



City of Neenah
COMMON COUNCIL AGENDA
Wednesday, April 7, 2021 - 7:00 p.m.
Neenah City Hall
Council Chambers
211 Walnut Street, Neenah
Hybrid Virtual/In Person Meeting

Due to the Public Health Emergency caused by the COVID-19 Pandemic, this meeting will occur both virtually and in person in Council Chambers at City Hall. The virtual meeting can be accessed by the below link or conference call. Committee members and the public should use the following information:

Link: <https://global.gotomeeting.com/join/735082973>

OR

Conference Telephone Number (AUDIO ONLY): [+1 \(224\) 501-3412](tel:+12245013412)

Access Code: 735-082-973

- **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.**

- I. Roll Call and Pledge of Allegiance
- II. Introduction and Confirmation of Mayor's Appointment(s)
 - A. Recognition of Previous Month's Retirees
- III. Approval of Council Proceedings
 - A. Approval of the Council Proceedings of March 17, 2021 regular session. **(UC)**
- IV. Public Hearings
 - A. Consider Redevelopment Area No. 4 South Commercial Street Redevelopment Plan
- V. Community Development Authority report pertaining to the Public Hearings
 - A. Community Development Authority meeting of March 22, 2021: (Minutes can be found on the City web site)
 1. CDA recommends Council approve Resolution 2021-08, approving boundaries for Redevelopment area No. 4—South Commercial Street, approving Redevelopment Plan therefore. **(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

- A. Approve the Street Use Permit for the Bike to Boogie Concert, sponsored by Future Neenah, 135 W Wisconsin Avenue, Neenah WI, to be held on August 25, 2021. (Postponed from the March 17, 2021 Common Council) **(PSSC)**
- B. **(UC)**

IX. Reports of standing committees

- A. Regular Public Services and Safety Committee meeting of March 30, 2021: (Chairman Bates/Vice Chairman Lang) (Minutes can be found on the City web site)
 - 1. Committee recommends Council approve Resolution No. 2021-07 amending the fence restriction on the Nature Trails Subdivision Plat lots 2, 3, 20, 21, 22, 39, 40, 41, 51, 52, 53, and 54. **(RollCall)**
 - 2. Committee recommends Council approve the City of Neenah Police Department participation in the Winnebago County Speed task Force, 2021 Summer Speed Enforcement Grant from June 1, 2021 to August 31, 2021. **(RollCall)**
 - 3. Committee recommends Council approve Ordinance 2021-06 allowing for Temporary Outside Seating due to COVID-19. **(RollCall)**
 - 4. Committee recommends Council approve Ordinance 2021-07 allowing for Temporary Sales of Merchandise on Public Sidewalks due to COVID-19 **(RollCall)**
 - 5. Committee recommends Council approve the purchase of the Progressive 800214 Remote Controlled lawn mower from Reinders, Inc., Appleton in an amount of \$48,952.00. **(RollCall)**
- B. Regular Finance and Personnel Committee meeting of March 29, 2021: (Chairman Erickson/Vice Chairman Boyette) (Minutes can be found on the City web site)
 - 1. Committee recommends Council approve Resolution No. 2021-06 for the 2021 Community Development Block Grant and authorize entering into agreements for the activities, subject to approval by the U.S. Department of Housing and Urban Development. **(RollCall)**
 - 2. Committee recommends Council accept petition for Annexation #221 of 29.75 acres located at CTH G/Woodenshoe Road in the Town of Vinland **(to be acted on after recommendation from Plan Commission)**
 - 3. Committee recommends Council approve the 2020 Operating Budget Carry Forwards to 2021 **(RollCall)**
 - 4. Committee recommends Council approve the revisions to Policy 2008-1: Compensatory Time **(RollCall)**
 - 5. Committee recommends Council approve the update to the Employee Handbook regarding Separation from Employment **(RollCall)**

6. Committee recommends Council approve the temporary modification of City Hall house of operation as outlined in Option 1 from Memorial Day to Labor Day 2021 as a trial period which will be reviewed in the fall **(RollCall)**
- C. Regular Neenah-Menasha Joint Finance & Personnel Committee meeting of March 23, 2021: (Chairman Boyette) (Minutes can be found on the City website)
1. Committee recommends Council approve the purchase of two 2022 Ford Transit Connect Utility vans from Bergstrom Automotive and related equipment for a total price not to exceed \$61,000.00 **(RollCall)**
- X. Reports of special committees and liaisons and various special projects committees
- A. Regular Plan Commission meeting of March 30, 2021: (Council Rep Lang) (Minutes can be found on the City web site)
1. Commission recommends Council approve Annexation #221 (Ordinance #2021-05) and the property also receive an R-1, Single Family Residence District zoning classification **(RollCall)**
- B. Board of Public Works meeting of March 30, 2021: (Vice Chairman Bates) (Minutes can be found on the City web site)
1. Information Only Items:
 - a) The Board approved Pay Estimate No. 3 for Arrowhead Park Phase 1A Carriage/Trail/Shoreline Project to Soper Grading and Excavating LLC, Oshkosh in the amount of \$ 75,706.05
 - b) The Board approved Change Order No. 1 for Arrowhead Phase 1A Carriage/Trail/Shoreline Project to Soper Grading and Excavating LLC, Oshkosh for increased quantities of erosion control, stone aggregate, top soil, and seeding in the amount of \$76,279.25
 2. Council Action Items:
 - a) The Board recommends Council award Contract for the Doty Court Development Project to Project to Poblocki Paving Corp, West Allis, WI, in the amount of \$160,629 and to authorize staff to purchase owner provided equipment. **(RollCall)**
- C. Landmarks Commission
1. Report from the Landmarks Commission – Alderperson Lang
- D. Sustainable Neenah Committee
1. Report from the Sustainable Neenah Committee – Alderperson Borchardt
- E. Reports on neighborhood groups.
1. Business Improvement District Board (BID Board) – Alderperson Lang
- F. Bergstrom Mahler Museum
1. Report from the Bergstrom Mahler Museum – Alderperson Hillstrom

- XI. Presentation of petitions
 - A. Any other petition received by the City Clerk's Office after distribution of the agenda.
- XII. Council Directives
- XIII. Unfinished Business
- XIV. New Business
 - A. **Council ratification of Mayoral Proclamation Renaming the Neenah Slough Within the City of Neenah (RollCall)**
 - B. **Aldersperson Steele proposal of Ordinance 2021-08 creating a temporary mask order for the City of Neenah (RollCall)**
 - 1. **Clerks note: New Business is voted on at the next Council meeting. If the Council would like to vote on this item tonight a motion to suspend the rules would be required.**
 - C. 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
Wednesday, February 17, 2021—7:00pm

The Common Council of the City of Neenah, Winnebago County, Wisconsin, met in regular session at 7:00pm, March 17, 2021, in the Council Chambers of Neenah City Hall and virtually.

Mayor Kaufert in the chair.

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

Also Present: Deputy Director of Community Development & Assessment Schmidt, Assistant Planner Kasimor, Police Chief Olson, Assistant Police Chief Bernice, Larry Schwartz, Public Works Superintendent Radtke, Tim Bonson, John Skyrms, Bryan Stafford, Lisa Standberg,

Mayor Kaufert called the meeting to order at 7:01pm

- I. Clerk Cheslock called a voice roll call followed by the Pledge of Allegiance.

A vote was taken for the 7 candidates. Lee Hillstrom received 6 votes; Toe Vue Moua received 2 votes. Clerk Cheslock announced that Lee Hillstrom received a majority vote.

MS Stevenson/Lendrum to appoint Lee Hillstrom to fill the vacant District 3 aldermanic term to expire April 2022, all voting aye.

Clerk Cheslock swore in Lee Hillstrom as the new District 3 Alderperson.

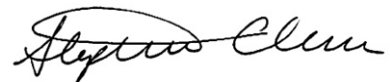
- II. Proceedings
MS Lendrum/Stevenson to approve the Council Proceedings of the regular meeting of March 3, 2021. There being no objections the motion was approved by unanimous consent.

- III. Public Hearings
 - A. Consider the 2021 Community Development Block Grant Program Proposed Use of Funds/ Annual Action Plan (Action to be taken at a later date)

- IV. **Consent Agenda**
MS Bates/Lendrum to approve the Consent Agenda as follows, with removing item C until the next Council meeting.
 - A. Approve the Street Use Permit for the Race the Lake, sponsored by the Dutrirun Foundation, 920 Kellar Park, Appleton WI, to be held on August 22, 2021. (**PSSC**)

- B. Approve the Street Use Permit for the Udderly Euro Car Show, sponsored by the Dinah Volunte, 11901 Washington Green Road, Louisville KY, to be held on June 19, 2021 **(PSSC)**
 - ~~C. Approve the Street Use Permit for the Bike to Boogie Concert, sponsored by Future Neenah, 135 W Wisconsin Avenue, Neenah WI, to be held on August 25, 2021. **(PSSC)**~~
 - D. Approve the Street Use Permit for the Farmer's Market, sponsored by Future Neenah, 135 W Wisconsin Avenue, Neenah WI, to be held on Saturdays starting on June 12, 2021 and continuing to October 10, 2021. **(PSSC)**
 - E. Approve the Street Use Permit for the Shattuck Park Summer Concert Series- Out to Lunch & Evening, sponsored by Future Neenah, 135 W Wisconsin Avenue, Neenah WI, to be held on Saturdays from June 9, 2021 through August 11, 2021; Thursdays from June 10, 2021 through August 19, 2021. **(PSSC)**
 - F. Approve the Street Use Permit for the Kids Triathlon, sponsored by City of Neenah Parks & Recreation Department, Neenah WI, to be held on August 7, 2021.
 - G. Approve the Retail "Class B" License Application for Glumpf, LLC d/b/a Sante Wine Bar and Bistro, 108 W Wisconsin Avenue, Neenah WI 54956, Matt Gloede, Agent, for the 2020-2021 licensing year pending the surrender of the current license. **(PSSC)**
 - H. There being no objections the motion was approved by unanimous consent.**
- V. Reports of standing committees
- A. Chairman Bates reported from the Regular Public Service & Safety Committee meeting of March 9, 2021: (Chairman Bates/Vice Chair Lang) (Minutes can be found on the City's website)
 - 1. Committee recommends Council approve amending the contract with Ayres Associates for the Downtown Neenah Traffic Study Phase II to include the additional parking structure analysis at the Hewitt site for a cost of \$4,900 to be funded by TIF 10. **MSCR P Bates/Lang, all voting aye.**
 - 2. Committee recommends Council approve Ordinance 2021-03 amending Section 7-21 of the Municipal Code relating to fire permits. **MSCR P Bates/Lang, all voting aye.**
- VI. Reports of special committees and liaisons and various special projects committees
- A. Council Rep. Lang reported from the regular Plan Commission Meeting of March 9, 2021:
 - 1. Commission recommends Council approve Ordinance #2021-04, approving Project Plan Approval #1-21 for the Glatfelter Mill Planned Development District, allowing the construction of a mixed-use development for 201 W. Wisconsin, LLC. **MSCR P Lang/Stevensonm all voting aye.**
 - B. Vice Chairman Bates reported from the Board of Public Works meeting of March 9, 2021:

1. The Board recommends Council Award Contract 1-21 for Sewer, Water Main, and Street Construction on Marathon Avenue to Don Heiptas & Sons Construction, Inc., Little Chute, in the amount of \$2,198,385.50 with budget overages coming from the Public Infrastructure Reserves. **MSCRP Bates/Lang, all voting aye.**
 2. The Board recommends Council Award Contract 2-21 for Sewer, Water Main, and Street Construction on Fairview Avenue and Laudan Boulevard to Carl Bowers & Sons Construction Company, Inc., Kaukauna in the amount of \$1,704,729.00 with budget overages coming from the Public Infrastructure Reserves. **MSCRP Bates/Lang, all voting aye.**
 3. The Board recommends Council Award Contract 3-21 for Sewer, Water Main, and Street Construction on Isabella Street, Olive Street, Washington Avenue, and Winneconne Avenue to Kruczek Construction, Inc., Green Bay, WI in the amount of \$1,702,531.00 with budget overages coming from the Public Infrastructure Reserves. **MSCRP Bates/Boyette, all voting aye.**
- VII. New Business
M/S/C Lendrum/Boyette to convene into closed session pursuant to Wis. Stat. Sec. 19.85(1)(e) for the purpose of deliberating or negotiating the purchase of public properties, the investing of public funds, or conducting other specified public business, whenever competitive or bargaining reasons require a closed session to discuss bargaining strategy relating to a future residential development, all voting aye.
- VIII. Adjournment
MSC Lendrum/Boyette to adjourn at 9:34 pm, all voting aye.



Stephanie Cheslock
City Clerk

Common Council Minutes
Wednesday, February 17, 2021—7:00pm

The Common Council of the City of Neenah, Winnebago County, Wisconsin, met in regular session at 7:00pm, March 17, 2021, in the Council Chambers of Neenah City Hall and virtually.

Mayor Kaufert in the chair.

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

Also Present: Deputy Director of Community Development & Assessment Schmidt, Assistant Planner Kasimor, Police Chief Olson, Assistant Police Chief Bernice, Larry Schwartz, Public Works Superintendent Radtke, Tim Bonson, John Skyrms, Bryan Stafford, Lisa Standberg, Sean Brownson, Lee Hillstrom, David Jensen, Tim Rall, Jesse Schwartz, and Tou Vue Moua.

Mayor Kaufert called the meeting to order at 7:01pm

- I. Clerk Cheslock called a voice roll call followed by the Pledge of Allegiance.

Aldermanic candidates Timothy Bonson, Sean Brownson, Lee Hillstrom, David C. Jensen, Tim Rall, Jesse Schwartz, and Tou Vue Moua gave brief presentations as part of their application to be appointed to fill the vacant District 3 aldermanic seat. Candidate Jacob Kraemer was not present. Candidate Bryan Stafford rescinded his application.

A vote was taken for the 7 candidates. Lee Hillstrom received 6 votes; Toe Vue Moua received 2 votes. Clerk Cheslock announced that Lee Hillstrom received a majority vote.

MS Stevenson/Lendrum to appoint Lee Hillstrom to fill the vacant District 3 aldermanic term to expire April 2022, all voting aye.

Clerk Cheslock swore in Lee Hillstrom as the new District 3 Alderperson.

- II. Introduction and Confirmation of Mayor's Appointments
Mayor Kaufert recognized three retirees for their service to the City of Neenah. Keith Dachelet retired from the Public Works Department after 27 years of service. Patricia Kunde retired as the Municipal Court Clerk after 36 years of service. James Godlewski retired as the City Attorney after 19 years of service. Mayor Kaufert also recognized former alderperson Stephanie Spellman for her

service in the City of Neenah. She recently resigned her position due to moving outside of the district.

