

Common Council Minutes
Wednesday, April 6, 2022—7:00pm

The Common Council of the City of Neenah, Winnebago County, Wisconsin, met in regular session at 7:00 pm, April 6, 2022, in the Council Chambers of Neenah City Hall.

Mayor Kaufert is the chair.

Present: Alderpersons Boyette, Bates, Hillstrom, Lendrum, Borchardt, Lang, Skyrms, Erickson, and Stevenson. Staff present Director of Finance Easker, Director of Community Development & Assessment Haese, Director of Public Works Kaiser, City Attorney Westbrook, and City Clerk Nagel.

Also Present: Aldermanic District 2 Elect Dan Steiner, Kelly Behrmann, Scott Behrmann, Bernice Meyer, Police Chief Olson, Assistant Police Chief Bernice, Police Captain Van Sambeek, Neenah-Menasha Fire Rescue Chief Kloehn, Director of Information Systems Wenninger.

Mayor Kaufert called the meeting to order at 7:04 pm

- I. The Clerk called a voice roll call, followed by the Pledge of Allegiance led by Mayor Elect Lang.
- II. Recognition of Retirees.
 - A. Deb Calabrese, Finance Department Office Manager, 8 years of service.
 - B. Officer Bill Mohr, Police Department, 31 years of service.
- III. Introduction and Confirmation of Mayor's Appointment(s)
 - A. None.
- IV. Approval of Council Proceedings
 - A. Approval of the Council Proceedings of March 16, 2022 regular session.
MS Lendrum/Bates to approve the Proceedings of March 16, 2022 as written. Motion carried by unanimous consent.
- 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. Bernice Meyer, 116 Armstrong Street – Inquired on the cost of street assessments for Armstrong Street; the cost of the pavement, will property owners be responsible for street improvements, etc.

Mayor Kaufert suspended the rule of public forum and allowed Director of Public Works to answer the question.

There will be no assessments for the street improvements. Maintenance on the road is covered through the operating costs in the budget. When pressed on special assessments, Director Kaiser advised that until the final street is constructed will there be any special assessments.

Ms. Meyer inquired on the connection from Shooting Star/Remington Road to Armstrong Street and how the connection was handled. Ms. Meyer asked how the second nature trail from Eagle Crest Subdivision to Armstrong Street was handled with the DNR. Specifically, Ms. Meyer is upset that a wetland delineation was not completed and feels that the city gained additional acres because of this. In Ms. Meyer's opinion, the city would have been a better neighbor to property owners on Armstrong Street had the city followed the early conceptual plans depicting a second access to Breezewood Lane through either Remington Road or Kingswood Drive rather than moving the access from Shootingstar Drive to Armstrong Street to Breezewood Lane.

Director Haese advised there were several reasons for using Shootingstar:

- The wetlands were delineated in the preliminary platting process.
- If Kingswood or Remington were used to connect to Breezewood, there would be several hundred feet of unbuildable property long the roadway; this is an inefficient/ineffective use of a street.
- If Kingswood or Remington were used to connect to Breezewood, said intersection would be too close to the intersection of Armstrong Street and Breezewood Lane.

Therefore, Director Haese supports using Armstrong Street. The layout that was built is a much more efficient use of resources. There will also be a future connection from Lone Oak Drive to Armstrong Street. This connection is mapped as a road reservation. The difference between a road reservation and right-of-way is a reservation is a reservation for a future road extension. The reservation does not own the real estate. The right-of-way is owned real estate. The only way the city will own right-of-way is by that it is given or acquired by a willing seller.

Ms. Meyer was advised to connect staff with any additional questions.

2. Scott Behrmann, 985 Bridgewood Drive – Congratulated both Mayor Elect Jane Lang and Alderperson Brian Borchardt.

Mr. Behrmann spoke on bringing in Trans 305 into the ordinances for enforcement. There is a disconnect with city government with its citizens in understand vehicle modifications. Mr. Behrmann had three questions regarding Trans 305; 1-Would bringing in Trans 305 into city code cause undue stress on the Police Department as far as staffing, 2- will Trans 305 cause additional funding, and 3 - how Trans 305 impact the Udderly Euro Event?

