanitary sewer laterals for properties served by sanitary sewers on the following streets: Caroline Street (Union to Van); Stevens Street (Congress to Doty); 5th Street (Clark to Lincoln); and ~~Courtney Court~~.
 - A. Dir. Kaiser advised that Courtney Court was pulled from this public hearing. That public hearing will be held at a later time when it can be done in conjunction with the Town Public Info meeting.
 - B. There being no appearances, Mayor Kaufert declared the public hearing closed at 7:26 pm.
 - C. Mayor Kaufert thanked staff for the information session in the lobby prior to this meeting. They were here to answer questions regarding this street work.
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Plan Commission Report Pertaining to the Public Hearings

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 - D. **Approve the Preliminary Plat of the Integrity Acres Subdivision subject to the Preliminary Plat Review letter. (PC)**
 - E. **All voting aye.**

Public Services and Safety Committee

- I. Chairman Bates reported the regular meeting of February 12, 2019:
 - A. Committee recommends Council approve Public Works purchase of a 2019 Chevrolet Silverado 1500 extended cab work truck for use by Superintendent Radtke from Ewald Hartford Ford of Hartford for \$31,321.00 and an allowance of \$1,000 for a toolbox and road temperature sensor with funds coming from the Public Works 2019 Capital Equipment Budget. **MSCRP Bates/Hillstrom, all voting aye.**
 - B. Committee recommends a fee schedule resolution to increase the taxi cab license fee from \$25 to \$50 and to direct staff to prepare an update to the taxi cab licensing ordinance and to provide for a taxicab drivers fee (Resolution No. 2019-09). **MS Bates/Lang.**
 1. Ald. Kunz supported the concept of simplifying this process however expressed concern over spending time on this when Uber/Lift have taken over the taxi business. His concern is over directing staff to look at this. He would prefer discontinuing the fees all together.
 2. Ald. Boyette concurred questioning what makes a taxi service different than Uber/Lift.
 3. City Atty. Godlewski explained that the way Uber/Lift are structured we would need to contact the owner of the business and we have not done that. In larger cities, they are not licensing the drivers but the corporation itself. We would need to look into that when we come back to committee with a process.
 4. Ald. Boyette expressed concern that just because we have not contacted the other companies, they are not required to pay this fee but yet they can continue to provide rides for individuals.
 5. Ald. Bates advised that this is part of the direction the committee asked staff to look into. Part of the licensing review is to make sure they have the proper insurance.
 6. Ald. Boyette added that Uber drivers have to go through a background check. They also have to have insurance and a newer vehicle that is safety rated. They actually go through more strenuous checks than these taxi cabs. If we are not going to have everyone obtain a license, the she would prefer doing away with the taxi license.
 7. Mayor Kaufert indicated the first part of this motion is to bring our fees more in line with neighboring communities. The second part is asking staff to look into the matter and bring something back to committee.
 8. **Motion carried, by a 5-3 RollCall-Pro System vote, all voting aye, Ald. Steele, Kunz and Boyette voting nay.**
 - C. Committee recommends Council approve Ordinance 2019-06 revising the solid waste ordinance to allow single family residential premises to obtain an additional refuse and a recycling can with a fee to be established by the Common Council. (Ordinance No. 2019-06). **MS Bates/Lendrum.**

1. Ald. Kunz commented that if we are going to create a fee, it should be set across the board. He expressed concern over picking up garbage for non-profits when they do not pay. There are also some businesses that do not pay, however, you could argue they pay taxes. He feels this fee is not applied properly. Non-profits should have to pay.
2. **Motion carried, by an 8-0 RollCall-Pro System vote, all voting aye.**

Finance & Personnel Committee

- I. Chairman Erickson reported the regular meeting of February 18, 2019:
 - A. Committee recommends Council approve Resolution 2019-06 amending the Fee Schedule of the City of Neenah to provide for an Automated Collection Cart Swap Fee and an Additional Cart Annual Fee. **MSCRP Erickson/Lang, all voting aye.**
 - B. Committee recommends Council approve expenditures not to exceed \$38,000 to upgrade all devices on the city network to the Windows 10 Operating System (OS). Funding for this purchase will be a combination of \$35,000 that was approved in Information Systems 2019 CIP Budget and \$3,000 of unspent funds from the Door Swipe Access Control project in Information Systems 2018 CIP Budget. **MSCRP Erickson/Kunz, all voting aye.**
 - C. Committee recommends Council approval to purchase a Spectra Logic Storage solution from Heartland Business Systems at a cost not to exceed \$20,000. Funding for this purchase will be a combination of \$15,000 that was approved in Information Systems 2019 CIP Budget and \$5,000 of unspent funds from the Expanded Citrix Disaster Recovery Capabilities project in Information Systems 2018 CIP Budget. **MSCRP Erickson/Kunz, all voting aye.**
 - D. Committee recommends Council approve Resolution 2019-08 establishing the Interest Rate for Special Assessments Paid in Installments under Wis. Stats. §66.0715 at 5.00% for 2019 projects. **MSCRP Erickson/Lang, all voting aye.**

Board of Public Works

- I. Vice Chairman Hillstrom reported the meeting of February 26, 2019:
 - A. Information Only Items:
 1. The Board approved Pay Request No. 1 for chemical storage and feed modifications for the Water Utility to August Winter & Sons in the amount of \$112,575.00.
 - B. Council Action Items:
 1. The Board recommends Council award the bid for Washington Park Phases 3 and 4 to R & R Wash Materials from Ripon, the lowest qualified bid in the amount not to exceed \$1,101,556.04 for the base bid minus lighting deduct; accept Alternate Bid #2 Decorative Lighting in the amount not to exceed \$44,650 for a total project

award to R&R Wash Materials of \$1,146,206.04; and reject Alternative Bid #1 Harrison Street Parking. In addition, the Board recommends Council approve a 5% contingency for the project in the amount of \$57,310.30; and an allowance to bid out and direct purchase by the City, specific equipment in the amount of \$332,793. The funding for the project will be 2019 Washington Park CIP Budget of \$1,063,444.00; Washington Park Carry Forward Phase 2 (2018) \$219,791.97; Washington Park Carry Forward Phase 1 (2017) \$47,083.37; Stormwater Utility Off-set \$61,990.00; and Alternate Funding: (current) \$144,000.00 for a total of \$1,536,309.30, all voting aye. **MS Hillstrom/Kunz.**

- a) Dir. Kading responded to Ald. Lendrum indicating they are recommending to remove the lighting base bid in the amount of \$125,000 and replacing that with Alternate Bid #2 in the amount of \$44,650 to match the current lighting. As we are proposing to wrap up the project, the splash pad will be part of the construction project this year. It will also include a Discovery Ball Field which is a fully ADA accessible ball field. They are also looking at Whiffle Ball, T-Ball and other opportunities as well as two tennis courts and pickle ball courts. Connecting trail ways, lighting and infrastructure are also part of the project. He highlighted the fact that they continue to receive alternate funding. What that does is reduce the request for funding. There has been a great cooperative effort with the Neenah-Menasha Firefighters creating the splash pad in a firefighter theme. The firefighters and Park & Rec having been undertaking a fundraising for this splash pad. This is the last phase of Washington Park upgrades.
 - b) City Atty. Godlewski clarified that the motion is to award the contract to the low bid from R&R Wash Materials for the low bid of \$1,101,556.04 for the base bid minus lighting deduct; accept Alternate Bid #2 Decorative Lighting in the amount not to exceed \$44,650 for a total project award to R&R Wash Materials of \$1,146,206.04; and reject Alternative Bid #1 Harrison Street Parking.
 - c) Ald. Bates mentioned that the storm water is a portion of this.
 - d) Dir. Kading responded that they are working with Public Works and the Storm Water Utility to remove and replace the 24' storm water sewer line at the northeast corner of the current Park & Rec building. It makes sense to just do it now rather than in ten years from now.
 - e) **Motion carried, by a 6-2 RollCall-Pro System vote, all voting aye, Ald. Boyette and Lendrum voting nay.**
2. The Board recommends Council accept the Construction Administration Agreement from Ayres and Associates for Washington Park Phases 3 & 4 in the amount of \$25,000, utilizing 2019 Washington Park CIP Budget in the amount of \$25,000.

MSCRP Hillstrom/Bates, all voting aye, Ald. Boyette and Lendrum voting nay.

