

Common Council Minutes
Wednesday, June 21, 2023 at 7:00 PM

The Common Council of the City of Neenah, Winnebago County, Wisconsin, met in regular session at 7:00 PM, June 21, 2023, in the Council Chambers of Neenah City Hall.

Mayor Lang is the chair.

Present: Alderpersons Boyette, Erickson, Hillstrom, Lendrum, Steiner, Stevenson, Stryms, and Weber. Council President Borchardt was excused. Staff present Director of Finance Rasmussen, Director of Community Development & Assessment Haese, Director of Public Works Kaiser, City Attorney Rashid, and City Clerk Nagel.

Also Present: Police Chief Olson and Assistant Police Chief Bernice.

Mayor Lang called the meeting to order at 7:00 p.m.

- I. The Mayor/Alderpersons recorded their attendance on the RollCall-Pro System as the Clerk called the roll. Alderperson Steiner led the Pledge of Allegiance.
- II. Introduction and Confirmation of Mayor's Appointment(s)
 - A. None.
- III. Approval of Council Proceedings
 - A. Approval of the Council Minutes and Proceedings of June 7, 2023 regular session.
 - B. Approval of the Committee of the Whole Minutes of June 7, 2023.
There being no objections, the Council Minutes and Proceedings of June 7, 2023, and the June 7, 2023 Committee of the Whole were ordered approved as written by unanimous consent.
- IV. 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 7:05 PM.

Wendy Szczaepanski, 1037 Oak Street – Spoke on the city's noise ordinance as it pertains to fireworks. Fireworks are going off at all hours of the night in Ms. Szczaepanski's neighborhood and she is wondering why the police are not enforcing the rules. She understands the exception to the rule is July 4th, but there are fireworks well before and after the holiday. Pets should not have be drugged so that someone can light off fireworks. Veterans should not have to deal with PTSD so someone can light off fireworks. Would like Neenah to set the standard by taking action on those who set off fireworks prior to and after the 4th of July.

Seeing no additional appearances, Mayor Lang closed the public forum at 7:08 PM.
- V. Mayor/Council consideration of public forum issues.
 - A. Mayor Lang offered to meet with Ms. Szczaepanski to talk about the fireworks situation.
- VI. Consent Agenda

- A. Approve Temporary Class "B" (Picnic) License to St. Margaret Mary Parish for their Parish Picnic at 439 Washington Avenue to be held on August 6, 2023. (PSSC)
- B. Approve Temporary Class "B" (Picnic) License to Fox Valley Area Labor Council 157 S Green Bay Road for Labor Fest 2023 to be held on September 5, 2023. (PSSC)
- C. Approve Temporary Extension of "Class B" License to Laura Nelson, Firelite, Inc., 1171 Gillingham Road for the 25 Year Customer Appreciation Celebration to be held on July 8, 2023, from 11 AM to 6 PM. (PSSC)
- D. **(UC)**

There being no objections, the Consent Agenda is approved as written by unanimous consent.

VII. Reports of standing committees

- A. Regular Public Services and Safety Committee meeting of June 13, 2023: (Chairperson Lendrum/Vice Chairperson Hillstrom) (Minutes can be found on the City web site)
 - A. Committee recommends Council adopt Resolution 2023-12 Compliance Maintenance Annual Report (CMAR) of the city's sewer collection system submitted annually to the Department of Natural Resources. **(RollCall-Pro) MSCRP Lendrum/Hillstrom to approve as recommended by committee, all voting aye.**

Discussion: Alderman Lendrum advised that Neenah typically receives an A rating on the CMAR report and did again this year.
 - B. Committee recommends Council approve the purchase of the Vactor2100i, 2023 Combination Sewer and Hydraulic Vac Truck from MacQueen Equipment in the amount \$509,419.00 and the purchase of a new 2-way radio and communication set for an amount not to exceed \$2,500.00 with funding source being Capital Equipment Budget of \$525,000.00. **(RollCall-Pro) MSCRP Lendrum/Borchardt to approve as recommended by committee, all voting aye.**
 - C. Committee recommends Council approve the purchase of 648, 95-gallon carts, from Sierra Container Group in the amount of \$37,404.20 with \$17,000.00 coming from the 2023 Capital Equipment budget and the remainder of \$20,404.20 being funded with Capital Equipment Reserve funds. **(RollCall-Pro) MSCRP Lendrum/Hillstrom to approve as recommended by committee, all voting aye.**
 - D. Committee recommends Council approve a 50/50 cost share for the amount in excess of escrow for the installation of the two-inch asphalt mat at Freedom Acres and Homes at Freedom Meadows with a 5-year installment payback option. **(RollCall-Pro)**

MSCRP Lendrum/Boyette to approve as recommended by committee, all voting aye.

- B. Regular Finance and Personnel Committee meeting of June 12, 2023: (Chairperson Erickson/Vice Chairperson Skyrms) (Minutes can be found on the City web site)
- A. Committee recommends Council approve the purchase of a new laminator in the amount of \$3,600 to be funded from the capital equipment reserve fund. **(RollCall-Pro)**
MSCRP Erickson/Hillstrom to approve as recommended by committee, all voting aye.

