

**Common Council Minutes**  
**Wednesday, May 4, 2022—6:45 p.m.**

The Common Council of the City of Neenah, Winnebago County, Wisconsin, met in regular session at 6:45 p.m., May 4, 2022, in the Council Chambers of Neenah City Hall.

Mayor Lang is the chair.

Present: Alderpersons Boyette, Borchardt, Hillstrom, Lendrum, Erickson, Skyrms, Steiner, and Stevenson. Staff present Director of Finance Easker, Director of Community Development & Assessment Haese, Director of Public Works Kaiser, City Attorney Westbrook, and City Clerk Nagel.

Also Present: Deputy Director Community Development Schmidt, Fire Chief Kloehn, Assistant Fire Chief Dorn, Police Chief Olson, Assistant Police Chief Bernice, Police Captain Van Sambeek, Director of Human Resources Kehl, Director of Parks & Recreation Kading, Recreation Supervisor Schott, Superintendent of Recreation Kluge, Library Director Raab, and Assistant. Library Director Hardina-Willhelm.

Mayor Lang called the meeting to order at 6:45 p.m.

The Council along with City Attorney Westbrook and Clerk Nagel held a parliamentary procedure training as it relates to the use of the Roll Call Pro Voting System.

- I. The Clerk called a voice roll call, followed by Neenah-Menasha Fire Rescue presenting the colors. Mayor Lang led Pledge of Allegiance.

**SWEARING IN OF NEW NMFR FIREFIGHTERS AND ASSISTANT CHIEF**

Clerk Nagel swore in Assistant Fire Chief Adam Dorn, and Firefighters Bennet Krings, Maxwell Schmidt, and Devin Nikodem.

**PRESENTATION OF EMPLOYEE RECOGNITION AWARDS:**

Mayor Lang and Council President Stevenson presented the employee recognition awards for 25 Years of Service, 30 Years of Service, Exemplary Performance Awards, and Retirements.

- II. Introduction and Confirmation of Mayor's Appointment(s).
  - A. Re-appointment Paul Zilles to the Board of Review for a five-year term expiring in 2027.
  - B. Appoint Nicole Becher as an alternate to the Board of Review for a five-year term expiring in 2027.

**Seeing no objections, ordered approved under unanimous consent.**

- III. Approval of Council Proceedings
  - A. Approval of the Council Proceedings of April 19, 2022 regular session.

**Seeing no objections, ordered approved under unanimous consent.**

IV. Public Hearings

- A. Ordinance 2022-11 Amending Sec. 26-349 of the Neenah Municipal Code pertaining to the Bridgewood Planned Development District Master Plan to change the use of former nine hole golf course to multi-family residential use.

Mayor Lang opened the Public Hearing at 8:04 p.m.

1. Jim Wise, 1204 Cameron Circle – Spoke on the development of the Bridgewood Golf Course. Residents are concerned with the new bridge being located south of the original golf course bridge. The issue is the woods makes a great noise barrier from traffic from I-41, of which there isn't much noise barrier in the development. Since there is limited sound barrier in the development, the residents would like the council/developer to move the bridge back to the original location to preserve the woods as a noise barrier.

After three calls for comments, there were no additional appearances. Mayor Lang closed the Public Hearing at 8:06 p.m.

V. Plan Commission Committee report pertaining to the Public Hearings

- A. Plan Commission meeting of April 26, 2022: (Ald. Steiner) (Minutes can be found on the City web site)
1. Commission recommends Council approve Ordinance No. 2022-11, amending the Bridgewood PDD Master Plan to change the use of former nine hole golf course to multi-family residential use.  
**MSCR by Steiner/Stevenson to approve Ordinance No. 2022-11, all voting aye.**

Discussion: Alderperson Stevenson request Director Haese to given synopsis of impact Ordinance 2022-11 would have with regard to the site plan of the multi-family residential use.

Director Haese advised that ordinance 2022-11 is basically a rezoning of the property to allow for multi-family residential use of the planned development district of area. The detailed project plan, site plan, would come forth as a project plan amendment via the Plan Commission and the Council. Thus development details such as exact building location, exact bridge location etc. would come forward with the project plan/site plan review which would be the next step in the approval process.

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.  
Mayor Lang opened the Public Forum at 8:10 p.m. After three calls for comments there were no appearances. The Public Forum was closed at 8:11 p.m.

VII. Mayor/Council consideration of public forum issues

- A. None.

