

Common Council Minutes
Wednesday, June 19, 2024 at 7:00 p.m.

The Common Council of the City of Neenah, Winnebago County, Wisconsin, met in regular session at 7:00 p.m., June 15, 2024, in the Council Chambers of Neenah City Hall.

Mayor Lang is the chair.

Present: Aldermen Boyette, Erickson, Hillstrom, Lendrum, Steiner, Pollnow, and Weber. Alderman Ellis was excused. Staff present Director of Finance Rasmussen, Director of Community Development & Assessment Haese, Engineer Merten (Sitting in for Director Kaiser), Interim City Attorney Walsh, and City Clerk Nagel.

Also Present: Police Chief Olson, and those noted on the attached Meeting Sign-In Sheets.

Mayor Lang called the meeting to order at 7:04 p.m.

- I. The City Clerk called a voice roll call as the Mayor/Aldermen recorded their attendance in the RollCall-Pro System followed by the Pledge of Allegiance led by Alderman Pollnow.
- II. Accept and place on file the 2023 Annual Comprehensive Financial Report as presented by John Rader, Managing Director of Baker Tilly.
Mr. Rader gave an overview of the 2023 Annual Comprehensive Financial Report. The outcome of the report was that the city is in good financial standing. Mr. Rader and his team enjoy being part of the audit, especially since the city does such a great job at preparing for it.

Mayor Lang stated that the Council should consider the presentation as an overview of the audit, and if appropriate, accept it, and place it on file.

Alderman Pollnow questioned if the audit needed to go through the Finance and Personnel Committee, to which the answer was past practice indicates no. Alderman Pollnow should direct his audit questions to Director Rasmussen. In regard to the Match Up Discussion Analysis pie chart comparison, Mr. Rader guided Alderman Pollnow to a hyperlink on the bottom of page three of the presentation material, Wisconsin Policy Forum, who compiles comparative data.

MSCRP Erickson/Pollnow to accept and place on file the 2023 Annual Comprehensive Financial Report as presented, all voting aye.

Mayor Lang thanked the Finance Department for all their work on the audit.

Motion by Erickson, seconded by Boyette to move items 3 and 4 from the Finance and Personnel Committee Report, all voting aye.

VIII.C. Regular Finance and Personnel Committee meeting of June 10, 2024: (Chairperson Erickson/Vice Chairperson Boyette) (Minutes can be found on the City web site)

3. Committee recommends Council approve Resolution 2024-08 Authorizing the Issuance and Establishing Parameters for the Sale of Not to Exceed \$11,170,000 General Obligation Promissory Notes, Series 2024A. **(RollCall-Pro)**
MSCRP Erickson/Ellis to approve Resolution 2024-08 as recommended by Committee, all voting aye.

Director Rasmussen advised there are two borrowing resolutions before the council due to tax purposes. Resolution 2024-08 is for the non-taxable borrowing, whereas Resolution 2024-09 is a taxable borrowing due to the nature of TIF expenditures. Director Rasmussen confirmed a majority vote was required to pass both resolutions.

Baird Managing Director Viegut went through the presentation and provided information on both resolutions. Director Viegut answered any aldermen questions.

Alderman Steiner asked that the difference is between the taxable and non-taxable borrowing with TIF. Director Viegut explained it has to do with the purpose of the items being financed. The taxable items are ineligible for tax exempt financing because with TID 13 is land assemblage with the intent to sell the land for private development. Funding for the Fox Cities Regional Partnership is funding for operating expenses which are ineligible for tax-exempt financing.

Director Rasmussen confirmed that the borrowing timeline has changed. It used to be that borrowing would occur in the beginning of the year and now it's done more after the fact. Adjustments to the borrowing amount can still be made prior to going to market to effectively only borrow what is needed. These two resolutions allow for tremendous flexibility because borrowing adjustments can be made up until the time that interest rates are being finalized. However, Council is maintaining their authority because borrowing amounts cannot be increased without Council for approval. Project accounting has also started this year in order to analyze project expenditures to the budget amounts prior to borrowing so adjustments can be made.

4. Committee recommends Council approve Resolution 2024-09 Authorizing the Issuance and Establishing Parameters for the Sale of Not to Exceed \$1,100,000 Taxable General Obligation Promissory Notes, Series 2024B. **(RollCall-Pro)**
MSCRP Erickson/Ellis to approve Resolution 2024-09 as recommended by committee, all voting aye.

