

Common Council Minutes
Wednesday, September 2, 2020—7:00pm

The Common Council of the City of Neenah, Winnebago County, Wisconsin, met virtually in regular session at 7:00pm, September 2, 2020, in the Council Chambers of Neenah City Hall.

Mayor Kaufert in the chair.

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

Also Present: David Williams, John Ahles, Deputy Clerk Lopez, Nicole Becher, Mike Veith, Jim Wise, Ben Hamblin, Lee Hillstrom, Director of Parks and Recreation Kading, Director of Human Resources and Safety Kehl, Assistant Police Chief Bernice, Brian Borchardt, Deputy Director of Community Development and Assessment Schmidt, Glenn Schroeder, Claire Olson, Brandon Robak, Finance Office Manager Calabrese, and Police Chief Olson.

Mayor Kaufert called the meeting to order at 7:00pm

I. Clerk Cheslock called a voice roll call

Clerk Cheslock introduced the new Deputy Clerk Lopez and he gave a brief explanation of his background before coming to the City of Neenah.

Aldermanic candidates John Ahles, Nicole Becher, Brian Borchardt, Claire Olson, Brandon Robak, Michael Veith, David Williams, and W. James Wise gave brief presentations as part of their application to be appointed to fill the vacant District 2 aldermanic seat.

A vote was taken for the eight candidates. John Ahles received three votes; Brian Borchardt received two votes; Michael Veith received one vote; and David Williams received two votes.

A second vote was taken for the candidates who received the three highest votes (Ahles, Borchardt, and Williams). John Ahles received three votes and Brian Borchardt received three votes. The Mayor did not break the tie.

A third vote was taken for the two remaining candidates (Ahles and Borchardt). John Ahles received three votes and Brian Borchardt received five votes. Brian Borchardt received the majority of votes and was the chosen candidate.

MS Boyette/Steele to appoint Brian Borchardt to fill the vacant District 2 aldermanic term to expire April 2021.

Clerk Cheslock swore in Brian Borchardt as the new District 2 Alderperson.

II. Introduction and Confirmation of Mayor's Appointments—None

III. Proceedings

MS Lendrum/Erickson to approve the Council Proceedings of the regular meeting of August 19, 2020. There being no objections the motion was approved by unanimous consent.

IV. Public Hearings

- A. Consider Zoning Code Amendment—Sec. 26-235 and Sec. 26-236—C-1 District Special Uses
- B. There being no appearances, Mayor Kaufert closed the public hearing.

V. Plan Commission Report pertaining to the Public Hearings

- A. Council Rep. Lang reported from the Plan Commission meeting of August 25, 2020:
 - 1. Commission recommends Council approve Ordinance No. 2020-13, amending sections 26-235 and 26-236 of the Code of Ordinances relating to Permitted Uses and Special Uses
Council discussed the purpose of this ordinance. Deputy Director of Community Development Schmidt explained this is meant to clean up the code to treat these similar uses the same.
MSCRP Lang/Borchardt all voting aye.

VI. Public Forum

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

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

VIII. Consent Agenda

MS Lendrum/Stevenson to approve the Consent Agenda as follows:

- A. Approve the Change of Agent Application for Classic Lanes Fox Valley Inc., d/b/a Classic Lanes Fox Valley, 934 Byrd Ave, Neenah; William T. Smith, Agent. (PSSC)
- B. **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 August 25, 2020: (Chairman Bates/Vice Chair Lang) (Minutes can be found on the City's website)
 - 1. Committee recommends Council approve that the time restriction of the 8 easement parking spaces in 307 N. Commercial Street be increased from 2 hours to 4 hours for a one-year trial period
No discussion.
MSCRP Bates/Lendrum all voting aye.
 - 2. Committee recommends Council approve the Revocable Occupancy Permit to Michael Geall for installation of a fence on S. Park Avenue for his property located at 617 E. Wisconsin Avenue
Council discussed the unique situation of this property and if it constituted allowing for a permit to use the public right of way, where the property owner could place the fence if they do not receive the permit due to a utility easement on the property, the condition of the current fence and the aesthetic benefits of a new fence for both the property owner and

pedestrians, the height of the proposed fence and what is generally allowed for corner lots, whether or not this would set a precedent for other property owners, and the potential for revoking the permit if approved should there be any issued with the fence in the right of way.

