

## **COMMON COUNCIL MINUTES**

Wednesday, January 16, 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., January 16, 2019 in the Council Chambers of Neenah City Hall.

Mayor Kaufert in the chair.

Present: Aldermen Boyette, Bates, Hillstrom, Lendrum, Erickson, Lang, Steele, Kunz & Stevenson, Director of Finance Easker, Director of Community Development & Assessment Haese, Director of Public Works Kaiser, Assistant City Attorney Vanden Heuvel and City Clerk Sturn.

Also Present: Police Chief Olson, Fire Chief Kloehn, Director of Parks & Recreation Kading, City Financial Advisor Brad Viegut, NJSD Superintendent Mary Pfeiffer, Maribeth McCann, Lewis & Arla Zielsdorf, Marie Polar and Rob St. Pierre.

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

### **Introduction and Confirmation of Mayor's Appointments**

- I. **MSCRP Bates/Stevenson to confirm Mayor Kaufert's reappointment of Denise Burkett and Lewis Zielsdorf on the Board of Appeals for three year terms to expire January 2022, all voting aye.**
- II. **MSCRP Stevenson/ Kunz to confirm Mayor Kaufert's Amy Kester to fill the expired term of Curtis Fisher on the Sustainable Neenah Committee for three-year terms to expire December 2021, all voting aye.**
- III. **MSCRP Lang/Erickson to confirm Mayor Kaufert's appointment of Leeann Wasinger to fill the expired term of Steve Gries on the Business Improvement District Board (BID) for a three-year term to expire December 2021, all voting aye.**
- IV. Lewis Zielsdorf, Mayor Kaufert's appointee to the Board of Appeals, advised that his wife told him not to drag on about his history with the Mayor. He thanked the Council for his reappointment.
- V. City Clerk Sturn administered the oath to Lewis Zielsdorf.

### **Proceedings**

- I. **MSCRP Lendrum/Hillstrom to approve the Council Proceedings of December 16, 2018 regular session and Committee of the Whole minutes, all voting aye.**

**MSC Stevenson/Kunz to amend the agenda to discuss item IX (B) (1) Special Finance & Personnel Committee meeting report / Resolution No. 2019-04 prior to the public hearing, all voting aye.**

### **Special Finance & Personnel Committee**

- I. Chairman Erickson reported the special meeting of January 16, 2019:
  - A. Committee recommends Council adopt Resolution No. 2019-04 providing for the Sale of Approximately \$8,825,000 General Obligation Promissory Notes. **MS Erickson/Stevenson.**
    1. City Financial Advisor Brad Viegut advised that this is an issuance which is scheduled to fund the City's 2019 Capital Improvement Program (CIP). The CIP was adopted as part of the City's budget process late last year. The \$8,825,000 issue is scheduled to be repaid over a ten year period and will support general fund projects, sewer fund projects, storm water and various TID projects. The estimated interest rate is 2.85%. The resolution the Council is considering tonight initializes the process. A Baird representative will be at the Feb. 6<sup>th</sup> Council meeting with the final results and another resolution to finalize the process.
    2. **Motion carried, by a 9-0 RollCall-Pro System vote, all voting aye.**

### **Public Hearing**

- I. Consider the discontinuance of Coral Court.
  - A. There being no appearances, Mayor Kaufert declared the public hearing closed at 7:12 pm.

### **Plan Commission Report Pertaining to the Public Hearing**

- I. Council Rep. Lang reported from the Plan Commission meeting of December 11, 2018:
  - A. Commission recommends Council adopt Resolution No. 2018-27 to discontinue Coral Court. **MS Lang/Hillstrom.**
    1. Ald. Bates questioned if there are conditions relating to requesting this be a city street in the future.
    2. Dir. Haese indicated this parcel was platted in the late 50s, early 60s. There was never a street built on the parcel. The vacation will return the parcel to the owner whose intent is to redevelop the site into a multi-family development project. There is no expectation that this will be handled as a public street in the future.

