

Common Council Minutes
Wednesday, April 5, 2023—7:00 PM

The Common Council of the City of Neenah, Winnebago County, Wisconsin, met in regular session at 7:00 PM, April 5, 2023, in the Council Chambers of Neenah City Hall.

Mayor Lang is the chair.

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

Also present were Police Captain Van Sambeek, Assistant Police Chief Bernice, Robert Kennedy, Pete Brace, Roger Peters, Mike DuBois, and Taylor Roal.

Mayor Lang called the meeting to order at 7:02 PM.

- I. The Mayor/Aldermen recorded their attendance on the RollCall-Pro System as the Clerk called the roll. Alderman Boyette led the Pledge of Allegiance.
- II. Introduction and Confirmation of Mayor's Appointment(s)
 - A. Appointment of Taylor Roal to the Sustainable Neenah Committee for a three-year term expiring in December 2026. **(UC)**

Seeing no objections, the Mayor's appointments were ordered approved by unanimous consent.

Clerk Nagel administered the Oath of Office after which Mr. Roal addressed the City Council.

- III. Approval of Council Proceedings
 - A. Approval of the Council Proceedings of March 15, 2023 regular session. **(UC)**
Seeing no objections, the Council Proceedings of March 15, 2023 was 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.

Robert Kennedy, 1836 Hedgeview Drive – Spoke on the ordinance change that changed the assessment methodology to add the option of charging per unit. Mr. Kennedy stated that the reasoning behind the change to was correct an imbalance of assessment distribution. Mr. Kennedy defines the imbalance is when some lots in the subdivision pay more for street improvements because they have more front footage and therefore more value. The perceived imbalance is shifts the financial burden to the small lots when the unit method is applied. In the case of Liberty Heights, 38 lot owners will pay less than their assessable front footage, 78 lot owners will pay more than their front footage; this seems imbalanced. It has been said that properties in a development all benefit equally from the improvements. How can that

be true when the lot sizes and homes are not equal to begin with. The ordinance talks about using the unit base method when there is uniformity of lots, yet it does not define or quantify uniformity of lots. The ordinance gives the Council the option to decide which option to use, the front footage option or the unit method. Mr. Kennedy urges the Council to approve assessment of the Liberty Heights subdivision using the front foot method.

Pete Brace, 1831 Nation Court – In December it was deemed the unit method of assessment was equitable for new subdivision with lots of comparable size and use. While this may be appealing and the straightforward method of truly new subdivision with a more uniformed lot size, Liberty Heights is a fifteen-year-old subdivision with lots as unique as those who chose to purchase them. For existing, non-uniform subdivisions which as Liberty Heights, changing the method of measure attempts to correct one inequity by replacing it with another. There are many different sizes of lots, homes, and sales in the Liberty Heights subdivision. Living anywhere in the City of Neenah, homeowners are expected to maintain and pay taxes on the size lots and homes of our choice to own. The charges related to the assessments should be no different. The majority of property owners in attendance of recent committee and council meetings made passionate pleas for their assessment to reflect the home they choose. Mr. Brace respectfully asks that the assessment methodology be made off the very unique front frontage of each individual property.

Roger Peters, 1807 Statute Drive – Would like the Council to support using the unit method for the street assessment. Mr. Peters believes the unit method is fair because the road is used equally. Residents are debating the front foot method and some are even asking for the corner lot penalty. It is not necessarily the case that the larger front footage lots have larger homes. There is a lot configuration penalty; there can be a long narrow lot with a huge house it. The unit method is the fairest method of assessment. The ordinance change was adopted in an open, transparent way that allowed public input and was adopted. Government has a duty to treat residents as fair as possible, in this case the unit methodology does just that. There was discussion of the grandfathering action. Mr. Peters warns against grandfathering as it sets a precedent for future projects and it treats people differently than the ordinance prescribes. Government is best served when following the ordinances on the books and using the unit method does just that. The council is supposed to have unbiased eyes. The council did a great job by adopting an ordinance that is fair and unbiased and asked the council to adopt the unit method of assessments.

