

COMMON COUNCIL MINUTES

Wednesday, August 2, 2017 - 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 2, 2017 in the Council Chambers of Neenah City Hall.

Mayor Kaufert in the chair.

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

Also Present: Police Chief Wilkinson, Police Captains Olson & Gonzalez, Director of Parks & Recreation Kading, Director of Information Systems Wenninger, Jerome Martin, Danae Steele and Maribeth Knutson.

Mayor Kaufert called the meeting to order at 7:05 pm.

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

Update on Parks & Recreation Projects

- I. Dir. Kading updated the Council on Parks & Recreation projects and some recreation notes. Their theme this year from the National Parks & Recreation Association is, "Get Your Play On". Dir. Kading feels this theme urges everyone to utilize parks and recreations programs and "get their play on". He outlined the following recreation programs/events: Riverside Players "Unnecessary Farce" in June and currently "Footloose" which ends this weekend; Drool in the Pool event on August 24th; the pool closes August 23rd; this year a NEW tree climbing adventure; "Movie in the Park" games and crafts 7:00 to 8:30 pm in Laudan Park on Thursday August 10th; movie begins at 8:45 pm; Filthy Fun Run this year had a great turnout, Dir. Kading put in a plug for volunteers for next year. He continued outlining park projects: Loop the Lake project and the Five Milers Benefit Concert at Arrowhead Park on July 22nd; which raised \$5,000 plus a matching donation by JJ Keller of \$5,000, fundraising continues for the Loop the Lake project; 403 North Water Street will become the home of the Doty Island boat landing, construction will begin soon; a task force has been established to determine the best type of building at Arrowhead Park; they continue to work with the DNR for the best usage of Arrowhead Park and maintain the cap and create positive drainage; they continue to work with the DNR to install "fish sticks" to create restoration and habitat for our friends in the water; application for National Resource Damage Assessment Trustees (NRDA) grant funds; creation of a timeline for phase one; they look to develop a citizen monitoring group to establish baseline data on how animals and humans currently use Arrowhead Park and how they may use it in the future; Washington Park project is on track to be

completed by September 11th; they are estimating to be \$160,000 under budget. Dir. Kading answered questions from the Council.

Introduction and Confirmation of Mayor's Appointment(s)

- I. **MSCRP Pollnow/Lang to confirm Mayor Kaufert's reappointment of Nate Van Zeeland to the Landmarks Commission, terms expire July 2020, all voting aye.**

Proceedings

- I. **MSCRP Pollnow/Lendrum to approve the Council Proceedings of the regular meeting of July 19, 2017, all voting aye.**

Public Hearings

- I. Consider amending Section 26-466 of the Neenah Zoning Code modifying the maximum overall height requirements for detached accessory buildings and garages.
 - A. Maribeth Knutson, 330 Bellin Street, asked if this has been corrected so this does not happen again in the future. She asked if the current structure was built where it was supposed to be built, in the rear yard (per plans).
 - B. There being no further appearances, Mayor Kaufert declared the public hearing closed.

Plan Commission Report Pertaining to the Public Hearing

- I. Council Rep. Lang reported the Plan Commission meeting of July 25, 2017:
 - A. Commission recommends Council adopt Ordinance No. 2017-12 amending Section 26-466 of the Code of Ordinances relating to Accessory Building height restrictions. **MS Lang/Erickson.**
 1. Dir. Haese responded to Ms. Knutson indicating he cannot answer the question as to whether it was put in the right spot without looking at the permit. He will follow up and see if that was the case. They do allow sheds in the side yard so it could have been adjusted on the fly. He will look into it.
 2. Ald. Bates spoke in favor of the restrictions on the sheds. She asked if this would eliminate the "carriage house" like garages like those along Wisconsin Avenue.
 3. Dir. Haese indicated it would except that is the current rule not a change.
 4. Ald. Pollnow questioned the shed on Alcott Drive. He asked for clarification of that issue.
 5. Dir. Haese advised there was a shed with a barn roof and a whole second floor. It did not exceed the 20' height however some question the aesthetics of that structure. This amendment changes the rules for the height. He clarified for Ald. Boyette that the maximum height for a detached garage is 20'. Attached garages are considered part of the

principle structure so would be treated just like a house, maximum height in R1 is 35'. Setback restrictions and foundation requirements set for the house would also apply.

