

COMMON COUNCIL MINUTES

Wednesday, February 5, 2020 - 6:30 p.m.

The Common Council of the City of Neenah, Winnebago County, Wisconsin, met in regular session at 6:30 p.m., February 5, 2020 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: Police Chief Olson, Police Captain Bernice, Police Investigator Streubel, Police Lieutenant VanSambeek, Fire Chief Kloehn, Director of Human Resources & Safety Kehl, Building Inspector Walter and Code Enforcement Osthelder.

Mayor Kaufert called the meeting to order at 6:40 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.

Update on Evolve Inspections Software

- I. Building Inspector Brian Walter gave a brief presentation on the new Inspections Software – Evolve. They did demonstration of several software options after which they choose Evolve. The City of Oshkosh uses this software. The software can be used in the field; has GIS integration; allows one permit to be issued for projects; inspections are kept within the system; emails contractor upon permit approval; has real time access; configured with auto-email back to the contractors and WE Energies so they can hook up power; automatically sends certificates of occupancy and allows documents of any type to be attached to the permit in the system. This software saves staff time and saves subcontractors from having to take the time to come into City Hall for permits. It also sends information directly into Market Drive saving data entry for the Assessor's Office. It increases the efficiency with their department. The on-line portal helps contractors / home owners when applying for building permits. Use of the portal continues to increase as residents discover it and contractors become familiar with it. The benefits to other staff in the office is that mailings are almost eliminated as they are done automatically through the system. They no longer handle those mailings. Permits can be paid for on-line so traffic in the office has been reduced. All the plans / documents for each project are integrated right into the system eliminating 80% of the manual scanning they have done in the past. Documents can be retained indefinitely for historical preservation. Evolve is being used for other licenses within their department and in other departments as well. Contractors love the software and appreciate our efforts. The software has paid for itself already in staff time alone. It was well worth the effort. Inspector Walter answered questions from the Council.

- A. Code Enforcement Katy Osthelder covered the code enforcement piece of the Evolve software which was implemented February 2017, two months prior to the inspectors' portion. In the past, communication was done on sticky notes, now they can be done directly in this software keeping records of all reports. Staff can view all cases to see what the inspector has done with them to assist residents. Pre-evolve letters were standard and limited. Evolve allows staff to place all violations on one letter. Letters are standardized but also customizable on a case to case basis. In evolve, letters are formatted to fit in window envelopes to eliminate the need to type envelopes. Evolve allows notes to be made, document a phone call or correspondence to the case. Everyone in the office has access and can answer questions that come up. Evolve automatically saves documents directly into the software, no need to scan documents. Follow up using Evolve has been made easier. A real time work flow allows documents to be viewed out in the field. The software is very efficient and time saving for Code Enforcement. Code Enforcement Officer Osthelder answered questions from the Council.
- B. Mayor Kaufert thanked Brian & Katy for the update.
- C. Dir. Haese acknowledged both Katy & Brian for their work on this software implementation. Katy was a great resource helping put this in place. It has had a dramatic impact on their office. The advantages go well beyond what was anticipated. He concurred with Brian in that this software has paid for itself in a number of different ways.

Proceedings

- I. **MS Erickson/Boyette to approve the Council Proceedings of January 22, 2020 special session and Committee of Whole minutes of January 22, 2020. There being no objections the motion was approved by unanimous consent.**

Consent Agenda

- I. **MS Stevenson/Bates to approve the Consent Agenda as follows:**
 - A. **Approve Beverage Operator License Applications for Bradley Clements, Kendal Donson, Amy Gitter, Jean Harvath, Maria Hilgart, Kayla Jensen, and Holly Krusick. (PSSC)**
 - B. **Approve temporary Class "B" Beer License to Bergstrom Mahler Museum, 165 N. Park Ave, for Art After Dark to be held on February 20, March 19, April 16, May 21, June 18, July 16, August 20, September 17, October 15, November 19, and December 17, 2020. (PSSC)**
 - C. **Approve the Temporary Class "B" (Picnic) Beer License Application for St. Gabriel Parish, 900 Geiger Street, for their Friday Fish Fry to be held on February 28, March 6, March 13, March 20, March 27, and April 3, 2020. (PSSC)**
 - D. **There being no objections the motion was approved by unanimous consent.**