III. Proceedings

MS Lendrum/Stevenson to approve the Council Proceedings of the regular meeting of March 3, 2021. There being no objections the motion was approved by unanimous consent.

IV. Public Hearings

A. Consider the 2021 Community Development Block Grant Program Proposed Use of Funds/ Annual Action Plan (Action to be taken at a later date)

Mayor Kaufert opened the public hearing.

Lisa Sandberg of Pillars Resource Center encouraged Council to approve this action plan when it comes before them. This program helps fund the resources needed for the homeless population in and around Neenah.

There being no further appearances, Mayor Kaufert closed the public hearing.

V. Report pertaining to the Public Hearings—None

VI. Public Forum

A. Mayor Kaufert opened the public forum. There being no appearances Mayor Kaufert closed the public forum.

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

VIII. **Consent Agenda**

MS Bates/Lendrum to approve the Consent Agenda as follows, with removing item C until the next Council meeting.

Aldersperson Bates requested item C, the Bike to Boogie Concert Special Use Permit, be removed and taken up at the next Council meeting due to the fact that the event holders are making changes to the event.

A. Approve the Street Use Permit for the Race the Lake, sponsored by the Dutrirun Foundation, 920 Kellar Park, Appleton WI, to be held on August 22, 2021. **(PSSC)**

B. Approve the Street Use Permit for the Udderly Euro Car Show, sponsored by the Dinah Volunte, 11901 Washington Green Road, Louisville KY, to be held on June 19, 2021 **(PSSC)**

~~C. Approve the Street Use Permit for the Bike to Boogie Concert, sponsored by Future Neenah, 135 W Wisconsin Avenue, Neenah WI, to be held on August 25, 2021. **(PSSC)**~~

D. Approve the Street Use Permit for the Farmer's Market, sponsored by Future Neenah, 135 W Wisconsin Avenue, Neenah WI, to be held on Saturdays starting on June 12, 2021 and continuing to October 10, 2021. **(PSSC)**

E. Approve the Street Use Permit for the Shattuck Park Summer Concert Series- Out to Lunch & Evening, sponsored by Future Neenah, 135 W Wisconsin

Avenue, Neenah WI, to be held on Saturdays from June 9, 2021 through August 11, 2021; Thursdays from June 10, 2021 through August 19, 2021. **(PSSC)**

- F. Approve the Street Use Permit for the Kids Triathlon, sponsored by City of Neenah Parks & Recreation Department, Neenah WI, to be held on August 7, 2021.
- G. Approve the Retail "Class B" License Application for Glumpf, LLC d/b/a Sante Wine Bar and Bistro, 108 W Wisconsin Avenue, Neenah WI 54956, Matt Gloede, Agent, for the 2020-2021 licensing year pending the surrender of the current license. **(PSSC)**

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

IX. Reports of standing committees

- A. Chairman Bates reported from the Regular Public Service & Safety Committee meeting of March 9, 2021: (Chairman Bates/Vice Chair Lang) (Minutes can be found on the City's website)
 - 1. Committee recommends Council approve amending the contract with Ayres Associates for the Downtown Neenah Traffic Study Phase II to include the additional parking structure analysis at the Hewitt site for a cost of \$4,900 to be funded by TIF 10.
No discussion.
MSCR P Bates/Lang, all voting aye; Ald. Hillstrom abstained.
 - 2. Committee recommends Council approve Ordinance 2021-03 amending Section 7-21 of the Municipal Code relating to fire permits.
Council discussed the changes made to the ordinance, which are primarily to ensure the ordinance reflects staff processes. Residents will still need to show proof they hold a permit if requested.
MSCR P Bates/Lang, all voting aye; Ald. Hillstrom abstained.
- B. The regular Finance & Personnel Committee meeting of March 8, 2021 was cancelled. No Report.

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

- A. Council Rep. Lang reported from the regular Plan Commission Meeting of March 9, 2021:
 - 1. Commission recommends Council approve Ordinance #2021-04, approving Project Plan Approval #1-21 for the Glatfelter Mill Planned Development District, allowing the construction of a mixed-use development for 201 W. Wisconsin, LLC.
No discussion.
MSCR P Lang/Stevenson, all voting aye; Ald. Hillstrom abstained.
- B. Vice Chairman Bates reported from the Board of Public Works meeting of March 9, 2021:
 - 1. Information Only

- a. The Board approved Pay Estimate No. 2, for Contract PR2020-01, Arrowhead Park Phase 1A Carriage/Trail/Shoreline to Soper Grading & Excavating, Oshkosh, WI in the amount of \$40,783.50.
- b. The Board rejected submitted bids and rebid the Doty park court replacement project.
Ald. Bates shared the bids for the Doty Park Courts came in very high because the contractors misunderstood what was needed for one section of the contract. The bids have already been revised and sent out again.

2. Council Action Items

- a. The Board recommends Council Award Contract 1-21 for Sewer, Water Main, and Street Construction on Marathon Avenue to Don Heiptas & Sons Construction, Inc., Little Chute, in the amount of \$2,198,385.50 with budget overages coming from the Public Infrastructure Reserves.
Dir. Kaiser explained there are four parts to this contract, with some of those parts having overages; however, the contract as a whole is about \$70,000 below budget.

MSCRP Bates/Lang, all voting aye; Ald. Hillstrom abstained.

- b. The Board recommends Council Award Contract 2-21 for Sewer, Water Main, and Street Construction on Fairview Avenue and Laudan Boulevard to Carl Bowers & Sons Construction Company, Inc., Kaukauna in the amount of \$1,704,729.00 with budget overages coming from the Public Infrastructure Reserves.

Council discussed the overages on the street section of this contract, while noting the sanitary section is under budget.

MSCRP Bates/Lang, all voting aye; Ald. Hillstrom abstained.

- c. The Board recommends Council Award Contract 3-21 for Sewer, Water Main, and Street Construction on Isabella Street, Olive Street, Washington Avenue, and Winneconne Avenue to Kruczek Construction, Inc., Green Bay, WI in the amount of \$1,702,531.00 with budget overages coming from the Public Infrastructure Reserves.

Council discussed the life cycle of asphalt compared to concrete. They also discussed how this street construction is being funded because the TARF is so young.

MSCRP Bates/Boyette, all voting aye; Ald. Hillstrom abstained.

C. Community Development Authority—No report.

D. Library Board

1. Alderperson Erickson reported from the Library Board meeting of March 17, 2021, stating the library is now open for in person and curb site visits seven days a week.

E. Neenah Arts Council

1. Alderperson Erickson reported from the Neenah Arts Council meeting of March 10, 2021, stating the Neenah Library will host an exhibit of Neenah School District student art for the month of April.

F. Landmarks Commission

1. Alderperson Lang reported from the Landmarks Commission meeting of February 24, 2021, sharing the Commission suggestion of Voyager Canoe rides September 18, 2021. The Commission also discussed photographing historic properties before they are demolished to ensure a historic record. The Commission is also looking for a new member with a real estate background. The next meeting will be March 24, 2021.

G. Sustainable Neenah Committee

1. Alderperson Borchardt reported from the Sustainable Neenah Committee meeting of February 23, 2021, stating the Committee will be participating in the Neenah Farmer's Market again this year. The Committee is also discussing the possibility of having "No Mow May" in the City of Neenah this year to help the native bee population.

H. Reports on neighborhood groups

1. Business Improvement District (BID) Board

- a. Alderperson Lang reported from the BID Board meetings of February 16, 2021 and March 16, 2021 stating, due to COVID-19, the annual meeting will be held virtually. The co-op meeting will meet later in the fall. Spring Fling will be held May 1st, which will include a plant give away and a Mother's Day brunch give away. The Farm Market will begin June 12, 2021 and run through October 16, 2021. Construction has also started on numerous downtown projects. The Community Development Department provided the BID with their annual report. The next meeting will be April 20, 2021.

I. Bergstrom Mahler Museum

1. Mayor Kaufert stated they will be filling the aldermanic seat on this board soon.

XI. Petitions—None

XII. Council Directives—None

XIII. Unfinished Business

- A. Mayor Kaufert stated a resolution regarding the renaming of the Neenah Slough will be coming through at the next Council meeting.
- B. Mayor Kaufert shared he had a meeting with staff regarding temporary extension of outdoor dining and shopping like what was done in 2020. The ordinances from last year will be updated and brought before committees and Council for review. Dir. Haese stated the temporary extension technically expire October 1, 2020 but they have been lenient with enforcement due to COVID-19. Council discussed the possibility of making this a permanent option for businesses and the option for businesses to go through the regular permanent extension process available for outdoor beer gardens and sidewalk cafes.

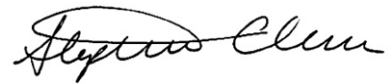
XIV. New Business

A. Mayor Kaufert stated the Memorial Day Parade is underway; the veterans have begun the special event application process.

M/S/C Lendrum/Boyette to convene into closed session pursuant to Wis. Stat. Sec. 19.85(1)(e) for the purpose of deliberating or negotiating the purchase of public properties, the investing of public funds, or conducting other specified public business, whenever competitive or bargaining reasons require a closed session to discuss bargaining strategy relating to a future residential development, all voting aye.

XV. Adjournment

MSC Lendrum/Boyette to adjourn at 9:34 pm, all voting aye.



Stephanie Cheslock
City Clerk

**NOTICE OF PUBLIC HEARING
CITY OF NEENAH COMMON COUNCIL
REDEVELOPMENT AREA NO. 4 – SOUTH COMMERCIAL STREET
REDEVELOPMENT PLAN**

The City of Neenah Common Council will hold a Public Hearing in the Council Chambers of the City Administration Building, 211 Walnut Street, Neenah, Wisconsin, on Wednesday, April 7, 2021, at 7:00 P.M. The hearing is being held for the purpose of allowing interested persons the opportunity to express their views on the proposed Redevelopment Area No. 4 South Commercial Street Redevelopment Plan. The project area of the Redevelopment Plan is generally bounded on the east by Maple Street; on the south by Alcott Drive, on the west by Henry Street, and on the north by State Street.

Copies of the Redevelopment Plan are available in the office of the City of Neenah Department of Community Development, City Administration Building, 211 Walnut Street, Neenah, Wisconsin, 54956, Phone (920) 886-6125.

Dated at Neenah, Wisconsin this 2nd day of April, 2021.

Stephanie Cheslock
City Clerk
Neenah, Wisconsin

Publish: April 2nd and April 5th

**Community Development Authority of the City of Neenah
March 22, 2021 - 4:00 PM**

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: Board Members: Ald. Cari Lendrum, John Ahles, Pete LeCompte, Michelle Bauer, Grant Birtch and Ald. Marge Bates. Also Present: Executive Director Chris Haese, Deputy Director Brad Schmidt, Assistant Planner Carol Kasimor, Administrative Assistant Rachael Eiting and Office Manager Samantha Jefferson. Members of the public: Kevin Redlin, Scott Mugenthaler, Diane Degroot, Rob Krueger, Vicky Earle, Philip Schilling, David Earle, John Skyrms, Kristin Zagrodnik, Lee Hillstrom, Rosann Johnson, Sara Manecke and Morgan Scribner.

Approval of March 1, 2021 meeting minutes:

MSC Lendrum/Bates, the CDA to approve the meeting minutes of March 1, 2021. All voting aye.

Public Appearances: None.

Public Hearing: Consideration of Redevelopment Area No. 4 – South Commercial Street Redevelopment Plan:

Vice Chairman Ahles opened the public hearing.

Philip Schilling (1820 Marathon Avenue) voiced several concerns. He asked why the area along W. Cecil and Marathon Avenue was included in the plan (as it is slightly off of South Commercial Street) and also why the old city garage was not included. He was concerned about his property being termed “blighted” and why this is the case.

Sara Manake (212 W. Cecil Street) voiced concerns that she would need to find another location for her business if townhomes were to be built on her property.

Hearing no more comments or questions, Vice Chairman Ahles closed the public hearing.

Consideration of Redevelopment Area No. 4 – South Commercial Street Redevelopment Plan:

Deputy Director Schmidt presented the South Commercial Street Redevelopment Plan to the CDA and those attending the Public Hearing. The intent of the plan was to evaluate the area of South Commercial Street between State Street and Alcott Drive to provide recommendations for improvements within the defined district. One of the recommendations from the plan includes the creation of a façade improvement program that would be funded through Community Development Block Grant (CDBG) funds.

The South Commercial Street Corridor Plan was the first step in this project. This documents helped to create a vision for the district and is a dynamic document that can be changed as the

district sees change. The implementation to begin working toward the vision requires that a redevelopment plan be created to improve the areas detailed in the plan. The state allows for certain types of funds to be used in defined redevelopment areas.

For these funds to be used, requirements from the Department of Housing and Urban Development (HUD) must be met. The primary purpose of the proposed plan is to define the corridor as blighted for the utilization of CDBG funds. The plan would also allow the CDA to acquire blighted property, transfer land and assist in redevelopment projects, but at this time, there is no funding mechanism like a TIF District in this area.

To clarify information and help those who have concerns, Deputy Director Schmidt explained that the CDA does not currently have the financial means nor is working with a developer that would be interested in acquiring properties. As can be seen by the other redevelopment districts in the city, the CDA has not taken an aggressive approach in obtaining properties for development. If a property comes up for sale or if the owner approaches the CDA, the CDA may consider a purchase. The redevelopment area designation is so that the CDA can help in the elimination and prevention of blight in the area.

In recent years, the city has purchased and razed several properties in this corridor. None of these properties were acquired by eminent domain.

The definition of blight as termed by the state is very broad. “Blight” can define a property because of several reasons from a potential environmental concern to a lack of available area for adequate parking. A blight inspections survey was done in this area. Deputy Director Schmidt did not find any negative impact that this document would have on a property that was determined to be blighted in the plan. The blight inspections survey can be found on the City of Neenah’s website. Mr. Schilling interjected that the property next to him should also be marked as blighted. Deputy Director Schmidt will look into this.

Member Bates asked why the old city garage was not included. Deputy Director Schmidt explained that the area in which the old city garage is located was treated as a separate pocket because of the industrial zoning in that area.

Member Bates explained to those attending the public hearing that this plan is only intended to help prevent and eliminate blight from the area. There is no intention of using eminent domain to take properties or to force new development.

Vicky Earle (905 S. Commercial Street) asked if other grants besides just the Façade Grant will be available. Deputy Director Schmidt said that is absolutely something staff could look into if there was interest.

MSC Birtch/Lendrum, the CDA to approve Resolution No. 2021-01, approving the boundaries for Redevelopment Area No. 4 – South Commercial Street, approving Redevelopment Plan therefore; and submitting said boundaries and Redevelopment Plan to the Common Council of the City of Neenah for approval. All voting aye.

