



**City of Neenah
COMMON COUNCIL AGENDA
Wednesday, December 2, 2020 - 7:00 p.m.
Virtual Meeting**

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

Link: <https://global.gotomeeting.com/join/583123933>

OR

Conference Telephone Number (AUDIO ONLY): [+1 \(872\) 240-3311](tel:+18722403311)
Access Code: 583-123-933

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

I. Roll Call

Presentation regarding City Wide Fiber Project by Josh Worrell, Business Development Manager at TDS Telecommunications LLC

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

- A. Mayor Kaufert's appointment of Robert Karrmann to the Police Commission for the unexpired term of Steve Morton to expire May 2023. **(UC)**
- B. Swearing in

III. Approval of Council Proceedings

- A. Approval of the Council Proceedings of November 17, 2020 special session. **(UC)**

IV. Public Hearings

- A. Consider various amendments to the Neenah Comprehensive Plan 2040 and Future Land Use Map

- V. Plan Commission report pertaining to the Public Hearing
 - A. Plan Commission meeting of November 24, 2020: (Ald. Lang) (Minutes can be found on the City web site)
 - 1. Commission recommends Council approve Ordinance No. 2020-22 amending the Comprehensive Plan 2040 and Future Land Use Map. **(RollCall)**

- VI. Public Forum
 - A. Speakers should give their name and residential address (not mailing address) and are allowed five minutes to speak on any topic.

- VII. Mayor/Council consideration of public forum issues

- VIII. Consent Agenda—None

- IX. Reports of standing committees
 - A. Regular Public Services and Safety Committee meeting of November 24, 2020: (Chairman Bates/Vice Chairman Lang) (Minutes can be found on the City web site)
 - 1. Committee recommends Council approve Ordinance No. 2020-20, amending Municipal Code Sec. 21-34 to require an attached or detached garage for all residential properties. **(RollCall)**
 - 2. Committee recommends Council approve the outdoor premise area expansion application for Barrel 41 Brewery Co., LLC located at 1132 S Commercial Street, Neenah. **(RollCall)**
 - 3. Committee recommends Council approve entering into a contract with Orion Waste Solutions to provide containers and regular refuse collection for commercial dumpster customers with collection commencing July 1, 2021. **(RollCall)**
 - 4. Committee recommends Council approve the Revocable Occupancy Permit to John and Jennifer DeBruin, 620 E. Wisconsin Avenue, for irrigation systems facilities located with the Lakeshore Avenue right-of-way. **(RollCall)**
 - 5. Committee recommends Council approve the Revocable Occupancy Permit to Mary Ellen Wroblewski Trust, 114 Lakeshore Avenue, for irrigation systems facilities located with the Lakeshore Avenue right-of-way. **(RollCall)**
 - 6. Committee recommends Council approve the Revocable Occupancy Permit to Grant J. Lamontagne and Judith A. Lamontagne, 157 N Park Avenue, for irrigation systems facilities located with the Lakeshore Avenue right-of-way. **(RollCall)**

7. Committee recommends Council approve the Revocable Occupancy Permit to Main Street, LLC for an encroachment of their building at 215 Main Street into Millview Drive right-of-way. **(RollCall)**
 8. Committee recommends Council approve budget expenditure with 2016 carried forward budget funds for Industrial Drive Entrance to include the street lighting upgrade on Industrial Drive from Bell Street to Castle Oak Drive in the amount of \$98,800, installation of an overhead street name sign for Industrial/Bell in the amount of \$1,000, and a street name sign with City logo banner within the Industrial Park in the amount of \$500. **(RollCall)**
- B. Regular Finance and Personnel Committee meeting of November 23, 2020: (Chairman Erickson/Vice Chairman Boyette) (Minutes can be found on the City web site)
1. Committee recommends Council give direction for City staff to take the necessary steps to purchase the property at 401 W North Water Street, utilizing Community Development Block Grant Funds, for the purpose of expanding Cook Park, at the negotiated purchase price of \$65,000 along with agreed upon closing costs. **(RollCall)**
 2. Committee recommends Council approve the Development and Fee Agreement for the First Addition to Southfield Plat **(to be acted on after report from Board of Public Works)**
 3. Committee recommends Council adopt Resolution 2020-17, approving the Neenah Central City Business Improvement District 2021 Operating Plan **(RollCall)**
 4. Committee recommends Council approve the Maintenance Assessment Services Contract (2021-2025) with Associated Appraisal Consultants, Inc., for an annual fee of \$36,500. **(RollCall)**
 5. Committee recommends Council approve retaining Larry Nicholson to conduct appraisals for the 2019 and 2020 tax years on the WalMart and CVS properties for a total cost of \$24,000. **(RollCall)**
- X. Reports of special committees and liaisons and various special projects committees
- A. Regular Plan Commission meeting of November 24, 2020: (Council Rep Lang) (Minutes can be found on the City web site)
1. Commission recommends Council approve Ordinance #2020-23 approving Project Plan Approval #2-20 for the Glatfelter Mill Planned Development District, allowing the construction of a public plaza and ice rink. **(RollCall)**
- B. Board of Public Works meeting of November 24, 2020: (Vice Chairman Bates) (Minutes can be found on the City web site)
1. Information Only Items:
 - a) The Board approved Pay Estimate No. 7 for Contract 1-20, Sewer and Water Main and Street Construction on Abby Avenue,

Clybourn Street, Bond Street, and Center Street to Kruczek Construction, Green Bay, in the amount of \$294,607.81

- b) The Board approved Pay Estimate No. 4 for Contract 4-20, Water Main and Street Construction on Green Bay Road, Tullar Road, and Marathon Avenue to Vinton Construction Company, Two Rivers, in the amount of \$424,524.73
- c) The Board approved Change Order No. 1 for Contract 10-20, Concrete Pavement and Sidewalk Repair to Sommers Construction Company, Inc., Shiocton, for pavement repair increase due to storm sewer repairs completed by staff in the amount not to exceed \$17,294.27

2. Council Action Items:

- a) The Board recommends Council approve Final Payment for Contract 10-20, Concrete Pavement and Sidewalk Repair to Sommers Construction Company, Inc., Shiocton, in the amount of \$104,565.02 **(RollCall)**
- b) The Board recommends Council approve the Development and Fee Agreement for the 1st Addition to the Southfield Plat **(RollCall)**

C. Neenah Arts Council

- 1. Report from the Neenah Arts Council – Alderperson Erickson

D. Landmarks Commission

- 1. Report from the Landmarks Commission – Alderperson Lang

E. Sustainable Neenah Committee

- 1. Report from the Sustainable Neenah Committee

F. Reports on neighborhood groups.

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

G. Bergstrom Mahler Museum

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

XI. Presentation of petitions

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

XII. Council Directives

XIII. Unfinished Business

- A. Council Action on First Amendment to TID 11 Development Agreement **(RollCall)**

XIV. New Business

- A. Determine and approve the process by which the upcoming aldermanic vacancy in District 2 will be filled.

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

XV. Adjournment

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

**Common Council Minutes—Special Budget Public Hearing
Tuesday, November 17, 2020—7:00pm**

The Common Council of the City of Neenah, Winnebago County, Wisconsin, met virtually in special session at 7:00pm, Tuesday, November 17, 2020.

Mayor Kaufert in the chair.

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

Also Present: Director of Parks and Recreation Kading, Library Director Raab, Recreation Superintendent Kluge, Police Chief Olson, Deputy City Attorney Westbrook, NMFR Chief Kloehn, Director of Information Systems Wenninger, Director of Human Resources and Safety Kehl, Assistant Comptroller Kahl, Deputy Director of Community Development and Assessment Schmidt, Assistant Police Chief Bernice, Public Works Superintendent Radtke, Director of Water Utility Mach, Recreation Supervisor Schott, Captain Van Sambeek, Peter Kelly, Patrick Benson, and Duke Behnke.

Mayor Kaufert called the meeting to order at 7:03pm

- I. Clerk Cheslock called a voice roll call.
- II. Public Hearing on the Proposed 2021 Operating Budget and 2021 Capital Improvements Program Budget
There being no public present wishing to speak, the Mayor closed the public hearing.
- III. Discussion and Consideration of Public Hearing and Other Matters Relating to the Recommended 2021 Operating Budget and 2021 Capital Improvements Program Budget
 - A. Consideration of Resolution No. 2020-18 authorizing Neenah-Menasha Fire Rescue budget to exceed the local levy limits pursuant to Wis. Stat. Sec. §66.0602(3)(h)
Attorney Godlewski and Director Easker explained that in previous years Resolutions 2020-18 and 200219 were joined as one; however this year, the carry forward discussed in 2020-19 was not already included in the Mayor's budget and therefore needed to be adopted separately. This levy limit exemption is allowed because City of Neenah has a joint fire department.
MSCR to approve Resolution No. 2020-18 authorizing Neenah-Menasha Fire Rescue budget to exceed the local levy limits pursuant to Wis. Stat. Sec. §66.0602(3)(h), Stevenson/Boyette, all voting aye.

- B. Consideration of Resolution No. 2020-19 permitting the carry-forward of 2020 unused levy limit to the 2021 Operating Budget pursuant to Wis. Stat. §66.0602(3)(f)

Director Easker explained that this is an optional Resolution as it was not already included in the Mayor's Budget; the Council still has the option to choose to carry forward these funds.

The Council discussed what happens to these funds if they are not carried forward at this time; they would still have access to them to carry forward when putting together the 2022 budget. The Council discussed that it would be simpler to carry them forward now and then if they do not get used they just increase the base amount and can be carried forward again.

MSCRIP to approve Resolution No. 2020-19 permitting the carry-forward of 2020 unused levy limit to the 2021 Operating Budget pursuant to Wis. Stat. §66.0602(3)(f), Boyette/Bates, all voting aye.

- C. Consideration of Resolution no. 2020-20 adopting the 2021 Operating Budget and 2021 Capital Improvements Program Budget for the City of Neenah Mayor Kaufert discussed the proposed budget, the fact that they are playing it safe and not planning for anything large due to the unknowns related to COVID-19.

Aldersperson Stevenson moved to remove \$63,000 capital money earmarked for Fresh Air Drive, Seconded by Aldersperson Lendrum, motion carries 4-3 (Ald. Boyette, Bates, Lendrum, and Stevenson voting aye; Ald. Lang, Borchardt, and Erickson voting no)

The Council discussed the fact that this project has been debated over for years but no concrete plans have been established. Before spending the money on the drive some Council members would like to see a more established plan for developing the park as a whole. Council also discussed that many people who utilize the park are not Neenah residents. Director Kading noted that the drive into the park is really what needs to be repaired; there are larger plans to remodel and improve the bathroom facility at the park but that is not what these funds are for; these funds are for repaving the drive, which is a need not a want. The Council discussed this park being another potential asset to the City, how the state of the park reflects on the Park and Recreation Department and the City of Neenah, possibilities of joint funding of the park from the Town of Neenah or the County due to the large number of non-City residents who utilize the space.

Aldersperson Lendrum moved to remove \$20,000 for LED Message sign at City Hall, Seconded by Aldersperson Boyette, motion fails 1-6 (Ald. Lendrum voting no).

The Council discussed other options for communicating with residents so they do not need to enter the building during and after the pandemic; other options include moving the TV display from the lobby to the main vestibule or getting a more modestly priced electronic messaging center for the outside of the building.

MSCRCP to approve Resolution No. 2020-20 adopting the 2021 Operating Budget and 2021 Capital Improvements Program Budget as amended for the City of Neenah, Stevenson/Boyette, all voting aye.

Council President Stevenson and Mayor Kaufert thanked the Council, Department Heads, and supporting staff for all their hard work in putting together this budget during such trying times.

IV. Proceedings

MS Stevenson/Lendrum to approve the Council Proceedings of the regular meeting of November 4, 2020. There being no objections the motion was approved by unanimous consent.

V. Public Forum

There being no public appearances the Mayor closed the Public Forum.

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

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

A. Vice Chairman Bates reported from the Board of Public Works meeting of November 10, 2020:

1. Information Only

- a. The Board approved Change Order No. 3, Contract 5-20 Miscellaneous Sewer and Water Main Construction on Lakeshore Avenue to Robert J. Immel Excavating, Inc., Greenville, in the amount of \$6,927.99

2. Council Action Items

- a. The Board recommends Council approve Final Payment for Contract 5-20 Miscellaneous Sewer and Water Main Construction on Lakeshore Avenue to Robert J. Immel Excavating, Inc., Greenville, in the amount of \$23,776.18

Dir. Kaiser explained there is one lateral left on this project but instead of holding it open until spring they chose to close the contract and will add that one lateral on to other utility work that needs to be done in the spring. There is one other property that had structural issues that did not allow the contractor to perform the work under this contract. This work will also be added to a utility work next spring.

MSCRCP Bates/Lang, all voting aye.

- b. The Board recommends Council approve Final Payment for Contract 7-20 Re-Roof Apparatus Garage Neenah-Menasha Fire Station 32 to Oshkosh Industrial Roofing & Sheet Metal, Oshkosh, in the amount of \$8,912.50

Dir. Kaiser stated installing these sky lights were the last leg of the project. Working with this contractor, who was new to us, was successful and a good experience.

MSCRCP Bates/Lang, all voting aye.

B. Community Development Authority

1. Dir. Haese gave a brief update on the Site 6 development. The official ground breaking took place last week and the construction will begin next week.