Public Services and Safety Committee

- I. Chairman Bates reported the regular meeting of January 28, 2020:
 - A. Committee recommends Council approve the Police Department installation of new vinyl flooring by D&M Flooring America for an estimated cost of \$23,000 and purchase of a new floor cleaning machine for an estimated cost of \$7,000. **MSCRP Bates/Lang, all voting aye.**
 - B. Committee recommends Council authorize the Police Department to negotiate the immediate purchase of vehicles to maximize incentives for a 2020 Chevrolet Equinox LT Crossover SUV, a 2020 Hyundai Santa Fe SE SUV (or alternate 2020 Hyundai Tucson SEL Crossover SUV), a 2019 Dodge Caravan SE Van, a pre-owned 2019 Dodge Ram 1500 SLT Pick Up, and a 2020 Chevrolet Colorado W/T Pickup up to a maximum of \$175,000 using 2020 Capital Equipment Funds. **MS Bates/Lang.**
 1. Ald. Boyette questioned the year of the Ram we currently own.
 - a. Lieutenant Streubel indicated the Ram we currently have is a 2014.
 2. Ald. Boyette questioned the pet lift.
 - a. Lieutenant Streubel advised that we did not own a pet lift. Someone donated a ramp to use which was ineffective.
 3. Ald. Boyette asked if there is a way to spread out these vehicle purchases so we are not purchasing all five at once.
 4. Police Chief Olson advised that this is their goal in the future. They are playing with the hand they were dealt however looking into streamlining this over the next five years. They have had discussions which include the possibility of leasing.
 5. Ald. Bates questions what the W/T means.
 6. Lieutenant Streubel clarified the W/T stands for work truck.
 7. Police Chief Olson thanked Adam Streubel for his 25 years of services with the Neenah Police Department. He is retiring on Friday. He will be missed.
 8. Mayor Kaufert also send best wishes to Adam Streubel on his retirement.
 9. Ald. Stevenson questioned if the vehicle worksheet provided to the PSSC was distributed to the rest of the Council.
 10. Police Chief Olson apologized indicating he will send that out.
 11. Ald. Boyette indicated she would greatly appreciate receiving that spreadsheet. She thanked Chief Olson in advance.
 12. **Motion carried, by an 8-0 RollCall-Pro System vote, all voting aye.**

Finance & Personnel Committee

- I. Chairman Erickson reported the regular meeting of January 27, 2020:
 - A. Committee recommends Council approve the updates to Policy 2014-2: CDL Policy. **MSCRP Erickson/Stevenson, all voting aye.**