- II. Vice Chairman Hillstrom reported the meeting of February 12, 2019: (Minutes can be found on the website)
- A. Information Only Items:
 - 1. The Board approved Pay Estimate No. 5 for Contract 2-18 Sewer and Water Main Construction and Street Construction on Cecil Street and Adams Street to David Tenor Corporation, Green Bay in the amount of \$318,061.67.
 - B. Council Action Items:
 - 1. The Board recommends Council approve the Final Payment for Contract 8-17 Commerce Court Pond Expansion and Storm Sewer Installation to Carl Bowers & Sons Construction, Kaukauna in the amount of \$35,401.00. **MSCRP Hillstrom/Bates, all voting aye.**

Community Development Authority

- I. Dir. Haese reported from the Community Development Authority (CDA):
- A. The CDA closed on 502 Monroe Street on Monday.
 - B. The CDA has met all the conditions relative to the Loren's Salvage Yard acquisition. They are moving towards closing the end of March
 - C. The CDA continues to meet with interest property owners in the Gateway Redevelopment area to discuss possible future acquisition in that neighborhood.
 - D. The CDA is in the early stage of two downtown Development Agreements. Those will be before the Council sometime next month.
 - 1. Ald. Boyette questioned the timing of removing vehicles from Loren's Salvage Yard.
 - 2. Dir. Haese advised the once the closing takes place, they will be given 18 months to clear the vehicles.

Library Board

- I. Ald. Erickson reported from the Library Board meeting of February 20, 2019:
- A. The Library has a number of new programs. Ald. Erickson encouraged everyone to check out their website.
 - B. On March 5th the Library will show the movie, "Ralph Breaks the Internet".
 - C. On March 11th at 1:00 pm the Library will show, "Green Book" which is the Academy Awards – Best Picture.
 - D. The Light Therapy Box is available at the reference desk. If you are interested in trying the "Happy Light" that is available from the Reference Desk on the second floor of the Library.
 - E. Check the website for more programming available.

Neenah Arts Council

- I. Ald. Erickson reported from the Neenah Arts Council meeting of February 13, 2019:
 - A. March is Youth Art Month. There will be a Youth Art Exhibit at the Neenah Public Library. The Exhibit will be installed tomorrow. The opening reception will be Monday March 4th at 4:00 pm.
 - B. Members of the Neenah Arts Council are encouraged to attend the Opening Reception for the High School Glass Art Exhibit on March 8th from 5-7 pm. The Exhibit runs March 1st thru March 31st.
 - C. An Art after Dark event will be held on March 21st from 5-7 pm featuring "Young At Art".
 - D. Neenah Historical Society is holding fundraiser on Saturday March 9th at Bridgewood Resort Hotel. The band the Britains will be performing and a silent auction will be held. Profits go to the Neenah Historical Society.
 - E. Mayor Kaufert indicated the Neenah Arts Council has been doing some cool activities. The thanked them for what they do. He also thanked Bemis for the art donations they made. Residents can find these pieces throughout City Hall.


New Business

- I. Mayoral Proclamation No. 2019-01 declaring February 12th Snow Emergency. (Motion to ratify) **MSCRP Bates/Erickson, all voting aye.**
- II. Mayoral Proclamation No. 2019-02 rescinding Mayoral Proclamation No. 2019-01 declaring February 12th Snow Emergency. (Motion to ratify) **MSCRP Bates/Lang, all voting aye.**
- III. Mayor Kaufert's appointment to fill the unexpired term of Paul Seveska and Trina Woldt on the Neenah Arts Council for a three year term to expire April 2022. (To be considered at the March 20, 2019 Council meeting)
- IV. Mayor Kaufert advised that the City Garage has a lot of old garbage cans available. Citizens interested in these cans may pick them up for free.
 - A. Dir. Kaiser indicated at the moment, they are encouraging everyone to stay out of that area as it is being used for impounded cars from the mass pileup on Sunday. Once the drop off site is open, feel free to help yourself.
 - B. Mayor Kaufert advised that the opening day for the recycling center scheduled for March 1st has to be moved back because the City Garage is being used for impounded cars from the mass pileup on Sunday. Winnebago County has control of that lot for now and are not letting anyone in or out. They plan to move the opening of the drop off site back to March 18th.
- V. Mayor Kaufert offered his sympathy for former Mayor Marigen Carpenter. Last weekend her brother and sister-in-law were in a tragic accident in Colorado. Her brother Bill Braun remains in the hospital however his wife did not survive the accident. Anyone wishing to sign a sympathy card for former Mayor Carpenter can stop in the Mayor's office to sign a card.

- VI. Mayor Kaufert indicated he has had some discussions with City Atty. Godlewski regarding Rules changes and a possible Committee on Rules meeting. If anyone has any ideas they would like to see as rule changes, they should be shared with him or City Atty. Godlewski to be discussed at that meeting.
- VII. Dir. Kaiser reminded citizens to shovel around fire hydrants.
 - A. Mayor Kaufert added, time does matter. Look at the fire yesterday where an entire family on Shannon Street were displaced from their home.

Adjournment

- I. **MSC Lendrum/Boyette to adjourn at 8:18 p.m., all voting aye.**


Patricia A. Sturn, WCPC/MMC
City Clerk

CITY OF NEENAH PUBLIC NOTICE

NOTICE IS HEREBY GIVEN that on the 20th day of March, 2019, the Common Council of the City of Neenah will hold a public hearing and take action on a resolution to vacate a portion of Laudan Boulevard between Elm Street and Reed Street, in the City of Neenah, Winnebago County, Wisconsin, described as follows:

That portion of Laudan Blvd. lying adjacent to the remainder of Lot 1 & 20, Block 2, Bigelow's Addition and Lot 10 & 11, Block 1, Bigelow's Addition, being part of Section 27, T20N, R17E, City of Neenah, Winnebago County, Wisconsin.

Meeting Dates:

- Plan Commission informal public hearing - **Tuesday, March 12, 2019 at 4:15 p.m.** in the Hauser Room.
- The Public Services and Safety Committee - **Tuesday, March 12, 2019 at 7:00 p.m.** in the Hauser Room.
- Common Council formal public hearing - **Wednesday, March 20, 2019 at 7:00 p.m.** in the Council Chambers.

Dated this 27th day of February, 2019 at Neenah, Wisconsin.

Patricia Sturn
City Clerk
Neenah, Wisconsin

Publish: February 27th, March 6th and March 13th, 2019

**CITY OF NEENAH
NOTICE OF PUBLIC HEARING
2019 COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM
PROPOSED USE OF FUNDS / ANNUAL ACTION PLAN**

The City of Neenah has drafted the 2019 Annual Action Plan, which includes a program of activities to be funded by the 2019 Community Development Block Grant to address the priority needs and objectives identified in the Five-Year Consolidated Plan. Members of the public are invited to comment in writing by March 25, 2019 on the Annual Action Plan and proposed use of funds, and/or to comment at a public hearing scheduled for March 11, 2019 at 4:00 P.M. in the Hauser Committee Room, City Administration Building, or to comment at the Common Council public hearing to be held **March 20, 2019** at 7:00 P.M. in the Council Chambers, City Administration Building, 211 Walnut Street, Neenah.

A copy of the proposed plan is available for review at the Department of Community Development, Room 313, in the City Administration Building, 211 Walnut Street, Neenah, or online under Community Development Block Grant at <http://www.ci.neenah.wi.us/departments/community-development/>. Activities proposed to be funded include those supporting public services, blight elimination, redevelopment, housing, economic development, and planning and administration.

Members of the public are encouraged to attend one or both of the public hearings scheduled for March 11 and March 20, 2019. For further information, please contact the Department of Community Development at 920-886-6128. Written comments may also be directed to Carol Kasimor at ckasimor@ci.neenah.wi.us or at Department of Community Development, 211 Walnut Street, P. O. Box 426, Neenah, WI 54957-0426, by March 25, 2019.

Department of Community Development
City of Neenah
February 23, 2019

City of Neenah
Notice of Public Hearing

NOTICE IS HEREBY GIVEN that a public hearing will be held by the City of Neenah to consider rezoning land located at 140, 142 and 146 N. Lake Street from I-2, General Industrial District to the C-1, General Commercial District.

The property for which the rezoning is being requested is legally describes as follows:

Lots two (2) and three (3) according to Certified Survey Map filed in Volume 1 of Survey Maps on Page 687 document No. 542860, being part of Lot five (5) of Block One (1) in Plat of Van Ostrand & Smith's Addition to Neenah and a part of Block Twenty-nine (29) in the Fourth Ward, City of Neenah, per Palmer's Map, all in the Seventh Ward, City of Neenah, Winnebago County, including to the centerline of N. Lake Street.

Also, that part of Lot five (5) of Block one (1) in Plat of Van Ostrands & Smith's Addition to Neenah, in the Seventh Ward, City of Neenah, described as follows:

Commencing at the Northeast corner of said Lot, being on the Westerly line of Lake Street; thence West along the North line of said Lot, 120 feet; thence due south 50 feet; thence East parallel with the North line of said lot to the Westerly line of Lake Street; thence Northerly along the Westerly line of Lake Street, to the place of beginning, including to the centerline of N. Lake Street.