3. **Motion carried, by a 9-0 RollCall-Pro System vote, all voting aye.**

### **Public Forum**

- I. Mayor Kaufert advised that the Council will act on a request by the NJSD to vacate a portion of Laudan Blvd. Tonight the only action will be is to accept that request. There is no need for a lot of discussion tonight. There will be a public hearing scheduled after 40 from acceptance of this resolution. He sent out post cards to let residents know this is coming. If anyone has questions / comments regarding this they are welcome to speak.
- II. Marie Polar, 741 Reed Street, expressed concern that Laudan Boulevard is well traveled and at times gets congested. As a resident for over 50 years, she feels vacating Laudan Boulevard will cause traffic pattern problems. She asked that the City send notices of the public hearing date and time.
- III. There being no further appearances, Mayor Kaufert declared the public forum closed at 7:20 p.m.

### **Mayor/Council Consideration of Public Forum Issues**

- I. Ald. Bates advised of a call she received from a neighbor that could not attend the meeting tonight expressing the same concern that vacating that portion of Laudan Boulevard will cause traffic problems. He asked if another street could be put in further to the south.
- II. Mayor Kaufert advised that NJSD Superintendent Mary Pfeiffer was in the audience if anyone had questions. He asked that we not get into the nuts and bolts of it tonight. There will be a couple of options to consider that Asst. City Atty. Vanden Heuvel will go over during that discussion later on the agenda.

### **Consent Agenda**

- I. **MSCRP Stevenson/Erickson to approve the Consent Agenda as follows:**
  - A. **Approve Beverage Operator License Applications for: Elizabeth A. Jenkins and Benjamin Davis Sheets. (PSSC)**
  - B. **All voting aye.**

### **Public Services and Safety Committee**

- I. Chairman Bates reported the regular meeting of January 8, 2019:
  - A. Assistant City Attorney Vanden Heuvel explained that this action tonight is just to introduce this resolution. The State Statutes require a public hearing to be held 40 days after the introduction. Staff is recommending two options: hold the public hearing on March 20<sup>th</sup> and vote; or hold the public hearing on April 3<sup>rd</sup> and vote after the results of the referendum question

are known. There is a clause within the resolution stating if the referendum does not pass then the resolution is null and void.

1. Mayor Kaufert indicated another option would be to hold the public hearing on March 20<sup>th</sup> and act on the resolution on April 3<sup>rd</sup>.
  2. Chairman Bates reported that the Committee recommends Council, at the request of the Neenah Joint School District, introduce Resolution No. 2019-02 vacating a portion of Laudan Boulevard and schedule a public hearing for discussion and consideration of the Resolution no less than 40 days from introduction.
  3. **MS Bates/Stevenson to introduce Resolution No. 2019-02 vacating a portion of Laudan Boulevard and schedule a public hearing to be held on March 20<sup>th</sup> and the vote for April 3<sup>rd</sup>.**
  4. Ald. Stevenson clarified this action does not adopt the resolution, it acknowledges and introduces the resolution. He clarified for Marie Polar that tearing down Shattuck is not a decision of the City Council, it is action the Neenah Joint School District would take.
  5. Ald. Bates indicated this is similar to accepting a petition and placing it on file.
  6. Assistant City Attorney Vanden Heuvel added that a Class 3 notice is required.
  7. **Motion carried by an 8-1 RollCall-Pro System vote, all voting aye, Ald. Kunz abstained.**
- B. Committee recommends Council direct staff to amend the official traffic maps to reflect angle or perpendicular parking on the west side of Harrison Street abutting Washington Park contingent upon the bid alternate being approved by the Council. **MS Bates/Hillstrom.**
1. Ald. Boyette questioned if there was funding in the original estimate for Washington Park.
  2. Dir. Kaiser advised that the angle parking was included in the original concept plan and the cost was included in the original estimate of probable costs.
  3. **Motion carried, by a 9-0 RollCall-Pro System vote, all voting aye.**
- C. Committee recommends Council approve enabling single family resident properties to acquire an additional refuse cart for a charge of \$185 per year or an additional recycling cart for a charge of \$25 per year. **MS Bates/Lendrum.**
1. Ald. Boyette asked for explanation for residents.
  2. Dir. Kaiser responded that the 95 gallon cart size is the standard. The recommendation from committee was single family residents if they want to move beyond that basic level of service, here is what the cost will be.
  3. Mayor Kaufert added that there is a difference in the cost between the refuse and recycling carts. In order to encourage recycling we are trying to keep them affordable.