- B. Committee recommends Council retain Attorney Amy Seibel to represent the City in the assessment appeals filed by CVS Drug Store and Wal-Mart at a stated rate of \$200 per hour, with Attorney Godlewski to inform the Common Council as to the estimated hours and scope of work from Attorney Seibel prior to Common Council action. **MS Erickson/Boyette.**
1. City Atty. Godlewski advised of a memo he placed at everyone's desk prior to the meeting estimating the hours and scope of work. He apologized he was unable to connect with Atty. Seibel until today. One expense both cases will require is a specialized appraisal done by an MAI certified appraiser. Given the success Atty. Seibel has achieved in recent years, she has observed that appeals involving big box stores are more likely now to settle at a reasonable assessment, reducing the amount of time spent defending those cases. However, assessment appeals involving commercial triple net leases, like those usually employed by drug stores, still have court precedent in their favor from Walgreen's vs. City of Madison case. In lieu of the fact that estimates of time on each case is so variable based on the facts of each case, he will report back to the Finance & Personnel Committee on a monthly basis with the status of these cases.
 2. Mayor Kaufert questioned if the City has to pay for the specialized appraisal.
 3. City Atty. Godlewski clarified that the tax payer will present their case for the reduction in assessment based on an appraisal that they have. We have to respond and confirm what the assessors did. This is the same process used in the Kohl's appeal in 2013.
 4. Ald. Kunz indicated that while an estimate may not be ideal, it is better than nothing which is what we have right now. He expressed concern over the lack of any type of cost figure.
 5. City Atty. Godlewski added that based on past experience, his best estimate is the cost of the CVS case may be as high as \$50-75,000. The Walmart case will likely settle in mediation at a lower cost maybe \$25-40,000.
 6. Dir. Easker reminded that for each million dollars of assessed value that disappears cost the City approximately \$83,000 per year and all jurisdictions \$20,000. This may put in better perspective the need to spend some dollars on the legal side to defend this. He concurred with Ald. Boyette indicating we would be losing revenue. From the City standpoint we would be talking about \$35,000 per year. From the overall taxing jurisdictions we would be talking about close to \$80,000 per year. This is for every year moving forward.
 7. City Atty. Godlewski clarified for Ald. Boyette that the cap was on the personal property assessment challenge for Georgia Pacific which was to report back at 250 hours.
 8. Ald. Stevenson indicated the Atty. Seibel is already a contracted employee of the City working on the Georgia Pacific case. The Council has taken specific action asking her that before we enter into a contract, we get an estimate as to what the scope of work cost

- will be. She did not provide that. City Atty. Godlewski's memo indicated that she said it would be a little more than a guess. He will take her guess. He wants to know what the guess is. We have asked for information and he expects to get it.
9. Dir. Easker clarified for Ald. Stevenson that it is his understanding that we are responsible for the assessment part of it. There is no legal basis to bill that back. If there is any action to retroactively have money the taxpayer has already paid we can bill that back to the jurisdiction.
 10. Ald. Stevenson expressed concern that if we do not get an estimate, he guarantees it will be billed on the high end. He cannot support the motion without receiving that information which is part of the motion.
 11. City Atty. Godlewski defended Atty. Seibel indicating he has talked to other attorneys in Wauwatosa and Green Bay who all have marvelous things to say about her in terms of her ability to achieve a result desirable by the municipality and at a reasonable cost. He could go back and get that reasonable cost if the Council desires.
 12. **MSC Erickson/Stevenson to postpone action on this motion until the next Council meeting, all voting aye.**

Neenah-Menasha Joint Fire Rescue Finance & Personnel Committee

- I. Council President Stevenson reported from the Neenah-Menasha Joint Fire Rescue Finance & Personnel Committee meeting of January 28, 2020:
 - A. Committee recommends the City of Neenah and City of Menasha Common Councils approve the Memorandum of Understanding for the Fire Response on Interstate 41 with Neenah-Menasha Fire Rescue, Town of Vinland Fire Department, and Town of Neenah Fire Department. **MSCRP Stevenson/Boyette, all voting aye.**
 - B. Committee recommends the City of Neenah and City of Menasha Common Councils approve the Combined Recruit Class Memorandum of Understanding between Neenah-Menasha Fire Rescue and Oshkosh Fire Department. **MSCRP Stevenson/Boyette, all voting aye.**

Committee of the Whole

- I. Council President Stevenson reported from the Committee of the Whole meeting of February 5, 2020:
 - A. The Committee recommends Council approve changing the scope of work for Arrowhead Park Phase 1A Project to include Carriage & Trail Base and Stormwater (\$794,000); Shoreline/Habitat Restoration (\$402,000); Touch the Water \$66,000; plus a 10% contingency (\$126,200); for a total cost of \$1,388,200. **MSCRP Stevenson/Kunz, all voting aye.**

Landmarks Commission

- I. Alderperson Lang reported from the Landmarks Commission meeting of January 14, 2020.
 - A. The Commission reviewed their bi-laws and elected officers.
 - B. The Commission will discuss a possible change in meeting dates at a subsequent meeting.