After three calls for additional public comments there were no appearances. The Public Forum was closed at 7:10 pm.

VI. Mayor/Council consideration of public forum issues

- A. Assistant Police Chief Bernice responded to Mr. Behrmann's questions regarding Trans 305.
1. Undue stress – No it will not cause any undue stress
 2. Additional costs – No additional costs to enforce Trans 305. The scope falls within officers regular daily duties.
 3. Udderly Euro Event – The goal of the event is participation and making the city of Neenah stand out. The purpose of police is public safety, therefore if there is reckless driving or undo care for pedestrians/vehicles interacting together, then of course officers are going to react to make sure the event is safe and happy.
- B. Alderperson Lendrum commented on the disconnect Mr. Behrmann spoke of. Alderperson Lendrum highly recommends going on a police ride along as if they are suspicion or doubts of what the police department is doing. Ride along quarterly to gain insight. Alderperson Lendrum advised that Chief Olson is very open to speaking with residents on a one-on-one basis. Make an appointment, and he will make time for you. A combination of these two actions should help solve any disconnect.
- C. Alderperson Boyette, asked the Assistant Police Chief Bernice why does the city have to adopt Trans 305 in order to enforce it? Assistant Police Chief Bernice advised that Trans 305 is considered an Administrative Code and he does not know why it was not incorporated prior to today. Trans. 305 could not be enforced unless adopted into the ordinances.
- D. Alderperson Bates clarified that committee asked if a state trooper was in Neenah, if they would be able to enforce Trans 305 along with sheriff's deputies. The answer received was not unless Trans 2035 was adopted into the ordinances. So it is illegal for Trans 305 to be enforced in Neenah.

Udderly Euro is a special event, it is an event that showcases non-street approved vehicles. Is that why Trans 305 will not be enforced for that event

because it is similar to the Memorial Day Parade and such? Assistant Police Chief Bernice indicated that the vehicles are well maintained and the owners simply want to showcase the vehicles during that event. Unless there is a public safety issue, police will promote the City of Neenah.

- E. Alderperson Hillstrom advised the date of Udderly Euro is June 18, 2022.

VII. Consent Agenda

- A. Approve the Temporary Extension of Licenses Premise Application to Greene's Pour House, 134 W Wisconsin Avenue, for the 10-Year Anniversary Celebration, to be held on May 21, 2022. **(PSSC)**
- B. Approve the Street Use Permit for Greene's Pour House, 134 W Wisconsin Avenue, for the 10-Year Anniversary Celebration, to be held on May 21, 2022. **(PSSC)**
- C. Approve the Street Use Permit for Udderly Euro Stationary Car Show, sponsored by T. Apparel Co., to be held on June 18, 2022 from 3:00 PM to 7:30 PM **(PSSC)**
- D. **(UC)**
MS Stevenson/Borchadt to approve the Consent Agenda as presented. Motion carried by unanimous consent.

VIII. Reports of standing committees

- A. Regular Public Services and Safety Committee meeting of March 29, 2022: (Chairman Bates/Vice Chairman Lang) (Minutes can be found on the City web site)
 - 1. Committee recommends Council approve the Memorandum of Understanding between the City of Neenah and Bird Rides, Inc., which establishes an electric scooter pilot program to expire on December 31, 2022 and to approve Ordinance #2022-08 which will allow for modifications of Article IV and Section 11-2 in regards to the operation and regulation of electric scooters.
MSCRP Bates/Stevenson to approve committee recommendation as presented, all voting aye.

Discussion: Mayor Kaufert recommends that we negotiate as many corrals as possible otherwise the scooters seem to left anywhere and everywhere; have as many drop off spots as possible.

Director Haese concurs with Mayor Kaufert. There are some exception zones that do not allow for the leaving of the scooters in certain areas such as the Tressel Trail. Issues are expected with implementation of the scooters, however this is a pilot program and

staff will work hard to minimize issues as they arise throughout the summer.

Aldersperson Hillstrom thanked Community Development Office Manager Samantha Jefferson for getting the information to the members of Public Services and Safety Commission. Ms. Jefferson was asked to contact other cities who have the scooters.