4. Ald. Kunz questioned if the \$185 is the cost to pick it up. He asked for clarification that the cost of the container is not included.
  5. Dir. Kaiser concurred that the \$185 cost per year does not include the cost of the container.
  6. Ald. Kunz expressed concern over creating an inequity since we pick up from non-profits without charging them.
  7. Dir. Kaiser responded that goes beyond refuse collection. It goes for any city service we provide the non-profits. They do not pay a service fee for any city service. Basically what we are saying is the 95 gallon cart is the basic service level covered by the tax levy.
  8. Ald. Kunz advised he can vote for this however it leaves other issues on the table.
  9. Ald. Bates stressed that residents are limited to one additional cart. They must also have started with the big one and the only extra one that can be added is a big one.
  10. **Motion carried, by a 9-0 RollCall-Pro System vote, all voting aye.**
- D. Committee recommends Council adopt Preliminary Resolution No. 2019-01 for sanitary sewer lateral construction on Caroline Street (Union to Van), Stanley Court, Thomas Court, Stanley Street (Marathon to S. Commercial), Stevens Street (Congress to Doty), 5th Street (Clark to Lincoln) and Courtney Court. **MS Bates/Lendrum.**
1. Ald. Kunz asked how this will be communicated. Particularly with the other conversations regarding special assessments / sanitary sewer.
  2. Dir Kaiser advised that the next step will be to bring the assessment report to the PSSC at their next meeting. This would lay out the costs for laterals. That will be the night after the F&P Committee takes this up again. As far as communication to the public on these particular streets, that happens after the assessment report is approved by committee. Even after that happens, if the Council action changes the assessment process or levels on sewer laterals, the final billing will reflect any changes made by the Council.
  3. **Motion carried, by a 9-0 RollCall-Pro System vote, all voting aye.**

### **Finance & Personnel Committee**

- I. Chairman Erickson reported the regular meeting of January 7, 2019:
  - A. Committee recommends Council approve the 2019 Intermunicipal Agreement with the City of Appleton for Dial-A-Ride cost sharing. **MS Erickson/Lang.**
    1. Ald. Erickson questioned if the information requested at committee on the ridership in the past 5 years was provided.
    2. Dir. Haese apologized as he did not get a chance to speak with Carol to obtain those numbers. He will email that information to the Council in the morning.

3. **MSCRP Erickson/Lang to defer the 2019 Intermunicipal Agreement with the City of Appleton for Dial-A-Ride cost sharing to the next Council meeting until the past five year ridership numbers are provided to the Council, all voting aye, Ald. Kunz voting nay.**
- B. Committee recommends Council authorize the Department of Community Development to purchase a 2018 Ford Focus from Bergstrom Automotive in the amount not to exceed \$16,200 from funds included in the 2019 Capital Equipment budget. **MSCRP Erickson/Lang, all voting aye.**
- C. Committee recommends Council approve the Larson approve and accept the petition for annexation of .85 acres located at 905 Bayview Road in the Town of Neenah (Ordinance No. 2019-01). (To be acted on following a report from the Plan Commission)
- D. Committee recommends Council approve and accept the Loren's Auto Recycling petition for annexation of 29.94 acres located at 2405 Schultz Drive in the Town of Neenah, including the recommendation that the approximately \$150,000 for sanitary sewer and storm sewer system fees identified in the annexation report be paid for by TIF 9 increment. (Ordinance No. 2019-02). (To be acted on following a report from the Plan Commission)
- E. Committee recommends Council approve the Resolution No. 2019-03 to allow staff to apply for the Wisconsin Assessment Monies (WAM) grant for completion of a Phase II assessment at 2405 Schultz Drive - Resolution No. 2019-03. **MSCRP Erickson/Hillstrom, all voting aye.**
- F. Committee recommends Council recommend the Community Development Authority proceed with an acquisition agreement to acquire 150 acres of property from Mr. Steven Heimbruch, Waupaca County, at a cost of \$787,500 for the purpose of developing a City of Neenah wetland mitigation bank, consistent with the points listed under the Proposal subheading above, and that the Common Council be presented with the results of the State of Wisconsin DNR Wetland Bank Prospectus prior to and for the purpose of finalizing the acquisition agreement, and with the purchase to be funded by Storm Water Utility reserves, and to recommend amending and increasing the 2019 Storm Water Capital budget by \$787,500. **MS Erickson/Stevenson.**
  1. Mayor Kaufert advised that this is a budget amendment and requires a 2/3 vote.
  2. Ald. Kunz expressed concern over the portion of the motion "increasing the 2019 Storm Water Capital budget by \$787,500". He questioned borrowing more money for a fund that may be higher than it should be. He feels this should be evaluated on its own when the time comes and not tie it into this motion.
  3. Dir. Haese indicated the reserves are sufficiently funded that we would not need to borrow. The intent is not to borrow addition funds but to use funds from the storm water utility reserves.