6. Ald. Bates added that his building is very tall and thin. It is almost taller than the garage.
7. Dir. Haese added that there was a single story ranch structure that built a two storage garage that was almost the same square footage as the house but twice the size. It looked out of place.
8. Ald. Erickson shared a photo of the structure with the Council.
9. Dir. Haese clarified for Ald. Bates that with a pitched roof, the measurement from bottom to the top is not a wall. That is where the maximum height comes in.
10. **Motion carried by an 8-1 RollCall-Pro System vote, all voting aye, Ald. Pollnow voting nay.**

Public Forum

- I. Jerome Martin, Executive Director of Homeless Connections, 400 N. Division Street, Appleton, indicated he is at this meeting seeking support for the Community Development Block Grant recommendation by staff for \$8,000 to his organization. This means a lot not only to the organization but those in need and that need continues. He thanked the Council for their past financial support and collaboration.
- II. There being no further appearances, Mayor Kaufert declared the public forum closed.

Mayor/Council Consideration of Public Forum Issues

- I. Ald. Lendrum asked Mr. Martin if they provide transportation for their clients.
 - A. Jerome Martin indicated it depends on their needs. Staff evaluates each case and if transportation is required it will be provided.
 - B. Ald. Lendrum questioned how the collaboration of these agencies has been working out.
 - C. Jerome Martin advised that the Homeless Connections, Housing Partnership of the Fox Cities, Fox Valley Warming Shelter and at one time C.O.T.S. formed Project Tetris to consider how to better align their services in order to increase efficiencies and effectiveness & enhance client outcomes. Through research they proposed four recommendations, one of which was to merge the organizations. At that time C.O.T.S. decided to remain independent. The other three are in the process of working on merger negotiations. This is a great way to integrate and streamline services & increase efficiencies.
- II. Ald. Bates asked if Homeless Connections would be the organization to call when we see panhandlers in the City.
 - A. Jerome Martin indicated you can call his organization if you want. Panhandling has become very popular in Grand Chute. Some do it fraudulently and others do not. There are a lot of resources to help. He would rather see us invest in local organizations.

Consent Agenda

- I. **MSCRCP Pollnow/Lendrum to approve the Consent Agenda as follows:**
 - A. **Approve Beverage Operator license for: Pattie J. Braun, Rodney L. Crow, Aaron J. Harvey, Mariah K. Hilgart, Holly L. Hoeper, Eric T. Lintner, Emily E. Lukasavage, Dominick A. Reshel, Sheela L. Schuman and Patricia L. Tomaschefski. (PSSC)**
 - B. **Approve the Street Use Permit the Great Pumpkin Run, Gloria West, DuTriRun Foundation, 920 Keller Park Drive, Appleton, to be held on October 7, 2017, with the fee schedule applied as a for-profit entity. (PSSC)**
 - C. **All voting aye.**

Public Services and Safety Committee

- I. Chairman Bates reported the regular meeting of July 25, 2017:
 - A. Committee recommends Council approve the Cumings Plat Sewer Collector Memorandum of Understanding. **MSCRCP Bates/Lendrum, all voting aye.**
 - B. Committee recommends Council approve the Outdoor Extension of a Retail Class B Beer and Liquor License to Lion's Tail Brewing Company, 116 S. Commercial Street, Alexander Wenzel. (To be acted on following a report from the Plan Commission on the site plan)

Finance & Personnel Committee

- I. Chairman Pollnow reported the regular meeting of July 24, 2017:
 - A. Committee recommends Council approve the purchase of AristotleInsight, a network monitoring and management solution device, from Sergeant Laboratories for a cost not to exceed \$13,800. Funding for this purchase was approved in the Information System's 2017 Capital Equipment budget. **MSCRCP Pollnow/Erickson, all voting aye.**
 - B. Committee recommends Council approve the purchase of Superior Analytics from Superior, formerly SunGard Public Sector, for a cost not to exceed \$35,000. Funding for this purchase was approved in the Information System's 2017 Capital Equipment budget. **MSCRCP Pollnow/Erickson, all voting aye.**
 - C. Committee recommends Council approve Resolution 2017-20 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. **MS Pollnow/Erickson.**
 1. Ald. Pollnow indicated he is an advocate of the work these groups do however feels this is the wrong utilization of these federal grant dollars. He also has concern over the administration cost for these CDBGs.
 2. Ald. Lendrum asked for a brief description of the CDBG Program.
 3. Dir. Haese advised that the federal government extends dollars to communities on an annual basis to benefit low and moderate incomes

in a broad range of functions from public services, blight elimination, job creation, economic development, etc.

