

COMMON COUNCIL MINUTES

Wednesday, August 21, 2019 - 7:00 p.m.

The Common Council of the City of Neenah, Winnebago County, Wisconsin, met in regular session at 7:00 p.m., August 21, 2019 in the Council Chambers of Neenah City Hall.

Mayor Kaufert in the chair.

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

Also Present: Theo Haaks and Dwight Kerr.

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

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

Introduction and Confirmation of Mayor's Appointments

- I. **MS Bates/Erickson to confirm Mayor Kaufert's reappointment of Jane Lang to the Landmarks Commission for a 3-year term to expire July 2022. There being no objections the motion was approved by unanimous consent.**
- II. **MS Bates/Lendrum to confirm Mayor Kaufert's appointment of Monica Larabee (1st Alt) to regular member of the Landmarks Commission for a 3-year term to expire July 2022. There being no objections the motion was approved by unanimous consent.**
- III. **MS Stevenson/Bates to confirm Mayor Kaufert's appointment of Theo Haaks to fill the unexpired term of Melodie Vanderkolk on the Sustainable Neenah Committee for a term to expire December 2020. There being no objections the motion was approved by unanimous consent.**
- IV. Mayor Kaufert advised that he has not confirmed his appointment to the Board of Review to fill the expired term of Wayne Sigl for five-year terms to expire June 2024. He asked for that appointment to be placed on the next Council agenda.
- V. Mayor Kaufert asked Theo Haaks to step up to the podium to be sworn in. He asked him to tell everyone a little bit about himself.
 - A. Theo Haaks thanked everyone responsible for making this appointment happen. He is very excited about this position. He is a rising senior and lives in Neenah. He was interested in this position as he has a passion for sustainability and protecting our environment. He hopes to study political science or public policy in conjunction with sustainability in college and feels this is a great way to get some hands on experience. He participated

in Badger Boys State earlier this summer and learned about Parliamentary Procedures and Robert's Rule of Order. He served on the Senate and learned what it meant to be part of a governing body. He is looking forward to applying some of that knowledge to this position.

- B. Clerk Sturn administered the oath of office to Theo Haaks.

Proceedings

- I. **MS Lang/Lendrum to approve the Council Proceedings of the regular meeting of August 7, 2019. There being no objections the motion was approved by unanimous consent.**

Public Forum

- I. Dwight Kerr, 434 High Street, thanked the Mayor, Council and Park & Rec Commission for the placement of garbage containers on the Trestle Trail. He noticed two houses were purchased near Cook Park and demolished. He asked the plans for Cooke Park.
- II. There being no further appearances, Mayor Kaufert declared the public forum closed.

Mayor/Council Consideration of Public Forum Issues

- I. Mayor Kaufert indicated Community Development was able to partner with the Doty Island group to find some funds to buy new garbage cans that can be picked up with the new equipment on the Trestle Trail. Park and Rec does not like to place garbage cans out in parks. It is a national thing, you are supposed to carry in / carry out. They have figured out a way to place a garbage can on the trail and at Herb and Dolly Park. With regards to Cook Park, Mayor Kaufert advised Mr. Kerr that the City did buy one home next to Cook Park not two. The other home is in foreclosure. He has asked staff to look into the possibility of purchasing that property as well.
- II. Dir. Haese clarified that only one home is being removed. In terms of plans for the park, the only intent he is aware of is to add to the square footage of the park. Long range plans may change the location of the bathrooms. The park plan for many years has identified the four homes on Water Street as potential acquisitions. Those four homes include the one that has been demolished and the three between that home and River Street. The home immediately to the east is in some type of foreclosure. They are in the process of exploring the possibility of acquiring that property as well.
 - A. Mayor Kaufert added that the other homeowner approached the City to see if there was any interest in purchasing their property. The best time to purchase these houses is in between owners when it is vacant and we can avoid paying relocation costs.