VIII. Consent Agenda

- A. Approve the Street Use Permit for the Neenah High School Graduation Parade, sponsored by the Neenah Joint School District, 1275 Tullar Rd, to be held on May 25, 2022 from 10:00 AM to 11:00 AM. **(PSSC)**
- B. Approve the Street Use Permit for the Backdraft Bike Tour, sponsored by the Neenah-Menasha Firefighter's Charitable Foundation, 125 E Columbian Ave, to be held on June 12, 2022 from 7:00 AM to 4:00 PM. **(PSSC)**
- C. Approve the Street Use Permit for the Summer Kickoff Concert, sponsored by Future Neenah, 135 W Wisconsin Avenue, to be held on June 15, 2022 from 6:00 PM to 8:00 PM. **(PSSC)**  
**This item was moved from the Consent Agenda for separate discussion and action.**
- D. Approve the Street Use Permit for the Boogie Downtown, sponsored by Future Neenah, 135 W Wisconsin Avenue, to be held on August 24, 2022 from 6:00 PM to 9:00 PM. **(PSSC)**  
**This item was moved from the Consent Agenda for separate discussion and action.**
- E. **(UC)**

**Items C and D were removed from the Consent Agenda for separate discussion and action.**

**Seeing no objections, Items A and B were ordered approved under unanimous consent.**

**Consent Agenda Discussion:**

- C. Approve the Street Use Permit for the Summer Kickoff Concert, sponsored by Future Neenah, 135 W Wisconsin Avenue, to be held on June 15, 2022 from 6:00 PM to 8:00 PM. **(PSSC)**  
**MSCRP Lendrum/Steiner to approve the Street Use Permit for the Summer Kickoff Concert as submitted, all voting aye in a voice vote.**

Discussion: There seemed to be some confusion with what items were approved at the Public Services and Safety Commission meeting. Attorney Westbrook clarified the Street Use Permit was approved by Public Services and Safety Commission but the Temporary Class B Retailer's License, commonly known as a Picnic License, was tabled pending new applications that meet state regulations.

There was discussion on who can and cannot sell alcohol during the event. Clarification was given that any bar within the event area can be open to sell and serve alcohol within the footprint of the bar's own liquor license as if they were open for regular business on a typical day. They cannot sell alcohol anywhere else but within the footprint of the bar's own liquor license because state law prohibits double licensing.

There was discussion on policing open carry and who enforces it. Alderperson Lendrum advised there was discussion at Public Services and Safety Committee about having the bars serve in specialized cups or containers signifying the contents were purchased from a specific establishment and where that alcohol had to be consumed. Ultimately the liquor license holders are responsible with enforcing the rules as they currently are or put their liquor license in jeopardy. The bar owners are aware of this enforcement.

Any establishment can apply to change their footprint at any time. There is a process to changing the footprint which is done through the City Clerk's Office. The footprint of the business is as it stands on the day of the event.

- D. Approve the Street Use Permit for the Boogie Downtown, sponsored by Future Neenah, 135 W Wisconsin Avenue, to be held on August 24, 2022 from 6:00 PM to 9:00 PM. **(PSSC)**  
**MSCR P Lendrum/Skyrms to approve the Street Use Permit for Boogie Downtown as submitted, all voting aye in a voice vote.**

Discussion: See discussion under Item C above.

IX. Reports of standing committees

- A. Regular Public Services and Safety Committee meeting of April 27, 2022: (Chair Lendrum/Vice Chair Hillstrom) (Minutes can be found on the City web site)
1. Committee recommends Council approve the Neenah Police Department to participate in the Winnebago County Speed Task Force 2022 Summer Speed Enforcement Grant from June 1, 2022

to August 31, 2022 with a target amount of \$30,000 and with a 25% agency activity match, to be funded with operating funds.

**MSCRP Lendrum/Boyette to approve as presented, all voting aye.**

No discussion was had on this item.

2. Committee recommends Council approve the purchase of a 2022 Jacobson HR800 16' wide area mower in an amount not to exceed \$114,700 from Horst Distributing, to be funded with 2022 Capital Improvement funds.

**MSCRP Lendrum/Skyrms to approve as presented, all voting aye.**

Discussion: No discussion was had on this item.

3. Committee recommends Council approve the proposal from UW-Milwaukee in an estimated amount of \$4,000 to conduct the onsite monitoring and reporting for the Kimberly Point Phase 1 project utilizing 2022 Capital Improvement dollars that are funded through the American Rescue Plan Act funds and Capital Improvement carry forward reserve funds along with Information Services Smart Money.