Ms. Jefferson contacted four different communities, one was the City of Sheboygan, who had the most rides in the state. All four cities are continuing with Bird Program this year. All had similar stories in that there was an education piece that was missing upon implementation of the program in which Bird reacted quickly worked to mitigate. Bird also pushed more education on the app. With the quick reaction from Bird and with additional public education those municipalities are seeing success with the program. Start-up costs is a dollar with thirty-nine cents a minute after the initial start-up which is the same as the City of Appleton.

Aldersperson Erickson questioned if businesses are designated as a Bird drop-off location and are those businesses required to have a designated drop off area on their property, and if so, who is responsible for demarcating the area and the cost of the demarcation?

Ms. Jefferson replied the city would be responsible for the demarcation of the nesting areas, there would not be an expense for business who host these areas. There are specific rules that users are to follow with returning the scooter to the nesting areas but if we are seeing a certain area where there tends to be more scooters not in the nesting areas the city will work with business to establish a nesting area in that location in order to curb scooters being left in random places.

Ms. Jefferson explained that designated nesting areas are displayed on the app and that if a rider returns the scooter to one of those nesting places a credit is giving for the next ride. Bird does not reimburse the business for having a nesting area on their property.

Aldersperson Boyette is concerned with how the downtown area is going to be maneuvered on the scooters. If sidewalk riding is prohibited in the downtown area, with the angled parking, how is that going to be navigated? How is trail riding going to be navigated,

specifically on Lakeshore Trail. Where are the scooters to be used on Lakeshore Trail?

Ms. Jefferson advised scooter use would be similar to that of a bicycle. In the downtown area bicycles share the roadway at the backend of the angled parking. Trail use is allowed but the speed limit is restricted to 12 mph for pedestrian safety. There are bells and lights on the scooter to bring driver/pedestrian awareness of the scooter.

Ms. Jefferson explained the geo fencing, which is controlled by Bird, allows for the speed control, where scooters can be ridden, as well as nesting locations. Just Loop the Lake Trail has the speed limit restriction. However, the Memorandum of Understanding is left open so should there be issues that arise Bird can through geo fencing put limitations on the scooters to mitigate problems.

Aldersperson Lendrum asked if Neenah is found to not be a good fit for the scooters is the city able to back out of the contract early? Attorney Westbrook advised yes, the Memorandum of Understanding includes opt out language.

Aldersperson S kyrms is concerned that Bird has yet to identified who the fleet manager or staffing will be on behalf of Bird so that the program is run as expected without having undue stress on city staff. There needs to be an education piece as to what is expected and then a cleanup piece as to who to call when the rules are not followed.

Staff had discussions with the fleet manger from Appleton as well as Bird themselves and were reassured that should the contract pass tonight they would begin recruiting a fleet manager. Aldersperson S kyrms would like to see more than one person be responsible for the Neenah, Menasha, and Fox Crossing. There would be direct lines of communication from the city to the fleet manager and to Bird. Education and training at the public level will be the bigger challenge.

2. Committee recommends Council approve the entering into a Memorandum of Understanding with Galloway Co., on the Harrison Street Pond.

MSCR P Bates/Boyette to defer back to committee, all voting aye.

Discussion: Aldersperson Bates was advised by the Public Works Director that Galloway is requesting some changes to the document.

Therefore a motion to defer back to committee for review of said changes.

3. Committee recommends Council authorize the City Attorney to amend Chapter 16 of the City of Neenah Ordinances by adding Wisconsin Administrative Code Chapter Trans 305.
MSCRP Bates/Borchardt to approve the committee recommendation as presented, all voting aye.

Discussion: Mayor Kaufert asked, under this ordinance, the use of any parts or mufflers that are not stock, would that be illegal?

Assistant Police Chief Bernice responded it depends on volume. Most of modifications are covered under Chapter 347. There are no special amendments when it comes to mufflers. The bigger question is question is motorcycles. Most of Trans 305 is enforceable under Chapter 347, however, those items not covered by Chapter 347 are beyond the scope of a patrol officer. If there are complaints coming into the police department of a loud muffler the police must investigate. If we need to investigate Trans 305 is another tool to do the investigation properly. The police are not going to target certain vehicles.