4. Ald. Lendrum indicated we distribute these dollars to approximately 15 agencies. These are very good programs. She was unfamiliar with the Housing Partnership Homes in Neenah so was provided with the addresses of the 8 homes in Neenah for low income tenants. She took the time to check them out only to find they are well kept up and no more troublesome to the police than residential properties owned by the occupant. She will support the resolution.
 5. Dir. Haese added that this morning's newspaper had an article on the Housing Partnership and the new initiative they are undertaking in the City to help with transitional housing. That is very exciting news.
 6. **Motion carried by a 7-2 RollCall-Pro System vote, all voting aye, Ald. Boyette and Pollnow voting nay.**
- D. Committee recommends Council authorize the Police Department to apply for a USDOJ COPS hiring grant for the potential creation of a new position of Elementary School Liaison Officer, and for City officials to work with the Neenah Joint School District on a cooperative financing plan as part of any future process to determine if the City should ultimately accept the grant and approve establishing the new Elementary School Liaison Officer position. **MS Pollnow/Erickson.**
1. Ald. Kunz supports the grant application however if the school district is not willing to pay for this he will be against accepting the grant.
 2. Mayor Kaufert clarified that this motion is to apply for the grant, not to execute that grant. That will come back to the Council at a later date.
 3. Ald. Boyette spoke in opposition to this grant as the Neenah Joint School District just received a grant to help pay for some more one on one time for children in need due to mental illness. She believes this is more of a mental health issued that a criminal issue. She will vote against this.
 4. **Motion carried, by an 8-1 RollCall-Pro System vote, all voting aye, Ald. Boyette voting nay.**

Plan Commission

- I. Council Rep. Lang reported the regular meeting of July 25, 2017:
 - A. Commission approve the site plan for the outdoor patio at 116 S. Commercial Street (Lion's Tail Brewery) with the following conditions: all requirements in Municipal Code Sec. 4-106 (Outdoor; service/beer gardens) must be followed; the proposed barrier must be at least 4 feet in height; the applicant must provide information on the fence materials being used; and all necessary building permits are obtained prior to construction. **MSCR Lang/Pollnow to approve the Outdoor Extension of a Retail "Class B " Malt and Liquor License to Lion's Tail Brewing Company, 116 S. Commercial Street, Alexander Wenzel contingent on the Plan Commission conditions on the site plan, all voting aye.**

Board of Public Works

- I. Vice Chairman Hillstrom reported the meeting of July 25, 2017:
 - A. Information Only Items:
 - 1. The Board approved Pay Estimate No. 1 for Washington Park improvements to R&R Wash Materials for \$96,149.92.
 - 2. The Board approved Change Order No. 2 for Contract PR17-02 Washington Park Improvements to R&R Wash Materials, Inc., Ripon, to complete the seat wall and unexpected excavation below subservice to parking lots at Washington Park in the amount of \$20,872.05.

Reports on neighborhood groups.

- I. Ald. Lang reported from the Business Improvement District Board (BID Board):
 - A. Mary from Sabino's was present at their meeting to let everyone know that on Saturday August 5th Sabino's (formerly Cy's Asian Bistro) will be opening. They will be serving both Asian favorites from the former Cy's menu and some Latin dishes.
 - B. Police Officer Stu Zuehls did a presentation on issues in the downtown area.
 - C. City Atty. Godlewski provided an update on BID immunity regarding BID activities.
 - D. The City's comp plan is almost complete. The BID will review the plan at a future meeting.

Bergstrom Mahler Museum

- I. Ald. Erickson report from the Bergstrom Mahler Museum:
 - A. On Sunday July 17th the Museum's Arts Festival went off without a hitch. The weather was great and attendance was good. Everyone had a good time.
 - B. She encouraged everyone to attend the exhibit "Quantum". Quantum is an installation of glass, light and sound. The exhibit runs through August 20th.
 - C. She encouraged anyone interested in taking some fun art related classes, to check out the Bergstrom Mahler Museum website for information.

Unfinished Business

- I. Ald. Pollnow asked for an update on the NuPark parking software implementation.
 - A. Dir. Haese indicated they are very close. The license plate reader is installed and being utilized for enforcement. Tickets are still be written the old way. He is hopeful they are one to two days away. The payment portal will be in place and tickets will be able to be paid on line. They also very close to being able to issue permits.
 - B. Mayor Kaufert added that the parking enforcement vehicle is neon green and clearly marked, "parking enforcement". That will be taking effect soon. The first ticket will be a warning.
 - C. Dir. Haese added that because of the transition to the new system, tickets will be tracked electronically. They have been a lot of warning issued recently.