Parcel IDs: **80700050100** and **80700050000**

The hearing will be held at the City Administration Building, 211 Walnut Street, Neenah, Wisconsin.

Plan Commission Informal Hearing
4:15 P.M. Hauser Room

Tuesday, March 12, 2019

Council Formal Hearing
7:00 P.M. Council Chambers

Wednesday, March 20, 2019

NOTICE IS FURTHER GIVEN that applicant and interested persons may appear at said hearings and be heard for or against the proposed rezoning and/or subdivision variance.

Patricia Sturn
City Clerk
Neenah, Wisconsin

Publish: March 9 and March 11, 2019



AN ORDINANCE: By the Neenah Plan Commission
Re: Rezoning 0.77 Acres of land located N. Lake
Street (140, 142 & 146 N. Lake Street) from the
I-2, General Industrial District to the C-1,
General Commercial District.

ORDINANCE NO. 2019-09

Introduced: March 20, 2019

Committee/Commission Action:

RECOMMENDED FOR PASSAGE

AN ORDINANCE

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

Section 1. Section 26-123 of the Neenah Code of Ordinances pertaining to zoning districts, and the map therein authorized and described, is hereby amended by rezoning 0.77 acres of land located at 140, 142 and 146 N. Lake Street from the I-2, General Industrial District to the C-1, General Commercial District. The property is more particularly described as follows:

Lots two (2) and three (3) according to Certified Survey Map filed in Volume 1 of Survey Maps on Page 687 document No. 542860, being part of Lot five (5) of Block One (1) in Plat of Van Ostrand & Smith's Addition to Neenah and a part of Block Twenty-nine (29) in the Fourth Ward, City of Neenah, per Palmer's Map, all in the Seventh Ward, City of Neenah, Winnebago County, including to the centerline of N. Lake Street.

Also, that part of Lot five (5) of Block one (1) in Plat of Van Ostrands & Smith's Addition to Neenah, in the Seventh Ward, City of Neenah, described as follows:

Commencing at the Northeast corner of said Lot, being on the Westerly line of Lake Street; thence West along the North line of said Lot, 120 feet; thence due south 50 feet; thence East parallel with the North line of said lot to the Westerly line of Lake Street; thence Northerly along the Westerly line of Lake Street, to the place of beginning, including to the centerline of N. Lake Street.

Parcel IDs: **80700050100** and **80700050000**

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.

Approved:

Adopted: _____

Published: _____

Dean R. Kaufert, Mayor

Attest:

THIS INSTRUMENT WAS DRAFTED BY:
City Attorney James G. Godlewski
211 Walnut Street
Neenah, WI 54956
State Bar No. 1005210

Patricia Sturn, City Clerk



Dept. of Legal & Administrative Services
Office of the City Attorney
211 Walnut St. • P.O. Box 426 • Neenah WI 54957-0426
Phone 920-886-6106 • Fax: 920-886-6109
e-mail: jgodlewski@ci.neenah.wi.us
JAMES G. GODLEWSKI
CITY ATTORNEY

MEMORANDUM

DATE: March 19, 2019
TO: Chairwoman Bates, members of the Public Services and Safety Committee
FROM: City Attorney Jim Godlewski
RE: Operator's License for Nicole Brisky

After the conclusion of last week's committee meeting, I reviewed the statute with Clerk Sturm and concluded that the Council did not have authority to extend the provisional license previously issued to her. Thus the committee action to extend the time period of the provisional license and not issue the permanent license until the end of that extension cannot be accomplished under state law.

However, previously, the Committee had extended an offer to a license applicant to issue a regular operator's license on a "probationary by agreement" basis. Under this arrangement, the applicant agrees to accept the license "on probation" and agrees to remain violation free for a certain time, in this case through the end of September, 2019. If the applicant violates the "probation terms; the applicant consents to City repossession of the "probationary" license

Nicole Brisky agreed to these terms and signed off on a stipulation that allows the City to repossess the license without conducting a hearing. A copy of the stipulation is attached.

An appropriate motion would be to recommend council authorize the issuance of a probationary license subject to the terms and conditions outlined in the stipulation signed by Nicole Brisky.

BEFORE THE PUBLIC SERVICES & SAFETY COMMITTEE

In the matter of the Operator License Application of

NICOLE BRISKY
602 Waupaca Street
Fremont, WI 54940

Respondent

STIPULATED SETTLEMENT

IT IS HEREBY STIPULATED AND AGREED to by NICOLE BRISKY, Respondent in this action:

1. The Respondent stipulates to the accuracy of the letter of denial sent by Deputy Police Chief Chris Sievert in this case and acknowledges that the violations listed in the letter of denial are sufficient to justify the denial of her application for an operator's license.
2. Subject to the terms of this Stipulation, the City of Neenah agrees to issue an Operator's license to Respondent, with the standard expiration date of June 30, 2020.
3. Respondent agrees to remain free of any violation of State Statutes or local ordinances that are listed in the City of Neenah Parameters for Denial of a Bartender's License (the "Parameters") through September 30, 2019.
4. Respondent also agrees to strictly follow the conditions of her probation in the State of Wisconsin v. Nicole Brisky, Ozaukee Co. Case Nos. 2017CM000326 & 2018CF000038.
5. In the event that Respondent commits a violation listed in the Parameters on or prior to September 30, 2019, or commits any probation violation in Ozaukee Co. Case Nos. 2017CM000326 & 2018CF000038, Respondent agrees to voluntarily surrender her operator's license.
6. In the event that Respondent fails to surrender her operator's license after committing a violation as outlined in Paragraphs 3 and/or 4 above, Respondent hereby stipulates that by signing this agreement, she consents to the revocation of her operator's license by the City of Neenah. She also consents to the service by mail of a complaint for revocation of operator's license filed under this agreement.
7. Issuance of the operator's license to the Respondent under this stipulation is subject to the Respondent paying any outstanding claims of the City of Neenah that she may have, if any. At the time of the preparation of this stipulation, City records indicate no outstanding claims.

Date: 3/15/19

Nicole Brisky
Nicole Brisky
Respondent

PUBLIC SERVICES & SAFETY COMMITTEE RECOMMENDATION

The Public Services & Safety Committee of the Neenah Common Council on March 20, 2019 by a _____ vote does hereby recommend approval of the foregoing stipulation and granting Nicole Brisky a new operator's license subject to the terms of the above-stipulated settlement.

Marge Bates
Chair

ORDER

The Common Council of the City of Neenah, having considered the recommendation of the Public Services & Safety Committee hereby approves issuing a new operator's license to Nicole Brisky subject to the terms and conditions of the above stipulated settlement

CITY OF NEENAH

By: _____
Dean R. Kaufert, Mayor

CITY OF NEENAH
PUBLIC SERVICES AND SAFETY COMMITTEE MEETING MINUTES
Tuesday, March 12, 2019 - 6:30 PM
Hauser Room - City Administration Building

Present: Aldermen Bates, Hillstrom, Lang, and Lendrum

Excused: Alderman Stevenson

Also Present: Mayor Kaufert, City Attorney Godlewski, Director of Public Works Kaiser, Police Chief Olson, Police Captain Bernice, Police Lieutenant Kuffel, Traffic Engineer Merten, Deputy Clerk Goffard, Nicole Brisky

Minutes:

Motion/Second/Carried Hillstrom/Lendrum to approve the minutes of the February 12, 2019, Regular Meeting. All voting aye.

Public Appearances: None.

Motion/Second/Carried Lendrum/Hillstrom to amend the agenda to address Item 4 – Request to Purchase Two Replacement Tactical Ballistic Shields. All voting aye.

Request to Purchase Two Replacement Tactical Ballistic Shields: Lieutenant Kuffel reviewed his March 1, 2019, memo regarding the replacement of two tactical ballistic shields to replace two existing Protech Intruder G1 ballistic shields that are over ten years old. Staff is recommending the purchase of Protech Intruder G2 ballistic shields. He noted the increased viewport size in the new model. He described the difference between the Batshield ballistic shields and the Protech shields. He noted that Streicher's-Milwaukee is the only supplier of this shield model. He stated that the department has been very satisfied with the current shields and wished to replace them with the same brand. He stated that the current shields can be used in training or if a situation called for additional shield resources.

Following discussion, **Motion/Second/Carried Lang/Lendrum to recommend purchase of two Protech Intruder G2 ballistic shields with LED lights from Streicher's-Milwaukee for an estimated cost of \$2,150.50 each, for a total of \$4,301 plus shipping, with funds from the 2019 Police Capital Outlay Budget.** All voting aye.