Discussion: The laminator is failing, and after 30 years needs to be replaced. The cost of the laminator is \$3,600 and will be funded out of the capital equipment reserve fund.

- B. Committee recommends Council approve Resolution No. 2023-13 to disengage with Associated Bank as voluntary deferred compensation provider for the City of Neenah. **(RollCall-Pro)**
MSCRP Erickson/Borchardt to approve as recommended by committee, all voting aye.

Discussion: Director of Human Resources and Safety Fairchild seeking approval to disengage with Associated Bank as a voluntary deferred compensation provider for the City of Neenah, and to assist M3 Financial investments in transferring existing funds from Associated Bank's deferred compensation plan to MissionSquare retirement.

Through an internal audit of such provided plans Associated Bank was identified as a current option plan which no longer aligns with the needs of the City of Neenah. Administration of the plan was not being done by the provider; it was being pushed down to the human resources staff.

- C. Committee recommends Council approve the new recommended job posting procedure. **(RollCall-Pro)**
MSCRP Erickson/Borchardt to approve as recommended by committee, all voting aye.

Discussion: The City of Neenah currently requires all job postings to be presented to the Finance and Personnel Committee prior to posting for applications. This process is known as the passive review. The passive review is for approved budgeted positions that have no change. Staff e-mails the job description committee members which starts a seven day hold for the members to comment on the job description. Staff typically does not hear from committee members which loses seven days of recruiting time of the committee by staff, and this process slows the ability for our organization to be able to receive viable applications by up to a week. The proposed change would expedite this process while still imposing checks

and balances through an internal audit process streamlining the ability to post vacant positions in a more efficient manner. This would be for budgeted, preapproved positions only. Any new positions or restructured positions would come back through the Finance and Personnel Committee for recommendation to the Council.

To keep the Finance and Personnel Committee up to date with turnover and potential patterns, Human Resources will provide quarterly updates in the form of a report to show any new hires and separations of employment by department.

The passive review is re-approving an already approved and budgeted position with no change to the job description or pay. Approval of this policy would be eliminating the passive review process giving authority to Human Resources to post the position to streamline the recruitment process. The Council requested to receive a copy of the Finance and Personnel Committee quarterly report.

- D. Committee recommends Council accept the final pay plan with the results of the associated appeals. **(RollCall-Pro)**
MSCRP Erickson/Skyrms to approve as recommended by committee, all voting aye.

Discussion: The City of Neenah participated in a salary plan review which was approved in November of 2022. Employees were given an opportunity to appeal the grade their job was given within the pay plan. The appeals were presented to the consulting firm with a request to provide the city with an explanation for the basis of their grading. As a result, the consultant changed the grade of five positions to one grade higher than the initial report.

Additionally, two other positions were reviewed by the consulting firm, however, staff felt these two grades were still out of alignment of where they should be. Therefore, after further review by the Mayor, Department Director, and Director of Human Resources, the grade recommendation for these two positions be placed above and beyond the consulting firm placement.

The reasoning behind the staff recommendation for the Building Manager is that the Building Manager oversees and advises all city buildings and facility staff which the consultant did not take that into consideration when grading the job position. The regrading was not an arbitrary recommendation, the pay plan structure specifically states that the mayor has the authority to reclassify a job pay grade when it is deemed to be out of alignment with proper justification and Council approval. If this managerial aspect would have been taken into account, the position would

have been upgraded. Only under rare circumstances would staff recommend a deviation from the consultant.

- VIII. Reports of special committees and liaisons and various special projects committees
- A. Regular Plan Commission meeting of June 13, 2023: (Council Rep Steiner)
(Minutes can be found on the City web site)
1. Informational Only Items:
 - a. The Commission approved the site proposed addition to the Rollmeister, Inc. building located at 2474 Schultz Dr subject to comments of the Site Plan Review Letter.
- B. Board of Public Works meeting of June 13, 2023: (Vice Chairperson Hillstrom)
(Minutes can be found on the City web site)
1. Information Only Items:
 - a. The Board approved Change Order No.2, Contract 5-23, Street, Curb & Gutter, Sidewalk and Apron Construction, in Arthur Plat, Cardinal Plat, Integrity Acres, 1st Addition to Integrity Acres, and Liberty Acres, to MCC, Inc., Appleton, for sidewalk installation at Freedom Acres and Homes at Freedom Meadows in the amount not to exceed \$183,440.00.
 - b. The Board approved Change Order No.1, Contract 6-23, Columbian Avenue, Sanitary & Storm Sewer, Water Main and Street Construction to Donald Hietpas & Sons Inc., in an amount not to exceed \$50,067.00 for Sanitary Sewer Relay on Beaulieu Road.
 - c. The Board approved Pay Request No.2, Contract 6-23, Columbian Avenue, Sanitary & Storm Sewer, Water Main and Street Construction to Donald Hietpas & Sons, Inc., Little Chute, in an amount of \$139,027.13.
 - d. The Board approved Pay Request No.2, Contract 1-23, Sanitary Sewer, Water Main and Street Construction, on Burr Avenue, Chestnut Street, Dieckhoff Street and Laudan Boulevard to Don E. Parker Inc., in an amount of \$706,857.59.
 - e. The Board approved Pay Request No.2, Contract 5-23, Street Construction at Arthur Plat, Cardinal Plat, Integrity Acres, 1st Addition to Integrity Acres and Liberty Heights Subdivision to MCC Inc., in the amount of \$867,850.58.
 2. Council Action Items:
 - a. The Board recommends Council Award Contract 11-23, Street Construction on Brookwood Drive, Fairwood Drive and Hunt Avenue to Northeast Asphalt, in the amount of \$486,851.00.
(RollCall-Pro)
MSCRП Hillstrom/Lendrum to approve as recommended by committee, all voting aye.
- C. Reports on neighborhood groups.
1. Business Improvement District Board (BID Board) – Alderperson S kyrms
 - a. Reporting from June 20, 2023 Annual Maintenance Walk Meeting. The meeting was well attended by the BID members, Future Neenah, City Directors, Mayor Lang, property owners, and tenants.

