

Common Council Minutes
Wednesday, July 5, 2023 at 7:00 PM

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

Mayor Lang is the chair.

Present: Alderpersons Erickson, Hillstrom, Lendrum, Steiner, Stevenson, Skyrms, Weber, and Borchardt. Alderperson Boyette 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: Assistant Police Chief Bernice, Jennifer Sunstrom of the Realtors Association, Resident Sean Shaw, Bethany Gengler of Neenah News, Shelly Smith of Sherrytown Station, Resident Judd Stevenson.

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 Lendrum 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 21, 2023 regular session.
(UC)
Seeing no objections, the Council Minutes and Proceedings of June 21, 2023 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.
 1. Sean Shaw, 737 S. Park Avenue – Spoke on the prohibiting firearms in government buildings. Mr. Shaw explained the purpose of open carrying his AR-15 into the Neenah Library some weeks ago is to convey the message that not everyone who open carries a firearm is a bad person; that there are law abiding citizens who open carry and it is their right to do so. Mr. Shaw's intent was not to scare anyone or any children. People should use caution approaching the person who is openly carrying a weapon to determine if there is a threat. He encourages people not to fear everyone who open carries, to get to know them, and to determine if there is a threat prior to passing judgement.
 2. Jennifer Sunstrom, Director of Public Relations and Government Affairs for the Wisconsin Realtors Association – Spoke on the proposed change to the city's rezone protest petitions which triggers a super majority (3/4 of Council members) vote of the Council for rezoning requests. The Realtors Association strongly supports the ordinance change and encourages the change to be made as soon as possible. She stated the reason for delaying the effectiveness of this legislation was to allow smaller municipalities time to change their ordinances. Ms. Sunstorm cited the current severe housing crisis was created by a significant

lack of supply (housing options) and escalating housing prices. Bipartisan legislation passed in the state Assembly unanimously with only one negative vote in the Senate. The bipartisan support for this bill demonstrates the universal agreement that we need to create more certainty and predictability in the development approval process and limit the ability of the NIMNBYS (Not In My Back Yard) to delay or stop the approval of proposed housing developments. Such anti-housing campaigns both limit the supply and increase the cost of housing. Changes to the to protest petitions themselves do not change the public input or public hearing notifications or requirements. The public hearing requirement remains which allows an opportunity for the public to have their voice heard; the amendment only stops the ability to trigger a super majority vote for rezone requests.

Seeing no additional appearances, Mayor Lang closed the public forum at 7:11 PM.

- V. Mayor/Council consideration of public forum issues
 - A. Alderperson Erickson inquired about the incident at the Neenah Library. Mr. Shaw indicated that he opened carried his AR-15 rifle into the Neenah Library for the purpose of getting a library card. This action sparked several citizen complaints to the police department as well as employees threatening to quit over safety concerns. Mr. Shaw was exercising his second amendment right to open carry and did so legally in the Neenah Library as there were no signs prohibiting the open carry of firearms into the library at the time. Mr. Shaw advised that the incident at the Neenah Library happened 3-4 weeks ago. Since that time, the library has posted signs prohibiting the open carry of firearms into the building.

- VI. Consent Agenda
 - A. Temporary Extension of Licensed Premises Application, Copperstill Bourbon Bar, 211 E Wisconsin Avenue, for a charity fund raiser event to be held Friday, July 14, 2023 from 4:00-10:00PM. **(PSSC)**
 - B. **(UC)**
Seeing no objections, the Consent Agenda was ordered approved as presented by unanimous consent.

