

Common Council Minutes
Wednesday, December 7, 2022—7:00 PM

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

Mayor Lang is the chair.

Present: Alderpersons Boyette, Borchardt, Hillstrom, Lendrum, Erickson, Weber, Skyrms, Steiner, and Stevenson. Staff present Deputy Director of Finance Kahl, Community Development & Assessment Haese, Director of Public Work Kaiser, City Attorney Rashid, and City Clerk Nagel.

Also present: Police Chief Olson, Deputy Police Chief Bernice, Police Captain Van Sambeek, Fire Chief Koehn, and Deputy Director of Community Development Schmidt.

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

- I. The Mayor/Alderpersons recorded their attendance on the RollCall-Pro System as the Clerk called the roll. Alderperson Weber led the Pledge of Allegiance.

SWEARING IN OF NEW OFFICER AND PROMOTED LAW ENFORCEMENT PERSONNEL

- Lieutenant Wes Bone
- Sergeant Rob Ross
- Sergeant Sam Santiago
- Officer Erica Geschrei
- Officer Brandon Sweeney
- Officer Bryce Sweeney

Chief Olson recognized each individual law enforcement personnel listed above. The oath of office was administered, the blessing of the badges was given, and the badges were pinned on the officers.

- II. Introduction and Confirmation of Mayor's Appointment(s)
 - A. Reappoint Kent Powley to the Sustainable Neenah Committee for a three year term ending 2025. **(UC)**

There being no objections, the Mayor's Appointments were ordered approved by unanimous consent.

- III. Approval of Council Proceedings
 - A. Approval of Council Proceeding of November 15, 2022 Special Common Council Meeting, Budget Public Hearing and Capital Improvements Program Budget.
 - B. Approval of the Council Proceedings of November 16, 2022 regular session. **(UC)**

There being no objections, the Council Proceedings of November 15, 2022 and November 16, 2022 was ordered approved as written by unanimous consent.

- IV. Public Forum

Mayor Lang asked those who have not had the chance to speak on the Shattuck Middle School rezone issue, if there was new information that has not previously been shared, or if there were unanswered questions to please speak tonight. Comments would be held to two minutes a person.

At 7:19 PM, Mayor Lang opened the Public Forum.

Judd Stevenson, 632 Reed Street, Neenah – Spoke against the rezone of Shattuck Middle School to Traditional Neighborhood Development (TND) as this zoning has never before been used in the city. There are areas in the city that are more suitable for this zoning. Mr. Stevenson pointed out that the packet of information for this meeting referenced Northpointe reducing the number of apartments with the Shattuck building itself to 89 units; what is going to happen with the empty space in 2-4 years. Residents who signed the petition are being asked to be heard and these are the Council's constituents.

Kathryn Noll-Arias, 732 Reed St., Neenah – Thanked the Council for their time and attention to the Shattuck Middle School Rezoning issue. Looking at more than one option helps ensure the best decision that can be made. Indicated she lives in a home built with the help of Habitat for Humanity and doesn't want apartments in her neighborhood. Katherine wants neighborhood to stay single-family home because she wants people to own their own homes and be responsible for something they own.

Megan Florek, 645 Congress St., Neenah – Has new feedback for the Council. We are all united in this as we all love Neenah so much. There is a lot of angst, animosity, and anger over rezoning Shattuck Middle School. Ms. Florek is terrified for what is going to come if this vote is pushed through, the divide is something that is not going to be easily overcome. With the Neenah's sesquicentennial celebration next year, she is asking the Council to vote no and come back together so that best decision for everyone involved can be made.

Nate Gustafson, 1820 Cty. Road II, Fox Crossing – Recently elected to the 55th Assembly, if he received a petition he would listen to what the concerns truly were. The comments he has heard were this seems to be rushed, there's a breakdown in communication, and it sounds like there is a lot of crossed paths. He recommends the Council listen to the constituents who are opposing the rezone and to create an ad hoc committee to determine what the best solution for that piece of property going forward.

Charles Lauer, 119 Laudan Blvd., Neenah. – When he purchased his home 28 years ago, he looked at the area and liked the character of the old neighborhood. His children attended the neighborhood schools. The proposed development does not fit the neighborhood and it does not fit what he thought Neenah was about when he purchased his home. Think of yourself in our shoes, people who have put their heart and souls into their house, their families, and their neighborhood. There are other options for the neighborhood and there should be neighborhood input.