- b. Areas of concern were assigned to the responsible parties to look into and correct.
 - c. All and all the district is full and in good standing.
 - D. Library Board
 - 1. Report from the Library Board – Alderperson Erickson
 - a. Reporting from June 21, 2023 meeting.
 - b. The Youth Summer Reading Program is off to a great start. The Adult Summer Reading Program runs June 1st – August 21st. Registration is available at the Reference Desk.
 - c. Visit the Neenah Public Library website for a variety of programs that are available.
 - E. Neenah Arts Council
 - 1. Report from the Neenah Arts Council – Alderperson Erickson
 - a. Reporting from the June 14, 2023 meeting.
 - b. Participated in the Farmer’s Market with creating 3D turtles and made clay impressions.
 - c. The Council will be at Community Fest July 4th and National Night Out in August.
 - d. Alderperson Borchardt gave a reminder of the Art After Dark Event hosted by Bergstrom Mahler Museum of Glass on June 22, 2023 from 6:00 – 9:00 PM.
 - F. Landmarks Commission
 - 1. Report from the Landmarks Commission – Alderperson Weber
 - a. The Wagon Tour took place Saturday, June 17, 2023. There were about 100 participants, both adults and children alike. This event was co-sponsored with the Neenah Historical Society. This was another successful event.
 - IX. Presentation of petitions
 - A. Any other petition received by the City Clerk’s Office after distribution of the agenda.
 - 1. No petitions.
 - X. Council Directives
 - A. CD No. 2023-02 to recommend 2017 Wisconsin Act 243 and City of Neenah Ordinance 26-27(7) be reviewed by the Community Development Director Haese and City Attorney Rashid for their recommendation on the appropriate action, if any, by the end of next month.
MSCRP Skyrms/Steiner to postpone the recommendation presentation until next meeting, July 5, 2023, all voting aye.

Discussion: Alderman Skyrms advised a package of bills relating to housing passed the Assembly and Senate on Thursday, June 15, 2023, and went to the Governor’s Office on Friday, June 16, 2023. The Governor has not acted on this package of bills yet. The Governor’s action may affect the staff recommendation under the requested directive. More information should be known by next Council meeting.
- XI. Unfinished Business

XII. New Business

- A. Arrowhead Park Development Status Report. (Ald. Hillstrom)
The pier work is complete with six benches. Enjoy a walk and look at the view.
- B. Schedule Annual Council Photo.
Clerk will e-mail dates to schedule the Annual Council Photo.
- C. Any announcements/questions that may legally come before the Council.

XIII. Closed Session

- A. The Council may convene into closed session pursuant to Wis. Stats §19.85 (1)(g) to confer with legal counsel (City Attorney) for the governmental body who is rendering oral or written advice concerning strategy to be adopted by the body with respect to litigation in which it is or is likely to become involved concerning public safety for city buildings.
- B. The Council may remain in closed session pursuant to Wis. Stats §19.85 (1)(g) to confer with legal counsel (City Attorney) with respect to litigation in which the City is involved, including possible settlement discussion and authorization concerning Florek v. City of Neenah federal lawsuit.
- C. May reconvene into open session pursuant to Wis. Stats. § 19.85(2) to consider or act on closed session recommendation(s).

MSCRP Borchardt/Stevenson for the Council to convene into closed session pursuant to Wis. Stats §19.85 (1)(g) to confer with legal counsel (City Attorney) for the governmental body who is rendering oral or written advice concerning strategy to be adopted by the body with respect to litigation in which it is or is likely to become involved concerning public safety for city buildings. The Council will remain in closed session to consider possible settlement discussion and authorization concerning Florek v. City of Neenah federal lawsuit, all voting aye.

There was a short break at 7:49 PM prior to the closed session.

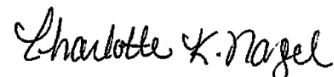
At 7:58 PM, the Council convened into closed session.

The Council adjourned the meeting in closed session. No action taken.

XIV. Adjournment

Motion by Borchardt/Stevenson to adjourn, all voting aye. Meeting adjourned at 8:41 PM.

Respectfully submitted,



Charlotte Nagel, City Clerk