- VII. Reports of standing committees
 - A. Special Public Services and Safety Committee meeting of July 5, 2023: (Chairperson Lendrum/Vice Chairperson Hillstrom)
 - A. Consideration of Committee recommendation regarding Preliminary Resolution 2023-14: Installation of 2-Inch Asphalt Mat Overlay for properties within the Freedom Acres Subdivision. **(RollCall-Pro)**
MSRP Lendrum/Hillstrom to approve as recommended by the Committee, all voting aye.
 - B. Consideration of Committee recommendation regarding Preliminary Resolution 2023-15: Installation of 2-Inch Asphalt Mat Overlay for

properties within the Homes at Freedom Meadows Subdivision **(RollCall-Pro)**
MSRP Lendrum/Weber to approve as recommended by the Committee, all voting aye.

- C. Consideration of Committee recommendation regarding Original Transfer of regular "Class B" Combination Intoxicating Liquor and Fermented Malt Beverage License from Sherrytown Station, LLC, to Sherrytown 2, LLC, d/b/a Sherrytown Station at 432 Sherry Street. **(RollCall-Pro)**
MSRP Lendrum/Steiner to approve as recommended by the Committee, all voting aye.

Discussion: There was discussion regarding the two Sherry Street bars. There are no issues with Sherrytown Station.

- B. Regular Public Services and Safety Committee meeting of June 27, 2023: (Chairperson Lendrum/Vice Chairperson Hillstrom) (Minutes can be found on the City web site)
A. Meeting was cancelled, no report.
- C. Regular Finance and Personnel Committee meeting of June 26, 2023: (Chairperson Erickson/Vice Chairperson Skyrms) (Minutes can be found on the City web site)
A. Meeting cancelled, no report.
- D. NMFR Joint Finance & Personnel Committee meeting of June 27, 2023: (Aldersperson Borchardt) (Minutes can be found on the City web site)
A. Committee recommends Council approve the 2024 cost distribution formula with the City of Neenah share at 60.34% and the City of Menasha at 39.66%. **(RollCall-Pro)**
MSRP Borchardt/Stevenson to approve as recommended by the Committee, all voting aye.

- VIII. Reports of special committees and liaisons and various special projects committees
- A. Regular Plan Commission meeting of June 27, 2023: (Council Rep Steiner) (Minutes can be found on the City web site)
1. Meeting cancelled, no report.
- B. Board of Public Works meeting of June 29, 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 1-23, Don E. Parker Excavating, for Sanitary Sewer, Water Main and Street Construction on Burr Avenue, Chestnut Street, Dieckhoff Street, and Laudan Boulevard, in the amount of \$311,103.54.
b. The Board approved Pay Request No.1, Contract 2-23, David Tenor Corporation, for Sanitary and Storm Sewer, Water Main and Street Construction on Brantwood Drive, Brantwood Court, Charles Court, Hughes Court, Memorial Court and Patrick Court in the amount of \$244,989.80.

- c. The Board approved Pay Request No.2, Contract 2-23, David Tenor Corporation, for Sanitary and Storm Sewer, Water Main and Street Construction on Brantwood Drive, Brantwood Court, Charles Court, Hughes Court, Memorial Court and Patrick Court in the amount of \$318,098.95.
- d. The Board approved Pay Request No.3, Contract 5-23, MCC Inc., for Street, Curb and Gutter, Sidewalks and Apron Construction in Arthur Plat, Cardinal Plat, Integrity Acres, 1st Addition to Integrity Acres, and Liberty Heights in the amount of \$539,829.58.
- e. The Board approved Pay Request No.3, Contract 6-23, Donald Hietpas & Sons, Inc., for Sanitary and Storm Sewer, Water Main and Street Construction on Columbian Avenue and Beaulieu Road in the amount of \$67,275.15.

2. Council Action Items:

- a. The Board recommends Council Award Contract 8-23, Re-Roof Office Area at City Service Building, 1495 Tullar Rd, to JT Rams, LLC, Saukville WI, in the amount of \$61,061.00. **(RollCall-Pro) MSRP Hillstrom/Lendrum to approve as recommended by the Board, all voting aye.**

Discussion: Alderperson Skyrms questioned the roof warranty. Director Kaiser advised there is a standard ten-year warranty.