Police Chief Olson advised that all officers received training from a State Trooper on motorcycle mufflers. The book used as part of this training is in each squad car as a resource tool. This training and resource was done as part of the noise free city initiative.

Aldersperson Boyette confirmed that adopting Trans. 305 is another tool in the toolbox. Assistant Police Chief Bernice confirmed between the decimal ordinance, Trans 305, and Chapter 347 there are now tools for officers to use. The job of the police is to maintain the peace.

4. Committee recommends Council approve the purchase of 2 (12 inch) speed display signs, 2 speed trailers with 15-inch display, and 2 speed tracker data recorders from TrafficLogix in an amount not exceed \$25,000.00 to be funded by Capital Equipment account 011-2132-743-8133.
MSCRP Bates/Hillstrom to approve the committee recommendation as presented, all voting aye.

Discussion: Mayor commented that every street in the city is the fastest traveled street in the city if you live on that street. These signs are very much appreciated because they do slow traffic down. Mayor just wants to make sure that the signs are used as it tells residents that we are trying to make a difference.

5. Committee recommends Council approve an amendment to the capital equipment budget to purchase 112 of the 95 gallon recycling carts and 112 of the 95 garbage carts from Rehrig Pacific in the amount of \$16,560.00 using capital equipment reserve funds.
MSCRP Bates/Stevenson to approve the committee recommendation as presented, all voting aye.

Discussion: Alderperson Boyette inquired the reason for the additional purchase, is it to replace damaged carts or to replenish back stock?

Director Kaiser advised there is an uptick in the request for the larger carts. There have been some minor damage on some carts but for the most part it is the swap outs to the larger cart size or the new constructions requesting the larger carts.

Alderperson Bates commented that some residents did not realize how the carts were going to fit in garages. Now that fit is understood, many are requesting a larger cart.

- B. Regular Finance and Personnel Committee meeting of March 28, 2022 (Chairman Erickson/Vice Chairman Boyette) (Minutes can be found on the City web site)

1. Committee recommends Council approve Resolution 2022-07 for the 2022 Community Development Block Grant and authorization to enter into agreements for the activities, subject to approval by the U.S. Department of Housing and Urban Development.
MSCRP Erickson/Skyrm to approve the committee recommendation as presented, all voting aye.

No discussion.

2. Committee recommends Council approve the Tax Incremental District #7 Development Agreement between the City and Spring Creek Center II, LLC for the redevelopment of the former Shopko property at 699 S. Green Bay Road.

MSCRP Erickson/Stevenson to approve the committee recommendation as presented, all voting aye.

Discussion: Mayor commented that passing this Development Agreement opens up the door for development to start.

Aldersperson Stevenson commented on TIF being a tool that has been successfully used. During times when economic development does not support the proposal, TIFs have had to be used to take action to help districts that are not performing well. This community has done a very proud job of managing its TIF Districts. This particular TIF seems to have drawn a great deal of attention. This agreement is not a gift. This agreement is a performance based that says if the tax base is increased by \$5 million of incremental value the city's obligation to start paying off the \$950,000 begins. The developer is earning the \$950,000 by increasing the increment value by \$5 million in three years.

Aldersperson Bates thought the agreement may have to be approved by the Joint Review Board governing TIFs. However, as Council President Stevenson commented this is not a gift. We are not giving the developer any more than they are giving us. The developer payments are actually going to be more than what the city is filtering back to them.

3. Committee recommends Council approve the 2021 Operating Budget Carry Forwards to 2022 as submitted.
MSCRP Erickson/Skyrms to approve the committee recommendation as presented, all voting aye.

No discussion.

4. Committee recommends the City enter into an agreement with Ontech Systems, Inc. to perform a security assessment of the City's computing environment for a cost not to exceed \$3,700 with funding that was approved in Information Systems 2022 Capital budget.
MSCRP Erickson/Borchardt to approve the committee recommendation as presented, all voting aye.

Discussion: Aldersperson Stevenson requested the record show that Director Wenninger has asked that as opportunities present themselves for improving the city's cyber security that he have the authorization to implement said opportunities immediately and quickly

to which the committee agreed. The money for this project has been budgeted for and approvals have gone through the budget approval process. With the cyber environment today, there needs to be quick reaction when there is a threat or a breach which means going through a government meeting process could cause more damage than good. As such, Director Wenninger is aware that the Council needs to be updated regularly on the situation because Council are responsible to the constituents and need to be able to answer how the city is positioning itself.