C. Library Board

1. Alderperson Erickson requested this report be moved to the next council

D. Neenah Arts Council

1. Alderperson Erickson reported from the November 11, 2020 meeting, stating the Arts Council has chosen to cancel the Celebrate the Season event in the hopes of doing it bigger, better, and safer next year. The Historical Society is putting on a wagon ride tour of Sherry Town neighborhood historical homes on December 5th.

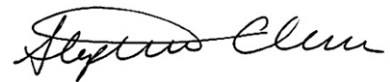
VIII. Unfinished Business—None

IX. New Business

- A. Alderperson Stevenson thanked all those involved in the Budget process.
- B. Attorney Godlewski shared what an honor it has been to work through the budget process with staff, council, and the Mayor these many years. He is proud to have been part of this process for the City of Neenah.
- C. Dir. Kaiser shared a leaf pick up update, stating they are on schedule and are hopeful to do one more pass through all the zones as long as the snow holds off.
- D. Alderperson Boyette shared an update on how the County of Winnebago Budget meeting was going.
- E. Mayor Kaufert stated that because the Council was able to take care of all the Budget related business and regular business at tonight's meeting the regularly scheduled Council meeting for November 18, 2020 will be cancelled.

X. Adjournment

MSC Stevenson/Boyette to adjourn at 8:28 pm, all voting aye.



Stephanie Cheslock
City Clerk

**Common Council Proceedings—Special Budget Public Hearing
Tuesday, November 17, 2020—7:00pm**

The Common Council of the City of Neenah, Winnebago County, Wisconsin, met virtually in special session at 7:00pm, Tuesday, November 17, 2020.

Mayor Kaufert in the chair.

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

Also Present: Director of Parks and Recreation Kading, Library Director Raab, Recreation Superintendent Kluge, Police Chief Olson, Deputy City Attorney Westbrook, NMFR Chief Kloehn, Director of Information Systems Wenninger, Director of Human Resources and Safety Kehl, Assistant Comptroller Kahl, Deputy Director of Community Development and Assessment Schmidt, Assistant Police Chief Bernice, Public Works Superintendent Radtke, Director of Water Utility Mach, Recreation Supervisor Schott, Captain Van Sambeek, Peter Kelly, Patrick Benson, and Duke Behnke.

Mayor Kaufert called the meeting to order at 7:03pm

- I. Clerk Cheslock called a voice roll call.
- II. Public Hearing on the Proposed 2021 Operating Budget and 2021 Capital Improvements Program Budget
There being no public present wishing to speak, the Mayor closed the public hearing.
- III. Discussion and Consideration of Public Hearing and Other Matters Relating to the Recommended 2021 Operating Budget and 2021 Capital Improvements Program Budget
 - A. Consideration of Resolution No. 2020-18 authorizing Neenah-Menasha Fire Rescue budget to exceed the local levy limits pursuant to Wis. Stat. Sec. §66.0602(3)(h)
MSCRIP to approve Resolution No. 2020-18 authorizing Neenah-Menasha Fire Rescue budget to exceed the local levy limits pursuant to Wis. Stat. Sec. §66.0602(3)(h), Stevenson/Boyette, all voting aye.
 - B. Consideration of Resolution No. 2020-19 permitting the carry-forward of 2020 unused levy limit to the 2021 Operating Budget pursuant to Wis. Stat. §66.0602(3)(f)
MSCRIP to approve Resolution No. 2020-19 permitting the carry-forward of 2020 unused levy limit to the 2021 Operating Budget pursuant to Wis. Stat. §66.0602(3)(f), Boyette/Bates, all voting aye.

C. Consideration of Resolution no. 2020-20 adopting the 2021 Operating Budget and 2021 Capital Improvements Program Budget for the City of Neenah Mayor Kaufert discussed the proposed budget, the fact that they are playing it safe and not planning for anything large due to the unknowns related to COVID-19.

Aldersperson Stevenson moved to remove \$63,000 capital money earmarked for Fresh Air Drive, Seconded by Aldersperson Lendrum, motion carries 4-3 (Ald. Boyette, Bates, Lendrum, and Stevenson voting aye; Ald. Lang, Borchardt, and Erickson voting no)

Aldersperson Lendrum moved to remove \$20,000 for LED Message sign at City Hall, Seconded by Aldersperson Boyette, motion fails 1-6 (Ald. Lendrum voting no).

MSCR to approve Resolution No. 2020-20 adopting the 2021 Operating Budget and 2021 Capital Improvements Program Budget as amended for the City of Neenah, Stevenson/Boyette, all voting aye.

IV. Proceedings

MS Stevenson/Lendrum to approve the Council Proceedings of the regular meeting of November 4, 2020. There being no objections the motion was approved by unanimous consent.

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

A. Vice Chairman Bates reported from the Board of Public Works meeting of November 10, 2020:

1. Council Action Items

a. The Board recommends Council approve Final Payment for Contract 5-20 Miscellaneous Sewer and Water Main Construction on Lakeshore Avenue to Robert J. Immel Excavating, Inc., Greenville, in the amount of \$23,776.18

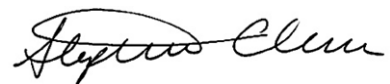
MSCR Bates/Lang, all voting aye.

b. The Board recommends Council approve Final Payment for Contract 7-20 Re-Roof Apparatus Garage Neenah-Menasha Fire Station 32 to Oshkosh Industrial Roofing & Sheet Metal, Oshkosh, in the amount of \$8,912.50

MSCR Bates/Lang, all voting aye.

VI. Adjournment

MSC Stevenson/Boyette to adjourn at 8:28 pm, all voting aye.



Stephanie Cheslock
City Clerk

**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 various amendments to the Neenah Comprehensive Plan 2040 and Future Land Use Map.**

The proposed amendments include removing references to the Fox Crossing Boundary Agreement and adding future land use categories to the northwest portion of the Town of Neenah on the Future Land Use Map.

The hearing will be held at a virtual location due to the Covid-19 pandemic. Please visit www.ci.neenah.wi.us/events/ to find the log-in information for each of the meetings listed below:

**Plan Commission Informal Hearing - Tuesday, November 24, 2020
4:15 P.M.**

**Council Formal Hearing - Wednesday, December 2, 2020
7:00 P.M.**

NOTICE IS FURTHER GIVEN that applicant and interested persons may appear at said hearings and will have an opportunity to be heard. For more information regarding this public hearing, or to obtain a copy of the proposed map amendment, contact Brad Schmidt at (920) 886-6126 or via email at bschmidt@ci.neenah.wi.us. Written comments may be submitted to the City of Neenah Community Development Department until the close of business (4:30 pm) on November 18, 2020.

Stephanie Cheslock
City Clerk
Neenah, Wisconsin

Publish: October 30, 2020

MINUTES OF THE NEENAH PLAN COMMISSION
Tuesday, October 13, 2020
4:15 p.m.

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

Present:

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

Also present:

Brad Schmidt, Deputy Director of Community Development	Chris Haese, Director of Community Development	John Hogerty, Neenah Gateway Plaza
Steve Gries, Gries Architecture		

Minutes: MSC Andrews/Kaiser, the Plan Commission to approve the October 13, 2020 meeting minutes. All aye. Piergrossi abstained. Motion passed.

Public Appearances: None.

Public Hearings:

- A. Comprehensive Plan Amendment** – Future land use map and miscellaneous text changes – PC Resolution No. 2020-01, Ord. No 2020-22

Mayor Kaufert opened the public hearing. There were no comments made by members of the public during the public hearing. Mayor Kaufert closed the public hearing.

Action Items:

- A. Comprehensive Plan Amendment** – Future land use map and miscellaneous text changes – PC Resolution No. 2020-01, Ord. No 2020-22

Deputy Director Schmidt began by explaining the need for the changes being proposed. Staff is recommending that the City's Comprehensive Plan and Future Land Use Map be amended to remove references to the Village of Fox Crossing Boundary Agreement and change the future land use designation for land in the Town of Neenah which was previously identified as future Village of Fox Crossing growth area. Due to a Boundary Agreement with Fox Crossing not having been finalized by the deadline of 3/16/2016 and because negotiations have ceased, the City decided to move on from the MOU and eliminate the City/Village growth area in the Town of Neenah. The area in the Town of Neenah will be designated as Mixed Use.

Also, the Future Land Use Map is amended by changing the future land use designations for the land located on the southwest and northwest corners of County Highway G and Woodenshoe Road from Rural Conservation Area to Residential Neighborhood Investment Area. Finally, the Future Land use Map will be amended to show the future dog park on Byrd Avenue and Brooks Avenue as Recreational Facility.

Member Piergrossi will abstain because of a potential conflict of interest.

MSC Kaiser/Andrews, the Plan Commission to approve Resolution 2020-1 and recommend Council approve Ordinance No. 2020-22 amending the Comprehensive Plan 2040 and Future Land Use Map. All voting aye. Piergrossi abstained. Motion passed.

- B. Project Plan Approval #2-20** – The Plaze at Gateway park – Glatfelter Mill PDD

The Community Development Department received a request to construct a public plaza, community building and ice rink located at 215 Main Street (commonly known as sites 1-3 in the Glatfelter Mill Redevelopment Plan). The subject parcel is currently owned by the CDA and is undeveloped.

The proposed public plaza and community building conform to the use and design guidelines set forth in the Master Plan for the site. The proposed 3,750 square-foot, one-story community building has a contemporary design but also complements the existing buildings surrounding the site. The building will include a small café, skate rental area, restroom facilities and storage of rink equipment. The rink will operate during the late fall and winter months and is 122'x 60' dimensionally. In the non-skating months, the area will function as a public plaza for events.

Ord. No. 2020-22

Plan Commission Minutes

November 24, 2020

Page 2

Ord. No. 2020-23

Outdoor lighting will be provided around the ice rink and won't negatively impact surrounding areas. Construction is scheduled to begin in spring 2021 and will be completed by winter 2021.

Member Hancock-Cooke asked how this may affect the plan for Arrowhead Park and what Arrowhead may need at this point. Deputy Director Schmidt does not feel that the plan would need to change. Mayor Kaufert explained that he will be forming a taskforce to discuss Arrowhead Park and how future park use will be incorporated with the downtown as it changes.

Member Piergrossi asked if a cooling system will be used for the ice rink. A cooling system will be used. He also asked if the city will be at the expected level of TIF incentive for this area. Director Haese explained that the incentive will be much higher than expected due to the apartment building that will be adjacent to the rink.

Member Genett asked if the other ice rinks around the city will exist after the construction of the rink. Mayor Kaufert talked with Director Mike Kading and the plans are to continue utilizing the other rinks as they are different types of rinks.

Member Lang asked about the fence seen on the new rendering of the ice rink. It is a slight change from the renderings seen before and wanted to confirm that the Commission felt comfortable with this change. Director Haese explained that due to the high amount of investment for this area, this location will function a bit differently than some of the other parks in that it will have definite opened and closed times. The police department has been consulted regarding the possibility of vandalism and how to lessen that. Many options are still being considered to help with this issue.

Many members expressed their excitement about this project.

MSC Ellenberger/Piergrossi, the Plan Commission recommends that Council approve Ordinance #2020-23 approving Project Plan Approval #2-20 for the Glatfelter Mill Planned Development District, allowing the construction of a public plaza and ice rink. All voting aye. Motion passed.

C. Site Plan Review – 1132 S Commercial Street – Outdoor Premises Area Expansion

Barrel 41 is requesting that the temporary outdoor area they created earlier this year remain on their premises permanently.

Member Kaufert asked if the outdoor area meets all of the requirements of the code as it currently stands. Director Schmidt confirmed that it does.

Member Piergrossi asked if there have been complaints from neighbors regarding this site. Mayor Kaufert said there were a few complaints but hasn't heard any complaints after the six-foot fence was built.

MSC Genett/Lang, the Plan Commission to approve the Site Plan for the Outdoor Patio at 1132 W. Commercial Street (Barrel 41 Brewery Co). All voting aye. Motion passed.

Water Utility Presentation – Anthony Mach – Water Utility Director

Member Hancock-Cooke requested that Director Tony Mach attend Plan Commission and discuss how climate change may affect processes of the water department. During his talk, he discussed how the water is cleaned, softened, filtered and tested. The city's water capacity is about 12 million gallons but the city only uses about 3 million gallons. Any flooding, heavy run off, wind and/or hot-dry days can affect the water and the department works towards efficiency and water conservancy.

Member Hancock-Cooke asked about a high water demand and how that would affect water department processes. Director Mach explained that the system does have capacity for what is run through and even more. This is only a surface water plant so the department does not have to worry about issues that groundwater plants see. He does not envision an incident that would increase the load on the system in such a significant manner that the system could not handle.

Member Piergrossi asked how we would combat pressure issues if they arose. Director Mach explained that an engineering firm is looking at this situation and will give recommendations of what could be done. A capacity study is also being done.

Announcements and Future Agenda Items:

Next meeting: December 8, 2020

Adjournment: The Commission adjourned its meeting at 5:20 P.M. MSC Genett/Kaiser. All Aye. Motion passed.

Respectfully Submitted,

Plan Commission Minutes

November 24, 2020

Page 3

A handwritten signature in black ink, appearing to read "Samantha Jefferson". The signature is fluid and cursive, with a long horizontal stroke at the end.