Alderperson Stevenson asked about contractor history. Director Kaiser advised this contract would be the city's first with JT Rams. Director Kaiser did check on their references who were satisfied with their work.

C. Community Development Authority

- 1. Report from the CDA – Director Haese
 - a. Work continues on the acquisition of the former Donaldson's property on W. Cecil Street.
 - b. Preparation of an Offer to Purchase has begun on the property at 1345 S. Commercial Street. This will come forward to Committee and Council soon. All three buildings will be included in that purchase. The property owners are aware that the Offer to Purchase is contingent upon Council approval.

D. Sustainable Neenah Committee

- 1. Report from the Sustainable Neenah Committee – Alderperson Lendrum
 - a. Reporting from the June 28, 2023 meeting.
 - b. Farmer's Market activity discussions.
 - (1) July 22nd, recycling education is scheduled with a quiz.
 - (2) August 5th the committee will host a solar demonstration.

E. Bergstrom Mahler Museum

- 1. Report from the Bergstrom Mahler Museum – Alderperson Borchardt
 - a. Reporting from the June 28, 2023 meeting.

- b. Catching Fire online fundraiser was a great success.
 - c. Glass Arts Festive will be held August 12, 2023.
 - d. The Museum participated in the 150th Anniversary of the City of Neenah with over 300 community members in attendance. The June 22nd event Art After Dark Happy Birthday Party was in partnership with the Historical Society. Mayor Lang sponsored a birthday cake and provided remarks as well as cake cutting. It was a great evening.
 - e. Crystal Ball Gala Event will be held February 11, 2024.
- F. Parks & Recreation Commission
- 1. Report from the Park Commission – Alderperson Weber
 - a. Reporting from the June 15, 2023 meeting.
 - b. The annual summer play, “Fireflies” was cancelled due to do cast member illness. Related cancellation costs were discussed.
 - c. Arrowhead Pier is now open.
 - d. Progress of Baldwin Park playground equipment installation was discussed.
 - e. The Subcommittee review of the Parks & Recreation Commission by-laws is completed. Subcommittee members were recognized for all their efforts.
 - f. Next meeting will be held July 20, 2023 at Herb and Dolly Smith Park.
- 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.

Director Haese summarized the staff memo regarding protest petitions. As noted in the staff memo, there have been a number of changes that passed legislation and was signed by the Governor that change zoning statutes. The ability to remove protest petitions was signed into law in 2017, the most recent action prohibits a community from having protest petition language in their ordinance. This prohibited language change takes effect January 1, 2025. In lieu of waiting for that deadline, staff is recommending that the directive be forwarded to the committee of jurisdiction, Plan Commission, for review and formal recommendation to Council.

Attorney Rashid clarified the prohibition language change is not against protest petition themselves, but rather the forcing a super majority vote of the approving authority.

Alderperson Steiner clarified the specific recommendation forwarding Plan Commission is to review the staff recommendation and decide whether or not to act on the proposed ordinance change based on staff’s recommendation. Director Haese

advised typically staff would make a recommendation to the committee of jurisdiction, in this case Plan Commission, who would in turn make a recommendation to the Council for consideration. This proposed ordinance change came in the form of a Council Directive which essentially flips the process in that the directive comes to Council first, then forward to the committee of jurisdiction for recommendation back to Council.

Aldersperson Stevenson explained that seeing no action in response to the directive, the directive, in Aldersperson Stevenson's opinion, has been met. Aldersperson Skyrms asked the Director of Community Development and the City Attorney to provide a recommendation and that has been done. Therefore, the directive has been satisfied.