- III. Ald. Stevenson recalled Dir. Kading sharing that he had visions of the park building being relocated however there are no plans at this time. This would be part of the long range plans for all parks and will be prioritized accordingly. The 2021 CIP includes dollars to tear down the current building and build a new restroom closer to the road and build a new playground.
 - A. Dwight Kerr indicated he looked at the capital plan and saw money for Cook Park in the budget. He questioned the funding for the purchase of 415 W. North Water Street.
 - B. Mayor Kaufert advised Mr. Kerr that there was a separate motion by the Council to purchase that property with CDBG funds. He will have the Clerk / staff send that motion to him.

Consent Agenda

- I. **MS Stevenson/Lendrum to approve the Consent Agenda as follows:**
 - A. **Approve Beverage Operator License Applications for: Olivia Eichhorst, Jessica Moderson, Amanda Musial and Emily Reisdorf. (PSSC)**
 - B. **There being no objections the motion was approved by unanimous consent.**

Public Services and Safety Committee

- I. Chairman Bates reported the regular meeting of August 13, 2019:
 - A. Committee recommends Council adopt Ordinance 2019-19 amending Article III of the Neenah Electrical Code. **MSCRP Bates/Lendrum, all voting aye.**
 - C. **MS Bates/Lendrum to consolidate the next three agenda items to be acted on together. There being no objections the motion was approved by unanimous consent.**
 - B. Committee recommends Council approve the Beverage Operator License Applications for Chloe Allyn, Kelsey Bockhorn & Grace Kenny with the condition that there be a one-year probationary period and direct City Attorney Godlewski to prepare a stipulated agreement defining the license conditions. **MSCRP Bates/Lendrum to refer the Beverage Operator License Applications for Chloe Allyn, Kelsey Bockhorn & Grace Kenny back to the Public Services & Safety Committee for the purpose of inviting the applicants to appear before the Committee to explain the discrepancies found by the Police Department on their applications and review the probationary license agreement drafted by the City Attorney.**
 1. Ald. Bates explained that the Committee recently created a probationary period for an applicant, giving them one year to make sure their record remains clear. These three received their denial letters and their ability to appeal them. They did not appeal therefore there was no contact with the applicants. Since the citations found were minor violations not related to serving alcohol she would like the City Attorney to write up a procedure to address

- these missing violations. She would like a category in the middle where if the PD finds something like this, and it seems to be an error in not including it on the application, instead of getting a letter of denial, they would be given an opportunity to appear before the Committee to explain why it was missed. This would provide a way, moving forward, to address these issues. We don't want to deny these applicants the ability to work if this is the only issue.
2. Ald. Kunz added, it comes down to streamlining this process. We spend too many resources on this issue. He can see much better things the City Attorney could be working on. In the scope of things, this is a minor issue. He would like to see the Committee come up with a boiler plate to streamline this process. He asked if the state required legal action or if the Committee could make their own rules.
 3. City Atty. Godlewski commented that the intent is to have the City Attorney's Office help guide them to set up a process that would not need the City Attorney to get involved.
 4. Ald. Stevenson clarified that the Committee can deal with this issue on its own. They made a recommendation to approve the applications with the additional restrictions that Ald. Bates now want to formalize. He is supportive of streamlining this process not adding bureaucracy to it. The recommendation to deny does not come from the City Attorney, it comes from the Police Department.
 5. **Motion carried, by an 8-0 RollCall-Pro System vote, all voting aye.**

Finance & Personnel Committee

- I. Chairman Erickson reported the regular meeting of August 12, 2019:
 - A. Committee recommends Council adopt Ordinance 2019-20 Annexation #215 Integrity Construction – CTH G – Town of Vinland-19.619 acres. (To be considered following a report from the Plan Commission)
 - B. Committee recommends Council approve the proposed contract with Baker Tilly to provide audit services to the City and City owned utilities for Fiscal Years 2019-2021. **MSCRP Erickson/Stevenson, all voting aye.**

Plan Commission

- I. Council Rep. Lang reported from the Plan Commission meeting of August 12, 2019:
 - A. Commission recommends Council approve Annexation #215 (Ordinance #2019-20) and the property also receive R-1, Single-Family Residence District zoning classification. **MSCRP Lang/Bates, all voting aye.**
 - B. Commission recommends Commission recommends Council approve the Preliminary Plat of the First Addition to Integrity Acres Subdivision subject to the comments on the Preliminary Plat Review Letter. **MSCRP Lang/Bates, all voting aye.**