Samantha Jefferson
Office Manager, Community Development



211 Walnut Street
Neenah, WI 54956

AN ORDINANCE: By the Neenah Plan Commission
Re: Adopting the Amendment to the City of Neenah *Comprehensive Plan Update 2040* relating to changes to the Future Land Use Map for property located along the County Highway CB/County Highway O corridor, land located on the northwest and southwest corner of County Highway G and Woodenshoe Road, and land located in the City on the southeast corner of Brooks Avenue and Byrd Avenue.

ORDINANCE NO. 2020-22

Introduced: 11/24/2020

Committee/Commission Action:

RECOMMENDED FOR ADOPTION

AN ORDINANCE

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

SECTION 1. Pursuant to section 62.23(2) and (3), Wisconsin Statutes, the City of Neenah is authorized to prepare, adopt, and from time to time amend, a Comprehensive Plan as defined in sections 66.1001(1)(a) and 66.1001(2) of the Wisconsin Statutes.

SECTION 2. On December 20, 2017, the City of Neenah Common Council adopted the *Comprehensive Plan Update 2040* (Ordinance No. 2017-19) which presents a strategy to manage growth and development of the City through the year 2040.

SECTION 3. The City of Neenah Plan Commission, by majority vote of the entire Commission as recorded in its official minutes, adopted Resolution 2020-01, recommending to Common Council the adoption of the proposed Amendments to the City of Neenah *Comprehensive Plan Update 2040* as depicted in Exhibit A.

SECTION 4. The City has noticed public hearings to make comments on the proposed Amendment to the *Comprehensive Plan Update 2040*, in compliance with the procedures in Section 66.1001(4) of the Wisconsin Statutes.

SECTION 5. The Common Council of the City of Neenah, Wisconsin, does, by enactment of this ordinance, formally adopt the Amendments to the *Comprehensive Plan Update 2040* as depicted and described on Exhibit A, add land located along the County Highway CB and County Highway O corridor into the City's growth area and designate it future Mixed Use Area, change the future land use designation for land located on the northwest and southwest corners of County Highway G and Woodenshoe Road from Rural Conservation Area to Residential Neighborhood Investment Area, and change the future land use designation for

land located on the southeast corner of Brooks Avenue and Byrd Avenue from Industrial to Recreational Area. In addition, various changes to the Land Use Chapter related to removing a recommendation regarding the Village of Fox Crossing Boundary Agreement and updating future land use allocations areas.

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. Effective Date. This ordinance shall take effect upon passage by a majority vote of the members-elect of the Common Council and publication as required by law.

Approved:

Adopted: _____

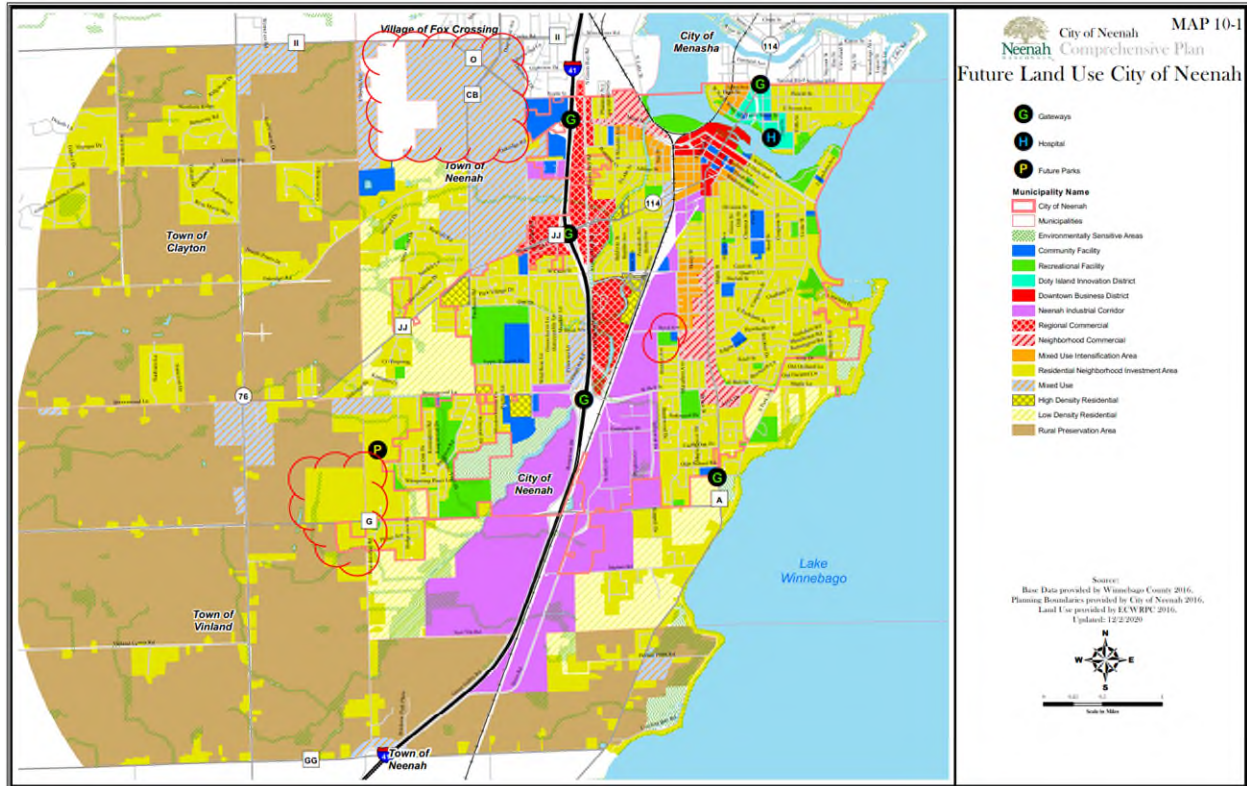
Dean R. Kaufert, Mayor

Published: _____

Attest:

Stephanie Chesklock, City Clerk

EXHIBIT A



Amended Areas



Remove words that are ~~stricken~~ and add words that are **bold** and underline.

Comprehensive Plan Update 2040: Volume 1 – Chapter 3: Land Use

- ~~Recommendation LU 1.11.3: Finalize a boundary agreement with the Village of Fox Crossing.~~

7. Mixed Use

The Mixed Use District encompasses approximately 768 **1,436** acres, of which approximately 504 **1,123** acres are considered vacant and developable.

8. Residential Neighborhood Investment Area

This District encompasses approximately 5,041 **5,227** acres, of which approximately 860 **990** acres are considered vacant and developable.

12. Rural Conservation Area

This District encompasses approximately 9,582 **9,396** acres, of which approximately 8,554 **8,418** acres are considered vacant and developable.

CITY OF NEENAH
PUBLIC SERVICES AND SAFETY COMMITTEE MEETING MINUTES
Tuesday, November 24, 2020, 6:30 PM

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

Present: Alderpersons Bates, Lang, Lendrum, Spellman and Stevenson

Excused:

Also Present: Mayor Kaufert, Public Works Director Kaiser, Captain Van Sambeek, Deputy Director Community Development and Assessment Schmidt, Public Works Street Superintendent Radtke, Public Works Office Manager Mroczkowski, Brad Avery, Orion Waste Solutions Inc., Kevin Gardner, Orion Waste Solutions Inc., Jeff Patton, Orion Waste Solutions Inc., and Jake Bunz, Main Street Neenah LLC.

Approval of Minutes of the meetings for October 27, 2020

Motion Second/Carried Lendrum/Stevenson to approve of the minutes of the Meeting of October 27, 2020. All voting aye.

Public Appearances:

None

Building Code Sec 21-34-Garage Requirement (Ordinance 2020-20)

Deputy Director Schmidt stated he had a request from Alderperson Lendrum to require all new construction residential homes have a garage and a hard service driveway. Staff researched the requests and is recommending that all single family and two family residences include a garage whether detached or attached, and all residential properties have a garage with a minimum dimension of 200 square feet. He stated the residential properties that do not meet this criteria prior to adoption will be exempt.

Deputy Director Schmidt noted discussions with the Code Enforcement Officer and Building Inspectors. They conveyed the need to require a garage on all single family and two family residential properties. He stated that staff felt that not having a garage on a residential property can lead to other code enforcement issues such as junk in the yard.

Alderperson Lendrum stated that the City of Menasha passed the same ordinance a few years ago. There was some concern that Habitat for Humanity would no longer build in Menasha but that has not been the case.

Alderperson Stevenson stated that he supports the staff recommendation in regards to the garage requirement for all single family and two family residential properties. He then asked for an explanation of the gravel driveways and why there is a need for further research.

Deputy Director Schmidt stated that the city has had issues with gravel driveways for some time. Residents can currently put gravel down and use it as a parking space. Staff has

found that in time the gravel area is not maintained resulting in rutting and erosion that ends up going into the storm sewers. Staff is looking at more restrictive requirements in regards to hard surface driveways and gravel driveways and wants to make sure all bases are covered before bringing a recommendation to the committee.

Aldersperson Bates asked if residents will be required to have a hard surface for storage of their recreational items such as boats and campers. Deputy Director Schmidt stated that will be part of staff's review of the current ordinance.

Mayor Kaufert asked if there will be way for residents who are handicapped and are unable to drive, who can't afford to build a garage or residents that do not own a car to be exempt from the garage requirement. Deputy Director Schmidt stated we have the Administrative Appeal process and also the variance process for these situations. In regards to the financial burden it may cause, staff is hoping that residents will start to maintain and repair the garages instead of tearing them down. Aldersperson Lendrum stated that residents have option for funding through the Loan Assistance Board.

Report Following discussion, **Motion /Second/Carried Lendrum/Stevenson to recommend Council approve Ordinance No. 2020-20, amending Municipal Code Sec 21-34 to require an attached and detached garage for all residential properties.** All voting aye.

Site Plan for Outdoor Patio, Barrel 41 Brewing Company LLC, 1132 S Commercial St

Deputy Director Schmidt reviewed his memo of November 24, 2020 in regards to the extension of Barrel 41 Brewing Company LLC outdoor premise permit. He stated that the original outdoor patio was installed in May of 2019 and was intended at the time to be temporary. The owners are now requesting to make the outdoor patio area permanent. Staff is recommending approval of the permanent outdoor premise area located at 1132 S Commercial St.

Report Following discussion, **Motion/Seconded/Carried Stevenson/Lendrum to recommend Council approve the outdoor premise area expansion application for Barrel 41 Brewery Co., LLC located at 1132 S. Commercial Street, Neenah.** All voting aye.

Commercial Dumpster Proposal

Director Kaiser reviewed his memo of November 18, 2020 regarding the Commercial Dumpster Contract Request for Proposal bid results. He stated the current contract is with Waste Management and is set to expire June 30, 2021. A Request for Proposal was sent out and staff received five bids. Based on the bid results, Orion Waste Solutions was the low cost bidder. Director Kaiser stated staff is recommending Council approve entering into a contract with Orion Waste Solutions for providing containers and regular collection for commercial dumpster customers with work to start July 1, 2021. He stated this a five year contract with an option for a contract extension upon mutual agreement.

Mayor Kaufert asked what the business owners are doing for their recycling collection. Director Kaiser stated that it is up to the business owners to manage their own recycling

disposal. Mayor Kaufert asked if it would not be better for the customer to have one carrier collecting both refuse and recycling. Director Kaiser stated that this is how it was originally set up when the commercial dumpster program was implemented.

Aldersperson Bates asked Brad Avery from Orion Waste Solutions, Inc. what other cities they currently service.

Brad Avery, Orion Waste Solutions Inc., stated they currently serve the City of Appleton, Outagamie County and the Town of Oneida. They also have contracts across four other states that service approximately 450,000 customers and another 12,000 commercial customers.

Report

Following discussion, **Motion/Seconded/Carried Stevenson/Lendrum to recommend Council approve entering into a contract with Orion Waste Solutions to provide containers and regular refuse collection for commercial dumpster customers with collection commencing July 1, 2021.** All voting aye.

Revocable Occupancy Permits-Lakeshore Avenue Irrigation Systems

Deputy Director Kaiser reviewed his memo of November 19, 2020 regarding the revocable occupancy permits for irrigation systems on Lakeshore Avenue. He stated during construction there were several irrigation systems located that needed to be adjusted to allow the road grading to occur. Director Kaiser stated that, to have a better way of tracking and giving formal approval of these encroachments, staff is requiring revocable occupancy permits for the irrigation systems.

Aldersperson Bates asked what the procedures will be if digging needs to occur for these irrigation systems. Director Kaiser stated that the Wisconsin Historical Society would need to be notified before digging could commence.

Report

Following discussion, **Motion/Seconded/Carried Lendrum/Lang to recommend Council approve the Revocable Occupancy Permit to John and Jennifer DeBruin, 620 E. Wisconsin Avenue, for irrigation systems facilities located with the Lakeshore Avenue right of way.** All voting aye.

Report

Following discussion, **Motion/Seconded/Carried Lendrum/Lang to recommend Council approve the Revocable Occupancy Permit to Mary Ellen Wroblewski Trust, 114 Lakeshore Avenue, for irrigation systems facilities located with the Lakeshore Avenue right of way.** All voting aye.

Report

Following discussion, **Motion/Seconded/Carried Lendrum/Lang to recommend Council approve the Revocable Occupancy Permit to Grant J. Lamontagne and Judith a. Lamontagne, 157 N. Park Avenue for irrigation systems facilities located with the Lakeshore Avenue right of way.** All voting aye.