Business Improvement District (BID) Board

- I. Alderperson Lang reported from the Business Improvement District Board (BID Board) meeting of January 21, 2020.
 - A. The BID Board Annual meeting will be held on March 10th at Future Neenah from 6:30 pm to 8:30 pm. All are welcome to join this breakfast meeting.
 - B. There is a new business called "Fortitude" located in the Chase building. Another business, "Todd Reed" as a business coach.
 - C. The BID and Future Neenah will sponsor Warm Your Hearts event on February 8th.
 - D. Ultimate Ladies' Day will be held on April 25th.

Bergstrom Mahler Museum

- I. Alderperson Spellman reported from the Bergstrom Mahler Museum meeting of January 22, 2020.
 - A. The exhibit WI Ideas / Global Influences will begin on February 18th and run through February 22nd.
 - B. Upcoming February events: Coffee with a Curator on February 18th and the Art Alliance for Contemporary Glass WI artists will be held February 20th.
 - C. Find your Valentine Day Gifts in their gift shop.

New Business

- I. Ald. Bates questioned the upcoming retirement in the Finance Department.
 - A. Dir. Easker advised that Assistant Treasurer Judy Christnovich is ending her 20+ year career with the City of Neenah. Her last day is Friday. It is his intention to introduce their new Assistant Treasurer, Amber Adams to the Council at a future meeting.
- II. Ald. Kunz requested a greater definition of expenses for TIF #10. He would like to see more specific detail as we address that in the upcoming CIP discussions.
- III. Mayor Kaufert reminded everyone of the February 18th Spring Primary. The polls are open from 7 am to 8 pm. Early voting has begun in the Clerk's Office.
- IV. Ald. Erickson asked if there will be a NuPark update in the near future.
 - A. Mayor Kaufert indicated that has not been scheduled. They have sent a team to Stevens Point to view a different vendor. There has been some progress made with NuPark so it may be good to either send a memo or

bring it before the Committee in February. He thanked Ald. Erickson for the suggestions.

- V. Ald. Bates asked if there have been any updates with the Appleton Exhibition Center.
- A. Mayor Kaufert advised that he serves on the Advisory Committee. They have not met for a few months. At their last meeting the question was brought up by Chuck Koon, Village President in Kimberly to see some profit & loss statements to see how they are doing. They were told at that time by Appleton officials that this information is proprietary and they could not share that. When pressed by Committee members, Mayor Hanna told the Committee that he would look into that to see if some of that information could be shared. It is an Appleton facility and they are ultimately responsible for it. He will bring that up again at the next meeting.
 - B. Ald. Bates added any information would be helpful. They could redact confidential information. She asked how we are doing with money collected from room taxes.
 - C. Mayor Kaufert added that part of their concern is that some of the organizations that use the facility don't want that information made public. He advised that the hoteliers in this area do see some residual benefit.
 - D. Dir. Easker added that it is too early to tell, especially from the Champion Center side. The Champion Center may be more of a direct benefit to the City of Neenah. There is no way to tell if we have benefited from the Exhibition Center.
 - E. Mayor Kaufert indicated the Champion Center is off to a great start. Utilization is way up. The managing partner of the Exhibition Center tells us they are more than breaking even.
 - F. Dir. Haese advised that Pam Seidel, Executive Director of the Fox Cities Convention & Visitors Bureau will be at the next meeting for a short presentation.
- VI. Mayor Kaufert advised a meeting of the Committee of the Whole will follow this meeting.

Adjournment

- I. **MSC Lendrum/Boyette to adjourn at 8:13 p.m., all voting aye.**


Patricia A. Sturn, WCPC/MMC
City Clerk