Appeal of New Bartender License Application Denial: Nicole Brisky: City Attorney Godlewski informed that Committee that the discussion on the application denial was an informal hearing, not a due process hearing, because this is an application for a new license. He stated that the denial was based on two misdemeanor convictions arising from the one incident – possession of cocaine and possession of drug paraphernalia. He stated that the incident occurred within the two year timeframe for consideration and therefore satisfied a parameter for denial as defined in Policy 2013-4. Lt. Kuffel stated that Ms. Brisky's probation agent did not have an issue with her receiving a beverage operator's license and working as a bartender. City Attorney Godlewski clarified that the denial parameter is based on convictions not on incidents, therefore multiple conviction arising from one incident can satisfy the parameter.

REPORT

Public Services and Safety Committee Meeting
March 12, 2019
Page 2

Nicole Brisky informed the Committee that she currently works as a customer service representative at Alta Resources. She stated that she is on probation for the convictions that came from the arrest on August 30, 2017. She stated that she is in AODA treatment. She also stated that she is drug/alcohol screened on a regular basis and has not had a failed test. She acknowledged her responsibility for her actions in the case. She stated that she has held a bartenders license in Caledonia/Readfield since June 2018. She stated that she is currently operating under a provisional license that expires on March 16, 2019. She stated that bartending works well as a complement to her job at Alta Resources. She expressed a willingness to adhere to responsible server practices. She stated that she is currently a bartender at C&C Tavern in Neenah.

Committee discussed alternative arrangements that could allow a review of her performance prior to issuing a beverage operator's license. Committee discussed issuing a probationary license until the expiration of the 2-year citation review window. Committee discussed extending the provisional license until the expiration of the 2-year citation review window. City Attorney Godlewski confirmed that the follow-up review would not be a due process hearing but would be an application review.

Committee discussed the bartending arrangements at C&C Tavern. Ms. Brisky stated that there is typically just one licensed bartender on premise.

Following discussion, **Motion/Second/Carried Lendrum/Hillstrom to recommend that Council extend the provisional beverage operator's license for Nicole Brisky through September 2019 and schedule her application for review by the Public Services and Safety committee on September 24, 2019.** All voting aye. (NOTE: Provisional Licenses under state law cannot exceed 60 days, thus the Committee will meet prior to the March 20, 2019 Common Council meeting to consider a stipulated settlement that will accomplish the same end proposed by the Committee.)

Discussion of Ordinance Allowing Temporary Extension of Retail "Class B" Premise Permit and Required Fee: Deputy Clerk Goffard reviewed her March 12, 2019, memo regarding premise extension permits for local "Class B" businesses to hold one-day outdoor events outside of their business and serve alcohol. Committee reviewed the proposed requirements of the permit.

Deputy Clerk Goffard informed the Committee that Community Development and Assessment Director Haese had contacted her about the fencing requirement. He expressed a concern about a possible conflict with the building code if the fencing were to block one of the two required building exit points. Committee directed City Attorney Godlewski to review that item with Director Haese and Chief Building Inspector Walter.

Committee discussed the need for a licensed bartender to be on premise during the event. They clarified that the licensed bartender needed to be in the extension area during the event.

Public Services and Safety Committee Meeting
March 12, 2019
Page 3

Committee discussed the use of wristbands at some recent events as oppose to fencing. City Attorney Godlewski noted that those events were normally permitted with a Temporary Class B (Picnic) License. Committee discussed some issues that were observed at the Bazaar After Dark event.

Committee discussed the application of the noise ordinance for these events. Mayor Kaufert commended the work of police staff in following up on these types of complaints. Chief Olson confirmed that they typically do not have noise issues with bars. Committee confirmed that the starting time for allowable amplified sound or music would coincide with the allowable starting time for a "Class B" extension at 8:00 a.m.

Committee discussed several issues that were not listed in the requirements. City Attorney Godlewski noted that the question of setback from property lines for the extension and the use of outdoor lighting for an extension could be considered on a case-by-case basis since surrounding land use could play a role in that determination. Committee questioned how to handle a request from a business operating under a State brewer's license. City Attorney Godlewski stated that staff would need to follow-up with the State regarding that license type.

Following discussion, **Motion/Second/Carried Lendrum/Hillstrom to recommend City Attorney draft an ordinance to incorporate changes to allow a temporary extension of retail "Class B" premise using guidelines discussed by Committee and draft a resolution to incorporate the fee for Committee review at their April 9 meeting.** All voting aye.

Final Resolution No. 2019-10: Sanitary Sewer Lateral Construction (Caroline Street, Stevens Street, 5th Street): Director Kaiser confirmed that the resolution should only include Caroline Street, Stevens Street, and Fifth Street. He stated that an updated resolution will be prepared for the Council meeting.

Following discussion, **Motion/Second/Carried Lendrum/Lang to recommend Council adopt Final Resolution No. 2019-10 for installation of sanitary sewer laterals for properties served by sanitary sewers on Caroline Street (Union to Van), Stevens Street (Congress to Doty), 5th Street (Clark to Lincoln).** All voting aye.

Street Use Permits - Informational:

Traffic Engineer Merten informed the Committee of the Special Event Tracking menu item on the intranet that will allow them to stay apprised of special event information as applications are received and processed. He discussed the function of the staff group that reviews special event applications and conducts post-event briefings.

Run Away to the Bay: Committee reviewed the Street Use Permit for the Run Away to the Bay to be held on April 13, 2019. Alderman Hillstrom noted that tax exempt information is needed from the organizer.

RES.

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Street Use Permits - Request for Approval:

Neenah Duathlon: Committee reviewed the Street Use Permit for the Neenah Duathlon to be held on May 11, 2019. Traffic Engineer Merten stated that the only change for the event this year is that the running portion will be done in Mahler Park instead of Riverside Park. Alderman Hillstrom noted that the tax exempt number provided by Dutrirun is for a 509(a)(2) organization. Traffic Engineer Merten stated that ordinance provides the cost exemption for 501(c) organizations. Committee determined that the organization did not fall under the designation required by ordinance and therefore was not exempt from full event costs.

C.A.

Following discussion, **Motion/Second/Carried Lendrum/Hillstrom to recommend the Chairman of the Public Services and Safety Committee sign and the Council approve the Street Use Permit for the Neenah Duathlon, sponsored by Dutrirun, Ben West, 920 S. Keller Park Drive, Appleton, to be held on May 11, 2019.** All voting aye.

Memorial Day Parade: Committee reviewed the Street Use Permit for the Memorial Day Parade to be held on May 27, 2019.

C.A.

Following discussion, **Motion/Second/Carried Hillstrom/Lang to recommend the Chairman of the Public Services and Safety Committee sign and the Council approve the Street Use Permit for the Memorial Day Parade sponsored by the Twin City Veterans, Michael E. Taylor, 545 Broad Street, Menasha, to be held on May 27, 2019.** All voting aye.

CommunityFest 2019: Committee reviewed the Street Use Permit for CommunityFest-2019 to be held on July 3-4, 2019.

C.A.

Following discussion, **Motion/Second/Carried Hillstrom/Lendrum to recommend the Chairman of the Public Services and Safety Committee sign and the Council approve the Street Use Permit for CommunityFest-2019, sponsored by the City of Neenah, Mike Kading, 211 Walnut Street, to be held on July 3-4, 2019.** All voting aye.

Community First Fox Cities Marathon Presented By Miron Construction: Committee reviewed the Street Use Permit for the Community First Fox Cities Marathon to be held September 20-22, 2019. Traffic Engineer Merten noted that there were no proposed changes from the 2019 event.

C.A.

Following discussion, **Motion/Second/Carried Hillstrom/Lang to recommend that the Chairman of the Public Services and Safety Committee sign and the Council approve the Street Use Permit for the Community First Fox Cities Marathon, sponsored by the Community First Fox Cities Marathon, Laurie Butz, 2616 S. Oneida Street, Appleton, to be held September 20-22, 2019.** All voting aye.

WI Streetball Neenah 3 on 3: Committee reviewed the Street Use Permit for the WI Streetball Neenah 3 on 3 event to be held on June 8-9, 2019. Traffic Engineer Merten noted that the 2018 event had issues with refuse clean-up and an insufficient number of port-a-potties.

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He stated that the organizer is being told how many port-a-potties the event must provide for the 2019 based on industry standards. Mayor Kaufert noted that, if necessary, city staff will clean up the streets after the event and charge the organizer. He confirmed that the organizer is required to contact affected property owners. Committee discussed the varied perspectives on the impact to the downtown of having an outside organization operate the event.

C.A.

Following discussion, **Motion/Second/Carried Hillstrom/Lendrum to recommend the Chairman of the Public Services and Safety Committee sign and the Council approve the Street Use Permit for the WI Streetball Neenah 3 on 3 to be held on June 8-9, 2019, in downtown Neenah, sponsored by Mission Basketball Academy Inc., Adam Maulick, 1835 E. Edgewood Drive, Suite 1058, PO Box 8 Appleton.** All voting aye.