Adjournment: The meeting was adjourned at 4:35 p.m. **MSC Bates/Lendrum. All voting aye.**

Respectfully Submitted,

A handwritten signature in cursive script, appearing to read "Samantha Jefferson".

Samantha Jefferson
Office Manager, Community Development



RESOLUTION NO. 2021-08

RESOLUTION DESIGNATING REDEVELOPMENT AREA NO. 4-SOUTH COMMERCIAL STREET BOUNDARIES; DECLARING BLIGHT; AND APPROVING THE REDEVELOPMENT PLAN THEREFOR

WHEREAS, Section 66.1333 of the Wisconsin Statutes, as amended (the "Act"), states that it is the policy of this state to protect and promote the health, safety and general welfare of the people of the state in which blighted areas exist by the elimination and prevention of such areas through the utilization of all means appropriate for that purpose, thereby encouraging well-planned, integrated, stable, safe and healthful neighborhoods, the provision of healthful homes, a decent living environment and adequate places for employment of the people of this state and its communities in such areas; and

WHEREAS, on April 20, 2004 this Common Council adopted Ordinance No. 1257 finding, determining and declaring that a Community Development Authority (the "Authority") was needed to eliminate or prevent substandard, deteriorated, obsolete and blighted areas in the City of Neenah, Wisconsin (the "City"); and

WHEREAS, the Act together with Section 66.1335 of the Wisconsin Statutes, as amended, authorize the Authority to undertake certain activities within the City, for the purpose of carrying out redevelopment, blight elimination, blight prevention and urban renewal programs and projects as set forth in the Act, together with all powers necessary or incidental to effect adequate and comprehensive redevelopment, blight elimination, and urban renewal programs and projects; and

WHEREAS, Section 6(b) of the Act provides that for the exercise of the powers granted the Authority and for the acquisition and disposition of real property within a redevelopment area (the "Redevelopment Area"), it is required, among other actions, that the Authority (i) designate the boundaries of the Redevelopment Area, (ii) submit the boundaries to the Common Council, and, (iii) approve a redevelopment plan for the Redevelopment Area only after a public hearing conducted by the Authority and a finding by the Authority that the redevelopment plan is feasible and in conformity with the general plan of the City; and

WHEREAS, Section 6(b) of the Act further provides that for the exercise of the powers granted the Authority it is required, among other actions, that this Common Council, by resolution of at least two-thirds of its members, (i) declare the redevelopment area to be a blighted area in need of a blight elimination, prevention or urban renewal and (ii) approve a redevelopment plan for the Redevelopment Area which has been prepared by the Authority; and

WHEREAS, on March 22, 2021, the Authority conducted a duly noticed public hearing at which all interested parties were afforded a full opportunity to express their views respecting the proposed Redevelopment Area No. 4-South Commercial Street Redevelopment Plan (the "Redevelopment Plan") for the proposed Redevelopment Area; and

WHEREAS, on March 22, 2021, the Authority (i) designated and approved the boundaries of the Redevelopment Area as set forth in Exhibit A hereto, (ii) determined that the Redevelopment Plan is feasible and in conformity with the general plan of the City, and (iii) approved the Redevelopment Plan in the form set forth in Exhibit B hereto; and

WHEREAS, in accordance with the Act, this Common Council now finds it necessary and in the public interest that the Authority undertake activities to eliminate and prevent blight, obsolescence, and the deterioration of property in the Redevelopment Area and to promote redevelopment and urban renewal in the Redevelopment Area; and

WHEREAS, this Common Council has studied the facts and circumstances of the proposed Redevelopment Area, consideration having been given, among other items, to the following matters: (i) the definition of "blighted area" contained in Section 2m(b) of the Act, (ii) the report prepared by Neenah Community Development Deputy Director Brad Schmidt with respect to the existence of blight in the Redevelopment Area in the context of the Act, (iii) the past and existing condition of, and the proposed uses in, the Redevelopment Area as contemplated by the Redevelopment Plan, (iv) the goals and objectives of the Redevelopment Plan, (v) visual inspections of the Redevelopment Area and surrounding areas by various members of the Authority and by various staff of and consultants to the City, and (vi) reports and recommendations to the Common Council by the Authority.

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

1. The Common Council hereby approves and designates the boundaries of the Redevelopment Area as such boundaries are set forth in Exhibit A hereto. The Common Council hereby finds, determines and declares that the Redevelopment Area is a blighted area within the meaning of Section 2m(b) of the Act, which substantially impairs or arrests the sound growth of the community.

2. The Common Council hereby approves and adopts the Redevelopment Plan in the form set forth in Exhibit B hereto.

3. Upon certification of the Redevelopment Plan to the Common Council, the Common Council directs that no new construction shall be permitted and thereafter no new construction shall be authorized by any agencies, boards, or commissions of the City in the Redevelopment Area unless as authorized by the Common Council, including substantial remodeling or conversion or rebuilding, enlargement, or expansion

or major structural improvements on existing buildings, but not including ordinary maintenance or remodeling or changes necessary to continue occupancy. The Common Council hereby delegates to the Community Development Department responsibility to review and reject or grant construction approval and permits in the Redevelopment Area on behalf of the Authority and City.

4. This Resolution shall take effect immediately upon its adoption and approval.

Adopted and approved this ____ day of April, 2021

CITY OF NEENAH, WISCONSIN

Dean R. Kaufert, Mayor

Stephanie Cheslock, City Clerk

CITY OF NEENAH
PUBLIC SERVICES AND SAFETY COMMITTEE MEETING MINUTES
Tuesday March 30, 2021, 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, Hillstrom, Lang, Lendrum and Stevenson

Excused:

Also Present: Mayor Kaufert, City Attorney Westbrook, Public Works Director Kaiser, Director of Community Development & Assessment Haese, Director of Parks & Recreation Kading, City Forester Fink, Police Chief Olson, Assistant Police Chief Bernice, Deputy Director of Community Development & Assessment Schmidt, Captain Van Sambeek, Public Works Office Manager Mroczkowski, John Skyrms, Mary Glesner

Approval of Minutes of the meetings for March 9, 2021

Motion Second/Carried Lendrum/Lang to approve the minutes of the Meeting of March 9, 2021. All voting aye.

Public Appearances:

None

Nature Trail Subdivision-Fence Restrictions

Deputy Schmidt reviewed his memo of March 30, 2021. He stated that the current fence restrictions on the Nature Trail Subdivision Plat prohibits fences to be adjacent to City park property and Outlots 1, 2, 3, and 4 of the plat. This affects lots 2 through 22, lots 39 through 41, lots 51 through 55, and lots 62 and 63. Deputy Schmidt stated that the amendment to the Nature Trail Plat will remove the fence restrictions for lots 2, 3, 20, 21, 22, 39, 40, and 41 and allow fences up to 3 feet in height or 4 feet if the fence is 75% open in design.

Ms. Glesner stated that she talked with all the property owners except for the one on lot 40. She stated this is a rental and she did not reach out to the property owner. She stated that she has support from all of the neighbors and provided signatures to the Committee members.

Alderperson Bates asked if the City will be looking for other areas of the City with similar situations. Deputy Schmidt stated that it is something they could look into but is not sure it would bring to light any areas that they don't already know about.

Mayor Kaufert asked how covenants are imposed in subdivisions. City Attorney Westbrook stated that until the last lot is sold, the developer is usually the one to impose the covenants. He stated that after that the oversight of the covenants usually passes to a Home Owners Association (HOA). He stated that if there is no HOA then it would go through the small claims process.

Mayor Kaufert stated that he is worried about consistency throughout the City. He stated that if the city amends this plat to remove the fence restrictions on specific lots, how will staff address residents from other subdivisions who seek the same consideration. He stated are we going to do this for them as well. Deputy Schmidt stated that staff would have to address those requests on a case by case basis.

Aldersperson Bates asked Ms. Glesner if she talked with the home owners that are on the restricted lots. Ms. Glesner stated she had not. Aldersperson Bates stated that she feels that this needs to be done so that there is transparency.

Aldersperson Bates asked how the City will ensure that fence permits are not issued to the restricted lots on the amended Nature Trail Subdivision Plat. Deputy Schmidt stated that our permit software allows us to flag addresses that have special circumstances. He stated the restricted lots have already been flagged.

Report

Following discussion, **Motion/Second/Carried Stevenson/Lang to recommend the Common Council approve Resolution No. 2017-07 amending the fence restriction on the Nature Trails Subdivision Plat lots 2, 3, 20, 21, 22, 39, 40, 41, 51, 52, 53 and 54.** All voting aye.

Approve BOTS 2021 Summer Speed Enforcement Grant

Assistant Chief Bernice reviewed his memo of March 23, 2021. He stated that the Police Department is requesting permission to participate in the Wisconsin Bureau of Transportation Safety (BOTS) Summer Speed Enforcement Grant. He noted that the Winnebago County Speed Task Force will be the administrator of the Grant. Assistant Chief Bernice stated that the amount of the grant is \$30,000 and will be shared by six area police agencies, Neenah, Menasha, Oshkosh, Omro, Fox Crossing and the Winnebago County Sheriff's Department. He stated that the grant will run from June 1, 2021, through August 31, 2021. He noted that the grant requires a 25% agency match.

Assistant Chief Bernice stated that the task force will gear the enforcement to high visibility areas with an effort on decreasing crashes and obtaining voluntary compliance with traffic regulations.

Report

Following discussion, **Motion/Second/Carried Lang/Stevenson to recommend the Common Council approve the City of Neenah Police Department participation in the Winnebago County Speed Task Force, 2021 Summer Speed Enforcement Grant from June 1, 2021 to August 31, 2021.** All voting aye.

Ord. 2021-06 Creating an Ordinance to Provide for Covid-19 Temporary Seating

Director Haese stated that this Ordinance was created last year to help assist local business remain viable during the Covid-19 pandemic. He stated that even though the ordinance lapsed in October of 2020, we have allowed the businesses to continue to have the temporary outside seating. Director Haese stated that due to COVID-19 continuing to be a health emergency in 2021, staff recognized that this ordinance needs to be extended through 2021.

Aldersperson Bates asked if there have been any issues with the temporary seating. Director Haese stated that he has not been made aware of any. Police Chief Olson stated there have been no complaints.

Aldersperson Bates asked if the businesses are required to still obtain a permit. Director Haese stated yes, but the City has waived the permit fee.

Report

Following discussion, **Motion/Second/Carried Hillstrom/Lang to recommend the Common Council approve Ordinance 2021-06 allowing for Temporary Outside Seating due to COVID-19.** All voting aye.

Ord. 2021-07 Creating an Ordinance to Provide for Covid-19 Temporary Sales of Merchandise on Public Sidewalks.

Report

Following discussion, **Motion/Second/Carried Hillstrom/Lang to recommend the Common Council approve Ordinance 2021-07 allowing for Temporary Sales of Merchandise on Public Sidewalks due to COVID-19.** All voting aye.

Shattuck Park Elevator Repairs Update

City Forester Fink provided the committee with an update on the status of the elevator repair. City Forester Fink stated that he reached out to five companies based on the request from this committee at the January 26, 2021 meeting. He stated that he received quotes from four of the five companies. He stated that Otis Elevator and Access Elevator recommended total replacement with a cost between \$75,000 to \$90,000. MEI-Badger Elevator responded that they do not work on this type of elevator. City Forester Fink stated that A-1 Elevator Sales & Service provided a short term solution to get the elevator operational for a cost of \$2,800.00. He noted that they would then assess and replace the required parts as needed. A-1 Elevator would perform the 5 year load test for \$1,600 and will provide an annual service contract for monthly maintenance during operational months.

City Forester Fink stated this will be funded through the operational budget so he longer is requesting any additional funding.

Replacement of Parks & Recreation Lawn Mower LM 1

City Forester Fink reviewed his memo of March 23, 2021, regarding replacement of the 2003 Deweze slope mower with a remote controlled mower. He stated that he received three quotes with the lowest being from Reinders, Inc., of Appleton for an amount of \$48,952.00. City Forester Fink stated this type of slope mower will provide a much safer way to maintain the slopes at overpasses and eliminate the rollover risk to the operator. He stated the amount in the 2021 Capital Equipment Budget for this mower is \$55,000.00.

Aldersperson Lang stated that she is in favor of this mower. She stated that she has watched the current process and does not feel that the operators are safe.

Report

Following discussion, **Motion/Second/Carried Lang/Hallstrom to recommend the Common Council approve the purchase of the Progressive 800214 Remote Controlled lawn mower from Reinders, Inc., Appleton in an amount of \$48,952.00.** All voting aye.

Preservation of Dike Trees

Director Kading stated that from the direction of the committee at the meeting March 9, 2021, he contacted both Jon Gumtow, Stantec Representative, and Tess Brewster, WI DNR Waste Management Engineer. He stated that Mr. Gumtow felt that the city was at low risk of excessive damage from a potential root ball exposure. Ms. Brewster stated that she did not have a historical reference pertaining to trees on the dike and failing causing significant damage to the dike. She stated that if a failure were to occur several agencies would be called in to assess the situation. Director Kading stated that neither of them were willing to submit their assessment of the dike trees in writing.

Aldersperson Hillstrom asked if the trees would be taken down now would there be any additional cost. Director Kading stated the tree removal is part of the current contract.

Aldersperson Stevenson stated that he is not in support of preserving the trees. He stated that the potential risk exposure to the City of cap damage, because of tree failure is too high. He stated that he has a fiduciary responsibility to his constituents and the aesthetic benefit of leaving the trees does not match the cost of a potential risk. He stated that the WI DNR directed the city in 2012 to remove the trees and we should comply.

City Attorney Westbrook stated that we did amend the language in letter and removed the word "cap". He further stated that the city will always have some liability for the dike trees.

Aldersperson Lang asked for City Forester Fink's comments regarding the trees. City Forester Fink stated that trees are of little value and should be removed. He stated there are other trees available for birds to nest and roost.

Mayor Kaufert stated that he knows there are times when trees need to be taken down for just cause. He stated because of the liability the city could face he supports the removal of the trees.

No further action is required as the removal of the trees are part of the original contract.

Public Works General Construction and Department Activity

- 1) 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 has been prepared.
- 2) Contract 11-20 (Street - Lakeshore) – Roadway and trail excavation and graveling are complete. Work under the contract is halted until milder temperatures return. UWM-CRM is providing a contract amendment to the monitoring contract to cover total costs for that work last year and a few days of observation for excavation work this year for the sidewalk on the south side of Wisconsin and a curb ramp at Wheeler Street.

Director Kaiser stated the contractor is going to begin work on April 12th.

Alderson Bates asked what the status is of the litigation. City Attorney Westbrook stated we are currently waiting for the appeals court to make a ruling. He further stated that now that there is a date of work restarting we are required to notify their attorney 7 days prior to work beginning. He stated that he is confident that a restraining order will be filed.