- III. Introduction and Confirmation of Mayor's Appointment(s)
A. None.
- IV. Approval of Council Proceedings
A. Approval of the Council Minutes and Proceedings of June 5, 2024 regular session. **(UC)**
Seeing no objections, the Minutes and Proceedings were ordered approved.
- V. Public Forum
A. Speakers should give their name and residential address (not mailing address) and are allowed five minutes to speak on any topic.
1. Byran Stafford, 1132 Tullar Road, Winnebago County Supervisor for District 10, representing Neenah. At the last County Board meeting, the Spirit Fund (ARPA Fund) regarding the City of Neenah barriers were discussed. Supervisor Stafford gave an update on the status of the funding.
- The County Board approved the barricade funding in April, but the money has not been released. Supervisor Stafford expressed his frustration with the handling of this situation with the County Board on behalf of the City of Neenah. Supervisor Stafford expressed his willingness to work together on getting the task completed. The role of the County Board is to see that this money is spent appropriately, consistently, and with proper oversight. There are voices on the board who want to see proper oversight on these funds.
- Mayor Lang thanks Supervisor Stafford for his advocacy for the City of Neenah.
- VI. Mayor/Council consideration of public forum issues
A. Alderman Boyette thanked Supervisor Stafford for his update and would like him to stay until the end of the meeting because she has a Council Directive regarding the barriers.
- VII. Consent Agenda
A. Approve Temporary Class "B" (Picnic) License Application for Bergstrom Mahler Museum, Art After Dark **(PSSC)**
B. **(UC)**
Seeing no objections, the Consent Agenda was ordered approved.
- VIII. Reports of standing committees
A. Special Public Services and Safety Committee meeting of June 19, 2024: (Chairperson Lendrum/Vice Chairperson Hillstrom)

1. Consideration of Committee recommendation on Resolution 2024-07 Supporting and Approving of the New Appleton (Fox Cities) Metropolitan Planning Organization Policy Board Structure and Redesignation Agreement. **(RollCall-Pro)**
MSCRP Lendrum/Hillstrom to approve Resolution 2024-07 as recommended by Committee, all voting aye.

Alderman Lendrum advised that Kim Biedermann from East Central Wisconsin Regional Plan Commission (ECWRPC) is in attendance for any questions.

Alderman Pollnow thinks it is a great opportunity for municipalities to get more involved with ECWRPC and their many facets. Would like to have a presentation to the Committee of the Whole to get a better understanding of the organization and their operations.

- B. Regular Public Services and Safety Committee meeting of June 11, 2024: (Chairperson Lendrum/Vice Chairperson Hillstrom) (Minutes can be found on the City web site)
 1. This meeting was cancelled, no report.
- C. Regular Finance and Personnel Committee meeting of June 10, 2024: (Chairperson Erickson/Vice Chairperson Boyette) (Minutes can be found on the City web site)
 1. Committee recommends Council approve the Amendment to the First Addition to Freedom Acres Subdivision Development Agreement. **(RollCall-Pro)**
MSCRP Erickson/Ellis to approve the Amendment to the First Addition to Freedom Acres Subdivision Development Agreement, all voting aye.
 2. Committee recommends Council approve the Third Addition to The Homes at Freedom Meadows Subdivision Development and Fee Agreement. **(This item will be voted on under Board of Public Works)**

- IX. Reports of special committees and liaisons and various special projects committees
 - A. Regular Plan Commission meeting of June 11, 2024: (Council Rep. Steiner) (Minutes can be found on the City web site)
 1. This meeting was cancelled, no report.
 - B. Board of Public Works meeting of June 12, 2024: (Vice Chairperson Hillstrom) (Minutes can be found on the City web site)
 1. Information Only Items:
 - a) The Board approved Pay Request No.3, Contract 1-24, Sanitary and Storm Sewer, Water Main and Street Construction, on

Belmont Ave., Belmont Ct., Cedar St., and Stevens St., to David Tenor Corporation, in an amount of \$518,715.28.

- b) The Board approved Pay Request No.2, Contract 2-24, Sanitary and Storm Sewer, Water Main and Street Construction, on E. Doty Ave., to Kruczek Construction, Inc., in the amount of \$200,226.63.
- c) The Board approved Pay Request No.3, Contract 3-24, Sanitary and Storm Sewer, Water Main and Street Construction, on Bayview Rd., Quarry Ln., and Reed St., to Donald Hietpas & Sons, in an amount of \$281,948.08.
- d) The Board approved Pay Request No.1, Contract 4-24, Sanitary and Storm Sewer, Water Main and Street Construction, for the S. Park Avenue Easement, to Scott Lamers Construction, in the amount of \$18,719.75.
- e) The Board approved Pay Request No.1, Contract 6-24, Curb & Gutter, Stormwater, Street Overlay, and Trail Parking, for Jewelers Park Drive, to MCC, Inc., in an amount of \$202,944.22.
- f) The Board approved Pay Request No.1, Contract 7-24, Concrete Pavement and Sidewalk Repairs, and New Sidewalk Installation on Baldwin St. and Plummer Ct., to Jim Fischer, Inc., in an amount of \$137,830.86.
- g) The Board recommended the Waterworks Commission to award Contract 2-24W Water Booster Station Contract B for Process, Mechanical, Electrical, and Plumbing Construction to Sabel Mechanical, LLC of Fond du Lac, WI, in the amount of \$724,900.00.