Licenses:

Beverage Operator License Applications: The Committee reviewed the beverage operator license applications for Eric J. Balza, Laurie L. Behnke, Brandy L. Brockman, Jacob M. Driessen, Jayda M. Ekholm, Janine L. Heid, Megan M. Morse, Alex R. Ransone and Johann C. Schattenforst.

C.A.

Following discussion, **Motion/Second/Carried Lendrum/Hillstrom to recommend Council approve beverage operator license applications for Eric J. Balza, Laurie L. Behnke, Brandy L. Brockman, Jacob M. Driessen, Jayda M. Ekholm, Janine L. Heid, Megan M. Morse, Alex R. Ransone and Johann C. Schattenforst.** All voting aye.

Temporary Class "B" (Picnic) Beer License Application - Future Neenah: The Committee reviewed the Temporary Class "B" (Picnic) Beer License Application for Future Neenah for their Bike to Boogie event to be held on June 12, 2019.

Following discussion, **Motion/Second/Carried Lendrum/Hillstrom to table action on the application until the Bike to Boogie Special Event Permit is brought to Committee for review.** All voting aye.

Temporary "Class B" (Picnic) Beer & Wine License Application -St. Margaret Mary Parish: The Committee reviewed the Temporary "Class B" (Picnic) Beer & Wine License Application for St. Margaret Mary Parish for their Game Night event to be held on April 6, 2019.

C.A.

Following discussion, **Motion/Second/Carried Lendrum/Hillstrom to recommend Council approve the Temporary "Class B" (Picnic) Beer & License Application for St. Margaret Mary Parish, 620 Division Street, for their Game Night event to be held on April 6, 2019.** All voting aye.

Public Works General Construction and Department Activity:

1. Contract 1-18 (Andrew, Richard, Geiger, Whiting) – Work is complete. Subsequent to our issuing final payment for this work, we were notified that a subcontractor had found an error in the final quantities. We are working with the contractor to resolve this.

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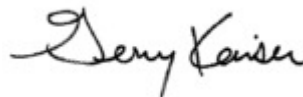
2. Contract 2-18 (Cecil, Adams)
Adams St – Work is complete.
Cecil St – Final topsoil and seeded will be done when weather permits.
3. Contract 3-18 (Nature Trails/Eaglecrest) – The only work remaining under this contract is completion of the Liberty Heights trail along Woodenshoe Road. The contract will remain open so that this work can be done early next year.
Quantities on the Nature Trail/Eaglecrest work have been finalized with the contractor. Special assessment billings will be sent in September 2019.
4. Contract 1-19 (Caroline, Stevens, Fifth) – An award recommendation is being taken to the Board of Public Works on 3/12/2019.
5. Contract 2-19 (Stanley Ct, Stanley St, Thomas) – An award recommendation is being taken to the Board of Public Works on 3/12/2019.
6. Contract 3-19 (Epoxy Pavement Marking) – An award recommendation is being taken to the Board of Public Works on 3/12/2019.
7. Kevin Prost starts with the department on March 11 as the Engineering Technician.
8. We still have salt available. We also have salt remaining in our reserve, but have been told that delivery of the reserve couldn't occur for several weeks. As of Sunday, March 3, we have reached our overtime budget for snow/ice removal for 2019.
9. Director Kaiser informed the Committee that two of the automated collection trucks had been out-of-service – one for an electrical issue and the other due to an accident at the Tullar Garage that damaged the lifting arm. Both should be back in service early next week.

Announcements/Future Agenda Items:

Chief Olson informed the Committee that the Department will not have use of a UTV this year. He stated that the Department had used one in 2018 under an arrangement with Team WinnebagoLand. Given the benefit that the Department saw from the use of that vehicle, he indicated that a budget request to purchase a UTV would be forthcoming.

Motion/Second/Carried Hillstrom/Lang to adjourn at 8:20 p.m. All voting aye.

Respectfully submitted,



Gerry Kaiser, PE
Director of Public Works



RESOLUTION NO. 2019-10

FINAL RESOLUTION AUTHORIZING INSTALLATION OF SANITARY SEWER LATERALS AND LEVYING SPECIAL ASSESSMENTS AGAINST BENEFITED PROPERTY.

WHEREAS, the Common Council of the City of Neenah, Wisconsin, held a public hearing in the Council Chambers in the City Administration Building at 7:00 p.m., on the 7th day of February, 2018, for the purpose of hearing all interested persons concerning the preliminary resolution and the final report of the Public Services and Safety Committee on the following proposed improvements in the following described areas, to-wit:

Installation of sanitary sewer laterals for properties served by sanitary sewers on the following streets:

- 1. Caroline Street (Union to Van)**
- 2. Stevens Street (Congress to Doty)**
- 3. 5th Street (Clark to Lincoln)**

AND WHEREAS, the Common Council has heard all persons desiring audience at such hearing:

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of Neenah as follows:

1. That the report of the Public Services and Safety Committee pertaining to the above described improvements, including plans and specifications therefore, is hereby approved and adopted.
2. That the Public Services and Safety Committee is directed to advertise for bids and to carry out the work of such improvements in accordance with its report.
3. That the payment for said improvements be made by assessing the cost to the property benefited as indicated in said report.
4. Assessments shown on the report represent an exercise of the police power and have been determined on a reasonable basis and are hereby confirmed.
5. That the benefits and damages will be included in a revised report after actual costs are known.
6. That the assessments for all projects included in said report are hereby combined as a single assessment but any interested property owner shall be entitled to object to each assessment separately or all assessments jointly for any purpose or purposes.
7. That the assessments shall be paid as provided in the City of Neenah Municipal Code, Section 13-1, except as provided in reports.

8. That the City Clerk is directed to publish this resolution in the official newspaper of the City of Neenah as a Class 1 notice under Ch. 985, Wis. Stats.
9. That the City Clerk is further directed to mail a copy of this resolution to every property owner whose name appears on the assessment roll whose post office address is known or can, with reasonable diligence, be ascertained.

Recommended by: Public Services
and Safety Committee

CITY OF NEENAH, WISCONSIN

Moved: _____

Dean Kaufert, Mayor

Passed: _____

Patricia Sturn, City Clerk

**CITY OF NEENAH
FINANCE AND PERSONNEL COMMITTEE MEETING
Monday, March 11, 2019 – 6:30 p.m
Hauser Room, Neenah City Administration Building
211 Walnut Street, Neenah, Wisconsin**

MINUTES

Present: Chairman Erickson; Aldermen Kunz and Boyette; Mayor Kaufert; City Attorney Godlewski; Director of Finance Easker

Others Present: Alderman Bates, Director of Human Resources and Safety Barber, Director of Community Development Haese, Director of Parks and Recreation Kading, Police Chief Olson, Police Captain Bernice, Superintendent of Parks/City Forester Fink, Assistant City Attorney VandenHeuvel, Police Lieutenant Kuffel

Public Appearances: None.

Minutes: **Motion/Second/Carried Kunz/Boyette to approve the minutes from the February 18, 2019 Regular Meeting.** All voting aye.

Request to Fill Communication Technician Position: Committee reviewed memo from Chief Olson recommending authorization to fill the pending CommTech vacancy effective April 1, 2019. The vacancy is due to the pending resignation of current CommTech Brittany Streeter on February 23. Mayor Kaufert has reviewed the request and concurs with filling the vacant position. Committee and staff discussed various aspects of filling the vacancy.

Motion/Second/Carried Kunz/Boyette authorizing the Police Department to fill the pending CommTech vacancy effective April 1, 2019. All voting aye.

Creation of Parks Supervisor Position and Permission to Fill Vacancy: Committee reviewed memo from Director Barber requesting a recommendation to Council to create the position of Parks Supervisor at Grade K on the salary plan and for approval from the committee to fill the position of Parks Supervisor subject to the approval of its creation by Council. Creation of the position would, in turn, then eliminate one Parks Maintenance position, leaving the net action FTE neutral within the Parks operation. The change was also included as part of the 2019 adopted budget.

Committee and staff discussed various aspects of the proposed creation and filling of the position. Issues discussed included how the new position will benefit the supervision and management of parks maintenance operations as well as the proposed duties of the new position.

Motion/Second/Carried Kunz/Boyette recommending Council create the position of Parks Supervisor at Grade K on the salary plan. All voting aye.

Motion/Second/Carried Kunz/Boyette approving to fill the position of Parks Supervisor subject to the approval of its creation by Council. All voting aye.

Cemetery Software Update: Committee reviewed memo of Superintendent Fink providing an update on the cemetery software implementation. The City began the implementation process software during 2017 and the staff has been loading ownership, mapping and other data into the system to this point. Superintendent Fink indicated that the City is now ready for the next phase, a timeline which will include the City signing off on the updated mapping, old and new data conversion, as well as onsite training with the software vendor, leading to the goal of making the system available to the general public on or before July 1, 2019.