Revocable Occupancy Permit-215 Main Street

Director Kaiser reviewed his memo of November 20, 2020 regarding the Revocable Occupancy Permit for 215 Main Street. He stated the revocable occupancy permit is for a portion of the balcony on Site 6 that overhangs the Millview Drive right-of-way and encroaches the sidewalk on Millview Drive.

Alderson Bates asked who is responsible for clearing the snow on the sidewalk. Director Kaiser stated the property owner or it may be part of the Business Improvement District snow removal contract.

Report

Following discussion, **Motion/Second/Carried Lang/Spellman recommend Council approve the Revocable Occupancy Permit to Main Street Neenah, LLC for an encroachment of their building at 215 Main Street into Millview Drive right-of-way.** All voting aye.

Industrial Park Entrance Update

Director Kaiser reviewed his memo of November 19, 2020, regarding the Industrial Drive Entrance Update. He stated funds had been carried forward from 2016 from the resurfacing of Industrial Drive. A portion of those carried forward funds was to be used for the enhancement of the industrial park entrance. He reviewed the costs related to the park entrance sign, relocating a traffic signal cabinet, street lighting upgrade on Industrial Drive from Bell to Castle Oak and new street name signs. Director Kaiser is requesting authorization to proceed with the street lighting portion of this work.

Alderson Stevenson asked if the \$171,169 in Part 2 of the memo is to be used for relocating the traffic signal box, street lighting upgrade and street name signs. Director Kaiser stated yes. The total estimated cost for all of those items is \$146,411.

Director Kaiser stated that his main request is for the street lighting. He asked the Committee if this is enough of an enhancement to proceed with the street lighting upgrade.

Mayor Kaufert stated this has already been approved by the Council. He sees no reason to not proceed with the proposed enhancements. He expressed that this will be a positive improvement for that area of the city.

Alderson Bates stated if we are going to do the street lighting, we should do the entire area from Bell Street to Castle Oak Drive. She further stated she would like to see a name change to make it more welcoming and inviting. Alderson Bates stated the area is looking tired and this will help revive it. Committee requested that Director Kaiser provide information on the proposed monument sign if it is available prior to the next Council meeting.

Report

Following discussion, **Motion/Second/Carried Lang/Stevenson recommend Council approve budget expenditure with 2016 carried forward budget funds for Industrial Drive Entrance to include the street lighting upgrade on Industrial Drive from Bell Street to Castle Oak Drive in the amount of \$96,800, installation of an overhead street name sign for Industrial/Bell in the amount of \$1,000 and a street name sign with City logo banner within the Industrial Park in the amount of \$500.** All voting aye

Public Works General Construction and Department Activity:

- 1) Contract 1-20 (Abby, Bond, Center, Clybourn) - Work is complete. A final estimate is being prepared.

- 2) Contract 2-20 (Utilities - Van, Monroe) – Work is complete. A final estimate is being prepared.
- 3) Contract 3-20 (Street - Van, Monroe, Gillingham)
 - a) Gillingham, Van, Monroe, Cavalry – Work is complete.
 - b) Shootingstar – Work is on hold pending resolution of boundary issues. A CSM is being prepared.
- 4) Contract 4-20 (Green Bay, Tullar, Marathon) – Work is complete. The contractor has contacted us with a change order request about the contract's access provisions. Staff is reviewing the request.
- 5) Contract 6-20 (Millview Drive Utility Relocation) – Work is complete. A final estimate is being prepared.
- 6) Contract 9-20 (Misc. Asphalt Pavement Repairs) – Work has not been scheduled.
- 7) Contract 10-20 (Misc. Concrete Pavement and Sidewalk Repair) – Work is complete. A final estimate is being prepared.
- 8) Contract 11-20 (Street - Lakeshore) – Archaeology work is complete. Roadway and trail excavation and graveling are scheduled for completion by the end of November 20. Work under the contract will be halted at that point. City crews will place work zone signing, which will stay in place until the contractor re-mobilizes in spring. City crews are marking the utility structures so that they can be avoided during snow plowing.

Alderson Stevenson asked if all the archaeological work been completed. Director Kaiser stated there may be a need to have them monitor the sidewalk is installed on the south side of Wisconsin Avenue.
- 9) Drop-off Site – We have had two incidents of damage to the fence at the site. Superintendent Radtke is working with Neenah Police on the matter.
- 10) TDS Telecom Project. – Street Excavation Permit submittals for the initial phases of this project are expected in the next couple of weeks. Information Systems Director Wenninger has arranged for a presentation on the project by TDS Telecom at the beginning of the December 2 meeting of the Common Council.
- 11) Harrison Street Pond – The City has received an extension on the \$150,000 grant for the pond. OMNNI Associates is completing the modeling for the storm water management plan for the pond. Stantec is working with WDNR on the proper disposal of excavated material, some of which is considered low hazard and some of which is petroleum contaminated. Plans and specifications are scheduled for completion in early December, after which the project will be submitted to WDNR for permitting. Bidding is scheduled for early January with work anticipated to start in February. In late November, the parking lot will be milled and that material will be used on the Arrowhead Park project for road base.

Adjournment: **Motion/Second/Carried Stevenson/Lang to adjourn at 8:01 p.m.** All voting aye.

Respectfully submitted,

Lisa Mroczkowski
Public Works Officer Manager



AN ORDINANCE: By the Neenah Public and Services Committee
Re: Amending Neenah Municipal Code Section 21-34 of the Building Code relating to garages.

ORDINANCE NO. 2020-20
Introduced: _____
Committee/Commission Action: _____

AN ORDINANCE

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

Section 1. That Neenah Municipal Code, Section 21-34 of the Building Code is hereby amended by adding the bolded and underlined language to read as follows:

Sec. 21-34. - Garages, sheds, and accessory buildings general requirements.

(a) *Definitions.* The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Attached private garage shall mean a private garage attached directly to the principal building, or attached by means of an enclosed or open breezeway, porch, terrace, or vestibule, or a detached private garage so constructed as to be within five feet of the principal building.

Detached private garage shall mean a private garage separated from the principal building by five feet or more.

Storage shed or accessory building shall mean any residential storage building not principally used for the storage of automobiles or as a dwelling.

(b) *Foundations and footings.* Attached private garages shall be provided with the same type footings and foundations as required herein for the principal building. Concrete floors shall not be less than four inches in thickness. Detached private garages may be built with a continuous floating slab of reinforced concrete not less than four inches in thickness. Reinforcement shall be a minimum of six by six inch, number ten by ten wire mesh. The slab shall be provided with a thickened edge all around, eight inches wide and eight inches below the top of slab. Exterior wall curbs shall be provided not less than four inches above the finished ground grade adjacent to the garage. Bolts three-eighths inch in diameter with nuts

and washers attached, six inches long, shall be embedded three inches in the concrete curb of detached garages eight feet on centers.

(c) *Floor surface.* The floor in all private garages shall be of concrete construction, and sloped toward the exterior garage door or opening. No openings or pits in the floor shall be permitted, except for drainage.

(d) *Construction.* Private garages, sheds and accessory buildings shall be constructed in accordance with Wis. Admin. Code Comm ch. 21.

(e) *Single-Family and Two-Family Residential Properties.* All single-family and two-family residences shall include a garage, whether attached or detached. All garages associated with residential properties shall be a minimum of 200 square feet in gross floor area. Residential properties which do not have a garage prior to November 18, 2020, are exempt from this requirement.

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: _____

Dean R. Kaufert, Mayor

Published: _____

Attest:

Stephanie Cheslock, Deputy City Clerk

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

Monday, November 23, 2020 – 6:30 p.m.

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

MINUTES

Present: Chairman Erickson; Aldermen Borchardt (7:00 pm), Boyette, Stevenson and Steele (6:45 pm); City Attorney Godlewski; Mayor Kaufert; Director of Finance Easker.

Others Present: Director of Community Development and Assessment Haese, Director of Parks and Recreation Kading, Deputy Director of Community Development and Assessment Schmidt.

Absent/Excused: None.

Public Appearances: None.

Minutes: Motion/Second/Carried Stevenson/Boyette to approve the minutes from the October 12, 2020 Regular Meeting. All voting aye.

Proposed Acquisition of 401 W. North Water Street Utilizing Community Development Block Grant Funding and for the Purpose of Expanding Cook Park:

Committee reviewed memo from Director Haese requesting Council's direction for City staff to take the necessary steps to purchase the property at 401 W. North Water Street, utilizing Community Development Block Grant Funds, for the purpose of expanding Cook Park. This property in question, along with several other homes that abut Cook Park, have been identified in the City's five-year Comprehensive Park and Open Space Plan as properties that should be considered for acquisition if the opportunity presents itself. Director Haese indicated that staff has secured an appraisal of the property that determined a fair market value of the property of approximately \$58,000. The City Assessor has reviewed the appraisal and updated property information and agrees the value of the home is approximately \$60,000. Recognizing the potential of avoiding costly relocation costs while the structure is empty and the locational value of the property adjacent to Cook Park, staff have negotiated an acquisition price of \$65,000.

Committee and staff discussed various aspects of the proposed property purchase. Items discussed included the reasoning behind the difference between the purchase price and the City's currently stated property assessment of \$87,000, the estimated date to remove the house and an update on the final dates to expend CDBG funds.

Motion/Second/Carried Stevenson/Boyette recommending Council's direction for City staff to take the necessary steps to purchase the property at 401 W. North Water Street, utilizing Community Development Block Grant Funds, for the purpose of expanding Cook Park, at the negotiated purchase price of \$65,000 along with agreed upon closing costs. All voting aye.

Development Agreement – First Addition to Southfield Plat: Committee reviewed memo of Deputy Director Schmidt recommending Council approve the Development and Fee Agreement for the First Addition to Southfield Plat. The plat is about 3 acres in size and includes 5 single-family residential lots with an average lot size of 22,205 square feet. The Development and Fee Agreement lists the roles and responsibilities of the developer including the fees due as part of this development. Exhibit 8 of the Development Agreement summarizes the estimated costs and fees due. Construction of homes is not expected to begin until the spring of 2021. Committee and staff discussed various aspects of the proposed development agreement.

REPORT

Motion/Second/Carried Stevenson/Boyette recommending Council approve the Development and Fee Agreement for the First Addition to Southfield Plat. All voting aye.

2021 BID Operating Plan and Schedule of Assessments: Committee reviewed memo of Deputy Director Schmidt recommending Council adopt Resolution No. 2020-17, approving the Neenah Central City Business Improvement District 2021 Operating Plan. The plan calls for a total assessment collection of \$146,534 from BID property owners, with a total budget, including carryovers, of \$165,656.16.

RESOLUTION

Motion/Second/Carried Stevenson/Boyette recommending Council adopt Resolution 2020-17, approving the Neenah Central City Business Improvement District 2021 Operating Plan. All voting aye.

Maintenance Assessment Service Contract (2021-2025) – Associated Appraisal Consultants: Committee reviewed memo of Deputy Director Schmidt recommending Council approve the Maintenance Assessment Services Contract (2021-2025) with Associated Appraisal Consultants, Inc., for an annual fee of \$36,500. Associated Appraisal has provided assessor services to the City since 2013. The contract assures that the City will be in compliance with statutory assessor responsibilities as required by the Wisconsin Department of Revenue. The existing contract with Associated Appraisal is set to expire at the end of 2020. The proposed multi-year contract includes the same services as are currently provided in the existing contract.

Committee and staff discussed various aspects of the proposed contract. Issues discussed included the City's history with Associated Appraisal and the previous contract pricing.

REPORT

Motion/Second/Carried Stevenson/Boyette recommending Council approve the Maintenance Assessment Services Contract (2021-2025) with Associated Appraisal Consultants, Inc., for an annual fee of \$36,500. All voting aye.

Walmart and CVS Lawsuit: Committee reviewed memo of Deputy City Attorney Westbrook recommending Council approve retaining Larry Nicholson to conduct appraisals for the 2019 and 2020 tax years on the Wal-Mart and CVS properties for a total cost of \$24,000. The memo indicated that the lawsuit's lead attorney Amy Seibel is requesting the use of Mr. Nicholson due to his expertise in appraising "big box"

retail/commercial buildings and has provided similar appraisal services in similar cases around the state.

Committee and staff discussed various aspects of the proposed retention of Mr. Nicholson. Upon questioning from Alderman Stevenson, specific discussion took place on what he considered to be the high fees requested to retain Mr. Nicholson when compared to other commercial appraisers. Attorney Godlewski said that the higher fees are a product of Mr. Nicholson having success in this very specified expertise regarding big box property assessment lawsuits in Wisconsin. He also said that Attorney Seibel was a strong advocate for hiring Mr. Nicholson to ensure the City's best opportunity for a successful outcome.

Motion/Second/Carried Boyette/Steele recommending Council approve retaining Larry Nicholson to conduct appraisals for the 2019 and 2020 tax years on the Wal-Mart and CVS properties for a total cost of \$24,000. Motion carried 3-1, with Alderman Stevenson voting no and Alderman Borchardt abstaining.

Outside Counsel Expenditures for Excessive Assessment Appeals: Committee reviewed memo of City Attorney Godlewski providing an update with regard to outside counsel expenditures for excessive assessment appeals. No committee action was required.

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

Motion/Second/Carried Stevenson/Boyette to approve and place on file the Third Quarter Financial Statements as presented. All voting aye.