**MSCRP Lendrum/Steiner to approve as presented.**

**MSCRP by Stevenson/Lendrum to amend original motion not to use Capital Improvement Funds for items 3 and 4 but rather to use \$18,009.00 ARPA money as the funding source for the entire project. The reason being is to stay consistent with funding the entire project out of ARPA dollars rather than multiple funding sources for the entire project, all voting aye.**

**MSCRP by Lendrum/Steiner to approve the original motion as amended, all voting aye.**

Discussion: Director Easker was asked about the balance of the ARPA Funds. The City was allotted about \$5.5 million. The 2022 Budget recognized that about \$1.3 million would be used to offset operating costs and the removal of some transfers that the city has been utilizing. Former Mayor Kaufert's intention was to use the same for budget years 2023 and 2024 leaving about \$1.2 million for other things after ARPA funds were used to fund projects like Kimberly Park and Shattuck Park, etc. Using ARPA funding for this project keeps the city over the \$1.2

million ARPA dollars plus an additional \$2.6 for the council and Mayor can decide how to utilize.

Aldersperson Steiner asked what the ARPA funds can be used for. Director Easker responded ARPA funding can be used for just about anything with the exception of paying off debt.

4. Committee recommends Council approve the proposal from Parkitecture and Planning in an amount of \$10,000 for the Construction Administration Agreement for the Kimberly Point Phase 1 project utilizing 2022 Capital Improvement funds and Capital Improvement Facility reserve funds.

**MSCRP Lendrum/Stevenson to approve as presented.**

Lendrum indicated that the amended motion to use ARPA dollars was the recommendation by Directors Kading and Easker and not the recommendation that came out of committee.

**MSCRP by Lendrum/Stevenson to amend original motion not to use Capital Improvement Funds for items 3 and 4 but rather to use \$18,009.00 ARPA money as the funding source for the entire project. The reason being is to stay consistent with funding the entire project out of ARPA dollars rather than multiple funding sources for the entire project, all voting aye.**

**MSCRP by Lendrum/Stevenson to approve the original motion as amended, all voting aye.**

- B. Regular Finance and Personnel Committee meeting of April 25, 2022: (Chairman Erickson/Vice Chairman Skyrms) (Minutes can be found on the City web site)

1. Committee recommends Council approve amending TID #7 development agreement with Bridgewood Golf Course to allow redevelopment of the former Bridgewood Golf Course.

**MSCRP Erickson/Boyette to approve as presented, all voting aye.**

Discussion: Director Haese advised that in 2002 there was a Developer's Agreement executed with the City of Neenah. At that time, the agreement specified that the nine-hole golf course was to remain a nine-hole golf course as a condition of the agreement. The golf course closed two years ago. The agreement before Council will

modify the previous agreement to allow for the redevelopment of the golf course.

2. Committee recommends Council approve amending TID #7 development agreement with Bridgewood Golf Course to allow redevelopment of the former fairway #9.  
**MSCRP Erickson/Borchardt to approve as presented, all voting aye.**

No discussion was had on this item.

3. Committee recommends Council approve TID #12 development agreement of the former Bridgewood Golf Course.  
**MSCRP Erickson/Skyrms to approve as presented, all voting aye.**

No discussion was had on this item.

- X. Reports of special committees and liaisons and various special projects committees
  - A. Regular Plan Commission meeting of April 26, 2022: (Council Rep Steiner) (Minutes can be found on the City web site)
    1. Items acted on under V. Plan Commission Committee report pertaining to the Public Hearings.
  - B. Board of Public Works meeting of April 26, 2022: (Acting Vice Chairman Hillstrom) (Minutes can be found on the City web site)
    1. Information Only Items:
      - a. The Board approved Pay Request #1 in the amount of \$118,697.75 to Janke General Contractors for work completed on the Shattuck Park Fountain Reconstruction Project.
    2. Council Action Items:
      - a. Board recommends Council award Contract 7-22 for Winneconne Avenue Bridge Repair to Pheifer Brothers Construction in the amount of \$217,847.10 using budgeted project funds and Public Infrastructure Fund reserves.  
**MSCRP Hillstrom/Borchardt to approve as presented, all voting aye.**

Discussion: Director Kaiser advised that Winnebago County completed the required inspection of the bridge which resulted in this project. The other part of the project is simply catching up from lack of maintenance work.