Committee and staff discussed various aspects of the software update. Issues discussed included details about the proposed timeline and some specifics as to which basic features will be available to the public July 1 as opposed to the more enhanced features that will be available in the future. The item is for discussion only with no action needed by the committee.

Cemetery Policies: Committee reviewed memo from Assistant City Attorney VandenHeuvel regarding two new policies related to Oak Hill Cemetery. The first policy provides guidance and direction concerning the City's approach to Wisconsin legislation passed in 2015 that established new procedures for the disposition of cemetery lots or mausoleum spaces in which human remains are buried. In summary, the new law provides that the ownership of the lots ends at the last surviving third generation family member. The new law provides that, upon the death of the last surviving third generation family member, the City/Cemetery Authority would assume ownership of any unused lots within the family plot and could, within the strict requirements of the law, potentially resell those unused lots to anyone.

Since 2015, the City has had contact with various families who are interested in seeing family members from fourth generation and beyond buried within the existing family plots. Assistant City Attorney VandenHeuvel indicated that the law, while somewhat poorly written and confusing, does state clearly that fourth and subsequent generations are still able to express intent to use an abandoned lot without the City/Cemetery Authority having to resell the lot to them. The law also allows for third generation owners to transfer their deed in the family plot to a new owner in a subsequent generation.

As such, this new policy provides that:

- 1). In the event the City/Cemetery Authority assumes ownership of a previously sold lot, the cemetery authority shall grant permission for a requesting family member to be buried on that lot after obtaining proof of relationship and permission from a majority of remaining living family; and
- 2). Any lot under the ownership of one of the first three generations may be transferred or "resold" to a new owner in a subsequent generation for a fee of \$150 and the approval of all living owner/heirs. Upon such transfer the three generation automatic transfer order would restart.

The second policy, which is for internal use only and does not require committee or council action, provides a procedure to inform families who own mausoleums and markers of the legal requirements when placing an urn in the cemetery to ensure that the City/Cemetery Authority has knowledge and information for all bodies located on the premises. It also details the steps to take if an urn is placed in the cemetery without approval of the City/Cemetery Authority.

Committee and staff discussed various aspects of the proposed policy. Director Easker explained the benefits of the policy with regard to the ability of City staff to clearly clarify the options for family members who either are or will be affected by the change in state law. Other issues discussed included a detailed discussion about the limits of the new law with regard to the sale of lots for which the City assumes ownership and legal restrictions on the use of existing mausoleum structures at the cemetery for the disposal of human remains.

REPORT

Motion/Second/Carried Kunz/Boyette recommending Council approve Policy No. 2018-04 regarding the procedures for cemetery lot use and deed transfer for family members that fall outside of the generation of ownership. All voting aye.

Erasing Past Due Debt: Committee reviewed memo from Assistant City Attorney VandenHeuvel recommending Council approve erasing a total debt of \$14,719.79 from fourteen past due accounts that are beyond the statute of limitations or otherwise uncollectable. He indicated that another approximately ten accounts have made payment arrangements with the City, while another nine accounts have been sent to collections. Committee and staff discussed various aspects of the proposed action.

REPORT

Motion/Second/Carried Kunz/Boyette recommending Council approve writing off a total debt of \$14,719.79 from past due accounts that are beyond the statute of limitations or otherwise uncollectable. All voting aye.

Ord. 2019-07 Amending Sec. 17-205 – Definitions and Sec. 17-206 – TARP Calculation, to Provide for a Definition of Impervious Area or Surface; and Impervious Area Unit (IAU): Committee reviewed memo from City Attorney Godlewski recommending Council approve Ord. 2019-07 amending the Transportation Assessment Replacement Fee (TARF) to replace measuring unit for assessing TARF and removing references to assigning TARF to tenants. The amendment provides clarifying language consistent with the City's implementation and billing of the TARF beginning with the utility bills due in April 2019.

ORDINANCE

Motion/Second/Carried Kunz/Boyette recommending Council approve Ord. 2019-07 amending the Transportation Assessment Replacement Fee (TARF) to replace measuring unit for assessing TARF and removing references to assigning TARF to tenants. All voting aye.

2018 Operating Budget Carry Forwards to 2019: Committee reviewed memo from Director Easker recommending Council approve the 2018 Operating Budget Carry

Forwards to 2019. The carry forward requests are all within the City's General Fund and total \$89,720. Committee and staff discussed various aspects of the carry forward requests.

REPORT

Motion/Second/Carried Kunz/Boyette recommending Council approve the 2018 Operating Budget Carry Forwards to 2019 totaling \$89,720 as submitted. All voting aye.

Fiscal Matters: January Vouchers: Motion/Second/Carried Boyette/Kunz to approve the January vouchers as presented. All voting aye.

Motion/Second/Carried Boyette/Kunz to convene into the closed session meeting at 7:55 p.m. All voting aye.

Respectfully submitted,



Michael K. Easker, CPA
Director of Finance



P O L I C Y

DATE: 3/7/19 **EFFECTIVE DATE** Immediately **POLICY NO:** 2018-04
TITLE: Abandonment of Cemetery Lots for Fourth Generation Use
ISSUER: Cemetery Authority – Parks and Recreation Commission
COVERAGE: Oak Hill Cemetery
AUTHORITY: Wis. Stat. chapter 157, Wis. Stat. § 157.115(2)(g)
DURATION: Indefinite
SYNOPSIS: Provides a procedure for lots to be reclaimed by a fourth or subsequent generation in the event that the deceased owner has no living relatives within three generations.

INTRODUCTION

In 2015 the Wisconsin State Legislature passed 2015 WI Act 237 which established new procedures for the disposition of cemetery lots or mausoleum spaces in which human remains are buried. Under the new law, upon the death of the last owner of a cemetery lot or mausoleum space, ownership of the lot can only descend to the owner's grandchildren before it is turned over to the cemetery authority. The City of Neenah owns and operates Oak Hill Cemetery and has several lots that no longer have living relatives who meet the guidelines established by Act 237. Wisconsin Law also allows for an owner or assignee to have the lot transferred to them upon request if there are no living owners left.

POLICY

Upon the death of the last owner of a cemetery lot or mausoleum space, ownership of the lot shall descend first to the owners spouse or domestic partner. If there is no living spouse or domestic partner, ownership shall descend to the owner's children. If there are no living children, ownership shall descend to the owner's grandchildren. If there are no living grandchildren, ownership shall transfer to the cemetery authority.

If at any time after the cemetery authority takes over ownership of the lot, a family member comes forward to express an intent to use the lot for a future burial, the cemetery authority shall grant permission for the right to be buried on the family lot to the requesting family member after obtaining a proof of relationship and permission from a majority of remaining living family.

Any lot under the ownership of one of the first three generations may be transferred or "resold" to a new owner in a subsequent generation for a fee of \$150.00 and approval of all living owner/heirs. Upon such transfer the three generation automatic transfer order would restart.



211 Walnut Street
Neenah, WI 54956

AN ORDINANCE: By Finance & Personnel Committee

Re: Amending Sec. 17-205 – Definitions and Sec. 17-206 – TARF Calculation, to provide for a definition of Impervious Area or Surface; and Impervious Area Unit (IAU)

ORDINANCE NO. 2019-07

Introduced: March 20, 2019

Committee/Commission Action:

RECOMMENDED FOR PASSAGE

AN ORDINANCE

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

Section 1. Section 17-205 of the Code of Ordinances of the City of Neenah, as created by Sec. 2 of Ord. 2018-17, is amended by deleting the stricken language and adding the highlighted language to read as follows:

Sec. 17-205. - Definitions.

For the purpose of this article, the definitions listed at Sec. 17-123 shall apply to this Article, unless modified in this section; words used in the singular shall include the plural, and the plural, the singular; words used in the present tense shall include the future tense; the word "shall" is mandatory and not discretionary; the word "may" is permissive. Words not defined herein shall be construed to have the meaning given by common and ordinary use as defined in the latest edition of Webster's Dictionary:

Impervious Area Unit (IAU). The term "IAU" means the statistical average horizontal impervious area of "single family homes" (single family and mobile homes) within the City on the date of adoption of Ordinance 1211. The horizontal impervious area includes, but is not limited to all areas covered by structures, roof extensions, patios, porches, driveways and sidewalks.

Impervious area or impervious surface. These terms mean a horizontal surface which has been compacted or covered with a layer of material so that it is highly resistant to infiltration by rain water. It includes, but is not limited to, semi-impervious surfaces such as compacted clay or gravel, as well as streets, roofs, sidewalks, parking lots and other similar surfaces.