Motion/Second/Carried Boyette/Stevenson to adjourn the meeting at 7:10 p.m. All voting aye.

Respectfully submitted,



Michael K. Easker, CPA
Director of Finance

REPORT

THIS AGREEMENT, made pursuant to Chapter 25 of the City of Neenah Municipal Code by and between the CITY OF NEENAH, Winnebago County, Wisconsin, a body politic and municipal corporation by its Common Council ("City") and Timothy and Barbara Wrase, the owner and developer ("Developer") of the following property lying within the City of Neenah:

Being all of Outlot 1 of Certified Survey Map No. 5383 as recorded in Volume 1 of Maps on Page 5383 as Document No. 1290343 and part of Outlot 2 of Certified Survey Map No. 4535 as recorded in Volume 1 of Maps on Page 4535 as Document No. 1095174, located in the Southeast 1/4 of the Northeast 1/4, Section 4, Township 19 North, Range 17 East, City of Neenah, Winnebago County, Wisconsin, containing 2.998 acres of land and described as follows: Commencing at the East 1/4 corner of said Section. 4; Thence N00°12'49"W (recorded as N00°38'08"W), 561.00 feet along the East line of said Northeast 1/4 to the Southeast corner of Certified Survey Map No. 2790; Thence S88°10'54"W (recorded as S87°45'35"W), 210.00 feet along the South line of said Certified Survey Map No. 2790 to the Southwest corner thereof and the Southeast corner of Outlot 2 of said Certified Survey Map No. 4535 and to the Point of Beginning; Thence continue S88°10'54"W (recorded as S87°45'35"W), 242.27 feet along the South line of Outlot 2 of said Certified Survey Map No. 4535 to the Northeast corner of Outlot 1 of said Certified Survey Map No. 5383; Thence S00°12'49"E (recorded as S00°38'08"E), 77.75 feet along the East line of Outlot 1 of said Certified Survey Map No. 5383 to the Southeast corner thereof; Thence S88°10'54"W (recorded as S87°45'35"W), 208.00 feet along the South line of Outlot 1 of said Certified Survey Map No. 5383 to the Southwest corner thereof; Thence N00°12'49"W (recorded as N00°38'08"W), 239.61 feet along the west line of Outlot 1 of said Certified Survey Map No. 5383 and the West line of Outlot 2 of said Certified Survey Map No. 4535 to the North right-of-way line of Southfield Court and the South line of Outlot 1 Southfield (a recorded subdivision); Thence N89°27'11"E (recorded as N89°01'52"E), 16.69 feet along the North right-of-way line of Southfield Court and the South line of Outlot 1 Southfield (a recorded subdivision) to the Southeast corner thereof; Thence N00°32'49"W (recorded as N00°58'08"W), 116.94 feet along the East line of Outlot 1 Southfield (a recorded subdivision) to the Northeast corner thereof and the North line of Outlot 2 of said Certified Survey Map No. 4535; Thence N89°28'00"E (recorded as N89°02'41"E), 384.11 feet along the North line of Outlot 2 of said Certified Survey Map No. 4535 to the Northeast corner thereof; Thence S00°12'49"E (recorded as S00°38'08"E), 137.82 feet along the east line of Outlot 2 of said Certified Survey Map No. 4535; Thence N88°10'54"E (recorded as N87°45'35"E), 50.00 feet along the east line of Outlot 2 of said Certified Survey Map No. 4535; Thence S00°12'49"E (recorded as S00°38'08"E), 132.01 feet along the East line of Outlot 2 of said Certified Survey Map No. 4535 to the Point of Beginning.

Recording Area

Return to:

James G. Godlewski, City Attorney
City of Neenah, 211 Walnut Street
Neenah, WI 54956

Parcel Now.: 8-02-1294-04-00, 8-02-1294-05-00, 8-02-1294-06-00, 8-02-1294-07-00, and 8-02-1294-08-00

WHEREAS, Chapter 25 of the Neenah Municipal Code provides for the installation of required improvements (hereinafter referred to as the "Improvements") in new subdivisions, and

WHEREAS, the Developer has proposed to develop a residential subdivision on the above-referenced property located in the City (herein after referred to as "First Addition to Southfield Plat" or the "Development"); and

WHEREAS, Exhibit 1 shows the First Addition to Southfield Plat which has been approved by the City and has or will be recorded in the Winnebago County Register of Deeds Office; and

WHEREAS, a series of meetings and negotiations have taken place between the City and the Developer to determine various development and financial responsibilities as between the City and the Developer for on-site public improvements and fees in connection with the proposed subdivision; and,

WHEREAS, the City and the Developer, for their mutual benefit, have mutually agreed as to development and financial responsibilities for public improvements and fees in connection with the proposed subdivision;

NOW THEREFORE, in consideration of the mutual promises contained herein, the sufficiency of which is hereby acknowledged, and the above recitals, which are contractual, the City and Developer agree as follows:

1. **Sanitary Sewer Interceptor Fee and Subdivision Fee.** [Intentionally left blank]
2. **Storm Water Infrastructure Fee.** For the First Addition to Southfield Plat, the Developer shall pay a storm water infrastructure fee in the amount of \$5,000.00 per acre (the "Storm Water Fee") as detailed in Exhibit 3. In addition to the lots created in the subdivision, the storm water acreage calculation shall include street right-of-way and all other public land including, but not limited to parks, and easements lying within and/or adjacent to the subdivision. Existing mapped wetlands shall be excluded from storm water acreage calculation. This storm water infrastructure fee shall include all construction costs associated with storm water infrastructure installation except for the following which shall be funded entirely by the Developer:
 - design engineering
 - plan and specification development
 - contract bidding
 - construction engineering
 - final inspection
 - erosion control
 - yard drains and associated piping
 - perforated catch basin drain pipes
 - final storm sewer cleaning and televising
 - plan review by the City
 - field staking and surveying
 - project administration
 - construction inspection
 - final "as built" measurements
 - bedrock blasting and removal
 - storm sewer house laterals
 - storm water ponds

The Developer shall pay all costs of the storm water infrastructure installation during construction, and shall keep an accurate account of all costs certified by the project engineer or other construction professional responsible for supervising the construction of the Development and retained by the Developer. Final accounting of the actual costs of those items covered by the Storm Water Infrastructure Fee will be settled upon completion and City acceptance of such construction. The Developer shall advance the costs of the public storm water infrastructure installation during construction. Final costs of the storm water infrastructure installation as certified at the completion of the subdivision construction, shall be credited against the Storm Water Fee and paid by the Developer. To the extent that installation costs exceed the Storm Water Fee, the City shall reimburse Developer the difference. To the extent that Developer has paid less in installation costs than is due under the Storm Water Fee, the Developer shall pay the City the difference within 30 days of billing by the City.

3. **Storm Water Ponds.** Development is served by the previously constructed Southfield Pond.
4. **Storm Water Management.** The Developer shall pay a storm water management, erosion control, plan review and inspection fee of \$200 per plat plus \$75 per lot (Exhibit 2) to cover the City's costs for plan review and inspection of storm water management and erosion control methods and practices.
5. **Water Main within the Subdivision Plat.** The Developer shall pay the full cost of water mains and water services within the plat including those that may front on all dedicated public lands, including but not limited to, parks, schools, dedicated public wetlands and open spaces, detention ponds and other public areas. The Developer shall provide the Water Utility a complete accounting of all costs related to the installation of the water main and appurtenances within the Development. The Neenah Water Utility shall own and maintain the water mains and appurtenances inside the Development. The water service to each residence shall be installed by the Developer and owned by the resident. The Neenah Water Utility shall maintain the service from the water main to and including the curb box. Maintenance from the curb box to the house shall be the responsibility of the resident. The Developer shall pay for Neenah Water Utility inspection and testing during installation of the water main inside the Development as detailed in Exhibit 4.
6. **Oversize Water Main Installation and Reimbursement.** [Intentionally left blank]

7. **Water Main Deferred Assessment.** [Intentionally left blank]

8. **Sanitary Sewer Within the Subdivision Plat.** Developer shall pay the full cost of installing all sanitary sewer mains and sanitary sewer laterals within the plat including those that may front on all dedicated public lands, including but not limited to, parks, schools, dedicated public wetlands and open spaces, detention ponds and other public areas. If needed, the installation of an oversized sewer main required by the City shall be reimbursed to the Developer as detailed in Exhibit 7. Sanitary sewer main over 10" in diameter and installed at a depth of greater than 13 feet is eligible for reimbursement as are sanitary lateral risers associated with sewer main installation deeper than 13 feet.

9. **Streets, Curb and Gutter and Sidewalks Within the Subdivision Plat.**

Street Grading/Graveling: The Developer shall pay the full cost of grading/graveling all streets within the plat, including those streets that may front on all dedicated public land and outlots, including but not limited to, parks, schools, dedicated public wetlands and open spaces, detention ponds and other public areas. The City shall establish and enforce spring load limits on all gravel streets.

Gravel Street Maintenance: Prior to construction of the Final Street, the Developer shall be completely responsible for all gravel street maintenance including but not limited to:

- removal of mud, dust and other non-granular deleterious material on an "as needed" basis; periodically adding granular material necessary to re-establish the true line and grade and cross section of the street;
- place calcium chloride dust control treatment on the streets semi-annually;
- cleaning out catch basins;
- regrading and filling all potholes, settled areas and areas where traffic has disturbed the gravel periodically on an "as needed" basis;
- provide any City mandated dust control.

If during the time prior to the City accepting maintenance responsibility, the Developer fails to maintain the gravel streets in a manner acceptable to the City, the City shall, after a 48-hour notice to the Developer, perform the required maintenance on the gravel street and bill all costs for this maintenance work to the Developer. As assurance of reimbursement of those City costs, the Developer shall escrow an amount as identified in Exhibit 5 from which costs will be drawn in event of non-payment.

Two-Inch Asphalt Mat: Should the City determine that it is in its best interest to place a temporary two-inch asphalt mat on any streets within the plat, including those streets that may front on all dedicated public land and outlots, including but not limited to, parks, schools, dedicated public wetlands and open spaces, detention ponds and other public areas, cost for said two-inch mat construction shall be special assessed against the individual lots in the Development (See Exhibit 5).

Final Street: When installed, curb/gutter and final street pavement shall be assessed 100% by the City to the adjacent lot owners of record with the exception that all costs associated with installation of curb/gutter and permanent pavement that front all public lands, including but not limited to: parks, greenspace, trails, outlots, and detention ponds shall be prepaid, or escrowed, by the Developer based on estimated costs for new street construction. Once public improvements anticipated by this paragraph are installed, in the event that actual costs are less than the escrowed fund, any such excess of the escrowed funds shall be returned to Developer. In the event that the escrow is insufficient, then the City reserves the right to special assess the shortage against the individual lots in the Development (See Exhibit 5).

10. **Contract Procedures.** The Developer's engineer shall prepare the contract documents, construction plans and specifications, let the contracts, and provide all supervision, and all contract administration for the installation of sanitary sewer, storm sewer, water main, grading and

graveling, and all appurtenances and shall bill the Developer for these services. The Developer's design engineer shall perform the construction staking. All plans and specifications for the improvements shall be consistent with City specification standards. The City shall review for approval all plans, specifications and contract documents in a timely manner. The City shall provide all construction inspection and shall bill the Developer for these services. Notwithstanding anything to the contrary in this agreement, construction inspection services by the City is not intended to, nor does it provide any guaranty of performance. The inspection services provided for by the City are for the City's benefit and may be relied upon only by the City. In the event that Improvements installed by the Developer do not operate properly even after inspections by the City, it shall remain the Developer's responsibility, at the Developer's sole cost, to correct any deficiencies so that the Improvements are working properly before the City is obligated to accept the Improvements as part of the public infrastructure.

11. **Park Dedication.** [Intentionally left blank]
12. **Outlots and Public Parks.** [Intentionally left blank]
13. **Sewer Cleaning and Televising Inspection.** Upon completion of installation of grading and graveling and prior to final acceptance by the City, the Developer shall clean all sanitary and storm sewer mains, all catch basin leads and all back yard drain pipes using a City approved sewer cleaning contractor utilizing modern "jet trucks" of adequate horsepower and capacity. Upon completion of sewer cleaning all sewer mains and back yard drainpipes shall be televised in color and the televising records provided to the City in a City-approved electronic format. Catch basin leads do not need to be televised but all leads must be cleaned and lamped and their condition verified in a written report. All catch basins and back yard drains shall be cleaned of gravel and debris.
14. **Public Improvements Dedication.** The Developer agrees to convey by deed or dedication to the City all the streets, roads, courts, avenues, drives, public ways and parks in the Plat. Developer further agrees to convey the public access ways and storm water detention ponds by deed to the City. All public improvements contemplated in the final plat shall be constructed within areas to be dedicated to the City either by deed, dedication or easement as contemplated in the final plat and this agreement. The City agrees to accept the dedication of all the Public Improvements in the Plat, whether by deed, dedication or easement subject to the City's Acceptance of the Public Improvements provided they are constructed according to the City's specifications and in accordance with and subject to the terms of the City's Subdivision Ordinance.
15. **Utilities.** The Developer shall pay the entire cost associated with installation of underground gas, electric, telecommunications utilities, and street lights throughout the entire development including the cost of installing utilities and street lights adjacent to detention ponds, parks, outlots, green space, trails and other public lands. Streetlights are required and the Developer shall be responsible for requesting the street lighting system from utility company. The street lighting plan, electrical distribution plan, and natural gas layout shall be designed by the utility company and approved by the City.