4. Dir. Easker clarified that this is not the borrowing, it is the expenditure. It does not matter whether you are borrowing money or taking it from reserves or levying money, the budget amendment is the intent to spend money. That intent is not spelled out anywhere. It is money that need to be appropriated. Based on this, the Council may not get another opportunity to act on this.
  5. Ald. Kunz indicated he misread the motion that after moving the money over we would borrowing another \$787,500 to refill that fund. That is not the case. He has no issue with this.
  6. Ald. Stevenson took issue with the comments made by Dir. Easker that this is the final action by the Council since the motion states “the Common Council be presented with the results of the State of Wisconsin DNR Wetland Bank Prospectus prior to and for the purpose of finalizing the acquisition agreement”. The critical tool here is the content of that Prospectus. If the Council deems that Prospectus to be a challenge then they would not approve it.
  7. Ald. Kunz clarified that if the Council votes in favor of this, we are moving forward. This would move forward unless Council stops it.
  8. **Motion carried, by an 8-1 RollCall-Pro System vote, all voting aye, Ald. Boyette voting nay.**
- G. Committee recommends Council ratify the decision made by Mayor Kaufert to accept the offer of \$223,125 from the Wisconsin Security Insurance Fund’s Guaranty Association of Wisconsin, including assignment to rights of Neenah-Menasha Sewerage Commission to future distributions from the Home Insurance Company estate, to resolve the Neenah-Menasha Sewerage Commission claim filed with WSIF. **MS Erickson/Stevenson.**
1. Ald. Stevenson advised that he has reviewed the response to his concern in Committee and he is satisfied that all insurance resources have been exhausted.
  2. Ald. Bates questioned the meaning of “assignment to rights”.
  3. Asst. City Atty. Vanden Heuvel advised that we are assigning our rights to WSIF. Any future money Home Insurance would pay out goes to WSIF since they have already paid us.
  4. **Motion carried, by a 9-0 RollCall-Pro System vote, all voting aye.**

### **Plan Commission**

- I. Council Rep. Lang reported from the Plan Commission meeting of January 8, 2019:
  - A. Committee recommends Council approve Annexation #211 (Ord. No. 2019-01) and the property receive an R-1, Single-Family Residence zoning classification.
  - B. Committee recommends Council approve Annexation #212 (Ord. No. 2019-02) and the property also receive a temporary I-1, Planned Business Center District zoning classification.