Mayor Kaufert asked if there would be a way to request an expedited decision on the restraining order and the appeal. City Attorney Westbrook stated that there is no way avenue to petition the court to speed up the process.

Alderson Bates asked the cost of the additional monitoring work that will need to be done by UW Milwaukee. Director Kaiser stated the cost will be between \$17,000 and \$18,000. That will include 3 days of monitoring for this year and for the monitoring that went beyond the scope last year.

- 3) Contract 1-21 (Marathon Av) – Utility work will start on March 29.
- 4) Contract 2-21 (Fairview, Laudan) –
 - a) Fairview - Utility work started on March 22. Due to the amount of rock encountered in the water utility trench a temporary water arrangement is being prepared in order to maintain service to customers while the existing main is replaced. This will result in a change order for the water portion of the contract. Sanitary sewer main installation work was also started and is about 50% complete. The project was bid to allow the contractor to use native material for backfill. We've encountered several isolated areas where this material was not suitable for backfill so limestone screenings were brought in.
 - b) Laudan – Sewer work is expected to start on March 29.
- 5) Contract 3-21 (Winneconne, Washington, Olive, Isabella) – The project schedule has not been set.
- 6) Nicolet Boulevard – After numerous discussions with Menasha on the scope of the Nicolet Boulevard work and our related utility work, we have decided to forgo the work at this time with the intention of pursuing a more comprehensive project in the future.

- 7) CTH CB/CTH JJ Roundabout – The County has informed us that design is about 85% complete. Real estate acquisition has started. They expect to be ready for utility adjustments to start in late fall in preparation for intersection construction in 2022.
- 8) Yard Waste – Curbside yard waste collection starts on April 13.
- 9) Storm Water Report – The City's annual storm water report is being finalized for submittal to WDNR by March 31.
- 10) Road Ratings – Staff is starting the biennial data collection for street PASER ratings. These will factor into the 2022-2026 CIP development.
- 11) DOLAS Office remodel – Work on the DOLAS offices is scheduled to start on April 12. Committee discussed the scope and budget for this work.

Adjournment: **Motion/Second/Carried Lang/Stevenson to adjourn at 8:10 p.m.** All voting aye.

Respectfully submitted,



Lisa Mroczkowski

Public Works Officer Manager



RESOLUTION NO. 2021-07

A RESOLUTION AUTHORIZING MODIFICATION OF PLAT RESTRICTIONS IN NATURE TRAILS SUBDIVISION

WHEREAS, Nature Trails Subdivision, being all of Lot 2 of Winnebago County Certified Survey Map No. 4156, being part of the NW $\frac{1}{4}$ of the SE $\frac{1}{4}$ and the SW $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 6, T19N, R17E, City of Neenah, Winnebago County, Wisconsin (the "Subdivision") contains a restriction found at Note 9, that prohibits the construction of any fence on lots adjacent to City of Neenah Park Property, public trails and storm water ponds; and,

WHEREAS, this restriction was omitted from subsequent additions to the Subdivision; and,

WHEREAS, the restriction applies to lots adjacent to a portion of the Carpenter Preserve, public storm water ponds, and the public trail within the Subdivision, involving a relatively narrow parkway; and,

WHEREAS, while the original fence prohibition is overly broad for preserving the aesthetic of open space, some restriction on fence height is desirable; and,

WHEREAS, City staff has recommended a fence height restriction for rear yard fences adjacent to storm water ponds and a portion of City park land of three feet or 4 feet if the fence is 75 percent open in design;

NOW THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF NEENAH, WISCONSIN this 7th day of April 2021 that the City of Neenah consents to the revision of Note 9 of the Nature Trail subdivision to read:

9. The construction of any fence greater than three feet or four feet if the fence is 75 percent open in design is prohibited adjacent to City park property, and Outlots 2 and 3 as shown on the Plat of Nature Trail. This restriction applies to Lots 2, 3, 20, 21, 22, 39, 40, 41, 51, 52, 53, and 54. Lots 4 through 19, 55, 62 and 63 are prohibited from constructing any fence adjacent to City Park property and Outlots 1 and 4. All fences constructed in the City must obtain the appropriate permit from the City of Neenah before commencement of construction. This restriction shall be enforceable by the City of Neenah and shall not be amended without written consent of the City of Neenah.

BE IT FURTHER RESOLVED THAT City staff are directed to take appropriate action under Wis. Stat. Ch. 236 to reflect the change to Note 9 in the Plat of Nature Trail.

Recommended by: Public Services and Safety Committee

CITY OF NEENAH, WISCONSIN

Moved: _____

Dean R. Kaufert, Mayor

Passed: _____

Stephanie Cheslock, City Clerk



211 Walnut Street
Neenah, WI 54956

AN ORDINANCE: By Public Services and Safety Committee

Re: Creating an Ordinance to Provide For Covid- 19 Temporary Outdoor Seating Areas and Authorize City Staff Review and Approval of Temporary Outdoor Seating Areas and Expansion of Licensed Premises for Taverns and Restaurants

ORDINANCE NO. 2021-06

Introduced: March 30, 2021

Committee/Commission Action:

Recommended for Passage

AN ORDINANCE

WHEREAS, a novel strain of the coronavirus, named COVID- 19, spread throughout numerous countries, including the United States, during the late winter and spring of 2020, resulting in Federal, State and Local Declarations of Emergency and Emergency Orders that limited in person business transactions, closed some businesses, required changes to business operations, and had for many businesses a dramatic economic impact; and

WHEREAS, the Common Council for the City of Neenah enacted an identical ordinance in 2020 to assist local establishments and saw no negative impacts from participating locations; and

WHEREAS, the Common Council for the City of Neenah recognizes the need to continue to prevent exposure to and spread of the COVID-19 coronavirus by increasing social distancing during the COVID-19 pandemic and recovery period; and

WHEREAS, the Common Council recognizes that restaurants, bars and taverns within the City of Neenah may have particular difficulty providing recommended social distancing and operating profitably within the confines of their buildings and may wish to provide additional or alternative seating outdoors; and

WHEREAS, the Common Council for the City of Neenah wishes to again provide temporary relief to restaurants, bars and taverns by adjusting certain local code requirements related to such businesses during the COVID- 19 pandemic and recovery period to allow those businesses to utilize parking areas, open spaces and adjacent properties during this limited period to maximize their service area; and

WHEREAS, the Common Council wishes to again provide a temporary use permit that may be issued by city staff upon the applicant meeting certain criteria and avoiding the delay of council, board, or commission approvals for this temporary use; and

WHEREAS, the Common Council wishes to again authorize the Director of Community Development and Assessment to temporarily expand the "licensed premises" for establishments holding an alcohol beverage license for areas and during the period of time subject to the temporary use permits authorized by this ordinance.

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

Section 1. Notwithstanding any provision contained within the City of Neenah Municipal Code, during the period of emergency and recovery period in response to COVID- 19 Coronavirus, and for the period ending no later than December 31, 2021, the appropriate city staff are hereby authorized and directed to implement a program for issuance of Temporary Use Permits as provided in the attachment to this ordinance. The Temporary Use Permits Ordinance is adopted as follows:

**COVID-19 TEMPORARY OUTDOOR SERVICE/BEER GARDENS
City of Neenah, Wisconsin**

- I. *Introduction and definitions.* No holder of a "Class B", Class "B" and/or "Class C" license or any license or permit issued by the State of Wisconsin Wis. Stats. ch. 125 may operate under said license(s) in any outdoor area, whether or not said outdoor area was included in a description of the premises, without first having obtained the permission of the Department of Community Development subject to the conditions of this ordinance. Approval under this subsection by the Department of Community Development shall result in the outdoor area becoming a part of the description of the premises, with said outdoor area also being subject to all State and City laws, rules, regulations, and lawful orders governing "Class B", Class "B" and/or "Class C" premises, or any license or permit issued by the State of Wisconsin pursuant to Wis. Stats. ch. 125. As used in this subsection:
 - A. *Outdoor area* shall mean an area, whether or not enclosed by a roof, which is open to the elements, and which is not constructed for year-round use.
 - B. *Outdoor premises* shall mean a licensed premises located in an outdoor area.
- II. *Application.* Application for a temporary outdoor extension of a "Class B", Class "B" and/or "Class C" license shall be made to the Department of Community Development on forms furnished by the Department. The application shall include a map describing the outdoor area sought to be

included within the description of the licensed premises. In the event that such map is omitted and the "Class B", Class "B" and/or "Class C" license is granted and issued, said license shall not be deemed to include an outdoor area within the description of the licensed premises.

III. *Requirements.* Outdoor premises approved under this section are subject to the following requirements:

- A. Outdoor premises may be permitted only on properties located in C-1 General Commercial, C-2 Central Business; PDD Planned Development; and I-1 Planned Business Center zoning districts as those terms are defined in the Chapter 26, Zoning, subject to the conditional site plan review requirement of Chapter 26.
- B. Outdoor premises located within 150 feet of a property zoned R-1 or R-2 shall not be located in any actual or required yard area that directly abuts an adjoining property used for residential purposes, unless the following additional conditions are met:
 - (1.) Provide a 20-foot buffer between outdoor premises and the adjoining lot containing the residential use;
 - (2.) Provide a privacy fence (or similar sight and sound barrier) six feet in height separating the commercial property from the residential property;
 - (3.) Prohibit amplified sound from any source.
- C. Outdoor premises shall be completely surrounded by vertical demarcation (fence, rope, chain, etc.) at least three feet in height. The outdoor premises shall be constructed with a hard surface, such as decking material or paver brick. Openings in the outdoor area shall not require installation of gates, but in any opening where persons may pass from the outdoor area to an unlicensed area shall contain signs indicating that open intoxicants are prohibited beyond the licensed premises. In addition, signs shall be posted towards the area outside of the licensed outdoor area indicating that persons under age 21 are not permitted without legal guardian at least 21 years of age.
- D. Street furniture located in the Outdoor Premises shall be arranged so as to encourage observance of social distancing guidelines.
- E. Service in the outdoor premises shall be limited to persons seated at tables or at a bar.
- F. The outdoor premises shall only be used for serving food and alcohol and no part of said area shall be used for recreational activities, including, but not limited to, volleyball, horseshoes, darts, and softball.

- G. Lighting of the area must be shielded and not be of intensity or brilliance to create glare which is distracting to adjoining property owners or can become a hazard or danger to vehicular traffic.
 - H. Sound from any source that is emitted from the outdoor area and measured at any border of the real property on which the licensed premises is located shall not exceed 75 dB(A) from 7:00 a.m. to 9:00 p.m. and 65 dB(A) from 9:00 p.m. until closing.
 - I. Three or more noise complaints filed against the owner of an outdoor premises during a license period, and verified by objective measurement by decibel meter, shall constitute sufficient grounds to revoke the outdoor premises permit granted under this section, subject to the hearing requirement under **Section 3**.
- IV. *Sidewalk cafés*. Outdoor premises may be located on public sidewalks, subject to approval by the Community Development Department. Sidewalk cafés shall comply with the following requirements:
- A. Sidewalk cafés may be permitted only on properties located in C-2 Central Business zoning districts as that term is defined in **Chapter 26, Zoning**.
 - B. Sidewalk cafés shall be permitted only in those areas where a minimum of six feet of sidewalk width will remain for safe passage of pedestrians and changes of direction of travel along the sidewalk will not exceed more than 30 degrees. In no instance shall sidewalk café furniture be located in such a manner so as to block access for the pedestrians or in a manner that the street furniture would constitute a tripping hazard or other hazard to pedestrians.
 - C. Street furniture located in the Sidewalk Café shall be arranged so as to encourage observance of social distancing guidelines.
 - D. Sidewalk cafés shall be located within the extended limits of the property to which the sidewalk café license is granted, provided all other requirements can be met. Sidewalk cafés can be located within the extended property limits of properties directly abutting the licensed business provided express written approval is provided from the adjacent property owner and/or owner.
 - E. Service in the sidewalk cafés shall be limited to persons seated at tables or at a bar. Appropriate signage must be affixed to each table notifying customers that alcoholic beverages may only be in possession while seated within the approved sidewalk café.
 - F. Each sidewalk café serving alcohol beverages shall be responsible for policing the area of the sidewalk café to be sure that customers are of

the legal drinking age and that alcohol beverages are not removed from the premises, or left unattended.

- G. In order to reduce or eliminate unsightly items, sidewalk café furniture must be kept in a state of good repair and condition and free from the following conditions: rust, chipped or peeling paint or finishes, delaminating or peeling materials, missing hardware, rotting materials, poor craftsmanship or construction that would cause the item to be structurally unsound and thereby pose a health or safety hazard, or any other condition that the Department of Community Development deems to be contrary to the purposes of promoting visually appealing and structurally sound sidewalk furniture.
- H. Liability insurance naming the City as an unrestricted additional insured on the sidewalk café owner's insurance policy for the licensed sidewalk café site will be required, including insurance to cover liquor liability, to the extent specified by and on forms approved by the City Attorney's Office.
- I. Sidewalk café furniture shall be placed, installed, used or maintained subject to the following conditions:
 - (1.) Not closer than ten feet of any marked or unmarked crosswalk or access ramp.
 - (2.) Not closer than five feet of any fire hydrant.
 - (3.) Not closer than ten feet of any driveway.
 - (4.) Not closer than five feet ahead of and 15 feet to the rear of any sign marking a designated bus stop, measured along the edge of pavement.
 - (5.) Not on or within two feet of any water valve, manhole, or other similar structure.
 - (6.) Within the vision-clearance triangle as defined in the Neenah Zoning Code (Municipal Code Chapter 26).
 - (7.) Not at any location that is closer to the center of the street than a location at the widest point of the street, measured at the curb line (i.e. bump outs).
 - (8.) Windblown devices such as balloon, banners, or other similar item shall not be attached or otherwise made part of the sidewalk café furniture and no advertising shall be permitted on sidewalk café furniture.
 - (9.) Sidewalk café furniture shall be stored indoors overnight and/or when the business is closed.

- (10.) Umbrellas, flags, heaters and such tall equipment/furniture shall not interfere with pedestrians below a height of seven feet on a sidewalk.
- (11.) Advertising on sidewalk café furniture is prohibited, except for the placement of the permittee's business name in an unobtrusive or incidental manner, not to exceed two inches in height by eight inches in width (three inches in height by eight inches in width on umbrellas), with a limit of one per piece of sidewalk café furniture; incidental logos that are affixed by the manufacturer and do not advertise the permittee's business.

V. Temporary Nature of Extension. The application for a temporary extension of premises authorized by this ordinance shall contain a statement that the applicant acknowledges the temporary nature of the permit and agrees to remove the extension granted herein on or before December 31, 2021.

Section 2. Enforcement. The Director of Community Development and Assessment or designee shall be empowered to enforce the terms of this ordinance through the issuance of citations, orders, cease and desist orders, or permit suspension and/or summary permit revocation in the event of a serious violation exposing the public to a threat of injury or illness. Suspension or permit revocation shall not be issued except following notice and an opportunity to cure, said notice period not to exceed 48 hours.