Board of Public Works

- I. Vice Chairman Bates reported the meeting of August 13, 2019:
 - A. Information Only Items:
 1. The Board approved Change Order No. 1 for Contract 2-18 Miscellaneous Sewer & Water Main Construction and Street Construction on Cecil Street and Adams Street to David Tenor Corporation, Green Bay, WI, in the amount of (\$12,577.32).
 2. The Board approved Pay Request No. 7 for Washington Park Phase 3 to R & R Wash, Ripon, WI, in the amount of \$77,649.84.
 - B. Council Action Items:
 1. The Board recommends Council approve the Final Payment for Contract 2-18 Miscellaneous Sewer & Water Main Construction and Street Construction on Cecil Street and Adams Street to David Tenor Corporation, Green Bay, WI, in the amount of \$79,801.68. **MS Bates/Lang.**
 - a) Ald. Kunz questioned if all the work has been done and if there were any negative consequences to the developer before we pay him in full for this contract.
 - b) Dir. Kaiser indicated all the work has been completed. Liquidated damages in the amount of \$30,000 were assessed and are included in this final payment. The liquidated damages were for completion after the contract completion date.
 - c) Ald. Bates added that there was discussion on sending this to Finance & Personnel Committee to determine the possibility of sharing this cost savings with the residents on that street to reduce their assessment.
 - d) Mayor Kaufert added that discussion will be on a future agenda.
 - e) **Motion carried, by an 8-0 RollCall-Pro System vote, all voting aye.**
 2. The Board recommends Council approve the Final Payment No. 2 for Contract 1-18 Miscellaneous Sewer and Water Main Construction and Street Construction on Andrew Avenue, Richard Avenue, Geiger Street, and Whiting Court to David Tenor Corporation, Green Bay, WI, in the amount of \$21,461.37. **MS Bates/Erickson.**
 - a) Ald. Bates clarified that this is the 2nd final to clear up some tickets that were overlooked in the final payment.
 - b) **Motion carried, by an 8-0 RollCall-Pro System vote, all voting aye.**

Community Development Authority

- I. Director Haese gave a brief update on the Community Development Authority:
 - A. The CDA continues to work on two development agreements for downtown project.

Library Board

- I. Ald. Erickson reported from the Library Board meeting of August 21, 2019 at 4:00 pm.
 - A. This past summer if the second year the Library was open on Sunday. Sunday has proven to be a popular day at the Library.
 - B. The Library served 2,290 summer lunches which averages 114 lunches per day.
 - C. The Library has a new piece of artwork. It is a kaleidoscope and located to the left of the entrance.
 - D. Ald. Erickson gave a shout out to her fellow master gardeners. The profusion zinnias planted in the circle have drawn a lot of monarch butterflies. She invited everyone to check it out.
 - E. The Library, in coordination with the Neenah Park & Rec Department and the YMCA, experienced their first year with the Bibliocycle. It traveled over 150 miles this summer, checked out over 800 items, served over 1,000 residents and issued 32 new Library cards. It has been viewed very successful and they anticipate continuing it next year.
 1. Mayor Kaufert also thanked Friend of the Neenah Library, Sean Keepers and Cranked Bike Studio for their part in the Bibliocycle.
 - F. The YMCA Block Party is next Tuesday from 4-7 pm. She invited everyone to stop in and visit.
 - G. She invited everyone to stop at the Library and check out some books.

Neenah Arts Council

- I. Ald. Erickson reported from the Neenah Arts Council meeting of August 14, 2019:
 - A. Neenah Rocks will be held October 3rd. Approximately 10 venues throughout the city will feature live music that night.
 - B. The Arts Council discussed the Celebrate the Season event. This year it will be a Holiday Book Theme.