2. Council Action Items:

- a) The Board recommends Council approve the Third Addition to The Homes at Freedom Meadows Subdivision Development and Fee Agreement. **(Roll Call-Pro)**
MSCRP Hillstrom/Boyette to approve the Third Addition to The Homes at Freedom Meadows Subdivision Development and Fee Agreement as recommended by the Board and the Committee.

Alderman Pollnow asked for an explanation of why there is a new fee being included in Development Agreements.

Director Haese explained efforts are being made to help developers with cash flow by having fees, that were historically due up front, are now being deferred to the time of the building permit. Historically these fees were due at the time of the lot sale. With the new permitting software, building permit fees are now being paid by credit card. Director Rasmussen and her staff recognized

that there has been an uptick in credit card transaction fees due to the deferment to the time of building permit. Once this uptick was recognized, the thought was that the city should not have pay the credit card transaction fee. The credit card transaction fee is included in this development agreement and will continue to be included in future development agreements.

Alderman Pollnow wanted to make it clear that this is subdivision related and not on every building permit issued.

- b) The Board recommends Council approve Final Pay Request, Contract 12-24, Storm Sewer and Water Main Construction, on S. Commercial Street for Douglas Stormwater Pond, to De Groot, Inc., in an amount of \$20,364.68. **(RollCall-Pro) MSCRP Hillstrom/Lendrum to approve Final Pay Request for Contract 12-24, all voting aye.**

C. Reports on neighborhood groups.

- 1. Report from the June 19, 2024 Business Improvement District Board (BID Board) Meeting – Alderperson Ellis
 - a) Annual Walk-Thru with the Business District.
 - b) Sign grants were approved.
 - c) One of the vacant buildings has been purchased, but it is unknown what type of business will be established.
 - d) Downtown lighting as it relates to the trees was discussed.
 - e) Thursday, June 27th is Employee Appreciation Day. Downtown businesses or employees are welcomed to partake in the activities. Employee Appreciation Day is sponsored by Future Neenah Inc.

D. Library Board

- 1. Report from the June 19, 2024 Library Board Meeting – Alderperson Erickson
 - a) Circulation is up six percent from last year at this time.
 - b) The Youth Summer Reading Program enrollment is up from last year's enrollment.
 - c) Free lunches are offered Monday-Friday to kids under 18, starting at 11:30am.
 - d) With the Appleton and Menasha libraries being closed right now, the Neenah Library is very busy with additional traffic.
 - e) Sunday, July 28th, Noon-3:30 pm, will host a Repair Café. Bring broken items to the fixers will try to fix it for free.

E. Neenah Arts Council

- 1. Report from the June 12, 2024 Neenah Arts Council Meeting – Alderperson Erickson.

- a) Saturday, June 22nd Farmer's Market project will be veggie themed.
- b) There will be a Neenah Arts Council booth at Community Fest July 4th.
- c) July 20th Farmer's Market Kids Day where there will be a beach themed project.
- d) Alderman Erickson thanked the Neenah Arts Council Volunteers who are very active with the Council.

F. Landmarks Commission

1. Report from the June 12, 2024 Landmarks Commission Meeting – Alderperson Weber
 - a) Neenah Menasha Tribal Pow Wow will be held again this year. The Commission has now started planning the Voyager Canoe Trips and the Horse Drawn Carriage Rides.
 - b) Review the Landmark Commission information materials for revisions and updates. Stay tuned for more information.

X. Presentation of petitions

- A. Any other petition received by the City Clerk's Office after distribution of the agenda.
 1. No petitions.

XI. Council Directives

- A. **Motion by Boyette/Erickson for an update on the Meridian Barriers from the Police Department, and confirmation on the use of city vehicles to block traffic policy from CVMIC, specifically what the policy will and will not cover. (RollCall-Pro)**

Alderman Boyette's intention with this directive is a learning experience with how the Council gets their information. There was an article in the Oshkosh Newspaper indicating there was a contract for the barriers released that the Council did not know about. Turns out that was not the case. Again, the Council did not know what was going on with the barrier funding and it turns out the County Board didn't know either, and just wanted the Council to be informed.

The second issue is that for the Memorial Day Parade, city vehicles were used to block traffic when the Council was told during the initial barrier presentation the use of city vehicles would not be covered by insurance because they were not used in the matter in which they were intended. There is a conflict of information that she would like to get straightened out because there is a lot of confusion.