Section 3. Appeals of Determinations under this Ordinance. Any party aggrieved by the determination of the Director may appeal such determinations in accordance with the provisions of Wis. Stat. Ch. 68, except that due to the short term nature of the permits issued hereunder, the time periods specified in Wis. Stat. Ch. 68 shall be reduced by two-thirds (e.g., 30 days shall be reduced to 10 days, 15 days shall be reduced to five (5) days), but in no event, less than five (5) business days.

Section 4. 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 5. Suspension of Conflicting Provisions of Municipal Code. All ordinances or parts of ordinances and resolutions in conflict herewith are hereby suspended during the effective period of this Ordinance. All provisions of the City Ordinances, Council Rules and General Rules of Order not specifically altered by these temporary rules shall remain in effect.

Section 6. No codification. Due to the temporary nature of this Ordinance, it shall not be codified in the Neenah Code of Ordinances.

Section 7. Effective and Sunset Dates. This ordinance shall take effect immediately and shall automatically repeal on December 31, 2021.

Approved:

Moved by: _____

Adopted: _____

Published: _____

Dean R. Kaufert, Mayor

Attest:

Stephanie A. Cheslock, City Clerk

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



211 Walnut Street
Neenah, WI 54956

AN ORDINANCE: By the Public Services and
Safety Committee
Re: Creating an Ordinance to Provide For
Covid- 19 Temporary Sales of Merchandise
on Public Sidewalks.

ORDINANCE NO. 2021-07
Introduced: March 30, 2021
Committee/Commission Action:
Recommended for Passage

AN ORDINANCE

WHEREAS, a novel strain of the coronavirus, named COVID- 19, spread throughout numerous countries, including the United States, during the late winter and spring of 2020 resulting in Federal, State and Local Declarations of Emergency and Emergency Orders that limited in person business transactions, closed some businesses, required changes to business operations, and had for many businesses a dramatic economic impact; and

WHEREAS, the Common Council for the City of Neenah enacted an identical ordinance in 2020 to assist local establishments and saw no negative impacts from participating locations; and

WHEREAS, the Common Council for the City of Neenah recognizes the need to continue to prevent exposure to and spread of the COVID-19 coronavirus by increasing social distancing during the COVID-19 pandemic and recovery period; and

WHEREAS, the Common Council recognizes that small businesses within the City of Neenah may have particular difficulty providing recommended social distancing and operating profitably within the confines of their buildings and may wish to provide additional sales outdoors; and

WHEREAS, the Common Council for the City of Neenah wishes to again provide temporary relief to local businesses by adjusting certain local code requirements related to such businesses during the COVID- 19 pandemic and recovery period to allow those businesses to utilize the public sidewalk during this limited period to maximize their sales area; and

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

Section 1. Notwithstanding any provision contained within the City of Neenah Municipal Code, during the period of emergency and recovery period in response to COVID- 19 Coronavirus, and for the period ending no later than December 31, 2021, Article VII, Section 14-155 is amended to by removing the stricken language and adding the highlighted language to read as follows:

“Nothing in this article shall be construed to pertain to the placement of objects, similar to street furniture, in the public right-of-way- by the City or any other authorized public agency or public utility. The display or sale of merchandise is permitted on public sidewalks in an area not to exceed six (6) feet in width and two (2) feet in depth and shall be within two (2) feet of the face of the building.”

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. Suspension of Conflicting Provisions of Municipal Code. All ordinances or parts of ordinances and resolutions in conflict herewith are hereby suspended during the effective period of this Ordinance. All provisions of the City Ordinances, Council Rules and General Rules of Order not specifically altered by these temporary rules shall remain in effect.

Section 4. No codification. Due to the temporary nature of this Ordinance, it shall not be codified in the Neenah Code of Ordinances.

Section 5. Effective and Sunset Dates. This ordinance shall take effect immediately and shall automatically repeal on December 31, 2021.

Approved:

Moved by: _____

Adopted: _____

Published: _____

Dean R. Kaufert, Mayor

Attest:

Stephanie A. Cheslock, City Clerk

THIS INSTRUMENT WAS DRAFTED BY:
City Attorney Adam James Westbrook
211 Walnut Street
Neenah, WI 54956
State Bar No. 1098651

**CITY OF NEENAH
FINANCE AND PERSONNEL COMMITTEE MEETING
Monday, March 29, 2021 – 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, Stevenson and Steele; City Attorney Westbrook; Mayor Kaufert; Director of Finance Easker.

Others Present: Alderman Hillstrom, Director of Human Resources and Safety Kehl, Director of Community Development and Assessment Haese, Chief of Police Olson, Deputy Chief of Police Bernice, Deputy Director of Community Development and Assessment Schmidt, Assistant Planner Kasimor, Police Captain VanSamBeek, Aldermanic Candidate John Skyrms.

Absent/Excused: Alderman Boyette.

Public Appearances: None.

Minutes: **Motion/Second/Carried Stevenson/Borchardt to approve the minutes from the February 22, 2021 Regular Meeting.** All voting aye.

Resolution 2021-06: Approval of 2021 Community Development Block Grant (CDBG) Plan: Committee reviewed memo of Assistant Planner Kasimor requesting approval of Resolution No. 2021-06 for the 2021 Community Development Block Grant and authorization to enter into agreements for the activities, subject to approval by the U.S. Department of Housing and Urban Development. The proposed program allocates \$227,189 in 2021 funds and an estimated \$40,000 in revolving fund payments. Public service agency applications totaled \$49,000, with regulatory limited funding recommended at \$40,000.

Committee and staff discussed various aspects of the CDBG Plan. Items discussed included the list and description of proposed programs to be funded, including the reasoning for the amounts proposed, differences from last year and the effect due to COVID-19, funds proposed for Pillars, Inc. and the timeline for projects on South Commercial Street. Detailed discussion took place on funding for business facade improvement, housing rehab and revolving loan programs.

Motion/Second/Carried Stevenson/Borchardt requesting approval of Resolution No. 2021-06 for the 2021 Community Development Block Grant and authorization to enter into agreements for the activities, subject to approval by the U.S. Department of Housing and Urban Development. All voting aye.

Annexation #221 (CTH G/Woodenshoe Road – Town of Vinland) – 29.75 Acres: Committee reviewed memo of Director Easker recommending Council's approval of the petition for Annexation #221 of 29.75 acres located at CTH G/Woodenshoe Road in the Town of Vinland be accepted. All departments that expressed an opinion recommend approval or do not object to the proposed annexation. Committee and staff discussed various aspects of the proposed annexation.

Motion/Second/Carried Stevenson/Borchardt recommending Council's approval of the petition for Annexation #221 of 29.75 acres located at CTH G/Woodenshoe Road in the Town of Vinland be accepted. All voting aye.

RESOLUTION

REPORT

REPORT

2020 Operating Budget Carry Forwards to 2021: Committee reviewed memo of Director Easker recommending Council approve the 2020 Operating Budget Carry Forwards to 2021 as follows: Community Development – Inspections/Training-\$805; Community Development – Inspections/Maintenance of Software-\$6,430; Public Works-Traffic Control/Traffic Supplies-\$10,158; Public Works-Traffic Control/Sign and Barricade Supplies-\$2,938; Public Works-Street Lighting/Equip Maint. Supply-\$730; Police-Operations/Bike Patrol-\$1,446; Police-Operations/Clothing Allowance-\$5,000. Total Operating Carryforwards-\$27,507.

Motion/Second/Carried Stevenson/Steele recommending Council approve the 2020 Operating Budget Carry Forwards to 2021. All voting aye.

Updates to Policy 2008-1: Compensatory Time: Committee reviewed memo of Director Kehl recommending Council approve the revisions to Policy 2008-1: Compensatory Time. Her memo indicated that public sectors employees are eligible to accrue up to a maximum of 240 hours of comp time (480 for public safety), and that the current policy allows full-time employees to carry over comp time from year-to-year with no requirement to utilize the hours or have it paid out within a specified time period. The part-time comp time policy requires that part-time employees are paid out their unused comp time at the end of each calendar year. In an effort to provide more consistency across this process and better management of compensatory time, Director Kehl said staff is proposing the following changes to the comp time policy:

- 1). The policy will apply to both full and part-time employees;
- 2). Employees will be paid out their accrued (but not used) comp time at the end of every even numbered year. The policy would affect all non-represented employees.

Committee and staff discussed various aspects of the proposed policy update. Issues discussed included the rationale that comp time is paid at the current rate regardless of when earned, how comp time is earned and the need for supervisors to be diligent about approving overtime that leads to comp time. Alderman Stevenson said he would like the City to attempt to negotiate comparable language as part of the upcoming Police and Fire labor union negotiations.

Motion/Second/Carried Borchardt/Steele recommending Council approve the revisions to Policy 2008-1: Compensatory Time. All voting aye.

Employee Handbook Update – Separation from Employment/Notice Requirements: Committee reviewed memo from Director Kehl recommending Council approve the update to the Employee Handbook regarding Separation from Employment. The Employee Handbook currently provides that a 2-week notice must be given to receive a payout of unused accrued leave, and that an employee must physically work their last two weeks of employment. The policy currently allows for Mayoral / Library Board / Water Commission exceptions to be made.

Director Kehl indicated that, while some resignations come rather unexpectedly, the City remains committed to thoughtful succession planning, cross-training and creating a seamless transition when personnel changes occur. Additionally, supervisors maintain their authority to approve or deny vacation requests depending on the needs of their department.

As such, Director Kehl said that staff is recommending the following changes to the Handbook's Separation from Employment/Notice Requirements.

REPORT

- 1). Department Heads, in consultation with the Mayor, may allow employees to utilize accrued leave in their final two weeks of work. Approvals will be based upon department workload, training and office coverage. In cases where there is little to no overlap of the exiting employee and the new employee, it is likely that time off will not be granted.
- 2). Supervisors will be required to submit a 30-day notice to receive payout of unused accrued time.

Committee and staff discussed various aspects of the proposed change to the Employee Handbook. Items discussed included a brief history on the issue that lead to the current policy along with the reasoning behind the recommended change.

Motion/Second/Carried Stevenson/Borchardt recommending Council to approve the update to the Employee Handbook regarding Separation from Employment. All voting aye.

Modification of City Hall Hours of Operation from Memorial Day to Labor Day: Committee reviewed memo of Mayor Kaufert recommending Council approve the temporary modification of City Hall hours of operation as outlined in Options 1 and 2 from Memorial Day to Labor Day 2021 as a trial period which will be reviewed in the fall.

In his memo, the Mayor said both public and private sector employers are becoming more and more creative in finding ways to increase employee engagement and retention without spending dollars to do so. In addition, the City has provided and continues to provide citizens various electronic options to conduct City business without the need for them to come to City Hall. As such, the City is considering ways to combine these efforts to create maximum benefit for both citizens and employees alike. Mayor Kaufert said the one way corporations and local governments have been doing this is through the adoption of "Summer Hours" or flexible schedules throughout the summer months.

As such, Mayor Kaufert is proposing a pilot program this summer to gauge the effectiveness of such a "Summer Hours" schedule for City Hall operations. He provided two potential options that would essentially increase building hours earlier in the week and close City Hall at noon on Fridays. The new schedule would be in effect starting the day after Memorial Day and end the day after Labor Day. Under either proposal, City Hall would be open 42.5 hours per week. He said that currently Neenah's City Hall is open 44.5 hours per week, while nine local communities surveyed are all open 42.5 hours per week. He also said that while hours of operation may temporarily change during these months, employees would still be required to work their 37.5 standard weekly hours.

Committee and staff discussed various aspects of the proposed pilot program. Committee members that commented looked favorably on the concept and detailed debate ensued regarding which option would be considered the best for both citizens and employees.

Weekday	Current	Option 1	Option 2
Monday	7:30am – 4:30pm	7:30am – 5:00pm	7:30am – 6:00pm
Tuesday	7:30am – 4:30pm	7:30am – 5:00pm	7:30am – 4:30pm
Wednesday	7:30am – 4:30pm	7:30am – 5:00pm	7:30am – 4:30pm
Thursday	7:30am – 4:30pm	7:30am – 5:00pm	7:30am – 4:30pm
Friday	7:30am – 4:00pm	7:30am – 12:00pm	7:00am – 12:00pm
Total Hours	44.5 hours	42.5 hours	42.5 hours

REPORT

Motion/Second/Carried Stevenson/Borchardt recommending Council approve the temporary modification of City Hall hours of operation as outlined in Option 1 from Memorial Day to Labor Day 2021 as a trial period which will be reviewed in the fall. All voting aye.

City Attorney Report on City Involved Litigation: Tax Appeals and Lakeshore Avenue:

Committee reviewed memo from City Attorney Westbrook recommending Council approve the final adjusted payment of \$4,000 to Lawrence Nicholson for his appraisal service work on the CVS lawsuit. The memo indicated that CVS recently retained new attorneys and then agreed to dismiss their lawsuit with prejudice. The payment amount is 1/3 of the original contract of \$12,000. During discussion, Alderman Stevenson suggested that the issue be tabled pending a request for Mr. Nicholson to provide documentation regarding the work already performed.

Motion/Second/Carried Stevenson/Borchardt to table the issue to the next Finance and Personnel Committee meeting. All voting aye.

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

Motion/Second/Carried Borchardt/Steele to adjourn the meeting at 8:25 p.m. All voting aye.

Respectfully submitted,



Michael K. Easker, CPA
 Director of Finance



RESOLUTION NO. 2021-06

**RESOLUTION OF THE CITY OF NEENAH APPROVING THE
2021 COMMUNITY DEVELOPMENT BLOCK GRANT PLAN**

WHEREAS, the City of Neenah is a Community Development Block Grant formula grantee and evaluates community needs, conditions and resources to be addressed by the grant; and,

WHEREAS, the City of Neenah anticipates resources totaling \$227,189 for the 2021 Community Development Block Grant program, and revolving funds in the amount of \$40,000; and,

WHEREAS, the City of Neenah is committed to approving a program of Community Development Block Grant activities which gives maximum feasible priority to low and moderate income persons and community development;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Common Council of the City of Neenah that the 2021 Community Development Block Grant Annual Plan including the programming of 2021 Community Development Block Grant funds is hereby approved. The 2021 Community Development Block Grant program will fund the following activities:

Christine Ann Domestic Abuse Services	\$8,500
Advocap Nutrition Program	\$8,500
Pillars, Inc.	\$9,000
Reach Counseling Services	\$6,000
LEAVEN	\$4,000
Big Brothers/Big Sisters	\$3,000
Goodwill Inc. – Financial Counseling	\$1,000
Façade Improvement and Design Assistance	\$20,000
Property Acquisition and Redevelopment Activities	\$70,000
Neighborhood Improvements	\$56,189
Fair Housing Center of Northeast Wisconsin	\$11,000
Planning and Program Administration	\$30,000
Grant Total	\$227,189
Revolving Funds/Program Income	
Housing Rehabilitation/Homebuyer Assistance	\$40,000
Small Business/Microenterprise Loan Program	-

Total

\$267,189

Recommended by: Finance and
Personnel Committee

CITY OF NEENAH, WISCONSIN

Moved: _____

Dean R. Kaufert, Mayor

Passed: _____

Stephanie Cheslock, City Clerk



211 Walnut Street
Neenah, WI 54956

AN ORDINANCE: By the Neenah Plan Commission
Re: Annexing – City of Neenah owned property located in the Town of Vinland along County Highway G and Woodenshoe Road to the City of Neenah.