MSFRP Lendrum/Stevenson, 4-5; Ald. Lendrum, Lang, Stevenson, and Borchardt voted Aye. Ald. Boyette, Steele, Bates, Erickson, and Spellman voted No.

3. Committee recommends Council approve the Arrowhead Phase 1 Construction Administration Agreement with SEH, Appleton in the amount not to exceed ~~\$27,042.46~~ **\$25,446.00** contingent upon Council award of the associated construction contract

MS Stevenson/Erickson to move this item after item X.B.2 on the agenda, all voting aye.

After voting on item X.B.2 the Council returned to this item.

Council discussed the original hourly rate being excessively high. Dir. Kading was able to re-negotiate the rate for a savings of \$1,596.46. Due to the change in rate a friendly amendment to the motion was made, to adjust the amount from \$27,042.46 to \$25,466.00. Ald. Bates and Lang accepted the friendly amendment.

MSCRП Bates/Lang, as amended all voting aye.

4. Committee recommends Council approve the Construction Administration Agreement for the Rec Boat Launch Dredging with Stantec Consulting Services, Inc., in the amount not to exceed ~~\$8,800~~ **\$6,400** contingent upon Council award of the associated construction contract

MS Bates/Lendrum to move this item after item X.B.3 on the agenda, all voting aye.

After voting on item X.B.3 the Council returned to this item.

Council discussed the original rate for drafting the agreement being higher than expected. Dir. Kading was able to negotiate for a lower rate by utilizing a more junior and geographically closer staff member for a total savings of \$2,400. Due to the change in rate a friendly amendment to the motion was made, to adjust the amount from \$8,800 to \$6,400. Ald. Bates and Borchardt accepted the friendly amendment.

MSCRП Bates/Borchardt, all voting aye.

- B. Chairman Erickson reported from the regular Finance & Personnel Committee meeting of August 24, 2020:
 1. Committee recommends Council approve the following reclassifications effective January 1, 2021:
 - a) Assistant Comptroller—Current grade K3—recommended adjustment L3 & Deputy Director of Finance Title
 - b) Deputy City Clerk—Current grade F3—recommended adjustment G3No discussion.
MSCRП Erickson/Boyette, all voting aye.
 2. Committee recommends Council approve the updates to Policy 2003-1: Position Vacancies Policy
The Council discussed what this would be mean for future review of vacancies, how passive review will work, and how council members can request a vacancy appear on an agenda.

MSCRP Erickson/Boyette, all voting aye.

3. Committee recommends Council approve Resolution 2020-15 for the 2020 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
No discussion.

MSCRP Erickson/Stevenson, vote 8-0-1—Ald. Spellman abstained.

4. Committee recommends Council authorize the refund required by 2020 Correction of Errors by Assessor under Wis.Stat. §70.43, approved by the Board of Review, and direct staff to complete the necessary paperwork for charge back of the refunds to the taxation districts for which taxes were collected by the City under Wis.Stat. §74.41
No discussion.

MSCRP Erickson/Boyette, all voting aye.

- C. Chairman Boyette reported from the regular NMFR Joint Finance & Personnel Committee meeting of August 25, 2020:
 1. Committee recommends Council approve Neenah-Menasha Fire Rescue's 2021 cost distribution formula with the City of Neenah's weighted share at 59.83% and City of Menasha's weighted share at 40.17%
Council discussed the four parameters that are used in determining the split; population, service calls, assessed values, and square miles. They discussed the possibility of the usual split changing as Neenah continues to expand.
MSCRP Boyette/Stevenson all voting aye.