- That will stop with this implementation and the Mayor is right, the first ticket will be a warning notifying people this will be coming soon.
- D. Ald. Pollnow asked how residents will know how to get to the app.
 - E. Dir. Haese advised that it is not really an app. It is a mobile device website. It can be obtained through the City's website. That will let citizens know everything they need to know about parking including buying permits.
 - F. Dir. Kaiser added the signage will have a QR code to get people to the website.
 - G. Ald. Kunz asked the outcome of the 2 versus 3 hour parking issue brought up at a recent meeting.
 - H. Dir. Haese indicated nothing has been done with that. It will go before the Parking Task Force next time they meet. They will meet after this software implementation is complete and monitored to provide data for them to review.
- II. Mayor Kaufert asked the City Atty. for an update on the recent claims.
- A. City Atty. Godlewski advised that the Peter Long vs. the City of Neenah case, sewer lateral damage claim, went to mediation in small claims. He had found a case out of Waukesha that was almost exactly the same fact pattern as that case. The Court of Appeals upheld that case with a Summary Judgement Dismissal of the Claimants actions because their City ordinance, like Neenah's, places the responsibility for the lateral on the property owner. In mediation, Mr. Long indicated he may not have filed the lawsuit had he known about that case. He agreed to reimburse him the cost of filing the law suit plus a minor amount (\$3.50) for copies and postage for a total settlement in the amount of \$100.00. The City is admitting no liability, just settling the case.
 - B. Ald. Kunz questioned the status of the legal issue with the cell towers.
 - C. City Atty. Godlewski advised they are in the process of working up a stipulation with regard to compiling of the records to deny the conditional use permit. He is working with Community Development to come up with some alternative sites that may be desirable to relocate the cell towers to. If they do accept that, it would be a way to settle this matter. That would need to come back through the Finance & Personnel and other appropriate committees as required. He clarified for Ald. Pollnow it would include Plan Commission and Public Services & Safety Committee.

New Business

- I. Mayor Kaufert's announced his appointment to fill the unexpired term of Kristine Moe on the Neenah Arts Council – terms expires April 2019 will be considered at the August 16, 2017 Council meeting.
- II. Mayor Kaufert reminded the Council of the League of Wisconsin Municipalities 119th Annual Conference Registration. The Conference will be held October 18-20, 2017 at the Radisson Paper Valley Hotel, Appleton. Aldermen should complete the registration form selecting the events they are interested in attending and reservations will be made by Clerk Sturn. Return the form to the Clerk's Office no later than August 31, 2017 so reservations can be made. Check you League of

- Wisconsin Municipalities Magazine for details. Mayor Kaufert encouraged everyone to attend.
- III. Mayor Kaufert advised the newsletter is almost ready to go to the printer. It should be out by the end of August or early September.
- IV. Mayor Kaufert thanked the Five Milers for performing free of charge at Arrowhead Park for the Fundraiser.
- V. Mayor Kaufert advised that Sunday is the last performance of Footloose. Tickets are still available.
- VI. Council President Stevenson updated the Council that his grandson Theodore Samuel was born on July 27th. It is the same day as his older sister.
A. Mayor Kaufert congratulated Council President Stevenson.
- VII. Ald. Bates thanked those contributing to the Wisconsin Hometown Stories on Wisconsin Public Television featuring Neenah-Menasha.
- VIII. Ald. Lendrum reminded everyone that Saturday August 12th is Gord's street dance. She invited everyone to take a walk downtown and dance in the street.
- IX. Ald. Lang advised that the original broadcast of Hometown Stories, Neenah-Menasha was last Monday July 31st. They have received some good feedback already. If you missed the broadcast it will be broadcast again. That schedule is available on their website wpt.org. The schedule to watch the broadcast is available or you can watch it right from their website. They continue to work with Wisconsin Public Television on the educational component of this project. They will create curriculum and courses tied to the video series to be shared in both Neenah and Menasha schools.
A. Mayor Kaufert thanked Ald. Lang for her work on this project.
- X. Mayor Kaufert recognized Deputy Clerk Goffard who is training on the RollCall System and taking the minutes for the Council meetings. She did a great job.

Adjournment

- I. **MSC Pollnow/Stevenson to adjourn at 8:35 p.m., all voting aye.**


Patricia A. Sturn, WCPC/MMC
City Clerk