Aldersperson Skyrms agrees, that at this point, the information asked for has been provided. **Motion by Aldersperson Skyrms, seconded by Aldersperson Steiner to send the directive to the Plan Commission for their review and recommendation.**

Aldersperson Stevenson cannot support the motion. The Council delayed directive action because of anticipated legislative action and action of the Governor. That action has been taken with the effective date of January 1, 2025. There is no reason given for choosing of that date. Aldersperson Stevenson's research concluded that the reason the effective date of January 1, 2025 was so communities who were in the middle of rezoning requests where a super majority vote was taking place would be allowed to complete the super majority process. This was done so that there is no misconception that communities were taking advantage of this new legislation. Given the city's current circumstances in rezoning requests, Aldersperson Stevenson encourages the Council to be very careful about accelerating the effective date given the possibility and probability of being presented with a rezoning classification request at some point. Aldersperson Stevenson will not support sending this directive to the Plan Commission given the history in the last year and believes it would be a big mistake.

Aldersperson Lendrum supports sending this directive to the Plan Commission because it shows that the Council wants all the information that is available and that the Council is open to discussion. Referring this directive to the Plan Commission is gathering more information. She clarified with the City Attorney that the City does not have wait until January 1, 2025 to implement the language change. This is a very antiquated and unfair method of voting, and it is not equitable or fair. Aldersperson Lendrum looks forward to further open discussion on this issue.

Aldersperson Steiner also supports moving the directive forward to the Plan Commission for more information. This is an important topic to discuss in light of the bipartisan legislation that was passed; bipartisan legislation is rare these days making it an important topic to consider. Given there is no restriction on potentially changing it before January 1, 2025, there is no reason why the Council cannot discuss it.

Aldersperson Hillstrom supports sending the directive to Plan Commission. The language change was made back in 2017, since then municipalities all over the state have been making this change over the past six year or so. We would not be discussing this if the change to the ordinance occurred back in 2017 when the legislation changed. It is because the Shattuck Middle School issue now that this issue is currently being discussed. This has nothing to do with being an unfair, this is a discretionary rule that the state illuminated six years ago. Therefore, Aldersperson Hillstrom is in favor of moving this forward.

Mayor Lang understands she does not have a vote on this issue, however, supports of moving the directive forward to the Plan Commission for more information and making ourselves fully informed on this type of request rather than dismissing it at this point.

Motion restated: **Motion by Aldersperson Skyrms, seconded by Aldersperson Steiner to send the directive to the Plan Commission for their review and commendation. Motion carried in a roll call vote, 7-1-1 with Aldersperson Stevenson dissenting and Aldersperson Boyette absent.**

XI. Unfinished Business

A. None.

XII. New Business

A. Mayor Lang commended Aldersperson Hillstrom and all the volunteers for their work at Community Fest. Aldersperson Stevenson was recognized as Ben Franklin reciting the Constitution of the United States. Aldersperson Erickson ran the Arts Council booth the entire day. It was another successful event with great memories for all to enjoy.

B. Aldersperson Skyrms enjoyed the parade of lights and recommends all to attend next year. The fireworks display celebrating Neenah's 150th birthday with the birthday of our country was spectacular. Superintendent Fink, his staff, and all Parks & Recreation staff were recognized for their hard work in preparing the parks for this large event which really looked nice.

C. Aldersperson Lendrum recognized Dairy Queen for the free ice cream cupcake in celebration of the city's 150th birthday. They were heavenly. It was a superhuman effort and large expense to get everyone an ice cream cupcake. Aldersperson Hillstrom knows the owners of the Dairy Queen. It took two employees working a week and half to make all the cupcake. It is totally awesome that Dairy Queen would go to such great lengths to help the city celebrate and to make Community Fest a special event.

D. Aldersperson Hillstrom recognized that volunteers were short this year. We're looking for any ideas, any volunteer groups, anyone who would like to get involved next year please contact the Park & Recreation Department or a Council member.

XIII. Adjournment

Motion to adjourn by Borchardt/Weber to adjourn. No further discussion. Meeting adjourned at 7:45 PM.

Respectfully submitted,

A handwritten signature in black ink that reads "Charlotte K. Nagel". The signature is written in a cursive, flowing style.

Charlotte Nagel, City Clerk