ORDINANCE NO. 2021-05

Introduced: 3/29/2021

Committee/Commission Action:

Recommended for Passage

AN ORDINANCE

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

Section 1. Pursuant to Section 66.0223, Wis. Stats., the following described territory partially contiguous to the City of Neenah and partially not contiguous, but said land meets requirements under Section 66.0223(1), Wis. Stats, and presently in the Town of Vinland, be and the same hereby is, annexed to the City of Neenah, and the corporate limits of said City are hereby extended so as to include the following described property and shown on the attached Exhibit A:

Section 2. A part of Lot 2 of Certified Survey Map No. 5779 as recorded in Volume 1 of Certified Survey Maps on Page 5779 as Document No. 1368620, located in the Northeast 1/4 of the Southeast 1/4 and the Southeast 1/4 of the Southeast 1/4 of Section 1 and a part of the Southeast 1/4 of the Southeast 1/4 of Section 1, Township 19 North, Range 16 East, all in the Town of Vinland, Winnebago County, Wisconsin containing 1,296,078 square feet (29.754 acres) of land and being more fully described as follows:

Commencing at the Southeast corner of said Section 1; thence S88°18'14"W, 666.88 feet along the South line of the Southeast 1/4 of said Section 1 to the Southeast corner of the West 1/2 of the Southeast 1/4 of the Southeast 1/4 of said Section 1 and the Point of Beginning; thence continue S88°18'14"W, 666.87 feet along said South line to the Southwest corner of the Southeast 1/4 of the Southeast 1/4 of said Section 1; thence N00°24'51"W, 1135.77 feet along the West line of the Southeast 1/4 of the Southeast 1/4 of said Section 1; thence N89°35'51"E, 115.90 feet; thence N20°21'13"E, 208.94 feet; thence N22°09'06"E, 304.16 feet; thence N89°39'18"E, 36.88 feet to the start of a 530.00 radius curve to the right; thence 26.48 feet along the arc of said curve with a chord distance of 26.48 feet which bears S88°54'50"E; thence S87°28'58"E, 115.42 feet; thence N00°20'42"W, 131.43 feet; thence N89°39'18"E, 720.00 feet to Point "A"; thence S00°20'42"E, 387.21 feet parallel with and 130.00 feet Westerly of the East line of the Southeast 1/4 of said Section 1 to the South line of Lot 2 of said Certified Survey Map No. 5779; thence S88°35'37"W, 537.57 feet along said South line to the Northeast corner of the West 1/2 of the Southeast 1/4 of the Southeast 1/4 of said Section 1; thence S00°22'45"E, 1324.46 feet along the East line of the West 1/2 of the Southeast 1/4 of the Southeast 1/4 of said Section 1 to the Point of Beginning.

AND

Commencing at the above described Point "A"; thence N00°20'42"W, 185.00 feet to the Point of Beginning; thence S89°39'18"W, 339.96 feet; thence N00°20'42"W, 225.88 feet to the Southwest corner of Lot 1 of said Certified Survey Map No. 5779; thence N88°52'53"E, 242.98 feet along the South line of said Lot 1; thence S00°20'42"E, 41.00 feet along the South line of said Lot 1; thence N88°52'53"E, 194.02 feet along the South line of said Lot 1 to the Southeast corner thereof and the West right-of-way line of Woodenshoe Road; thence S00°20'42"E, 190.78 feet along the East line of Lot 2 of said Certified Survey Map No. 5779 and said West right-of-way line; thence S89°39'18"W, 97.00 feet to the Point of Beginning.

Section 3. Annexation area is proposed to be zoned R-1, Single-Family Residence District upon annexation.

Section 4. That the limits of the Third Aldermanic District in the City of Neenah are hereby extended in such manner as to include said territory.

Section 5. 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 5. 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: _____

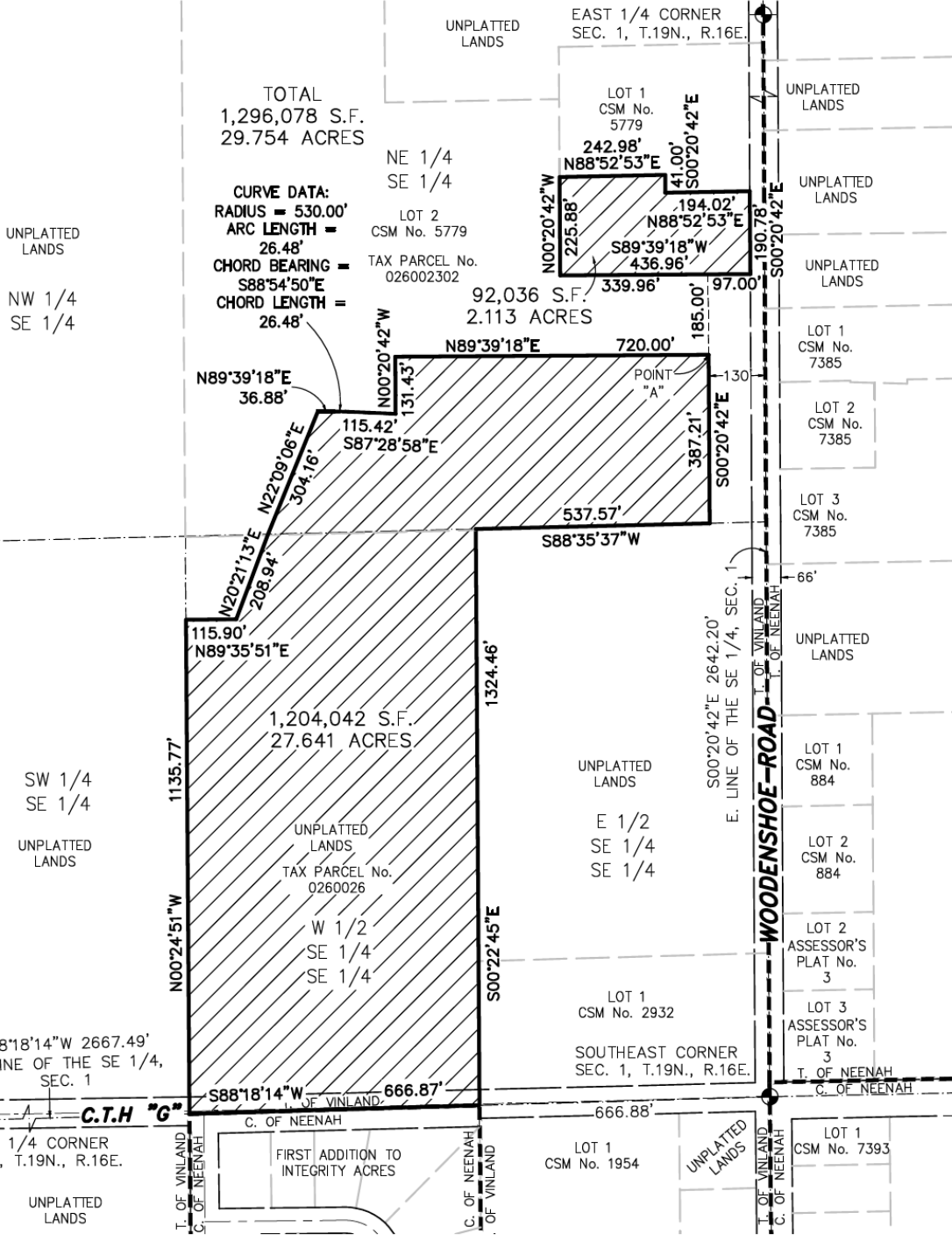
Dean R. Kaufert, Mayor

Published: _____

Attest:

Stephanie Cheslock, Deputy City Clerk

skalkoten, W:\PROJECTS\EX408\91800775\CADD\CH330\Survey Documents\ANNEXATION\PHASE 1 & 2--ANNEXATION EXHIBIT REV.dwg, sheet 1, Plot Date: 3/11/2021 1:58 PM, xref: (mcd_loo-winnipeg_2018_04)



TOTAL
1,296,078 S.F.
29.754 ACRES

CURVE DATA:
RADIUS = 530.00'
ARC LENGTH = 26.48'
CHORD BEARING = S88°54'50"E
CHORD LENGTH = 26.48'

LOT 2
CSM No. 5779
TAX PARCEL No.
026002302

92,036 S.F.
2.113 ACRES

1,204,042 S.F.
27.641 ACRES

UNPLATTED
LANDS
TAX PARCEL No.
0260026

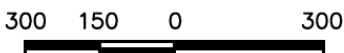
W 1/2
SE 1/4
SE 1/4

UNPLATTED
LANDS
E 1/2
SE 1/4
SE 1/4

LOT 1
CSM No. 2932
SOUTHEAST CORNER
SEC. 1, T.19N., R.16E.

LOT 1
CSM No. 1954

LOT 1
CSM No. 7393



SCALE - FEET



Dept. of Human Resources and Safety
211 Walnut St. • P.O. Box 426 • Neenah WI 54957-0426
Phone 920-886-6102 • e-mail: lkchl@ci.neenah.wi.us
LINDSAY KEHL
DIRECTOR OF HUMAN RESOURCES AND SAFETY

MEMORANDUM

DATE: March 24, 2021
TO: Chairwoman Erickson and Members of the Finance & Personnel Committee
FROM: Lindsay Kehl, Human Resources
RE: Updates to Policy 2008-1: Compensatory Time

One initiative of the Human Resources Office has been to review current City policies for potential updates and revisions. Mayor Kaufert, Director Easker, City Attorney Westbrook and I recently reviewed the City's compensatory (comp) time policy.

Public sectors employees are eligible to accrue up to a maximum of 240 hours of comp time (480 for public safety). The current policy allows full time employees to carry over comp time from year to year with no requirement to utilize the hours or have it paid out within a specified time period. The part-time comp time policy requires that part-time employees are paid out their unused comp time at the end of each calendar year. In an effort to provide more consistency across this process and better management of compensatory time, staff is proposing the following changes to the comp time policy:

- The policy will apply to both full and part time employees;
- Employees will be paid out their accrued (but not used) comp time at the end of every even numbered year.

Attached to this memo is a copy of the tracked policy changes and a clean copy of the policy. I believe this revision will assist supervisors and the City in better managing compensatory time.

Staff requests a recommendation to Council to approve the revisions to Policy 2008-1: Compensatory Time.



P O L I C Y

DATE: 10/15/08; **EFFECTIVE** Ongoing **POLICY NO:** 2008-1
Rev. **DATE:**
04/07/21

TITLE: Permanent Employee Compensatory Time Policy

ISSUER: Human Resource Office

COVERAGE: All Non-Represented Permanent Non-Exempt Employees

AUTHORITY: Approved by Council 10/15/08

DURATION: Indefinite

SYNOPSIS: Permits permanent employees to accrue compensatory time (comp time) for time worked beyond their normal work schedule. Comp time will be paid out at the end of every even year.

POLICY

Non-exempt employees are allowed to accrue comp time for hours worked in excess of their normal workweek.

Employees shall accrue comp time at straight time for any hours between their normal weekly amount and 40 hours per week. An employee may only work more than their normal schedule if approved by their supervisor.

Employees have the option to have hours worked in excess of 40 in a work week be paid out as time and a half or moved to their comp time bank. If the employee does not indicate they wish to receive immediate payment before the work begins, comp time will be accrued in their comp time bank, recorded by the Payroll Department. Employees may take the time off when approved by their supervisor.

Employees will be paid out the balance of their comp time at the end of every even year.

This policy does not supersede any other rule or policy related to comp time.



P O L I C Y

DATE: 10/15/08; EFFECTIVE DATE: Ongoing POLICY NO: 2008-1
Rev.
04/07/21

TITLE: Permanent ~~Part Time~~ Employee Compensatory Time Policy

ISSUER: Human Resource Office

COVERAGE: All ~~permanent part time employees~~ Non-Represented Permanent Non-Exempt Employees

AUTHORITY: Approved by Council 10/15/08

DURATION: Indefinite

SYNOPSIS: Permits permanent ~~part time~~ employees to accrue compensatory time (comp time) for time worked beyond their normal work schedule. Comp time ~~must be used or paid out in the year accrued.~~ will be paid out at the end of every even year.

INTRODUCTION

~~Full time nonexempt employees are currently allowed to accrue comp time for hours worked in excess of their normal workweek. This policy would allow permanent part time employees to accumulate comp time for hours work beyond their ordinary workweek schedule.~~

POLICY

Non-exempt employees are allowed to accrue comp time for hours worked in excess of their normal workweek.

~~Part time permanent E~~employees ~~may~~ shall accrue comp time at straight time for any hours between their normal weekly amount, ~~and~~ 40 hours per week. An employee may only work more than their normal ~~part time~~ schedule if approved by their supervisor.

Employees have the option to have hours worked in excess of 40 in a work week be paid out as time and a half or moved to their comp time bank. ~~Unless~~ If the employee does not indicate they wish to receive the employee requests immediate payment before the work begins, comp time will be accrued in theira comp time bank, recorded by the Payroll Department. Employees may ~~then~~ take the time off when approved by their supervisor.

Employees will be paid out the balance of their comp time at the end of every even year. ~~Comp time banks for part time employees may not be carried over into the following calendar year. Any time remaining in the comp time bank at the end of the year will be paid out on the payroll check on which the final time for the year is paid. Furthermore, the combination of~~

CITY OF NEENAH
Office of the City Attorney

March 17, 2021~~February 8, 2021~~~~January 14, 2021~~ – Page 2

~~worked hours and comp hours may not exceed the total budgeted for the position during the budget year.~~

This policy does not supersede any other rule or policy related to comp time.

NMFR Joint Finance & Personnel Committee Meeting Minutes
March 23, 2021 – 5:30 p.m.
Virtual Meeting

Present: Ald. Boyette, Stevenson, Sevenich and Ropella

Excused: Ald. Grade and Borchardt

Also Present: Chief Kloehn, DC Voss and Director Easker

Public Forum: No members of the public were present.