There are spots on the deck that have delaminated including a large spot on the north end. The north end spot appears to be down to the steel and bridge deck. The second part is there is a column on the pier just west of the railroad tracks which is pulling away from the steel, the main re-enforcement of that column. Thus the delamination process has started. In looking at options to make this repair, it was identified the cause of damage is actually in the bridge deck itself. There are expansion devices at each end of the west side of that bridge. The expansion devices are allowing water to get down into the column which is causing the column to expand and contract. In order to repair the column, the expansion devices must be addressed.

Aldersperson Lendrum asked Director Kaiser to address the price increases so that the Mayor and the Council can budget appropriately.

Director Kaiser advised that the price increases are item specific. A structural engineer firm was used to estimate this project as this work is outside normal scope. This project is above budget because of the expansion devices are a specialty item therefore cost more.

Aldersperson Stevenson asked if the difference between the amount budgeted and actual costs were due to inflation. Director Kaiser responded that inflation is part of the answer. The other part of the answer is the contractor estimate of the work that needs to be completed in order to accomplish the result we are looking for; in other words their bid is for the work that needs to be done seen through their eyes.

Bridge work is done at the condition of the bridge which cannot always be seen. Aldersperson Stevenson is concerned with the utilization of \$53,000 of undesignated fund balance. With the use of \$53,000 the reserves decrease to a balance of \$3.3 million in the account, a 1.5% of the existing balance. At CIP time, the Council will challenge Department Heads to come up with cost effective ways to execute the 2022 Capital Budget.

- b. Board recommends Council Award Kimberly Point Phase 1 Construction Contract to Martell Construction, Green Bay, in the amount of \$165,669.00 utilizing 2022 CIP Funding and CIP Facility Reserves.



**MSCRIP Hillstrom/Stevenson to Award Kimberly Point Phase 1 Construction Contract to Martell Construction, Green Bay, in the amount of \$165,669.00 utilizing APRA Funds, all voting aye.**

No discussion was had on this item.

- C. Landmarks Commission
  - 1. Report from the Landmarks Commission – Alderperson Steiner
    - a. No meeting.
- D. Sustainable Neenah Committee
  - 1. Report from the Sustainable Neenah Committee – Alderperson Borchardt
    - a. Meeting of April 12<sup>th</sup>.
    - b. Kicked off the Please to Bees Initiative.
    - c. No Mow May – Grass can only be allowed to grow up to eight inches per city ordinance.
    - d. Will be rolling out a monthly initiative in order to educate the community on sustainability.
- E. Reports on neighborhood groups.
  - 1. Business Improvement District Board (BID Board) – Alderperson Skyrms
    - a. Regular meeting of April 19<sup>th</sup>.
    - b. Baker Tilly is in the process of conducting an audit. The final report has not been received. Based on the feedback, it appears that there will be an option of an annual review verses a three-year audit.
    - c. The Annual Downtown Meeting was held March 15, 2022 at Future Neenah. It was a drop-in event and very well attended.
    - d. Maintenance Committee will host a Downtown Walk-Thru event on June 21<sup>st</sup>.
    - e. Signs stating, “You’re on camera” are being installed to discourage illegal dumping in the Market Place Dumpsters.
    - f. Spring Fling is this weekend, May 7<sup>th</sup>.
    - g. New this year is art decorating of tree beds downtown between May 7<sup>th</sup> and June 11<sup>th</sup>. Thirty beds are being decorated by local businesses.
    - h. Log Your Loops registration is open with the logging starting Memorial Day.
    - i. Farmer’s Market begins June 11<sup>th</sup>.
    - j. Retention Recruitment Grant Program was held on April 19<sup>th</sup>. Discussion was had on revamping the program.