Mike DuBois, 1469 Amendment Dr. – Mr. DuBois invested six months of his time and countless hours trying to help his neighborhood keep these costs contained. This all started last October when homeowners received a real scary estimate on costs for this project. That number has fluctuated several times. All Mr. DuBois is asking is for the council to do something to control the costs. Not every family can handle the cost difference between the front foot method and the unit method. The council has the opportunity to do something. Do something north of nothing to help the subdivision. Mr. DuBois talked about the effects of the payments on families in the subdivision, many who will be significantly impacted. This is a burden that many are not equipped

to handle, even with planning, because construction costs are currently high. There was no language in the contract to protect the neighborhood from cost overages and would like the city to hold the contractor to the bid costs and not give them a blank check. The neighborhood has changed with the movement of this assessment. Unique circumstances have come up with the subdivision: this is not a new subdivision, the temporary road was used well past its life, developers filed bankruptcy twice because they could not do what they said they would. As taxpayers in the city, please help this subdivision.

Seeing no additional appearances, Mayor Lang closed the public forum at 7:23 PM.

V. Mayor/Council consideration of public forum issues

- A. Alderman Skyrms asked Mr. DuBois what he would suggest as something north of nothing. Mr. DuBois suggested lowering the interest rate back down to three percent, extend the payback period, using TARF to pay for the project. Mr. DuBois read the laws on TARF and understands the council has authority to make changes. Is there another fund that can be used to subsidize the project. Mr. DuBois is willing to set down at the table to talk about what options are available at this point. The neighborhood is nervous that the number on the notice is not the number that is going to be paid. The road was supposed to be installed in 2018. Is the city willing to do a cost sharing back to 2018 numbers to give some measure of relief?
- B. Alderman Weber asked Director Kaiser to address the contract language. Contracts are monitored closely by the Public Works Department and overages of the type Mr. DuBois is referring to would require the city's approval by the Board of Public Works. Though processes are in place to keep the costs to the bid number, something could occur, but this project does not include utility work where surprises typically found. This is a straightforward project of street installation only so the likelihood of changes orders is minimal.
- C. Director Kaiser advised that the numbers of the contract came in under budget and the numbers the property owners have the current updated numbers.
- D. Director Rasmussen advised the five percent interest rate approved by the Council is just to break even. The prior interest rate was three percent. Currently the city's borrowing rate is about 4.5 percent. With today's market, the interest rate is expected to go higher.
- E. Alderman Skyrms asked if there was flexibility in changing the repayment terms. Attorney Rashid advised that ordinance 25-130 states a five-year repayment term but can go out as far as eight years which is what is being proposed. To extend the repayment structure further would require an ordinance change. Which is possible but out of the ordinary to do for one subdivision.

VI. Consent Agenda – None

VII. Reports of standing committees

- A. Special Public Services and Safety Committee meeting of April 4, 2023: (Chairperson Lendrum/Vice Chairperson Hillstrom)

1. Consideration of Committee recommendation regarding the proposal from Ewald Kia for the 2023 Kia Seltos in the amount not to exceed \$27,102.50 to replace the 2007 Ford Taurus utilizing 2023 CIP Funds. **(RollCall-Pro)**
MSRCP Lendrum/Hillstrom to approve as recommended by the committee, all voting aye.
2. Consideration of Committee recommendation regarding the proposal from Ewald Chevy for the 2023 Chevy Traverse in the amount not to exceed \$31,808.50 to replace the 2007 Ford Freestar utilizing 2023 CIP Funds. **(RollCall-Pro)**
MSRCP Lendrum/Alderman S kyrms to approve as recommended by the committee, all voting aye.

Discussion: Alderman Stevenson advised that each of replacement vehicles had a budgeted line item of \$30,000. Therefore, Chevy Traverse will exceed the line-item amount. The overage of the Traverse will be covered by residue money from the purchase of the 2023 Kia Seltos.