Aldersperson Hillstrom will be supporting the expense as this seems to be a money well spent in today's cyber environment.

Mayor commented that employee awareness and employee training is a vital step in cyber security and Neenah has taken steps towards education of employees to that they know what is being opened and what should be deleted without opening.

- C. NMFR Joint Finance & Personnel Committee meeting of March 22, 2022: (Aldersperson Stevenson) (Minutes can be found on the City web site)
1. Committee recommends the City of Neenah and City of Menasha Common Councils approve the Agreement for Urban Search and Rescue Emergency Response Services from April 1, 2022 through June 30, 2024.

MSCRP Stevenson/Boyette to approve the committee recommendation as presented, all voting aye.

Discussion: Fire Chief Kloehn advised that the Wisconsin Task Force 1 is an urban search and rescue program complied by many career departments throughout the State of Wisconsin. In large disasters each state will send teams to help in the search and rescue efforts. This agreement had expired intentionally so that some issues could be address. One of those issues were reimbursement. The state and municipalities carry the costs to send the team to the disaster area until reimbursement takes place. Reimburse could take up to a year or more. The new agreement addresses reimbursement taking place in an earlier timeframe rather than a year. The other issue is liability for injury or death of team members during search and rescue efforts. The state has since advised that they would take on the liability should there be injury or death of a member. The state also took on funding the program though Wisconsin Emergency Management.

Neenah Menasha Fire has about six members on Wisconsin Task Force 1. The advantage of that is that these six members can train the remainder of the staff in the training they received from being members of Wisconsin Task Force 1.

2. Committee recommends the City of Neenah and City of Menasha Common Councils approve filling the vacant firefighter position created by Mitch Berendes and move forward with hiring another firefighter to help offset the known overtime that will be incurred due to the current long-term FMLA.

MSCRP Stevenson/Boyette to approve the committee recommendation as presented, all voting aye.

Discussion: Alderperson Stevenson explained that the person who was initially hired to fill in the long-term FMLA position has been moved to a permanent position due to another new hire taking a position with an out of state fire department.

Fire Chief Kloehn added that hiring the next firefighter will be challenging because of the recruit academy. The person who was initially hired to take this position had already been through the recruit academy. The new hire will need to go through the recruit academy which will be an additional expense. Additionally, the fire fighters who are currently eligible for hire do not graduate until May from FVTC creating a bit of a bind.

There is also the possibility of the FMLA person returning to work earlier than anticipated. If this happens and the replacement fire fighter is hired, that newly hired fire fighter may have to be on leave until a position opens up in January.

Fire Chief Kloehn appreciates the support in the ability to look to hire for the FLMA position.

- IX. Reports of special committees and liaisons and various special projects committees
 - A. Regular Plan Commission meeting of March 22, 2022: (Council Rep Lang)
(Minutes can be found on the City web site)
 1. Cancelled.
 - B. Board of Public Works meeting of March 29, 2022: (Vice Chairman Hillstrom)
(Minutes can be found on the City web site)
 1. Information Only Items:

- a. The Board approved Pay Estimate No. 6, Contract 3-20, HMA Street Construction to Sommers Construction Company, Shiocton, in the amount of \$11,452.37.

2. Council Action Items:

- a. The Board recommends Council award Contract 3-22, Street Construction, on Apple Blossom Drive, Byrd Avenue, Fredrick Drive, Green Acres, Honeysuckle Lane, Meadow Lane, Primrose Lane, and Wild Rose Lane awarded to Northeast Asphalt in the amount of \$1,974,203.70.

MSCRP Hillstrom/ to approve the committee recommendation as presented, all voting aye.

Discussion: Clarification was given that the contract award was to Northeast Asphalt in the amount of \$1,974,203.70.

- b. The Board recommends Council award contract to Safe Slide Restoration, Farmington, MO in the lump sum amount of \$47,691 for Neenah Pool Water Slide Restoration Project.

MSCRP Hillstrom/Bates to approve the committee recommendation as presented, all voting aye.