- k. Update on the spaces available downtown. The former Subway, 224 building, has been purchased and a lease in place.
      - l. The 201 building is making progress. Panels are difficult to set in 20-30 mph winds. Completion could be by year end.
      - m. Solaris is currently sixty-six percent leased.
  - F. Bergstrom Mahler Museum
    - 1. Report from the Bergstrom Mahler Museum – Alderperson Steiner
      - a. Meet on Wednesday, April 27<sup>th</sup>.
      - b. Crystal Ball Gala this weekend, May 7<sup>th</sup>.
      - c. Second Year of Catching Fire Online Glass Art Auction June 1<sup>st</sup> – 11<sup>th</sup>.
      - d. Primordial Shift and the Art of Michael Meilahn: A Retrospective is currently on display through August 21<sup>st</sup>.
      - e. The Board reviewed preliminary renovation drawings.
  - G. Library Board (moved from previous meeting)
    - 1. Report from the Library Board – Alderperson Erickson
      - a. Meeting of April 20<sup>th</sup>.
      - b. New carpeting was installed on both the first and second floors of the library.
      - c. Bookscription Program, register on-line at the library. Every third Wednesday of the month this service will select three books along with a mystery gift for readers.
  - H. Park and Recreation Commission
    - 1. Report of Park and Recreation Commission – Alderperson Borchardt
      - a. Meeting held April 22<sup>th</sup>.
      - b. Park and Rec program sign-up almost meets that of 2021.
      - c. Pickle Ball League starts May 9<sup>th</sup>.
      - d. New donation box is placed at Washington Park Splash Pad. Hoping to work with Finance Department to implement a Venmo account for donations.
      - e. Clean the Creek is set for Saturday, May 7<sup>th</sup>.
      - f. Flat Grass is being held this weekend at Memorial Park.
      - g. Riverside Players tickets are now on sale.
      - h. DNR approved the pier design at Arrowhead Park.
      - i. Demo on the old fountain at Shattuck Park is complete and construction of the new water feature is underway.
- XI. Presentation of petitions
  - A. Any other petition received by the City Clerk’s Office after distribution of the agenda.  
None.

XII. Council Directives  
None.

XIII. Unfinished Business

A. Alderpersons Skyrms/Erickson

1. Bird Scooters – Alderperson Skyrms asked for clarification on education, signage, and geo coding for no scooters on the sidewalk. Director Haese advised the geo fencing is not accurate enough to allow scooters on the road and not the sidewalk. Staff will inquire with Bird. The concern is more about education than enforcement. The Bird app identifies clearly where the scooters can be ridden.
2. Alderperson Erickson led discussion of speed limit on Wisconsin Avenue so that the scooters cannot go too fast and run people over. Director Haese advised this is a balancing act which will have to be monitored. The scooters can only slow down so much before the inertia is interrupted and scooter is difficult to maneuver or ride.
3. Alderperson Skyrms asked what is the repository for complaints. Director Haese advised it would be the city at this point. One of four departments can handle complaints: Community Development, Police Department, Mayor's Office, or Park and Recreation. There is also the Bird web site or Bird app. It is a little early in the season, so monitoring is still required.

B. Alderpersons Steiner/Borchardt

1. Alderperson advised that District 2 Alderpersons were contacted regarding private business signs being put up on public property. Attorney Westbrook advised that if the signs are on park property or public right-of-way, the signs can be removed. If the signs are on someone's private lawn than Community Development needs to be contacted.
2. Alderperson Borchardt asked what the rules are for political signs. Attorney Westbrook advised that statute states from the day campaign papers can be circulated to Election Day municipalities are prohibited from regulating campaign signs. Candidate papers could be circulated as of April 15<sup>th</sup> so we cannot regulate unless they are placed in public right-of-way.

XIV. New Business

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

B. Mayor Lang

1. Reminded everyone that we are looking to fill Aldermanic District 3 position vacated by Mayor Lang. Two applications have been received thus far. If anyone is aware of someone who would like to apply we would appreciate spreading the word.

- a. Aldermanic District maps have been updated and they are on the website along with the application and application instructions.
2. Police Week is being recognized next week. Join Mayor Lang in expressing your appreciation for all the police do.
- C. Alderperson Boyette
  1. National Poppy Day is May 27, 2022. Poppy Days for Neenah are May 27<sup>th</sup> and 28<sup>th</sup> this year. So when you see veterans out there selling poppies, thank them for their service.
- D. Alderperson Hillstrom
  1. Thanked the Park and Recreation Department for hosting the Touch a Truck Event today. It was a beautiful day and well attended.
- E. Alderperson Stevenson
  1. Three potential candidates for Aldermanic District 3 contacted President Stevenson. One has submitted paperwork.
- D. Alderperson S kyrms
  1. Status on Director of Human Services. Attorney Westbrook advised the job announcement will be posted this week with the goal of having the director in place mid-August. This is a mayoral hire so the hiring committee will be led by Mayor Lang. Mayor Lang has indicated that even though this is a mayoral hire that she would like input from the Council. The position description and job announcement will be before the Finance and Personnel Committee next week.

XV. Adjournment

**Motion by Boyette/Stevenson to adjourn, all voting aye. Meeting adjourned at 9:10 p.m.**

Respectfully submitted,



Charlotte Nagel, City Clerk