Lastly, Alderman Boyette is curious if the grant policy would need to be revised using this situation as a guideline so that something like this does not happen again and the city can learn from this situation.

Alderman Boyette and Erickson would like to have this issue brought back at the next Council meeting.

All voting Aye.

B. Motion by Ellis/Pollnow to revisit the Special Event Permit Ordinance and permitting process. (RollCall-Pro)

Alderman Ellis would like the Special Event Permits to come back to the Public Services and Safety Committee with a staff recommendation as to approve or not approve. In the last few years, the process has been streamlined, and there seems to be an unintended disconnect with the approval of the events. Public Services and Safety Committee reports its item out to City Council and that does not seem to be happening. The recommendation would be to have Public Services and Safety Committee vet and make a recommendation on the Special Event Permits in order to report out to the Council, as an informational item, at the next meeting.

Alderman Pollnow just confirmed that was past practice and that is his understanding of Alderman Ellis motion, is to go back to that process. Alderman Pollnow would like this directive to come back to the Council at the next meeting.

Point of clarification by Clerk Nagel that the city is half-way through the Special Event Permit year, and how will that affect those permits that are already approved. The answer received was nothing in process would be disrupted.

Alderman Erickson asked when the ordinance change took place. The ordinance change took place in May or June of 2023.

All voting aye.

C. Motion by Ellis/Steiner to revisit the sale of beer and wine at convenience stores. (RollCall-Pro)

It is a different arena today than it was in the 1980s when the no alcohol sold where gasoline is sold ordinance was enacted. There has been a many of changes since then, including convenient stores becoming the neighborhood grocery store. From a business perspective, neighboring municipalities have the stand to profit from Neenah residents purchasing beer at their convenient stores because Neenah does not allow it. Alderman Ellis would like this to come back at the next meeting.

Alderman Pollnow would like to know if the ordinance would go through committee before it went to council.

Director Haese advised he has written several memos in the past with a bullet point list of potential elements that could be included in the ordinance. Once the elements are known, an ordinance would be crafted for the committee to review and recommendation to council.

Alderman Hillstrom advised that this issue has become before Council at least three times since 2007, and has been voted down all three times.

Alderman Boyette would like Direct Haese to give a brief historical synopsis of past discussions for those new to Council.

All voting aye.

XII. Unfinished Business

- A. None.

XIII. New Business

- A. Arrowhead Park Development Status Report. (Ald. Hillstrom)
Alderman Hillstrom reported on the June 11th Arrowhead Walk-Thru for companies that wanted to respond to the Request For Questions (RFQ) for sewer, water, and grading took place today. Companies have until July 30th to submit proposals. The timeline is that recommendations will go to Public Services and Safety, and the Council, in August with the start of work in September.
- B. Director Rasmussen has copies of the 2023 Annual Comprehensive Financial Report. The report is also available online.
- C. Alderman Weber announced that Park and Recreation Department for volunteers at Community Fest July 4th.

XIV. Closed session

- A. The Council may convene in closed session pursuant to Wis. Stat. Sec. 19.85(1)(g) to confer with City Attorney who will render advice concerning strategies with respect to pending or impending litigation involving the city, regarding the Minks and Novak vs. City of Neenah case.
- B. The Council may reconvene into open session to consider action on the item(s) discussed in closed session.

Motion by Ellis/Boyette for the Council to convene in closed session pursuant to Wis. Stat. Sec. 19.85(1)(g) to confer with City Attorney who will render advice concerning strategies with respect to pending or impending litigation involving the city, regarding the Minks and Novak vs.

City of Neenah case. The Council may reconvene into open session to consider action on the item(s) discussed in closed session, all voting aye.

Prior to convening into closed session, the Council took a short break at 8:21 pm.

At 8:31 pm, the Council convened into closed session.

Motion by Ellis, seconded by Erickson for the Council to reconvene into open session. Motion carried in roll call vote, 8-0.

At 8:43 pm, the Council reconvened into open session.

There was no action taken on items discussed in closed.

XV. Adjournment

Motion by Pollnow/Boyette to adjourn. Motion carried in a voice vote 8-0. Meeting adjourned at 8:44 pm.

Respectfully submitted,



Charlotte Nagel, City Clerk

**CITY OF NEENAH – COMMON COUNCIL MEETING
WEDNESDAY JUNE 19, 2024
ATTENDANCE SHEET**

| NAME | ADDRESS |
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| 1. John Rader | Baker Tully |
| 2. Bryan & Melissa Stafford | 1132 Tullav |
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**CITY OF NEENAH – COMMON COUNCIL MEETING
WEDNESDAY JUNE 19, 2024
ATTENDANCE SHEET**

| NAME | ADDRESS |
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| 1. Kim Bidtrmann, ECHRDC | 400 ARMAID #100 MILWAUKEE 54952 |
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