Discussion: Director Kading advised of state requirements to have the slide inspected and any restoration work done for safety is every ten years. Last year was the slide's twenty-fifth year in service. Three bids were received. All contractors are delayed due to COVID-19 so the work will be done in the fall. The slide has been deemed safe for use this summer.

Aldersperson Bates confirmed that committee asked if the slide was safe to use this summer to which they were told it is.

C. Landmarks Commission

1. Report from the Landmarks Commission – Aldersperson Lang
 - a. Reporting on the March 30, 2022 meeting.
 - b. Discussed possible tour opportunities of landmark properties that could be held on September 11, 2022 in conjunction with the Pow Wow and/or in conjunction with Kids Day at the Farmer's Market August 20, 2022. Discussion will continue next meeting.

D. Sustainable Neenah Committee

1. Report from the Sustainable Neenah Committee – Aldersperson Borchardt

- a. Neenah Sustainable Committee will be rolling out the Peace to Bees Pollinator Awareness Campaign during the City's Arbor Day Celebration Friday, April 29, 2022, at 9:00 am at a park to be determined by the new mayor.
 - E. Reports on neighborhood groups.
 1. Business Improvement District Board (BID Board) – Alderperson Lang
 - a. Annual BID Meeting was held March 15, 2022 at Future Neenah. It was a positive year for the BID.
 - F. Bergstrom Mahler Museum
 1. Report from the Bergstrom Mahler Museum – Alderperson Erickson
 - a. Reporting of the Wednesday, March 30, 2022 meeting.
 - b. Paper Weight Association Members Artist Showcase at the museum through May 21, 2022.
 - c. In exhibit at the Paine Art Center Museum and Gardens in Oshkosh is the Bergstrom Mahler Museum collection at Paper Weights in Bloom. This is a collection of paper weights of a floral motif.
- X. Presentation of petitions
 - A. Any other petition received by the City Clerk's Office after distribution of the agenda.
- XI. Council Directives
- XII. Unfinished Business
 - A. Consideration of Ordinance 2022-09 amending the salaries of the Mayor and the Common Council based on the approval of such action in the 2022 budget.
MSCRP Stevenson/Borchardt to approve Ordinance 2022-09 to approve the committee recommendation as presented, all voting aye.

Discussion: Alderperson Stevenson concurs with Mayor Kaufert that this item has been debated through the budget process, deliberated during the budget workshops, and also through the deliberations and passage of the 2022 operating budget process. It is appropriate to deal with this issue at this point even though it did not come to council through committee.

Alderperson Stevenson further explained that state law does not allow elected officials to vote themselves a pay raise. Therefore, the salary adjustments that this council has approved in the Operating Budget have been levied and they are in place but law requires passage of an ordinance prior to the new mayor and new council members taking seat.

Attorney Westbrook advised council this salary adjustment was approved prior to the election, therefore there is no need for any newly elected officials to abstain from voting. The salary adjustments only impact those who are starting their new term, not those who are currently serving a term. Those currently serving a term will receive the salary adjustments when they are re-elected at the start of their new term.

XIII. New Business

- A. Any announcements/questions that may legally come before the Council.
- B. Alderperson Erickson is honored to have artwork from Youth-Go on display in lobby. The artwork display is sponsored by the Neenah Arts Council.
- C. Council President Stevenson congratulated all the newly elected candidates to office, not only in Neenah, but all around the state. He also acknowledged and thanked all the candidates who ran as he knows the tribulations that are endured just by running for public office. Congratulations to everyone.

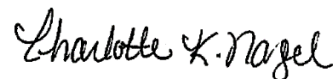
It is a bitter sweet meeting tonight because we say good bye to two colleagues; Alderperson Bates and Mayor Kaufert. Council President Stevenson recognized and presented both Alderperson Bates and Mayor Kaufert with plaques honoring their service to the city.

Mayor Kaufert delivered a departing speech and those around him thanked him for his years of service as an alderman, as a state representative, and as mayor.

XIV. Adjournment

Motion by Bates/Stevenson to adjourn, carried unanimously. Meeting adjourned at 9:09pm.

Respectfully submitted,



Charlotte Nagel, City Clerk