- C. **MSCRП Lang/Stevenson to postpone these annexations to the February 6<sup>th</sup> meeting after the impact report is received by the Department of Administration, all voting aye.**

#### **Neenah-Menasha Joint Fire Rescue Finance & Personnel Committee**

- I. Ald. Kunz reported from the Neenah-Menasha Joint Fire Rescue Finance & Personnel Committee meeting of January 9, 2019:
  - A. Committee recommends the City of Neenah and City of Menasha Common Councils approve filling the vacancy created by a retirement no earlier than February 1, 2019. **MSCRП Kunz/Boyette, all voting aye.**
  - B. Committee recommends the City of Neenah and City of Menasha Common Councils approve the Fire Science Student Placement Agreement with Northeast Technical College. **MSCRП Kunz/Stevenson, all voting aye.**
  - C. Committee recommends the City of Neenah and City of Menasha Common Councils approve the Contract extension for Statewide Structural Collapse Team Members with the State of Wisconsin through June 30, 2019. **MSCRП Kunz/Boyette, all voting aye.**

#### **Board of Public Works**

- I. Vice Chairman Hillstrom reported the meeting of January 8, 2019:
  - A. Information Only Items:
    - 1. The Board approved Change Order No. 1 for Washington Park Phase II to R & R Wash Materials in the amount of \$3,322.44.
    - 2. The Board approve Pay Request No. 1 for the Towerview Drive Elevated Tank Reconditioning from L.C. United Painting Co., Inc. in the amount of \$222,730.50.
  - B. Council Action Items:
    - 1. The Board recommends Council approve the Final Payment for Washington Park Phase II to R & R Wash Materials in the amount of \$2,050.41, holding \$2,000 retainage until spring 2019 when site restoration and seeding takes hold. **MSCRП Hillstrom/Lang, all voting aye.**

#### **Community Development Authority**

- I. Dir. Haese reported from the Community Development Authority:
  - A. The CDA has entered into a letter of intent for Site 6 with a developer from Middleton for a multi-family development on the corner of Millview Drive and Main Street. They now have 90 days to prepare a development agreement which will provide much more detail to the size, scale and scope of the project.
  - B. Mayor Kaufert indicated this is our first potential project for downtown housing. Once this deal is done, it will open the door to more opportunities.



### Library Board

- I. Ald. Erickson reported from the Library Board:
  - A. The Board met today at 4 pm. She distributed a flyer showing adult events at the Library. She highlighted two interesting events: Monday Feb. 4<sup>th</sup> at 2:00 pm the Miracles of Feng Shui with interior design specialist Nancy Freier; and Thursday Feb. 7<sup>th</sup> at 6:30 pm Stressed to Positively Energized, a workshop by professional life and career coach Lisa Klarner.
  - B. The 12 books in 12 months reading program has begun. She encouraged everyone to stop in to get their scratch off to participate in this program. Prizes will be given to the best participants.
  - C. There are a lot of other programs available for both adult and youth. She encouraged everyone to visit the Library website for more information on programs.

### Neenah Arts Council

- I. Ald. Erickson reported from the Neenah Arts Council:
  - A. The Council met last Wednesday January 9<sup>th</sup>.
  - B. March is Youth Art Month. There will be a variety of activities throughout the City.
  - C. The Council is exploring an opportunity to have a music night, potentially in April or May.

### Petition

- I. The Brazil (Nature Trail) Petition of Annexation was presented. **MSCR P Lendrum/Stevenson, to refer the Brazil Petition of Annexation to the Finance & Personnel Committee and Plan Commission, all voting aye.**

### New Business

- I. Ald. Kunz asked if there is anything we can do regarding the closing of Shopko.
  - A. Mayor Kaufert advised he tried to contact their corporate office to see if there is anything we could do to keep their doors open but has not heard back from them.
- II. Ald. Bates thanked City Clerk Sturn for arranging for Chief Inspectors to attend the security training conducted by the Winnebago County Sheriff's Department. The training was an active shooter training to make election workers more aware of these type events and what they should watch for.
- III. Ald. Lendrum wished Dan, the UW Fox rep who records the Council meetings, a Happy Birthday. She provided cupcakes to everyone and told him to take the extras home.

- IV. Mayor Kaufert reminded everyone that he will be leaving for a working vacation early in the morning. He will be available by phone. Council President Stevenson will be available to sign documents and handle things in his absence.

**Adjournment**

- I. **MSC Lendrum/Boyette to adjourn at 8:17 p.m., all voting aye.**

  
Patricia A. Sturn, WCPC/MMC  
City Clerk