- B. Regular Public Services and Safety Committee meeting of March 21, 2023: (Chairperson Lendrum/Vice Chairperson Hillstrom) (Minutes can be found on the City web site)
1. Committee recommends Council approve the Amendment to Memorandum of Understanding between the City of Neenah and Bird Rides, Inc., extending the electric scooter pilot program through December 31, 2023. **(RollCall-Pro)**
MSRCP Lendrum/Weber to approve as recommended by committee, all voting aye.

Discussion: Alderman S kyrms noted there is a price change to the city of \$0.20 per ride vs. the previous \$0.10 per ride which neighboring communities are receiving. The city is giving BIRD the privilege of doing business in our community and would like to see the per ride stipend increase in the future.

Alderman S kyrms asked for a status of BIRD giving riders incentives to nest the scooters in proper nesting locations. Director Haese advised there was a conversation on geo fencing the scooters so that a ride cannot end just anywhere in the downtown area but only in certain locations. The benefit of this program is the flexibility to park the scooter but if there are specific areas of concerns then geo fencing is an option. However, the location to end the ride must be in reasonable proximity. Riverside Park was used as an example to end rides at the corners of the park but inside the park itself.

There was also discussion on the safety of the scooters, i.e. helmets are not being worn, two riders to a scooter, and intoxicated riders at all hours of the night. This was mentioned for future consideration.

2. Committee recommends Council approve Final Resolution 2023-09: Installation of curb, gutter, and pavement for properties in the Arthur Plat. **(RollCall-Pro)**
MSRCP Lendrum/Weber to approve as recommended by committee, all voting aye

No discussion.

3. Committee recommends Council approve Final Resolution 2023-10: Installation of curb, gutter, sidewalk and pavement for properties in the Cardinal Circle Plat. **(RollCall-Pro)**
MSRCP Lendrum/Stevenson to approve as recommended by committee, all voting aye.

No discussion.

4. Committee recommends Council approve Final Resolution 2023-08: Installation of curb, gutter, sidewalk and pavement for properties in the Integrity Acres Plat and 1st Addition to Integrity Acres Plat. **(RollCall-Pro)**
MSRCP Lendrum/Weber to approve as recommended by committee, all voting aye.

5. Committee recommends Council include Outlot 3 (Freedom Court) and 1436 Freedom Court in Final Resolution 2023-07 for assessment purposes as part of the Liberty Heights subdivision curb & gutter and pavement project. **(RollCall-Pro)**
MSRCP Lendrum/Stevenson to approve as recommended by committee, all voting aye.

6. Committee recommends Council approve Final Resolution 2023-07: Installation of curb, gutter, and pavement for properties on Amendment Drive, Anthem Drive, Briggs Lane, Buser Drive, Hedgeview Drive, Highland Drive, Nation Court, Plains Avenue, Presidential Drive, and Statue Drive. **(RollCall-Pro)**
MSRCP Lendrum/Weber to approve as recommended by committee, all voting aye.

Discussion: Alderman Weber clarified that this is Liberty Heights subdivision.

Council President Stevenson applauded with Alderman Weber for working with the neighborhood to get answers to their questions. Alderman Weber has come a long way from being a rookie alderman and he has served this community well.

The Council is challenged with doing, “something north of nothing”. The Council, in budget deliberation time, heard Mr. DuBois loud and clear and recognized his concerns about total costs. The sidewalks were removed from

this project which is “north of nothing”. Council President Stevenson has been a long proponent of the unit assessment methodology which is not a new method. The unit methodology has been discussed on multiple occasions over several years. Director Kaiser is applauded for continuing to advocate for this methodology. The unit method is probably the fairest method, as the neighborhood has indicated, the problem is implementation, when do you do it. It comes down to if not now, when? We worked hard with the neighbors to recognize some unusual circumstances in the developmental timetable, so the sidewalks were removed. However, from an equity perspective, being one who has lived through the use of the front footage method, can say the unit method of assessments is the fairest. It is equal, everyone uses the road, and no drives down the road any less because their front footage is small or more because their front footage is longer; the road is used to the same by everyone who lives on it.