Section 2. Section 17-206(2) of the Code of Ordinances of the City of Neenah, as created by Sec. 2 of Ord. 2018-17, is amended by deleting the stricken language and adding the highlighted language to read as follows:

- (2) The Fee charged shall be issued to share the costs of the historic level of special assessment for street resurfacing, street reconstruction and sidewalk installation. This charge may be imposed on all property that has any developed impervious area. The ~~ERU~~IAU charge will be designed on the basis of a typical residential unit of property. Other units of property will be charged multiples of the ~~ERU~~IAU based on the impervious area.

Section 3. Section 17-206(4) of the Code of Ordinances of the City of Neenah, as created by Sec. 2 of Ord. 2018-17, is amended by deleting the stricken language and adding the highlighted language to read as follows:

- (4) The City Water Utility as staffed and supervised by the Department of Finance is hereby appointed as the collection agency for the TARF. Bills shall be prepared by the City Water Utility and sent to the owner ~~or occupant~~ of each property subject to the TARF. The Department of Finance shall allocate the actual cost of billing and collecting.

Section 4. Section 17-206(6) of the Code of Ordinances of the City of Neenah, as created by Sec. 2 of Ord. 2018-17, is repealed, but the subsection number is reserved for future use.

Section 5. Section 17-207 of the Code of Ordinances of the City of Neenah, as created by Sec. 2 of Ord. 2018-17, is amended by deleting the stricken language and adding the highlighted language to read as follows:

Sec. 17-207. – TARF Calculation.

- (1) For purposes of imposing the TARF charges, the Common Council may classify all lots and parcels within the City or in its discretion, treat all parcels within the city as a single class.
- (2) In the event that the Council determines multiple property classifications shall be applied, the Director shall prepare a list of lots and parcels within the City and assign a classification to each lot or parcel based on the direction of the Council.
- (3) The average square footage of impervious area of ~~ERU~~IAU is established to be equivalent to 3,138 square feet.
- (4) The charge imposed for single-family residential property shall be the rate for one (1) ~~ERU~~IAU.
- (5) The charges imposed for duplex residential properties shall be the rate for one-half of one ~~ERU~~IAU for each individual dwelling unit existing on the property ($\frac{1}{2}$ ~~ERU~~IAU rate multiplied by the number of dwelling units).
- (6) The charges imposed for manufactured home, residential-multifamily units, non-residential, and non-profit properties shall be the rate for one ~~ERU~~IAU, multiplied by the numerical factor obtained by dividing the total impervious area of a residential multifamily unit and non-residential property by the square footage of one ~~ERU~~IAU. The factor shall be rounded down to the nearest one-half ~~ERU~~IAU,

$$\frac{\text{ERUIAU rate} \times \text{impervious area}}{\text{ERUIAU}}$$

- (7) The charges imposed for undeveloped properties as defined herein shall be the rate for one ERUIAU multiplied by a factor established by resolution and then divided by the square footage for one ERUIAU established by resolution.
- (8) The Director shall be responsible for determining the impervious area based on the best available information, including, but not limited to, data supplied by the City Assessor, aerial photography, the property owner, tenant or developer. The Director may require additional information as necessary to make the determination. The billing amount shall be updated by the Director based on the building permit process.
- (9) The minimum charges for any non-residential parcel shall be equal to the rate for one ERUIAU.
- (10) All unoccupied developed lots and parcels shall be subject to the TARF.

Section 6. 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 7. 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.

Approved:

Moved by: _____

Adopted: _____

Approved: _____

Published: _____

Dean R. Kaufert, Mayor

Attest:

Patricia A. Sturn, City Clerk

THIS INSTRUMENT WAS DRAFTED BY:
City Attorney James G. Godlewski
211 Walnut Street
Neenah, WI 54956
State Bar No. 1005210

MINUTES OF THE NEENAH PLAN COMMISSION
Tuesday, March 12, 2019
4:15 p.m.

Present:

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

Also present:

Brad Schmidt – Deputy Director of Community Development	Cassandra Kohls, Administrative Assistant Community Development	Jeff Welhouse - 1351 Hedgerow Dr.
Asher Jacobson – 120 N. Lake St.	Jay Baker – 120 N. Lake St.	Caylyn Schneider – 538 Cecelia St., Combined Locks
Kate Sehloff – 5519 N. Amethyst Dr., Appleton	Jim Sehloff – Davel Engineering 1811 Racine Rd., Menasha	Bernie Meyer – 116 Armstrong St., Town of Neenah
Paul Meyer – 116 Armstrong St., Town of Neenah		

Minutes:

MSC Lang/Andrews to approve the February 26, 2019 meeting minutes. All Aye. Hancock-Cooke abstained. Motion passed.

Mayor Kaufert called the meeting to order at 4:15 p.m.

Public Appearances: None

Public Hearings: Mayor Kaufert opened the Public Hearing for the Rezoning of 140, 142 and 146 N. Lake Street from I-2, General Industrial District to C-1, General Commercial District (Ord. No. 2019-09). No one presented. Mayor Kaufert closed the Public Hearing at 4:20 p.m.

Action Items:

1. Rezoning – I-2 District to C-1 District – 140, 142 and 146 N. Lake Street (Ord. No. 2019-09)

Deputy Director Schmidt indicated the applicant, Coenen Properties, LLC, owns 142/146 Lake Street and is requesting to rezone the land located along the west side of N. Lake Street. The subject land is essentially two parcels. The property was used for manufacturing and includes several residential units on the second floor. Mill City Church is planning to lease the building for assembly use. A single-family residence located at 140 N. Lake Street will also be rezoned from I-2 to C-1 to avoid a spot zone situation. This does not impact the use and the owners of 140 N. Lake Street are in agreement with the rezoning of their property. Neighbors within 200 feet have been notified. A change of use is occurring and will require a site plan. Staff will provide a site plan to Plan Commission at a later date. The proposed zoning classification is consistent with the City's Comprehensive Plan 2040 Future land use designation.

Mayor Kaufert inquired whether the rezoning will cause a hardship for the single-family residence (140 N. Lake St.) should they need to refinance. He cited properties on Bond Street who had difficulties refinancing due to the zoning classification of their properties.

Deputy Director Schmidt indicated the current zoning is I-2, General Industrial District. Rezoning to C-1 will be more preferable as the use will be permitted in this district.

Member Hancock-Cooke asked for a definition of assembly. Deputy Director Schmidt indicated an assembly use would also open up to any commercial use.

Mr. Jay Baker (120 N. Lake St.) explained the anticipated use of the property at 142/146 Lake Street. He plans to lease the first floor which will be used mainly for youth and adult classrooms.

Ald. Kunz inquired about the necessity to change the zoning. Deputy Director Schmidt indicated this change will bring the zoning in line with the long term plan and brings the property into compliance. The 2000 Comprehensive Plan anticipated industrial use at this site, however, industrial land use is going away. We are planning for more Commercial use in this area.

Member Hancock-Cooke asked for a reason the property wasn't rezoned to single-family residential (R-1). Deputy Director Schmidt indicated this would not be consistent with the Comprehensive Plan due to inconsistent land use. He explained underwriters fear that if it is not a permitted use, the property could not be rebuilt.

Member Genett indicated the lending institutions are selling the loans on a secondary market. Due to this situation they must use in-house funds which require a higher down payment.

Plan Commission Minutes

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Ord. No. 2019-09

Mayor inquired whether parking will need to be increased.

Mr. Jay Baker (120 N. Lake St) indicated they are already using the space. No more parking spaces will be added.

Ald. Kunz asked if a school qualifies as a special use. Deputy Director Schmidt indicated C-1, General Commercial District is still the appropriate district.

MSC Lang/Kaiser, Plan Commission recommends Common Council approve Ordinance No. 2019-09 rezoning 140, 142 and 146 N. Lake Street to the C-1 General Commercial District.

All Aye. Motion passed.

Mayor Kaufert asked if the building could be used as a youth drop-in center or a shelter.

Mr. Jay Baker (120 N. Lake St.) stated they will not have youth space in their existing space. Potentially this space could be open to a youth group in the future.

Mayor Kaufert inquired on how it would be handled should the property owner want to revert back to industrial zoning. Deputy Director Schmidt indicated Staff would not recommend going back to industrial zoning.

Mayor Kaufert inquired about landscape standards/requirements. Deputy Director Schmidt indicated the applicant will need to submit a site plan which may be presented at the next Plan Commission meeting.

2. Preliminary Plat Review – Cardinal Plat Subdivision

Deputy Director Schmidt provided an overview of the submittal of the Preliminary Plat of Cardinal Subdivision which includes 14.51 acres, 17 single-family residential lots, and one outlot (which will be dedicated to the public for open space). The site is zoned R-1, Single-Family Residence District. Land to the north and west are located in the Town of Neenah and land to the south and east are in the City of Neenah. A new street, Cardinal Circle, will contain a 50-foot right-of-way which is sufficient for a residential street. Lone Oak will contain sidewalks on both sides of the street. Sidewalk will be extended west on the south side of Paintbrush Road and along lots 12 and 13 which would allow a connection to the public open space land. The city has required that lots 2, 3, 5, 12, and 13 must be sold together to ensure that if the developer cannot mitigate the wetland or the lots do not sell, the city will not end up receiving the land due to tax foreclosure.