Minutes: The Committee reviewed the January 26, 2021 meeting minutes. **MSC Sevenich/Ropella to approve the January 26, 2021 meeting minutes and place on file, all voting aye.**

Activity/Mutual Aid Report: The Committee reviewed the January activity and mutual aid reports. **MSC Sevenich/Stevenson to approve the January activity and mutual aid reports and place on file, all voting aye.**

Preliminary Year-End 2020 Budget: The Committee reviewed the preliminary year-end budget totals for 2020. It was noted this will not be final until after the audit is completed. At this time, it is estimated that we will be over budget by around \$20,000. This is due to unplanned expenses for budget whether it's from additional PPE supplies to overtime backfill due to people being off for covid exposures and/or testing positive along with revenue being less than originally budgeted and investment earnings less than anticipated. Salaries were higher than anticipated as there was only one retirement in 2020 and it was budgeted for two possible retirements. Ald. Stevenson asked if Cares Act money could be applied to this overage. Director Easker noted they are looking at applying for FEMA and Covid relief dollars. Discussion was held on how possible disbursement of Covid relief money would work once they find out what/if they will receive on behalf of our department. In the end, if there is a shortage, each City will need to find the overage through the formula outlined in the merger agreement.

Consideration to Purchase Two 2022 Ford Transit Connect Utility Vehicles: The Committee reviewed the information from DC Voss on the budgeted CIP purchase to replace the two inspector vehicles with 2022 Ford Transit Connect Utility Vehicles. It was noted the original budget for this purchase was \$80,000. However, once DC Voss began researching the type of vehicle to purchase, he found these utility vehicles would be a better fit for our department versus a SUV type of vehicle. These vehicles will be able to carry additional equipment that is needed during larger incidents along with the equipment they need for investigations. He spoke to different departments who have these vehicles and received positive feedback on them. Therefore, it was decided this type of vehicle would be a better fit for our department. With the current vehicle replacement plan for our department, one of the current inspector vehicles will be sold. The other one will be re-purposed as a staff vehicle and one of our current staff vehicles with over 100,000 miles on it will be sold as this has more miles on it than the one inspector vehicle.

Ald. Ropella asked we are replacing two vehicles when the ones we have could still be used and we could put more miles on them. DC Voss said one vehicle has 108,000 miles and the other one has 110,000 miles and these two will be sold. These vehicles are used by our shift inspectors for inspections, which saves putting these miles on our front line engines as the inspections still have to be completed. Our Department was asked to have a vehicle replacement plan in place for all vehicles regardless if it's front line engines, inspector vehicles or staff cars and this is what we follow. **MSC Sevenich/Stevenson recommends the City of Neenah and City of Menasha Common Councils approve the purchase of two 2022 Ford Transit Connect Utility vans from Bergstrom Automotive and related equipment for a total price not to exceed \$61,000, all voting aye.**

MSC Sevenich/Stevenson to adjourn at 6:22 p.m., all voting aye.

Respectfully Submitted,

A handwritten signature in black ink that reads "Kevin Kloehn". The signature is written in a cursive style with a long horizontal stroke at the end.

Kevin Kloehn
Fire Chief



Memorandum

TO: NMFR Joint Finance & Personnel Committee

FROM: Chief Kevin Kloehn

DATE: March 15, 2021

RE: Purchase of Two Inspector Vehicles

Our approved 2021 CIP budget includes the replacement of our two inspector vehicles. I've attached information from DC Voss regarding the two quotes he received for the purchase of these two vehicles along with related equipment. The two quotes are within \$41 and will leave it up to the committee to choose if they have a preference in vendors.

I'm requesting consideration and action to recommend that the City of Neenah and Menasha approve the purchase of two 2022 Ford Transit Connect utility vans and equipment for a cost not to exceed \$61,000.

If you have any questions, please feel free to call me at 886-6103.

Thank you

KK/te

Attachment



Memorandum

TO: Fire Chief, Kevin Kloehn
FROM: Deputy Fire Chief, Victor Voss
DATE: March 15, 2021
RE: Inspector vehicles (2) purchase

Chief Kloehn,

This memo is to inform you of the planned purchase of two inspector vehicles as described below. The replacement of these vehicles has been planned for in the NMFR Front Line Equipment Flow Chart replacement schedule for over 5 years. The purchase has been included in both the Neenah and Menasha CIP's for that same period.

As you know these vehicles are used daily by our shift inspector/firefighters to conduct occupancy inspections throughout both cities. By utilizing this type of vehicle we are able to reduce the amount of time a fire apparatus is used for inspections. These vehicles also are used to carry fire investigation kits, additional lighting and the firefighter/inspectors firefighting gear.

The current vehicles to be disposed of through public auction will be:

2007 Saturn View, mileage as of 2/22/21 = **108,190**
2003 Chevy Impala, mileage as of 2/22/21 = **110,711**

The 2005 Chevy Suburban being used as an inspection vehicle will be repurposed for administration use for a few more years. As of 2/22/21 this vehicle has 84,283 miles and significant body corrosion.

I have received quotes from Bergstrom Ford, Neenah and All World Ford, Hortonville for two, 2022 Ford Transit Connect utility vans. These vehicles have front seats and cargo area perfect for carrying our inspector and fire investigation equipment.

All World Ford quote \$24,000 each
Bergstrom Ford quote \$24,041 each

Additionally, each vehicle will be equipped with the following equipment to be consistent with our other vehicles:

- Whelen Emergency Lights and Siren -
 - Legacy Duo Light bar with mounting hardware
 - Siren Speaker with mounting hardware
 - Cencom Sapphire light/siren controller
 - Gamber Johnson center console
 - Installation at Precision
- RJ Marx graphics as shown -
 - Required reflective side stripes
 - "Prevention"
 - Safety "chevrons" on rear of vehicle

Our goal would be to have both vehicles in place and operational by June 1.

My request is to purchase and equip (2) 2022 Ford Transit Connect utility vans for a total price not to exceed \$61,000

Respectfully submitted:

Victor Voss
Deputy Chief - Operations

2021 NMFR Front Line Equipment Flow Chart

We Call It	Brief Description of Vehicle	Primary Response Zone	Where is it now?	CIP Replacement Recommendation	Remove from Front Line	Remove from Reserve	Total Years of Front Line Service	Total Years of Reserve Service	When Should it be sold?
Pumper 35	1997 Pierce Saber	service due to maintenance or repair. Staffed during emergency calls when additional resources are needed.	First St. Menasha, but relocated to any station in need	2015: Reserve vehicle.	2015	2022	18	7	2018
Squad 32	2002 Ford E450 Mechanically refurbished in 2020	Used to tow Boat 32 and provide transportation for all water/ice rescue gear. Used as rehab place for divers during calls.	125 E. Columbian Ave., City of Neenah	2020: Sell and replace with USED Water Rescue Apparatus	2027		17	n/a	2027
Inspector 1	2007 Saturn Vue	All of Neenah and Menasha	1080 Breezewood Ln., City of Neenah	2021: Sell and Replace with new inspector vehicle.	2021		14		2021
Staff Vehicle (Deputy Chief)	2003 Chevy Impala	All of Neenah and Menasha. Used as a back up vehicle by inspectors if primary vehicle is down. Used by staff to attend training (off duty) or by the mechanics to get parts.	430 First St., City of Menasha	2021: Sell this vehicle and replace it with downgraded Inspector 2 to Staff Vehicle	2021		18	0	2021
Inspector 2	2005 Chevy Suburban	All of Neenah and Menasha	125 E. Columbian Ave., City of Neenah	2021: Replace with new inspector vehicle and downgrade this one to a Staff Vehicle. NOTE: In 2016, vehicle is showing significant corrosion.	2021		16	0	
Engine 31	2005 Pierce Quantum	South: Freedom Ct. North: Cecil St., Byrd Ave., Peckham Rd., Yorkshire Rd.	1080 Breezewood Ln., City of Neenah	2022: Move to reserve, purchase new Engine	2022	2024	17	2	2024
Training Dept.	2008 Chevy Silverado	All of Neenah and Menasha. Used by Training Chief for training and/or responding to structure fires. Used to transport additional staff and/or equipment to emergencies.	1080 Breezewood Ln., City of Neenah	2023: Sell and replace with a similar new truck	2023		15	0	2023
Engine 32	2008 Pierce Rescue Pumper	South: Cecil St., Byrd Ave., Peckham Rd., Yorkshire Rd. North: Nicolet Blvd.	125 E. Columbian Ave., City of Neenah	2024: Move to reserve, purchase new Rescue Pumper	2024	2028	16	4	2028
Command 32	2014 Ford F250	All of Neenah and Menasha	125 E. Columbian Ave., City of Neenah	2025: Replace with new Command vehicle	2025	2025	10	20	2034
Staff Vehicle	2007 Chevy Impala	All of Neenah and Menasha. Used as a back up vehicle by inspectors if primary vehicle is down. Used by staff to attend training (off duty) and administrative duties.	125 E. Columbian Ave., City of Neenah	2025: Sell and replace with a new vehicle.	2025		16	0	2025
Quint 32	2013 Pierce Dash 105' Quint	All of Neenah and Menasha. Covers EMS calls in both Cities when other vehicles are tied up with calls.	125 E. Columbian Ave., City of Neenah	2028: Move to reserve, purchase new Quint.	2028	2032	14	4	2032

Engine 35	2015 Pierce Sabre	South: Nicolet Blvd. North: 9th St., 7th St.	430 First St., City of Menasha	2032: Move to reserve, purchase new Engine.	2032	2034	17	2	2034
Engine 36	2018 Pierce Impel	South: 9th St., 7th St. North: Valley Rd., East: Lake Park Rd.	1911 Manitowoc Rd., City of Menasha	2033: Remove from frontline status and place in reserve	2033	2038	15	5	2038
Special Operations Truck	2005 Chevrolet C4500 w/Compartment body	All of Neenah and Menasha	1080 Breezewood Ln., City of Neenah	2035: Sell and replace	2035		30	0	2035
Inspection Dept.	2017 Ford Interceptor	All of Neenah and Menasha. Used by Fire Marshal, Used as a back up if C32 needs maintenance.	1911 Manitowoc Rd., City of Menasha	2037: Sell and replace	2037	N/A			

NMFR Vehicle Cycle Rotation				
Vehicle to be replaced	Remove from Front Line	Remove from Reserve	Total Years of Front Line Service	Years of Reserve Service
Pumper 35	2015	2022	18	7
Engine 36	2032	2037	15	5
Engine 31	2022	2024	17	2
Engine 32	2024	2028	16	4
Quint 32	2028	2032	14	4
Engine 35	2032	2034	17	2

MINUTES OF THE NEENAH PLAN COMMISSION
Tuesday, March 30, 2021
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	PRESENT
Gerry Andrews	ABSENT	Ald. Jane Lang	PRESENT		

Also present:

Brad Schmidt, Deputy Director of Community Development	Chris Haese, Director of Community Development	John Skyrms, 1171/2 W. Wisconsin Ave
Rachael Eiting, Administrative Assistant		Ald. Lee Hillstrom

Minutes: MSC Hancock-Cooke/Lang, the Plan Commission to approve the March 9, 2021 meeting minutes. Motion passed.

Public Appearances: None.

Public Hearings: None.

Action Items:

A. Annexation #221 - County Highway G / Woodenshoe Road – 29.75 Acres

The City of Neenah, under Wisconsin State Statute Sec. 66.0223, is proposing to annex land partially contiguous and partially not contiguous to the City for the purpose developing the first two phases of the County Highway G / Woodenshoe Road concept plan. Since the land is owned by the City, the land does not have to be contiguous to City boundaries. The small 2.7 acre piece of land within the proposed annexation will be a storm water pond which serves part of the development. The 29.75 acres of land is currently undeveloped farmland in the Town of Vinland. The City purchased the subject land and an additional 100 acres adjacent to the subject land to partner in a residential development.

Upon annexation the subject land will become part of the R-1, Single-Family Residence District. The City's Comprehensive Plan Future Land Use Map (2017) currently identifies the annexation area as Residential Neighborhood Investment Area. The proposed use is consistent with the City's Comprehensive Plan.

The Plan Commission's role in reviewing annexation requests is to determine whether the proposed annexation is consistent with established City Plans. Future action items will include review of a certified survey map creating two lots that will be sold to Eternity Construction, LLC and review of a preliminary and final plat for the first two phases of the subdivision. The first two phases of the development will include approximately 47 single-family lots.

Member Hancock-Cooke asked about whether or not the road will be changing. Deputy Director Schmidt answered no.

Member Hancock-Cooke asked for clarification on HOA. Deputy Director Schmidt explained that the second phase of development would be made up of a Home Owners Association style subdivision, where homeowners buy into shared services such as snow removal and lawn care.

Mayor Kaufert added that this growth is very welcome; less than 20 buildable lots were available in the city of Neenah three years ago. This annexation is strategically important for the city's growth. The benefits of this growth (increased tax base, more students for the schools) comes with a cost as well (increased number of parks, higher sanitation needs, more city employees such as police and fire fighters).

Plan Commission Minutes

March 30, 2021

Page 2

MSC Genett/Ellenberger, the Plan Commission recommends Common Council approve Annexation #221 (Ordinance #2021-05) and the property also receive an R-1, Single-Family Residence District zoning classification. All aye. Motion passed.

Announcements and Future Agenda Items:

Next meeting: April 13, 2021.

Adjournment: The Commission adjourned its meeting at 4:30 P.M. MSC Ellenberger/Kaiser. All Aye. Motion passed.

Respectfully Submitted,



Rachael Eiting
Administrative Assistant, Community Development

Ord. #2021-05

**Minutes of the Board of Public Works Meeting
Tuesday, July 28, 2020, 12:00pm Noon**

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

ALSO PRESENT: City Clerk Cheslock and Director of Parks & Recreation Kading.

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

MINUTES: MSC Bates/Kaiser to approve the minutes from the March 11, 2021 meeting, all voting aye.

APPEARANCES: None.

UNFINISHED BUSINESS: None.

NEW BUSINESS:

Parks and Recreation

1. **Award Contract for Doty Court Redevelopment Project:** Dir. Kading requested the Board recommend Council award the contract for the Doty Court Redevelopment Project to Poblocki Paving Corp, West Allis, WI, in the amount of \$160,629 and to authorize staff to purchase owner provided equipment.

The Board discussed the overall budget of this project and the process of and reason for rebidding the project. Dir. Kading explained it will be cheaper for the department to directly purchase some equipment like posts, nets, and other sporting equipment instead of going through a contractor. The Board also discussed a timeline for completion of the project with intention to be complete sometime this summer.

MSC Bates/Lang to recommend Council award Contract for the Doty Court Development Project to Project to Poblocki Paving Corp, West Allis, WI, in the amount of \$160,629 and to authorize staff to purchase owner provided equipment, all voting aye.