7. Committee recommends Council approve Westwood Professional Services to acquire title searches necessary for the S. Commercial Street reconstruction project for an amount not to exceed \$14,000.00, which shall be funded with the S. Commercial Street design account. **(RollCall-Pro)**
MSRCP Lendrum/Skyrms to approve as recommended by committee, all voting aye.

No discussion.

8. Committee recommends Council approve amending the S. Commercial Street reconstruction design project agreement with Westwood Professional Services to include design and real estate services for modifications to the Winneconne and Commercial Street intersection in the amount of \$49,800.00, which shall be funded by the 2025 S. Commercial Street reconstruction design project account #012-4322-743-0236. **(RollCall-Pro)**
MSRCP Lendrum/Hillstrom to approve as recommended by committee, all voting aye.

No discussion.

9. Committee recommends Council approve the purchase of a digital bell controller from Verdin company in the amount of \$5,015.00 with funding to come from the Public Facilities Fund balance. **(RollCall-Pro)**
MSRCP Lendrum/Hillstrom to approve as recommended by committee, all voting aye.

Discussion: Council President Stevenson inquired on the public facilities fund balance. Director Rasmussen advised the fund balance is \$113,000. The \$113,000 is generated from bids on public facilities that come in under budget in which the extra dollars go into the public facilities fund. The fund has now accumulated to \$113,000. Council President Stevenson cannot think of a

better way to spend the extra dollars than on a project that is visual and as public than the clock tower. Kudos to the staff for bring this forward.

C. Regular Finance and Personnel Committee meeting of March 26, 2023: (Chairperson Erickson/Vice Chairperson Skyrms) (Minutes can be found on the City web site)

1. Committee recommends Council approve Annexation No 228 for 2.77 acres of land located at 1495 Breezewood Lane in the Town of Neenah with revised annexation fees of \$74,239.19. **(Action on this item under Plan Commission)**
2. Committee recommends Council approve the 2022 Operating Budget Carry Forwards to 2023 as submitted. **(RollCall-Pro)**
MSCRP Erickson/Stevenson to approve as recommended by committee, all voting aye.

No discussion.

3. Committee recommends Council approve Resolution 2023-11 for the 2023 Community Development Block Grant in the amount of \$212,088 and authorization to enter into agreements for the activities, subject to approval by the U.S. Department of Housing and Urban Development. **(RollCall-Pro)**
MSCRP Erickson/Stevenson to approve as recommended by committee, all voting aye.

No discussion.

VIII. Reports of special committees and liaisons and various special projects committees

A. Regular Plan Commission meeting of March 27, 2023: (Council Rep Steiner) (Minutes can be found on the City web site)

1. Commission recommends Council approve Ordinance No. 2023-03, amending Section 26-550(1) of the City's Code of Ordinances related to residential driveway standards. **(RollCall-Pro)**
MSCRP Stevenson/Weber to approve as recommended by the commission, all voting aye.

Discussion: Alderman Boyette asked for clarification on the effect of this ordinance on older neighborhoods. Deputy Director Schmidt advised that the setback requirement was eliminated, and any driveway that existed prior to the May 1, 2023 deadline can be reconstructed up to but not on the property line. Existing driveways that do not meet the requirements in this ordinance are grandfathered in. These changes met Alderman Boyette concerns.

2. Commission recommends Council approve Ordinance No. 2023-04, amending Section 26-3 and Section 26-550(4) of the City's Code of Ordinances related to portable storage containers. **(RollCall-Pro)**

MSCRP Stevenson/Hillstrom to approve as recommended by commission, all voting aye.

Discussion: Deputy Director Schmidt explained that after the original proposed ordinance went back to the Commission, an exemption was made for portable storage containers on construction sites. This met Alderman Boyette's concerns.

3. Commission recommends Council approve Annexation #228 (Ordinance #2023-06) and the property also receive an R-1 Single- Family Residence District Zoning classification. **(RollCall-Pro)**

MSCRP Skyrms/Hillstrom to approve as recommended by committee conditioned upon the city receiving the Wisconsin Department of Administration Annexation Review Letter, all voting aye.