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

- A. Council Rep. Lang reported from the regular Plan Commission Meeting of August 25, 2020:
 1. Commission recommends Council approve Ordinance #2020-14 granting approval of Project Plan #1-20 for the Calvary Bible Church Planned Development District to allow the construction of a building addition and parking lot expansion subject to the following conditions: 1) Prior to the issuance of building permits, the applicant shall submit the City's Oversized Sewer Interceptor Fee (\$1,000/acre) and the Storm Sewer Fee (\$5,000/acre) in the amount of \$15,228 which as deferred as part of annexation #207 annexing 2.53 acres of land in 2016; 2) the area proposed to be pulverized and remain as gravel west of the building must be hard surface if there will be vehicles store/parked in the area. The other area proposed to be pulverized and graveled may remain gravel since this area is proposed to become a paved parking lot in the future; 3) prior to installation of the future parking lot west of the existing parking lot in the rear of the building shall be approved by the Community Development Department. The parking lot shall meet the landscaping standards for parking lots specifically to interior landscape standards; 4) the plan identifies the removal of landscape plantings. These plantings must be replaced with a similar planting; and 5) future building additions, parking lot expansions, and road extensions within the Calvary Bible Church Planned Development District require Project Plan approval and are not being reviewed as part of this project plan request.
No discussion.

MSCRCP Lang/Lendrum, all voting aye.

- B. Vice Chairman Bates reported from the Board of Public Works meeting of August 25, 2020:

1. Information Only

- a) The Board approved Pay Estimate No. 2 for Contract 4-20, Water and Street Construction on Green Bay Road, Tullar Road, and Marathon Ave to Vinton Construction, Two Rivers, in the amount of \$106,576.34

2. Council Action Items

- a) The Board recommends Council Award Contract for Arrowhead Park Phase 1A to Soper Grading and Excavation LLC, Neenah, WI, in the amount of \$363,886.89 (base) and \$156,920 (alternate) for a total of \$520,786.89.

Council discussed the possibility of additional savings on the gravel for the project.

MSCRCP Bates/Langm all voting aye.

- b) The Board recommends Council approve Award Contract for Rec Boat Launch Dredging to Radtke Contractors Inc., Winneconne, WI in the amount of \$153,114 (base) and \$10,325 (alternate) for a total of \$163,439 using the balance of the 2019 Capital Improvement funds (97,700) and the Wisconsin DNR Waterways Grant in the amount of \$76,500

No discussion.

MSCRCP Bates/Langm all voting aye.

Council returned to items IX.A.3&4

- C. Landmarks Commission—No report

- D. Sustainable Neenah Committee—No report

- E. Reports on neighborhood groups

1. Business Improvement District (BID) Board

- a) Alderperson Lang reported from the BID Board meeting of August 18, 2020

(1) Fall Bulb recycling week will take place September 14-18

(2) Modified Ladies Day will take place September 12

(3) The Farm Market continues as normal until October 17

(4) September 3 is the last Out to Lunch Concert

(5) Visit Future Neenah's website for more events and information.

- F. Bergstrom Mahler Museum

1. Alderperson Spellman reported from the Bergstrom Mahler Museum meeting of August 28, 2020

- a) An upcoming art class on September 12 will allow patrons to create textured bowls with a metallic rim finish.

- b) Next meeting will take place September 30.

III. Petitions—none

IV. Council Directives

- A. Ald. Lendrum asked for her Council Directive regarding new construction requirements be on an upcoming agenda.

B. Dir. Haese stated staff will get an update on an upcoming agenda.

V. Unfinished Business—None

VI. New Business

A. Ald. Stevenson welcomed Ald. Borchardt to the Council and requested the Clerk provide the council with his contact information

B. Mayor Kaufert stated there would not be a Labor Day Parade but wanted to extend his thanks to workers across all work forces, giving a special thanks to teachers, those in the medical field, and first responders.

C. Mayor Kaufert also noted the Council will be moving back to the Council Chambers and offering a hybrid meeting structure.

D. Ald. Boyette reminded all that the normally scheduled Labor Day festivities for Neenah and Menasha, in addition to the parade, have all been cancelled for the weekend.

VII. Adjournment

MSC Lendrum/Boyette to adjourn at 9:22 pm, all voting aye.



Stephanie Cheslock
City Clerk