Standard street lighting shall be wood poles with LED fixtures. The City shall pay the utility company the monthly electrical charge for standard street lighting. The developer shall be responsible for all additional costs associated with installation of a decorative street lighting system by the utility company. In addition, the developer shall also be responsible for the monthly charges for a decorative system that are in excess of the monthly charges for a standard system through payment to the City of the present value of the cost difference. The Developer shall coordinate with the City any street lighting requested beyond the standard.
16. **Off-Site and Other Existing Improvements.** [Intentionally left blank]
17. **Terrace Trees Contribution.** The Developer shall pay a terrace tree contribution in the amount of

\$150.00 per lot. This terrace tree contribution shall be paid by the Developer, on a per lot basis at the time of final closing of each lot sale. The subdivision plat shall note on its face "\$150.00 per lot 'Terrace Tree' contribution". This contribution will be deposited in the "City of Neenah Carpenter Tree Fund Trust" tax-exempt account and will be used to plant trees on the street terraces within the subdivision at the time curb and gutter is installed (Exhibit 5).

18. **Building Permits.** Provided Developer has installed water mains, storm sewer, sanitary sewer and gravel base to a given lot and guarantees of installation have been provided for electric, gas, phone and cable services, Developer and/or Developer's assigns and successors in interest shall be permitted to obtain building and erosion control permits for such lot.
19. **Plan Review and Construction Inspection.** The Developer shall pay a fee for plan review and construction inspection of proposed improvements as outlined in Exhibit 7. Said Fee shall be based on \$575 for plan review and an estimated \$2,500 for inspections by City staff. Actual costs shall be determined based on actual time spent by City Staff. In the event that the City, in its sole discretion, determines that it requires the assistance of either outside consultants to review plans or provide for construction inspection services, the Developer shall pay the actual cost of such outside consulting services plus 10% for administration.
20. **Damages.** The Developer shall repair or replace, as directed by the City and to the City's satisfaction, at Developer's own cost, any damage caused by the installation of the improvements.
21. **City Costs.** [Intentionally left blank]
22. **Estimated Cost Summary Escrow Payment.** The estimate of costs paid by the Developer is attached hereto as Exhibits 2-7 and shows the items and estimated amounts to be paid by the Developer, including the basis for the Sanitary Sewer Interceptor Fee and Storm Water Infrastructure Fee. The total of the estimate of costs provides the basis for determining the amount of the escrow. The Developer shall submit a payment to be held in a City escrow account in the amount of **\$2,250.00**. The escrow amount is based on the amounts shown in Exhibit 5.
23. **Financing Alternative.** [Intentionally left blank]
24. **Consistency With Adopted Ordinances and Resolutions.** The City represents that this Agreement and the terms and conditions contained herein are consistent with adopted ordinances and resolutions on the subject matter.
25. **Merger; Successors and Assigns.** This Agreement along with Exhibits sets forth the entire understanding of the parties relative to its subject matter and supersedes and merges any and all prior communications, negotiations and agreements, oral or written. The terms of this Agreement shall survive any closing involving the transfer of lots to any grantee and shall not merge with the deed. The terms and conditions of this Agreement shall be binding on successors and assignees of the Developer.
26. **Governing Law.** This Agreement shall be construed in accordance with the laws of the State of Wisconsin.
27. **Severability.** It is understood and agreed that the provisions of this agreement shall be deemed severable and the invalidity or unenforceability of any one or more of the provisions contained herein shall not affect the validity and enforceability of the other provisions contained herein.
28. **Modification.** This agreement may not be modified or amended, except in writing, with the written consent of both the City and the Developer.
29. **Notices.** Any notices required under this agreement shall be deemed made as of the date deposited in the US mail, postage prepaid and addressed to the following.

If to the City:

Director of Public Works
City of Neenah
211 Walnut Street
Neenah, WI 54956

If to Developer:

Timothy and Barbara Wrase
411 Kittiver Court
Neenah, WI 54956

Dated this ____ day of _____, 2020.

CITY OF NEENAH

_____(SEAL)
Dean R. Kaufert, Mayor

Attest: _____(SEAL)
Stephanie Cheslock, Deputy City Clerk

AUTHENTICATION

Signature(s) of Dean R. Kaufert, Mayor and
Stephanie Cheslock, Deputy City Clerk
authenticated this ____ day of _____,
2020.

James G. Godlewski
Title: Member State Bar of Wisconsin

THIS INSTRUMENT DRAFTED BY:

James G. Godlewski, City Attorney
211 Walnut St., Neenah, WI 54956

(SIGNATURES MAY BE AUTHENTICATED OR
ACKNOWLEDGED. BOTH ARE NOT NECESSARY.)

Timothy Wrase

Barbara Wrase

ACKNOWLEDGMENT

STATE OF WISCONSIN)
) ss.
COUNTY OF _____)

Personally came before me this _____ day of
_____, 2020 the above- named Timothy
Wrase and Barbara Wrase who acknowledged that they
are owners of the above mentioned property.

Notary Public, _____ County, Wisconsin.
My commission is permanent.
(If not, state expiration date: _____)

Exhibit 1 First Addition to Southfield Plat Map

FIRST ADDITION TO SOUTHFIELD

ALL OF OUTLOT 1 OF CERTIFIED SURVEY MAP NO. 5383 AS RECORDED IN VOLUME 1 OF MAPS ON PAGE 5383 AS DOCUMENT NO. 1290343 AND PART OF OUTLOT 2 OF CERTIFIED SURVEY MAP NO. 4535 AS RECORDED IN VOLUME 1 OF MAPS ON PAGE 4535 AS DOCUMENT NO. 1095174, LOCATED IN THE SOUTHEAST 1/4 OF THE NORTHEAST 1/4, SECTION 4, TOWNSHIP 19 NORTH, RANGE 17 EAST, CITY OF NEENAH, WINNEBAGO COUNTY, WISCONSIN

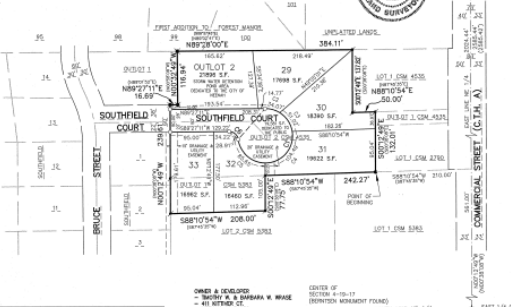
SURVEYOR'S CERTIFICATE: I, David M. Schmitt, Wisconsin Professional Land Surveyor # 1284 certify, the Plat of First Addition to Southfield, being all of Outlot 1 of Certified Survey Map No. 5383 as recorded in Volume 1 of Maps on Page 5383 as Document No. 1290343 and part of Outlot 2 of Certified Survey Map No. 4535 as recorded in Volume 1 of Maps on Page 4535 as Document No. 1095174, located in the Southeast 1/4 of the Northeast 1/4, Section 4, Township 19 North, Range 17 East, City of Neenah, Winnebago County, Wisconsin, containing 2.995 acres of land as described as follows:

Commencing at the East 1/4 corner of said Section 4, Thence N07°27'49"W (recorded as N07°27'49"W), 561.00 feet along the East line of said Northeast 1/4 to the Southeast corner of Certified Survey Map No. 2790, Thence S88°10'54"W (recorded as S88°10'54"W), 210.00 feet along the South line of said Certified Survey Map No. 2790 to the Southeast corner of Outlot 2 of said Certified Survey Map No. 4535 and to the Point of Beginning, Thence continue S88°10'54"W (recorded as S88°10'54"W), 242.27 feet along the South line of Outlot 2 of said Certified Survey Map No. 4535 to the Northeast corner of Outlot 1 of said Certified Survey Map No. 5383, Thence S00°27'49"E (recorded as S00°27'49"E), 27.75 feet along the East line of Outlot 1 of said Certified Survey Map No. 5383 to the Southeast corner thereof, Thence S88°10'54"W (recorded as S88°10'54"W), 208.00 feet along the South line of Outlot 1 of said Certified Survey Map No. 5383 to the Southeast corner thereof, Thence N07°27'49"W (recorded as N07°27'49"W), 238.61 feet along the east line of Outlot 1 of said Certified Survey Map No. 5383 and the West line of Outlot 2 of said Certified Survey Map No. 4535 to the North right-of-way line of Southfield Court and the South line of Outlot 1 of said Certified Survey Map No. 4535, Thence N07°27'49"E (recorded as N07°27'49"E), 18.69 feet along the North right-of-way line of Southfield Court and the South line of Outlot 1 of said Certified Survey Map No. 4535 to the Southeast corner thereof, Thence N07°27'49"W (recorded as N07°27'49"W), 118.14 feet along the East line of Outlot 1 of said Certified Survey Map No. 4535 to the Northeast corner thereof and the North line of Outlot 2 of said Certified Survey Map No. 4535, Thence N89°27'27"E (recorded as N89°27'27"E), 384.17 feet along the North line of Outlot 2 of said Certified Survey Map No. 4535 to the Northeast corner thereof, Thence S00°27'49"E (recorded as S00°27'49"E), 137.82 feet along the east line of Outlot 2 of said Certified Survey Map No. 4535, Thence N89°27'27"E (recorded as N89°27'27"E), 50.00 feet along the east line of Outlot 2 of said Certified Survey Map No. 4535, Thence S00°27'49"E (recorded as S00°27'49"E), 132.01 feet along the East line of Outlot 2 of said Certified Survey Map No. 4535 to the Point of Beginning.

That I have made such survey, land-delineation and plat by the direction of the owners of said land. That such plat is a correct representation of all the relative boundaries of the land surveyed and the subdivision thereof made. That I have fully complied with the provisions of Chapter 236 of the Wisconsin Statutes and the subdivision regulations of the City of Neenah, in surveying, drafting, and mapping the same.

Date this 17th day of March, 2019

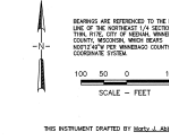
David M. Schmitt
David M. Schmitt, S-1284 - Professional Land Surveyor



There are no objections to this plat with respect to lines 236.12, 236.14, 236.28 and 236.29(1) and (2), Wis. Stats. as provided by s. 236.12, Wis. Stats.

Notary Public
Renee M. Dany
Renee M. Dany
Department of Administration
WINNEBAGO COUNTY PLANNING & ZONING

Curve #	Length	Radius	Delta	Chord Direction	Chord Length	TANGENT IN	TANGENT OUT
C1	275.22'	60.00'	382°49'00"	N40°21'46"E	93.00'	N07°43'40"W	
C2	34.07'	60.00'	32°32'01"	N74°16'48"W	33.61'		N07°43'40"W
C3	91.02'	60.00'	48°43'09"	N37°39'13"W	49.50'		
C4	104.49'	60.00'	82°44'50"	N42°55'47"E	91.78'		
C5	85.85'	20.00'	81°47'50"	S49°27'14"E	78.58'		
C6	28.91'	20.00'	82°49'50"	N49°08'14"W	28.48'	N07°43'40"W	



CERTIFICATE OF CITY TREASURER

I, Michael K. Essler being the duly elected qualified and acting City Treasurer of the City of Neenah do hereby certify that the records in my office show no unpaid taxes or special assessments on the lands indicated in First Addition to Southfield.

Date _____ City Treasurer - Michael Essler

COUNTY TREASURER'S CERTIFICATE

I, Mary E. Krueger being the duly elected qualified and acting County Treasurer of the County of Winnebago, do hereby certify that the records in my office show no unremitted tax sales and no unpaid taxes or special assessments as of the lands indicated in First Addition to Southfield.

Date _____ County Treasurer - Mary E. Krueger

CITY OF NEENAH APPROVAL

Resolved that "First Addition to Southfield" in the City of Neenah, Wisc. Really is Open is hereby approved by the Common Council.

Date _____ Approved Mayor - Dean R. Kaufert
Date _____ Signed Mayor - Dean R. Kaufert

I certify that the foregoing is a copy of a resolution adopted by the Common Council of the City of Neenah.

Date _____ City Clerk - Patty A. Sturm

STATE OF WISCONSIN
WINNEBAGO COUNTY

I, Patty A. Sturm, being the duly elected, qualified and acting Clerk of the City of Neenah, do hereby certify that the Common Council of the City of Neenah, authorized me to issue a certificate of approval of the First Plat of First Addition to Southfield upon satisfaction of certain conditions. Wisc. Really and I do hereby certify that all conditions were satisfied and the approval was granted and effective on this _____ day of _____.

Patty A. Sturm, Clerk Dated _____

OWNER'S CERTIFICATE

Timothy R. & Barbara W. Wiese, as Owner(s), I/We hereby certify that I/we issued the land described on this plat to be surveyed, divided, mapped and dedicated as represented on First Addition to Southfield. We also certify that this plat is required by s. 236.12 or s. 236.12 to be submitted to the following for approval or objection.