Discussion: Deputy Director Schmidt identified the property as being located on the northwest corner of Breezewood Lane and Alpine Drive, is 2.77 acres, has a single family house and some outbuildings. The east side of the lot is undeveloped.

Council President Stevenson had multiple conversations with residents around the property and would like minutes to reflect Deputy Director Schmidt comments included in his March 28, 2023 memo to the Council and the finance committee regarding Annexation 228 which states:

"Mr. McCormick intends to subdivide his property and sell the eastern portion for the development of future single-family homes."

- B. Board of Public Works meeting of March 27, 2023: (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 11A-22, water service replacement Reddin Avenue and Zemlock Avenue to Donald Hietpas & Sons, Inc. in the amount of \$3,934.12.

2. Council Action Items:

- a. The Board recommends Council approve Contract 5-23, Street, Curb & Gutter, Sidewalk and Apron Construction on streets in Arthur Plat, Cardinal Plat, Integrity Acres Plat, 1st Addition to Integrity Acres Plat and Liberty Heights Plat, to MCC, Inc., Appleton, in an amount of \$2,776,445.00. **(RollCall-Pro)**

MSCRP Hillstrom/Weber to approve as recommended by the Board of Public Works, all voting aye.

No discussion.

- C. Board of Canvass meeting April 5, 2022 (Council President Stevenson) (Minutes can be found on the city web site)

1. Report the results of the April 4, 2023 Spring Election.
Council President read the meeting minutes from the April 5, 2023 Board of Canvass declaring Cari Lendrum winner of Aldermanic District 1, Tami Erickson winner of Aldermanic District 2, and Scott C. Weber winner of Aldermanic District 3, all for a three year term expiring in April 2026.

Motion by President Stevenson/Boyette to accept the minutes and place them on file, all voting aye.

Council President Stevenson commended those who ran for aldermanic district and opened themselves up to public scrutiny which can be difficult. He also congratulated the winners. The Clerk's Office and Poll Workers where also recognized for running a smooth election.

Mayor Lang also offered her congratulations to all three aldermen who were elected and recognized the Clerk's Office and Poll Worker for their dedication to the election process.

D. Neenah Arts Council

1. Report from the Neenah Arts Council – Alderperson Erickson
 - a. Meeting of March 22, 2023.
 - b. Neenah Public Library/Neenah Arts Council Photo Contest. The presentation of winners will be on April 12, 2023 at 4:00 PM at the library. Alderman Hillstrom is one of the judges, thank you to him.
 - c. Discussion was had on the Neenah Arts Council summer activities and on-going projects.

IX. Presentation of petitions

- A. Any other petition received by the City Clerk's Office after distribution of the agenda.
None.

X. Council Directives

- A. Alderman Boyette would like a TARF update on the funds. The TARF was originally established as a five-year plan. What is the current TARF status and do adjustments need to be made? Would like a report.

Mayor Lang would like to direct that this conversation take place at the Finance Committee.

XI. Unfinished Business

- A. None.

XII. New Business

- A. Alderman Hillstrom mentioned a possible tour of the 201 W. Wisconsin Avenue with a tentative date of May 3, 2023 at 5:30 PM. Please save that date on your calendars. Neenah-Menasha Fire Rescue has their recognition night on this date. However, coordination for a tour will take place.

- B. Mayor Lang reminded the Council that the next meeting is the Organizational Meeting on Tuesday, April 18, 2023 at 7:00 PM. Council President Stevenson and Mayor Lang will be meeting to discuss committee assignments.
- C. Council President Stevenson received an invitation for the Council to participate in the Memorial Day Parade. The vehicle used in the past is available this year again. Look for an e-mail on availability.
- D. Alderman Boyette is on the committee for the Menasha VFW Parade Committee. This year Menasha is the host. The next meeting is April 26 at 9:30 AM at Menasha VFW.
- E. Any announcements/questions that may legally come before the Council.

XIII. Adjournment

MSC Stevenson/Boyette. to adjourn, all voting aye. Meeting adjourned at 8:15 PM.