New Business

- I. Mayor Kaufert announced his appointment to fill the expired term of Sandy Miller on the Committee on Aging for a three-year term to expire September 2022 will be considered at the September 4, 2019 Council meeting.
- II. Ald. Lang advised of another box wrap at the northeast corner of Wisconsin Avenue and Oak Street. This is a collaborative project the Neenah Historical Society is working on in the community. She thanked Sean Keepers who is the graphic designer.
- III. Ald. Bates thanked Mayor Kaufert for the Employee Appreciation Cookout. It was a successful event and well appreciated.
- IV. Ald. Kunz asked that the Council revisit computer services to the Council. They have not had a services that has worked at their meetings for weeks. The

commitment Council has taken on to go paperless has not happened for the rest of the City. They are receiving electronic documents that are printed, then scanned back in. He would love to have conversation about their commitment to going paperless and what it means for everyone to participate in that process.

- A. Mayor Kaufert added that budget time may be a good time for that discussion as there has been talk about Department Heads getting ipads as well.
 - B. Ald. Stevenson advised that he has had conversations with Dir. Wenninger about the Council ipads. He has neglected following up on that. He will commit to following up with Dir. Wenninger and summarizing some of the issues they have discussed. He asked the Council to share with him any other issues they might have regarding the utilization of the ipads.
- V. Dir. Haese advised the Council that they are bringing forward an amendment to TID #9 to include the former Plexus Engineering Building. Staff may have a prospective tenant for that building that could use some TIF incentive. That will be brought forward soon.
- VI. Ald. Erickson asked the status of Loren's Auto Body.
- A. Dir. Haese advised that process has been very slow. The challenge they are having is that there is a lien on the property and the owner and the individual that holds the lien are not seeing eye to eye on how that should be rectified. Asst. City Attorney Vanden Heuvel has been working with him to rectify this.
- VII. Ald. Bates questioned the status of the apartment buildings on Winneconne Avenue.
- A. Dir. Haese advised that the challenge with this project is that the developer has discovered that there may be underlying soil issues along the slough. He spoke with him last week and he was supposed to have results from the borings early this week. This will allow him to know if he can move the project forward as planned or if he is going to have to do modifications to the site plan to avoid areas that cannot support buildings. It is more of a stability of soil issue not a contamination issue.
 - B. Ald. Erickson asked if they could at least clean up the brush on Winneconne Avenue which looks terrible.
 - C. Dir. Haese indicated if they receive a positive answer regarding these borings, they would take care of that in the near future but if they need to do modifications, the project may be delayed and he will need to have them deal with the brush at that time.
- VIII. Mayor Kaufert advised the Drool in the Pool is tomorrow. With kids going back to school, the pool closes after Labor Day. He thanked all the pool staff for their work at the pool this summer.
- IX. Mayor Kaufert advised that there was a soft opening of the Splash Pad. The Grand Opening of Washington Park will be held on September 14th from 10 am - 1 pm.

- X. Mayor Kaufert advised that there are no items for Committee next week therefore the meetings will be cancelled. That would mean the September 4th Council meeting would also be cancelled. The Click N Collect ordinance is hanging out there but will be discussed at a future meeting.
- A. Chairman Bates indicated it was her understanding that the Click N Collect was being pushed back anyway. The three Beverage Operator Licenses referred back to Committee and the Click N Collect could both be added to September 10th Public Services & Safety Committee agenda.
- XI. Next Tuesday is also Boogie & the Yoyos sponsored by Future Neenah.
- XII. Mayor Kaufert wished Ald. Boyette good luck with her kidney operation. Her husband Derek will donate his kidney to Kathie. We will keep her in our prayers.
- XIII. Mayor Kaufert advised that Neenah lost one of its most dedicated residents last week. Council President Stevenson's mother, Dee Novotny passed away. She will be missed.
- XIV. Mayor Kaufert advised the Council that he will have Joni share information on the Labor Day Parade with the Alderpersons. Let him know if they are interested.

Adjournment

- I. **MSC Stevenson/Lendrum to adjourn at 8:00 p.m., all voting aye.**


Patricia A. Sturn, WCPC/MMC
City Clerk