Approving Authority: Agencies having Authority to Object: Wisconsin Department of Administration, Winnebago County Planning & Zoning

Dated this _____ day of _____, 2019

Timothy W. Wiese Date _____ Witness Date _____
Barbara W. Wiese Date _____ Witness Date _____

State of _____ ss _____ County _____

Notary Public _____
My commission expires _____ County _____



UTILITY EASEMENT PROVISIONS

An easement for electric, natural gas, and communications service is hereby granted by Wisc. Really Grantor, to

NE-ENERGIES, a Wisconsin corporation, Grantor,
AT&T Wisconsin, a Wisconsin corporation, Grantor,
Spectrum TV, Grantor

their respective successors and assigns, to construct, install, operate, repair, maintain and replace from time to time, facilities used in connection with overhead and underground transmission and distribution of electricity and natural gas, telephone and cable TV facilities for such purposes on the entire lot or any part thereof to be used as its, over, under, across, along and upon the property shown within those areas on the plat designated as "Utility Easement" and the property designated on the plat for streets and alleys, whether public or private, together with the right to install service connections, poles, wires, cables and conduits, and the right to install, maintain, repair, replace, upgrade, improve, alter, modify, and relocate the same, and to do the right to trim or cut down trees, brush and roots on any land owned or controlled by the grantor, or any part thereof, and the right to enter upon the subdivided property for all such purposes. The Grantor agrees to restore or cause to be restored, the property, on interests as is reasonably possible, to the condition existing prior to such entry by the Grantee or their agents. This restoration, however, does not apply to the initial installation of said underground and/or above ground electric facilities, natural gas facilities, or telephone and cable TV facilities or to any trees, brush or roots which may be removed at any time pursuant to the rights herein granted. Structures shall not be placed over Grantee's facilities or in, upon or over the property within the lines marked "Utility Easement" without the prior written consent of Grantee. After installation of any such facilities, the grade of the subdivided property shall not be altered by more than an inches without written consent of Grantee. This Utility Easement Provision does not prevent or prohibit others from utilizing or creating the Utility Easement, as the Utility easement(s) are non-revocable.

The grant of easement shall be binding upon and inure to the benefit of the heirs, successors and assigns of all parties hereto.

NO UTILITY TRANSFORMERS OR PEDESTALS ARE TO BE SET WITHIN 2 FEET OF A LOT CORNER MARKING.

NO CONDUCTORS ARE TO BE BURIED WITHIN 1 FOOT OF A LOT CORNER MARKING.

ALL UTILITIES SHALL BE MAINTAINED AND REPAIRED BY THE SUBDIVISION AND THE SUBDIVISION SHALL BE RESPONSIBLE FOR THE MAINTENANCE AND REPAIRS SHALL BE EQUALLY DIVIDED AMONG THE PROPERTY OWNERS OF THE SUBDIVISION.

UPON FINAL GRADING, THE DEVELOPER SHALL OBTAIN SMALL CORNER WITH THE SUPPORT AND FINISHED CORNER AS APPROVED BY THE CITY OF NEENAH.

APPROVED BY THE CITY OF NEENAH

APPROVED BY THE CITY OF NEENAH

APPROVED BY THE CITY OF NEENAH

APPROVED BY THE CITY OF NEENAH

APPROVED BY THE CITY OF NEENAH

APPROVED BY THE CITY OF NEENAH

APPROVED BY THE CITY OF NEENAH

APPROVED BY THE CITY OF NEENAH

APPROVED BY THE CITY OF NEENAH

APPROVED BY THE CITY OF NEENAH

APPROVED BY THE CITY OF NEENAH

APPROVED BY THE CITY OF NEENAH

APPROVED BY THE CITY OF NEENAH

APPROVED BY THE CITY OF NEENAH

APPROVED BY THE CITY OF NEENAH

APPROVED BY THE CITY OF NEENAH

APPROVED BY THE CITY OF NEENAH

APPROVED BY THE CITY OF NEENAH

APPROVED BY THE CITY OF NEENAH

APPROVED BY THE CITY OF NEENAH

APPROVED BY THE CITY OF NEENAH

APPROVED BY THE CITY OF NEENAH

APPROVED BY THE CITY OF NEENAH



Exhibit 2
First Addition to Southfield Plat

Fee Schedule

Total Developable Acres = 2.99
Total Lots = 5

1. Storm water management, erosion control, plan review and inspection fee: \$200 + \$75/lot	\$425.00
<hr/>	
Total Fees Due Upon Billing	\$425.00
<hr/>	

Exhibit 3
First Addition to Southfield Plat

Storm Sewer Cost
Public Infrastructure
(Estimated)

1. Acreage

Total Assessable Acres	2.99
------------------------	------

2. Storm/Infrastructure Construction Costs

Total Private (Developer) Costs (estimated)	\$5,250.00
Total Public Costs (estimated)	\$10,089.00
<hr/>	
Total Construction Costs (estimated)	\$15,339.00

3. Summary Public Infrastructure Costs

Developer Storm Fee Due City (\$5,000/ac x 2.99)	\$14,950.00
Public Storm Sewer Funded by Developer (estimated)	\$10,089.00
<hr/>	
Balance Due Developer for Public Storm Sewer	(\$4,861.00)
Funded by Developer (estimated)	

NOTE: The final amount due under this exhibit shall be determined based on an "as-built" cost determination at the conclusion of construction of the public improvements contemplated by this agreement.

Exhibit 4
First Addition to Southfield Plat

Water Main Costs
Public Infrastructure
(Estimated)

1. Oversized Water Main Costs Due Developer (estimated) 16 inch water main and valves	\$0
2. Oversized Water Main Deferred Assessment (Due City)	\$0
3. <u>Installation Inspection Fee Due Water Utility (estimated)</u>	<u>\$1,500.00</u>
Total Due Water Utility at the time of billing	\$1,500.00

Exhibit 5
First Addition to Southfield Plat

Escrow/Prepayment

Future Street and Sidewalk

- | | | |
|----|--|------------|
| 1. | Gravel Street Maintenance
225 feet x \$10/centerline foot | \$2,250.00 |
|----|--|------------|

Total Prepayment/Escrow required	\$2,250.00
---	-------------------

Exhibit 6
First Addition to Southfield Plat

Terrace Tree Contribution

1.	Terrace Tree Contribution:	
	\$150/lot x 5 lots	\$750.00
	Amount due City upon each 1 st Addition to Southfield Plat lot closing	\$150.00
<hr/>		
	Total amount due upon each 1st Addition to Southfield Plat lot closing	\$150.00

Exhibit 7
First Addition to Southfield Plat
Estimated Developer's Cost Due City

Sanitary Sewer Main Costs Due Developer (estimated)	\$ 0
Installation Inspection Fee Due Sanitary Utility (estimated)	\$ 2,500.00
<hr/>	
Total Due at the time of billing	\$ 2,500.00

Exhibit 8
First Addition to Southfield Plat

Summary of Developer's Costs and Financing Per Lot

Estimated Developer's Cost Due at Billing

Exhibit 4:	Inspection Fee – Water Utility (Estimate)	\$ 1,500.00
Exhibit 7:	Construction Inspection Fees (Estimate)	<u>\$ 2,500.00</u>

Estimated Public Storm Sewer Due Developer

Exhibit 3:	Public Storm Sewer (Estimate)	\$4,861.00
------------	-------------------------------	------------

Estimated Developer's Costs to be Financed by City of Neenah (No Interest Due)

Exhibit 2:	Subdivision Fee	\$0
	Oversized Sanitary Fee	\$0
	Storm Water Management Fee	\$ 575.00
Exhibit 6:	Terrace Tree Contribution (\$150.00 x 5 lots)	\$ 750.00
	Total to be financed by City (estimated)	\$1,325.00

	Special Assessment Applied To Each Lot (estimated) and Due at Lot Closing	\$ 265.00
	(\$1325/5 lots = \$265/lot)	

Developer's Escrow Fees Required

Exhibit 5:	Gravel Street Maintenance	\$2,250.00
	Total Escrow Required	\$2,250.00



Southfiled 1st Addition



1 inch = 208 feet



RESOLUTION NO. 2020-17

A RESOLUTION APPROVING THE NEENAH CENTRAL CITY BUSINESS IMPROVEMENT DISTRICT 2021 OPERATING PLAN

WHEREAS, the Neenah Central City Business Improvement District was created to establish a stable stream of revenue from a broad base of benefactors aimed at achieving common objectives for the benefit of district property and business owners; and

WHEREAS, the Neenah Central City Business Improvement District has four operating goals, namely District Maintenance, Retention and Recruitment, Public Relations and Marketing, and Centralized Management; and

WHEREAS, the Business Improvement District Board of Directors exists to implement programs and activities in accordance with the annual Operating Plan for the District; and

WHEREAS, the Business Improvement District Board of Directors did, on November 17, 2020, approve the 2021 Operating Plan for the District and recommend its adoption by the Common Council of the City of Neenah.

NOW THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF NEENAH, WISCONSIN this 2nd day of December 2020, that the Neenah Central City Business Improvement District Operating Plan for calendar year 2021 is hereby adopted.

Recommended by:

CITY OF NEENAH, WISCONSIN

Moved: _____

Dean Kaufert, Mayor

Passed: _____

Stephanie Cheslock, City Clerk



211 Walnut Street
Neenah, WI 54956

AN ORDINANCE: By the Neenah Plan Commission
Re: Project Plan approval #2-20 for Glatfelter
Planned Development District to allow the
construction of a public plaza/ice rink at 215
Main Street.

ORDINANCE NO. 2020-23

Introduced: 11/24/2020

Committee/Commission Action:

Recommended for Passage

AN ORDINANCE

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

Section 1. That pursuant to Section 26-353 of the Neenah Municipal Code, the Common Council of the City of Neenah approves the following Glatfelter Planned Development District Project Plan.

Project Plan Approval 2-20, which is detailed in the attached Exhibit "A", which is incorporated herein by reference.

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.

Adopted: _____

Published: _____

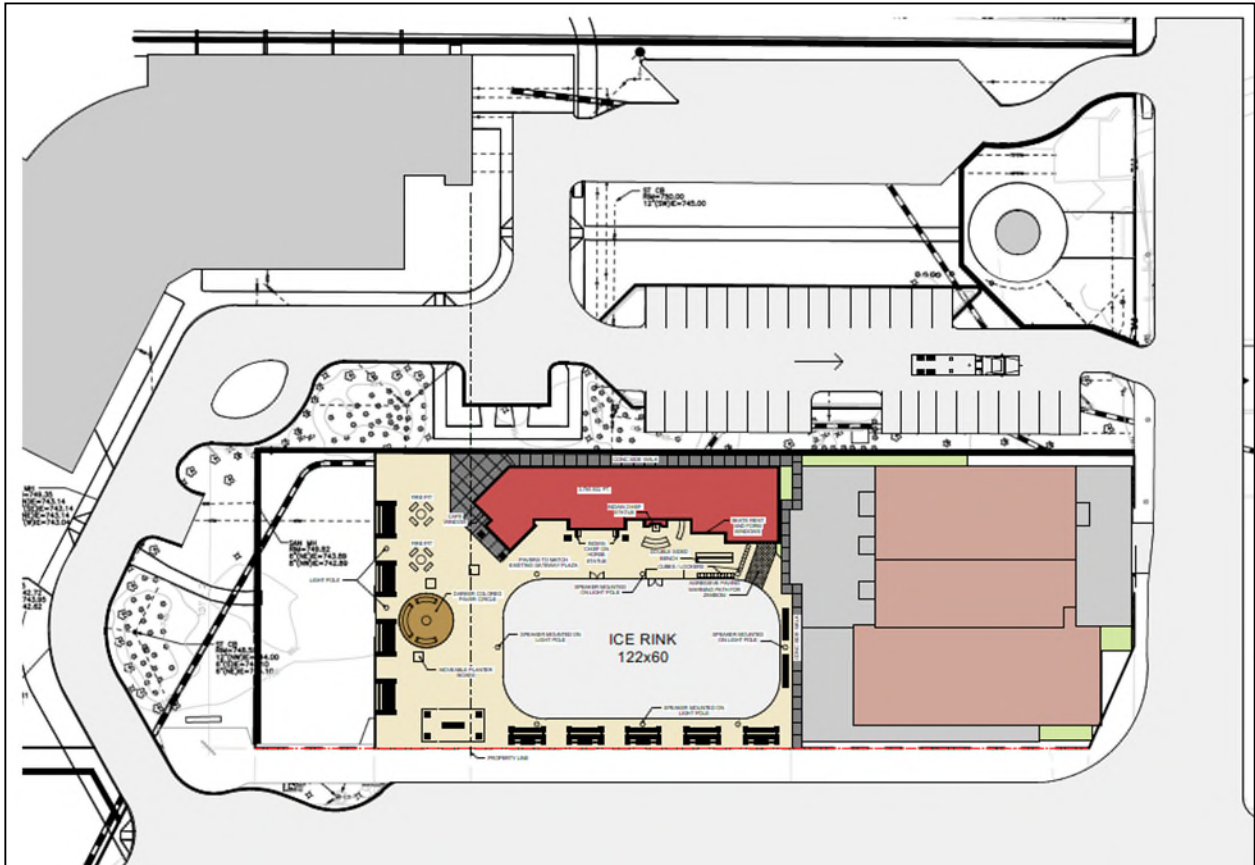
Approved:

Dean R. Kaufert, Mayor

Attest:

Stephanie Cheslock, City Clerk

EXHIBIT A



**Minutes of the Board of Public Works Meeting
Tuesday, November 24, 2020, 12:00pm Noon**

MEMBERS PRESENT: Mayor Kaufert, Director of Public Works Kaiser, Director of Finance Easker, Deputy Director of Community Development & Assessment Schmidt and Alderpersons Bates & Lang.