2. **Pay Estimate No. 3 for Arrowhead Phase 1A Carriage/Trail/Shoreline Project:** Dir. Kading explained this payment is for work completed through March 25, mostly along the shoreline. Dir Kading requested the Board approve Pay Estimate No. 3 for Arrowhead Park Phase 1A Carriage/Trail/Shoreline Project to Soper Grading and Excavating LLC, Oshkosh in the amount of \$ 75,706.05.

The Board discussed how clay is used in this project and how involved the DNR has been during the construction. Dir. Kading explained that the DNR was highly involved before the project began and has approved the project.

Report

Info Only

Info Only

MSC Haese/Kaiser to approve Pay Estimate No. 3 for Arrowhead Park Phase 1A Carriage/Trail/Shoreline Project to Soper Grading and Excavating LLC, Oshkosh in the amount of \$ 75,706.05, all voting aye.

3. Change Order No. 1 for Arrowhead Phase 1A Carriage/Trail/Shoreline Project: Dir. Kading requested approval of Change Order No. 1 for Arrowhead Phase 1A Carriage/Trail/Shoreline Project to Soper Grading and Excavating LLC, Oshkosh for increased quantities of erosion control, stone aggregate, top soil, and seeding in the amount of \$76,279.25.

Dan Pedersen from SEH explained there was some discrepancy in estimated quantities during the bid which were exacerbated due to unforeseeable field conditions. He continued, stating there is a mid-range used in determining quantities for projects like this but it is not an exact science. Due to the slope of the shoreline, additional erosion control matting and top soil is needed to ensure the native seeding takes root. An additional part of this change order is due to an error in the final bid sent out. The near final draft of the project plan slotted a large portion of the shoreline restoration to take place in a later phase; however in the final project plan all shoreline restoration was scheduled in phase 1A. This change did not make it into the final bid listing and therefore additional seeding is needed during this phase. The Board discussed how many bids were received for this project, how close they were, and the total budget for this project.

MSC Kaiser/Lang to approve Change Order No. 1 for Arrowhead Phase 1A Carriage/Trail/Shoreline Project to Soper Grading and Excavating LLC, Oshkosh for increased quantities of erosion control, stone aggregate, top soil, and seeding in the amount of \$76,279.25, all voting aye—Member Haese was excused.

ADJOURNMENT

MSC Kaiser/Easker to adjourn at 12:45 p.m., all voting aye.

Respectfully Submitted,



Stephanie Cheslock,
City Clerk

STATUS OF COUNCIL DIRECTIVES ISSUED SINCE JULY 1, 1981

Date: April 7, 2021

Date of Directive: 1/6/2021

Item: directing staff to research and then present best practices for non-permeable driveways both for new builds and existing and possible variances for existing driveways.

Responsible Party: Ald. Lendrum

Status: pending



City of Neenah Neenah Creek Proclamation

WHEREAS, the Little Lake Butte Des Morts Watershed drains to the Fox River and this 44 square mile watershed includes many tributaries including one stream locally referred to as the Neenah Slough; and,

WHEREAS, historical documents show the names of *Stoney Creek* (Wisconsin Gazetteer, 1853) and the *Big Slough* (History of Winnebago Country, 1908) were used to identify the Neenah Slough in the past; and,

WHEREAS, the slough provides a critical resource to the City as it drains nearly 23 square miles of land carrying the bulk of Neenah's storm water to Little Lake Butte des Morts; and

WHEREAS, the slough is also an asset to the City with its beauty and recreation through the use of a canoe and kayaks that use the waterway; and,

WHEREAS, in 2009 a volunteer based event named "Renew the Slough" began as a way to clean the shoreline and waterway. This has become an annual event with volunteers utilizing waders, canoes, and on foot to reach areas in need of cleaning; and

WHEREAS, after much consideration, attention, and action, by residents and city staff, focused on elevating the slough in many beneficial ways, it is most appropriate and deserving to rename this waterway to Neenah Creek reinforcing a sense of place and with ties to Native Americans, as Neenah is the Ho-Chuck word for running water;

NOW, THEREFORE, I, Dean R. Kaufert, Mayor of the City of Neenah, do hereby proclaim the renaming of the slough to Neenah Creek and direct staff to properly place signs at the locations within city boundaries and I call this proclamation to the attention of all of our citizens.

Signed and sealed this 7th day of April, 2021.

Dean R. Kaufert, Mayor
Neenah, Wisconsin



211 Walnut Street
Neenah, WI 54956

AN ORDINANCE: Moved by Alderperson Steele
Re: Creating an Ordinance to Create a
Temporary Mask Order within the City of
Neenah due to the COVID-19 Pandemic

ORDINANCE NO. 2021-08
Introduced: April 7, 2021
Committee/Commission Action:

AN ORDINANCE

WHEREAS, on March 13, 2020, the Mayor of the City of Neenah declared a public health emergency in the City of Neenah as a result of COVID-19; and

WHEREAS, the Common Council of the City of Neenah ratified said proclamation on March 18, 2020 pursuant to Wis. Stat. §323.14; and

WHEREAS, the City of Neenah has broad authority to act for the health, safety and welfare of its citizens and others within its boundaries under Chapters 62, 64 and 66 of the Wisconsin Statutes and in particular Sections 62.04 and 62.11(5) of the Wisconsin Statutes; and

WHEREAS, the emergency power granted to governing bodies by Wis. Stat. § 323.14(4)(a) includes the general authority to order, by ordinance or resolution, whatever is necessary and expedient for the health, safety, protection, and welfare of persons and property within the local unit of government in the emergency; and

WHEREAS, many individuals with COVID-19 may be asymptomatic or may experience a delayed onset of symptoms, during which time such individuals may transfer the virus to others; and

WHEREAS, wearing a cloth face covering over both the nose and the mouth greatly reduces the risk of continued community spread of COVID-19; and

WHEREAS, the Center for Disease Control and Prevention (CDC) recommends the use of cloth face coverings to prevent the spread of COVID-19 for all people 2 years of age and older in public settings and when around people who do not live in their household, especially when other social distancing measures are difficult to maintain; and

WHEREAS, despite the progress and the development of vaccines, the COVID-19 virus continues to spread within the community and new and variant strains of the virus have developed which may be more contagious and spread more easily; and

WHEREAS, Studies have shown that wearing a cloth face covering can prevent the spread of COVID-19; and

WHEREAS, a Scientific Brief: Community Use of Cloth Masks to Control the Spread of SARS-CoV-2 (<https://www.cdc.gov/coronavirus/2019-ncov/more/masking-science-sars-cov2.html>) published by the Centers for Disease Control and Prevention (CDC) concludes: "Experimental and epidemiological data support community masking to reduce the spread of SARS-CoV-2. The prevention benefit of masking is derived from the combination of source control and personal protection for the mask wearer. The relationship between source control and personal protection is likely complementary and possibly synergistic, so that individual benefit increases with increasing community mask use. Adopting universal masking policies can help avert future lockdowns, especially if combined with other non-pharmaceutical interventions such as social distancing, hand hygiene, and adequate ventilation"; and

WHEREAS, the City of Neenah has an interest in protecting the public health, safety, and welfare of the citizens of Neenah from the continued spread of COVID-19 throughout the community; and

WHEREAS, an ordinance requiring face coverings to be worn by any person in a public place within the City of Neenah directly serves that interest by avoiding and/or reducing the further spread of COVID-19 and minimizing the strain on health care resources, while enabling the continuation of essential services, businesses, and social and commercial life during the state of emergency; and

WHEREAS, based upon information and input from federal, state and local public health officials the City of Neenah hereby determines that a face covering requirement is necessary to protect persons within the City of Neenah; and

WHEREAS, the Wisconsin Supreme Court overturned the Statewide Mask Mandate and there is no County Mandate in effect currently, and possibly for the remaining duration of the COVID-19 pandemic.

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

SECTION 1. City of Neenah Temporary Ordinance: Face Coverings Required, is hereby created to read as follows:

FACE COVERINGS REQUIRED

(A) Within Buildings and other Enclosed Spaces.

Except as otherwise specifically provided below, every person age five (5) years and older who is present in any Enclosed Space Accessible to the Public shall wear a Face Covering that completely covers their nose and mouth when another person or persons who are not members of the individual's household or living unit are present in the same room or enclosed space.

Property owners, businesses, organizations or other entities owning or controlling Enclosed Space Accessible to the Public shall require every person age five (5) years and older who is present in areas subject to this ordinance to wear a Face Covering that covers their nose and mouth when another person or persons who are not members of the individual's household or living unit are present in the same room or enclosed space.

(B) In or on Public Transportation or In Transit Facilities.

Except as otherwise specifically provided below, every person age five (5) years and older who is driving or riding in or on Public Transportation shall wear a Face Covering that covers their nose and mouth. Owners and/or operators of any vehicle offered for Public Transportation shall require every person age five (5) years and older to wear a Face Covering that covers their nose and mouth while in or on Public Transportation.

(At the time of adoption of this ordinance. Public Transportation is covered by an order issued by the Centers for Disease Control and Prevention effective February 1, 2021 requiring persons age two (2) years and older to wear a face mask that completely covers both the nose and mouth while awaiting, boarding, disembarking, and traveling on public transportation and while at public transportation facilities or bus stops.)

(C) Definitions

For purposes of this ordinance the following definitions shall apply:

"Face Covering" means a manufactured or homemade covering of cloth or other material that completely covers a person's nose and mouth and that is secure and remains affixed in place without the use of one's hands. Face Coverings shall be secured with ear straps or otherwise tied so as to prevent slipping, fanning up or gaps in coverage. Face Coverings include, but are not limited to, bandanas, medical masks, cloth masks, disposable or paper masks, and scarves, provided that they are worn in such a way that completely and securely cover the person's nose and mouth. Face Covering does not include mesh coverings or coverings with holes, exhalation valves/vents or openings.

"Enclosed Space Accessible to the Public" means any interior area of any structure or premises open to or used in whole or in part by the public, and to which the public customarily has access, but does not include any private residence.

"Public Transportation" means public transportation under contract with a private contractor; taxis; ride-sharing vehicles; or any other vehicle for hire.

(D) Exceptions

1. Governmental Facilities.

This ordinance shall not apply in governmental facilities owned or operated by United States of America, State of Wisconsin, University of Wisconsin and Fox Valley Technical College, Winnebago County, and Neenah Joint School District facilities.

2. Public Transportation.

This ordinance shall not apply in or upon Public Transportation or Public Transportation Facilities which are subject to a current order issued from the State or Federal Government.

(At the time of adoption of this ordinance. Public Transportation is covered by an order issued by the Centers for Disease Control and Prevention effective February 1, 2021 requiring persons age two (2) years and older to wear a face mask that completely covers both the nose and mouth while awaiting, boarding, disembarking, and traveling on public transportation and while at public transportation facilities or bus stops.)

(E) Temporary Removal of Masks Authorized.

Individuals may temporarily remove their face covering under the following circumstances:

1. While eating, drinking, or sleeping
2. When communicating with an individual who is deaf or hard of hearing and communication cannot be achieved through other means
3. When, to the extent necessary, a Face Covering must be removed in order to receive services (for example certain medical and dental services)
4. When necessary to confirm the individual's identity
5. When federal or state law or regulations prohibit wearing a face covering

(F) Exemptions.

The following persons are exempt from the requirement to wear a Face Covering:

1. Persons who are having difficulty breathing, unconscious, incapacitated or otherwise unable to remove the face covering without assistance
2. Persons who have chronic upper-respiratory conditions
3. Persons within work settings where a Face Covering would create a risk to the person related to their work as determined by government regulation
4. Persons with medical conditions, intellectual or developmental disabilities, mental health conditions or sensory sensitivities that prevent or impair the person's ability to wear a Face Covering
5. Persons engaged in exercising at a gym or other indoor facility so long as separation is at least 6 feet and the individual wears a Face Covering when not actively engaged in exercising

6. Persons engaged in sporting competitions or practices at a gym or other indoor facility so long as the individual wears a Face Covering when not actively engaged in the competition or practice

7. While a single individual is giving a religious, political, media, educational, artistic, cultural, musical, or theatrical presentation for an audience, the single speaker may remove the face covering when actively speaking. While the face covering is removed, the speaker must remain at least 6 feet away from all other individuals at all times

(G) Non-Compliance

Any property owner, business, organization or entity that fails to comply with this ordinance shall be referred to the Winnebago County Department of Health. Owners, businesses, organizations and other entities are encouraged to offer accommodations for those persons wishing to receive goods or services but who are unable or unwilling to abide by the requirements of this ordinance within buildings open to and accessible by the general public such as online ordering, drive thru services, pickup and delivery.

Any person who fails to comply with this ordinance may be asked to leave by any property owner, business, organization or entity. Persons refusing to leave when asked may be subject to citation for trespass or other applicable law or regulation based upon their conduct.

(H) Effective Date / Duration

This ordinance shall take effect upon passage and publication and shall remain in effect until *May 31, 2021* or until termination of the state of emergency in the City of Neenah as a result of COVID-19 declared by Proclamation 2020-01 , whichever is earlier; unless extended or earlier terminated or modified by the Neenah Common Council or by passage of regulations by the United States Congress, State of Wisconsin or other entity with authority to supersede this ordinance which explicitly repeals or invalidates this ordinance, in which case this ordinance shall automatically repeal upon the superseding authority becoming effective with no further action required.

In the case of regulations by the United States Congress, State of Wisconsin or other entity with authority to supersede this ordinance which do not specifically and/or explicitly repeal or invalidate this ordinance, this ordinance shall remain in effect until the date specified above, unless extended or earlier terminated by action of the Common Council. It is the intention of the Common Council that unless specifically and/or explicitly repealed, superseded or otherwise invalidated by the action of the United States Congress, State of Wisconsin or other entity, that this ordinance shall be superseded only by legislation at least as restrictive as this ordinance and only for the duration of the superseding legislation, but shall not be repealed and shall automatically become effective upon termination of the superseding legislation without further action of the Council being required.

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. Suspension of Conflicting Provisions of Municipal Code. All ordinances or parts of ordinances and resolutions in conflict herewith are hereby suspended during the effective period of this Ordinance. All provisions of the City Ordinances, Council Rules and General Rules of Order not specifically altered by these temporary rules shall remain in effect.

Section 4. No codification. Due to the temporary nature of this Ordinance, it shall not be codified in the Neenah Code of Ordinances.

Section 5. Effective and Sunset Dates. This ordinance shall take effect immediately and shall automatically repeal on May 31, 2021 or at the termination of the Health Emergency.

Approved:

Moved by: _____

Dean R. Kaufert, Mayor

Adopted: _____

Attest:

Published: _____

Stephanie A. Cheslock, City Clerk

THIS INSTRUMENT WAS DRAFTED BY:
City Attorney Adam James Westbrook
211 Walnut Street
Neenah, WI 54956
State Bar No. 1098651