Lone Oak will extend north and will dead-end until a point in the future when it will continue north and connect to Breezewood Lane. The city is requiring a temporary turnaround at the end of Lone Oak. Staff will work with the developer to determine what that will look like.

Outlot 1 is approximately 6 acres, primarily wetland. The Developer offered to dedicate the land to the public for public open space. The Parks and Recreation Department would identify the land as open space with the possibility of constructing a trail that would connect to the larger trail system around Nature Trail Subdivision and within Carpenter Preserve.

Ald. Kunz would like Paintbrush to extend east and west, connecting this development with land to the west.

Deputy Director Schmidt described the challenges associated with connecting Paintbrush to lands to the west. First, as you move west, you lose depth and run into sanitary sewer issues. Other development challenges include wetlands, a stream, and private property lying west of the subject site. The process to mitigate wetlands is costly and regulated.

Mr. Jim Sehloff (Davel Engineering) stated there is a north and south connection to go up to Armstrong to connect east to Paintbrush. Someone will have to pay for the road. The west connection of Paintbrush is not feasible.

Member Hancock-Cooke stated growth will be limited by the landscape.

Ald. Kunz commented that the cul-de-sac is more expensive to maintain.

Mrs. Bernice Meyer (116 Armstrong St., Town of Neenah) raised her concern regarding the maintenance of the creek that runs along Outlot 1. She indicated she removed the noxious weeds and trees from the creek and asked who will be responsible for that moving forward.

Deputy Director Schmidt indicated maintenance of invasive species on private property is the homeowner's responsibility. The Park and Recreation Department will maintain the open space of Outlot 1 when it becomes public open space.

Mrs. Bernice Meyer (116 Armstrong St., Town of Neenah) inquired about how this development will impact plans for Armstrong Street.

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Mayor Kaufert explained they are not connected. Lone Oak is going north. The process to annex Armstrong Street began years ago. There are still talks with the Town. The city is trying not to litigate however it is time to get this done.

Mr. Jim Sehloff (Davel Engineering) stated Lots 1 and 2 are being sold together until mitigation happens. Currently there is a dead end at Lone Oak.

Director Kaiser encouraged Mr. Sehloff to work with him to develop a plan as the Public Works department will need sufficient room to maneuver.

Mrs. Bernice Meyer (116 Armstrong St., Town of Neenah) inquired about the topography of the land to determine whether Cardinal Plat was a higher or lower elevation than Armstrong Plat.

Mr. Jim Sehloff (Davel Engineering) indicated the land drains toward the creek. He also indicated there is a deed restriction on the lots.

Mayor Kaufert raised concern about the tax base. He raised concern that someone could buy Lot 1 and Lot 2 and not build a house on both. He did not want to see that happen.

Deputy Director Schmidt indicated the city cannot restrict that.

Mr. Jeff Welhouse (1351 Hedgerow Drive) indicated that a new law passed which John Davel (Davel Engineering) helped write. In the past wetland needed to be mitigated first. The new law allows 10,000 square feet of wetland per lot. Therefore, now the lot has to be created before mitigation can occur.

Deputy Director Schmidt indicated the Parks and Recreation Department is trying to plan for a portion of the trail in their Capital Improvement Plan.

MSC Lang/Genett, Plan Commission recommends Common Council approve the Preliminary Plat of the Cardinal Plat subject to comments on the Preliminary Plat Review Letter.

All Aye. Motion Passed.

Announcements and future agenda items:

Deputy Director Schmidt indicated the following future agenda items:

- 1) Site Plan for 142 N. Lake Street
- 2) Final Plat for Integrity Acres

Next Plan Commission meeting is scheduled for March 26, 2019.

Adjournment: The Commission adjourned its meeting at 4:55 P.M. MSC Kaiser/Lang. All Aye.

Respectfully Submitted,



Cassandra Kohls
Administrative Assistant, Community Development

REPORT

**Minutes of the Board of Public Works Meeting
Tuesday, March 12, 2019 – 12:00 p.m.
Hauser Room**

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

ALSO PRESENT: Deputy Clerk Goffard, Water Utility Director Mach and Forrest Bates.

Chairman Kaufert called the meeting to order at 12:04 p.m.

MINUTES: MSC Hillstrom/Kaiser to approve the minutes from the February 26, 2019 Board of Public Works meeting, all voting aye.

APPEARANCES: None.

UNFINISHED BUSINESS: None.

NEW BUSINESS:

Public Works:

Award Contract 1-19 Sewer, Water Main and Street Construction on Caroline Street, Stevens Street and Fifth Street: Dir. Kaiser recommended awarding Contract 1-19 Sewer, Water Main and Street Construction on Caroline Street, Stevens Street and Fifth Street to Carl Bowers & Sons Construction Company, Inc., Kaukauna in the amount of \$1,199,529.00. Nine bids were received on February 6, 2019. Dir. Kaiser stated that they were under budget on everything. The storm water and sewer work money was coming out of the miscellaneous repairs budget. Dir. Kaiser responded to Mayor Kaufert indicating that the contractor was aware that Fifth Street will need to be done before July 4, 2019. The cost of the sewer laterals running to the homes will be paid by the homeowners at 50% of the cost. **MSC Kaiser/Haese, to recommend Council award Contract 1-19 Sewer & Water Main and Street Construction on Caroline Street, Stevens Street and Fifth Street to Carl Bowers & Sons Construction Company, Inc., Kaukauna in the amount of \$1,199,529.00, all voting aye.**

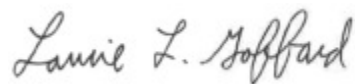
Award Contract 2-19 Sewer, Water Main and Street Construction on Stanley Street, Stanley Court and Thomas Court: Dir. Kaiser recommended awarding Contract 2-19 Sewer and Water Main Construction and Street Construction on Stanley Street, Stanley Court and Thomas Court to Robert J. Immel Excavating, Inc., Greenville in the amount of \$1,578,470.50. Eight bids were received on February 20, 2019. The bids were for asphalt and concrete. The concrete alternate goes with asphalt in case issues arise during construction. The budget of \$1,760,400 for storm water may be go over budget with the sewer work. There was a carry forward budget for this cost. Ald. Bates mentioned previous work done on Mark Court where the asphalt work was really bad. A pavement geo grid was

needed to stabilize the asphalt. Dir. Kaiser responded to Dir. Easker stating that he would have to check on the availability of workers to do both projects simultaneously to save money. Dir. Kaiser responded to Mayor Kaufert that having one contractor do all projects may be too much work for one contractor. Dir. Haese indicated that it is important for the workers to be treated fairly on the projects. Dir. Mach responded to Ald. Bates stating that for Stanley and Thomas Court there is copper service which is more costly for the water lateral replacements. **MSC Kaiser/Haese to recommend Council award Contract 2-19 Sewer and Water Main Construction and Street Construction on Stanley Street, Stanley Court and Thomas Court to Robert J. Immel Excavating, Inc., Greenville in the amount of \$1,578,470.50, all voting aye.**

Award Contract 3-19 Epoxy Pavement Marking: Dir. Kaiser recommended awarding Contract 3-19 Epoxy Pavement Marking to Brickline Inc., Madison in the amount of \$54,217.70. Two bids were received on March 6, 2019. Dir. Kaiser stated that Century Fence Company is typically the higher bidder due to the Wisconsin DOT changing the specifications on pavement marking guidelines. The budget was \$45,000 plus a 2018 traffic operating budget carryover to this project. Dir. Kaiser responded to Dir. Easker that the line markings typically last from 4 to 10 years. Engineer Mertens gets a list ready on a yearly basis to re-mark certain areas of Neenah on a rotation schedule. Ald. Bates stated she could let Engineer Mertens know if certain areas need line work done. The Interstate 41 on and off ramps are done by the State of Wisconsin and the roundabout markings are done by the City of Neenah. **MSC Kaiser/Hillstrom to recommend Council award Contract 3-19 Epoxy Pavement Marking to Brickline Inc., Madison in the amount of \$54,217.70, all voting aye.**

MSC Hillstrom/Kaiser to adjourn at 12:26 p.m., all voting aye.

Respectfully Submitted,

A handwritten signature in cursive script, reading "Laurie L. Goffard".

Laurie L. Goffard
Deputy Clerk

STATUS OF COUNCIL DIRECTIVES ISSUED SINCE JULY 1, 1981

Date: March 20, 2019

Date of Directive: 4/17/2018

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

Responsible Party: Ald. Lendrum

Status: Pending