EXECUSED: City Attorney Godlewski and Director of Community Development & Assessment Haese

ALSO PRESENT: Water Utility Director Anthony Mach and Public Works Office Manager Lisa Mroczkowski

Mayor Kaufert called the meeting to order at 12:02 p.m.

MINUTES: MSC Bates/Kaiser to approve the minutes from the November 10, 2020 meeting, all voting aye.

APPEARANCES: None.

UNFINISHED BUSINESS: None.

NEW BUSINESS:

Public Works:

1. Pay Estimate No. 7 for Contract 1-20: Dir. Kaiser requested approval of Pay Estimate No. 7 for Contract 1-20, Sewer and Water Main and Street Construction on Abby Avenue, Clybourn Street, Bond Street, and Center Street to Kruczek Construction, Green Bay, in the amount of \$294,607.81. Director Kaiser stated payment on this estimate is for asphalt paving.

MSC Kaiser/Lang to approve Pay Estimate No. 1 for Pay Estimate No. 7 for Contract 1-20, Sewer and Water Main and Street Construction on Abby Avenue, Clybourn Street, Bond Street, and Center Street to Kruczek Construction, Green Bay, in the amount of \$294,607.81, all voting aye.

2. Pay Estimate No. 4 for Contract 4-20: Dir. Kaiser requested approval of Pay Estimate No. 4 for Contract 4-20, Water Main and Street Construction on Green Bay Road, Tullar Road, and Marathon Avenue to Vinton Construction Company, Two Rivers, in the amount of \$424,524.73. Director Kaiser stated this payment is all related to Green Bay Road paving.

MSC Kaiser/Bates to approve Pay Estimate No. 4 for Contract 4-20, Water Main and Street Construction on Green Bay Road, Tullar Road, and Marathon Avenue to Vinton Construction Company, Two Rivers, in the amount of \$424,524.73, all voting aye.

Info Only

Info Only

Info Only

3. Change Order No. 1 for Contract 10-20: Dir. Kaiser requested approval of Change Order No. 1 for Contract 10-20, Concrete Pavement and Sidewalk Repair to Sommers Construction Company, Inc., Shiocton, in the amount not to exceed \$17,294.27 for pavement repair increase due to storm sewer repairs completed by city crews. Director Kaiser stated we estimate a certain volume of work when preparing the quantities for this project. Director Kaiser stated with this contract there is usually additional work that comes up during the project that needs repair. He stated this additional work is for curb and gutter repair from storm water work along with additional sidewalk repairs.
MSC Kaiser/Lang to approve Change Order No. 1 for Contract 10-20, Concrete Pavement and Sidewalk Repair to Sommers Construction Company, Inc., Shiocton in the amount not to exceed \$17,294.27, all voting aye.

Report

4. Final Payment for Contract 10-20: Dir. Kaiser requested approval of the Final Payment for Contract 10-20, Concrete Pavement and Sidewalk Repair to Sommers Construction Company, Inc. Shiocton, in the amount of \$104,565.02.
MSC Kaiser/Bates to recommend Council approve the Final Payment for Contract 10-20, Concrete Pavement and Sidewalk Repair to Sommers Construction Company, Inc. Shiocton, in the amount of \$104,565.02, all voting aye.

Community Development

Report

Development Agreement for the 1st Addition to the Southfield Plat: Deputy Dir. Schmidt explained that Common Council approved the final plat for the First Addition to Southfield Plat in April 2019. The plat is about 3 acres in size and includes 5 single-family residential lots with an average lot size of 22,205 square feet. The Development and Fee Agreement lists the roles and responsibilities of the developer including the fees due as part of this development. Exhibit 8 of the Development Agreement summarizes the estimated costs and fees due. Construction of homes is not expected to begin until the spring of 2021
MSC Easker/Lang to recommend Council approve the Development and Fee Agreement for the 1st Addition to the Southfield Plat, all voting aye.

ADJOURNMENT

MSC Kaiser/Bates to adjourn at 12:28 p.m., all voting aye.

Respectfully Submitted,



Lisa Mroczkowski
Public Works Office Manager



M E M O R A N D U M

DATE: November 25, 2020

TO: Mayor Kaufert, members of the Neenah Common Council

FROM: City Attorney Jim Godlewski

RE: First Amendment to TID 11 Development Agreement, Pendleton Park and Cobblestone Creek Developments

While preparing the agreement to implement the agreed amendment to the TID 11 Development Agreement, I discovered some minor discrepancies in the motion that passed Council on October 21, and the actual reality regarding the development. The original motion that passed Council provided that the development known as Coral Court would be completed by 1/1/2021, a little over 1 month from now. Clearly, the delay is longer, due to the site conditions discovered by the developer. In addition, the motion did not recognize the name change for the Coral Court / Cobblestone Creek development. To ensure the record is accurate. I have attached a final draft of the amendment and ask that the Council ratify the attached agreement. The key features of the amendment are as follows:

1. TID Incentive Payment is increased by \$200,000, a relection of the unanticipated site costs encountered by the developer.
2. The Completion Date of Pendleton Park is advanced to December 31, 2021.
3. Name of Winneconne Avenue Townhouse Development is changed to Cobblestone Creek
4. The estimated value of Cobblestone Creek is increased to \$3,750,000.

This item will appear under old business since it already received committee approval and preliminary approval by the Council.

An appropriate motion would be to Approve the First Amendment to the TID 11 Development Agreement and authorize the Mayor and City Staff to finalize and executed the amendment on behalf of the City.

**TAX INCREMENT DISTRICT NO. 11
FIRST AMENDMENT TO
DEVELOPMENT AGREEMENT**

THIS FIRST AMENDMENT TO DEVELOPMENT AGREEMENT is dated as of the 22nd day of October, 2020 (“First Amendment”) by and between Pendleton Park, LLC, a Wisconsin limited liability company (the “Developer”) and the CITY OF NEENAH, a Wisconsin municipal corporation (the “City”).

RECITALS

City and Developer acknowledge the following:

A. The City and Developer entered into a development agreement dated October 28, 2016 (the “Development Agreement” or “Agreement”) under which the Developer agreed to construct the Development Project commonly known as Pendleton Park on Neenah’s Westside and the Coral Court Development (now known as “Cobblestone Creek Apartments”) at 777 West Winneconne Avenue in the City (“Cobblestone Creek”).

B. Under the agreement, the Developer agreed to construct Pendleton Park, a market rate multi-family rental development on the Pendleton Property (the “Pendleton Development Project”) at a total estimated value of \$14,000,000 by December 31, 2023.

C. The Developer also agreed to construct Cobblestone Creek, an affordable townhouse style multi-family housing development on Winneconne Avenue at a total estimated value of \$2,000,000 by January 1, 2020.

D. However, the Developer experienced unanticipated increased costs of approximately \$650,000 at Pendleton Park related to shallower than expected granite bedrock

and approximately \$300,000 at Cobblestone Creek that resulted from the poor quality fill and construction debris buried at the site. At the same time, the Pendleton Park Development will be completed by December 31, 2021, two years early, at an increased value by \$2,000,000 to \$16 million, and Cobblestone Creek Development is projected to exceed the original expected property value by \$1,750,000.

E. In 2016 the City created Tax Increment District No. 11 (the “District”) pursuant to Section 66.1105, Wis. Stat. (the “Tax Increment Law”) and approved a plan for the redevelopment of the District (the “District Plan”).

F. The City desires to encourage economic development including the elimination of slum and blight, expand its tax base, and create new jobs within the City, the District, and the Property. The City finds that the development of the Property and the fulfillment, generally, of the terms and conditions of this Agreement are in the vital and best interests of the City and its residents and serve a public purpose in accordance with state and local law.

G. The Development Project would not occur without the use of Tax Incremental Financing.

H. The City, pursuant to Common Council Action dated October 21, 2020, and confirmed on December 2, 2020, has approved this First Amendment Agreement and authorized the execution of the Agreement by the proper City officers on the City’s behalf.

I. The Developer has approved this Agreement and authorized Thomas Vandeyacht, Managing Member, to execute this Agreement on the Developer’s behalf.

J. All terms that are in upper case but not defined in this Agreement and that are defined under the Tax Increment Law shall have the definitions assigned to such terms by the Tax Increment Law.

NOW THEREFORE, in consideration of the above recitals, which are contractual, and the mutual promises contained herein, the parties agree to the following terms and conditions.

- 1 Development Agreement Definitions. The parties have agreed that the Definitions in the Development Agreement are applicable to this First Amendment.
- 2 Developer Incentive Payment. Section 4.4.4 of the Development Agreement is amended by increasing the Maximum City Contribution by \$200,000 to \$2,215,000.
- 3 Project Timetable and Projected Values. Exhibit D of the Development Agreement is amended by providing that the estimated completion date for Phases III through VI shall be December 31, 2021 and projected value of the Development is increased to \$16,000,000. A revised Exhibit D is attached to this First Amendment.
- 4 Cobblestone Creek Development. Article 12 is amended as follows:
 - A. The Development named “Coral Court” is changed to “Cobblestone Creek”.
 - B. The completion date of January 1, 2020 in Section 12.1 is amended to January 1, 2022.
 - C. The estimated value of Cobblestone Creek of \$2,000,000 in Section 12.1 is amended by increasing the value to \$3,750,000, an increase of \$1,750,000.
- 5 Notice. Notice required under this First Amendment shall be made in accordance with the notice requirements of Article 11 of the Development Agreement. *Governing Law.*

The laws of the State of Wisconsin shall govern this Agreement.

6 Counterparts. This First Amendment may be signed in any number of counterparts with the same effect as if the signatures thereto and hereto were upon the same instrument. No amendment of this Agreement shall be effective unless in writing and signed by the party to be bound thereby.

7 No Modification & Severability. Except as provided in this First Amendment, the Development Agreement remains unchanged. If any provision of this Agreement shall be held or deemed to be inoperative or unenforceable as applied in any particular case in any jurisdiction because it conflicts with any other provision or provisions of this Agreement or any constitution or statute or rule of public policy, or for any other reason, then such circumstance shall not have the effect of rendering the provision in question inoperative or unenforceable in any other case or circumstance, or of rendering any other provision or provisions herein invalid, inoperative, or unenforceable to any extent whatever. To the maximum extent possible, this Agreement shall be construed in a manner consistent with the powers of City, including, but not limited to, their powers under the Tax Increment Law, § 66.1105, Wis. Stats, and the Blight Elimination and Slum Clearance Act, § 66.1333, Wis. Stats., to achieve its intended purpose. Reference is made to Chapter 105, Laws of 1975 § 4, and to § 66.1333(17), Wis. Stats., which provide that the Tax Increment Law and the Blight Elimination and Slum Clearance Act should be construed liberally to effectuate their purposes.

8 Time is of the Essence. Time is of the essence as to all dates and time periods set forth in this Agreement.

[SIGNATURES BEGIN ON THE FOLLOWING PAGE]

IN WITNESS WHEREOF, the parties have executed this Agreement on the day and year first above written.

CITY OF NEENAH

DEVELOPER:

Pendleton Park, LLC

By: _____
Dean R. Kaufert, Mayor

By: _____
**Thomas Vandeyacht
Managing, Member**

By: _____
Stephanie A. Cheslock, City Clerk

I hereby certify that the necessary funds have been provided to pay the liability incurred by the City of Neenah on the within Contract.

Michael K. Easker, Director of Finance

APPROVED AS TO FORM:

James G. Godlewski, City Attorney

REVISED SCHEDULE OF EXHIBITS

EXHIBIT D.

Revised Project Timetable & Projected Values

Major Milestone	Estimated Date	Estimated Value as of Estimated Date (cumulative)
Property Annexation	January 1, 2017	
Phase I Complete - Units 1-32	December 31, 2018	\$2,400,000
Phase II Complete — Units 33-64	December 31, 2019	\$4,800,000
Phase III Complete — Units 65-96	December 31, 2020	\$7,200,000
Phase IV Complete — Units 96-128	December 31, 2021	\$9,600,000
Phase V Complete — Units 129-160	December 31, 2021	\$12,000,000
Phase VI complete — Units 161-184	December 31, 2021	\$16,000,000

STATUS OF COUNCIL DIRECTIVES ISSUED SINCE JULY 1, 1981

Date: December 2, 2020

Date of Directive: 4/17/2018

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

Responsible Party: Ald. Lendrum

Status: Pending



Dept. of Legal & Administrative Services
Office of the City Clerk
211 Walnut St. | P.O. Box 426 | Neenah WI, 54957-0426
Phone 920-886-6101 | Fax 920-886-6109
scheslock@ci.neenah.wi.us
STEPHANIE CHESLOCK
CITY CLERK

MEMORANDUM

DATE: November 30, 2020
TO: Common Council
FROM: Stephanie Cheslock, City Clerk
RE: Special Spring Election to fill District 2 Aldermanic Seat

On September 2, 2020 the Council acted to appoint Ald. Borchardt to fill the vacated District 2 Aldermanic seat until April 2021. At that time, the motion did not detail how the vacancy would be filled after April 2021. We are now within the time window for the Council to order a Special Election be held concurrently with the spring election to fill the seat for the remainder of the term.

Recommendation: Move to hold a special election concurrent with the regular spring election to fill the unexpired district 2 aldermanic seat, formerly held by Ald. Kunz, to expire April 2022.