Tiffany Meunier, 620 Oak Street, Neenah – Grew up in the neighborhood and has fond memories of the neighborhood. Wants to remind the Council of Riverside Park, the Neenah

Pool, and the family feel of this neighborhood. It's a part of town that is known for all these things and so much more. This proposal will drastically change this area. It will change the stability the neighborhood is used to. Would like the school district, the city, and the mayor to open up conversation to a better development, one more suited for the neighborhood.

Deb Langacker, 631 Winnebago Heights, Neenah – Purchased her house two years ago. Prior to purchasing her home, Ms. Langacker was at a women's support group and knows of many single women who would love to have a place they could rent or buy. On behalf of these women, she supports this project. This is a quaint neighborhood but there are people desperate for a little starter home who are coming out of college and working here but cannot afford to live here. They are going to be good tenants, good homeowners. Everyone rents at some point in their life and there is nothing bad about renters. All they want is a decent place to get started and eventually move up into their own home.

Sara Kranpitz, 615 Hansen St., Neenah – Feels like she has poured her heart out and was not heard. She pleaded with the Council not to approve this rezoning. This is a safe neighborhood that needs to stay that way. She was a landlord and she retired because she could not take the stress any longer. The Council was elected to represent us, so listen to us and what we are saying.

Joe James, 516 Hansen St., Neenah – Look at the optics of the situation. The Council is ignoring what the people are saying and guesses that the proposal has "been the bag for about a year, year and half". Mr. James has not seen a more condescending audience than the City Council, which is hard for him to process. Council members are up for re-election and need to talk to these people. This situation just smells like the tail of two cities.

Angelo Van Bogart, 702 Reed St., Neenah – Would like to see the property maintained as the Shattuck Family envisioned it rather than the school district cashing in on it even though the property has been negatively affected by the school district for years. He does not want to see houses crowding Reed Street, he wants to see families out there using the fields. He does not want to see houses with grills and swing sets in their front yard crowding the neighborhood. For middle class people their home is the vast majority of their assets, and he does not want to see his property value go down by adding homes on the street. Mr. Van Bogart is disappointed he did not receive a response to his e-mail.

Nancy Kranpitz, 957 Grove St., Neenah – Wrote an e-mail to the Plan Commission, the Mayor, and the Council with little response. Wilson School is 73 years old, what will happen when this school sells. The schools in the district are getting old, what is going to happen when schools are no longer used? Ms. Kranpitz feels bad that she took the time to write this email, to express her concerns, and no one had the courtesy to respond to her. The Council is not listening.

Judy Stevenson, 632 Reed St., Neenah – The keeper of the signatures. Ms. Stevenson explained how the petition signatures were gathered. Some went door-to-door to gather signatures. There was also an on-line signature campaign on change.org. The website change.org was used to campaign for signatures which was filtered down to just the City of Neenah. These are the people the Council represents, and they want to be heard.

Mark Noffke, 637 Elm St., Neenah – Backed up Ms. Stevenson in that the signatures were verified. Notarized petition was rejected until it hit the news and then it was accepted today...seems fishy.

Katie Cunningham, 848 Higgins Ave., Neenah – Brought her child to tell the Council to save his “circle track”. She wants a place to gather as a community and this proposal is not for this neighborhood. Make it a place that is really special instead of low-income housing.

Valery Splittgerber, 603 Chestnut St., Neenah – She is in her beautiful forever home that her and her husband have made together. She thought about leaving her beautiful forever home in her beautiful forever neighborhood because of the proposed development. Please do not make her leave.

Edward Palmer, 416 Pine St., Neenah – Encouraged the Council to vote yes to the proposal. He would like to see the building refurbished and restored into a beautiful building that Mr. Shattuck envisioned in its glory years. It will be more attractive and more historic than it is now. The current traffic pattern in the neighborhood is bad. The new traffic pattern means less vehicles during peak times. Does not want to see Shattuck sitting vacant for a long time; it encourages vandalism, graffiti, theft, and possibly homelessness. A chance to build a new house in this community would be a great opportunity for families to move into this neighborhood.

Kris Payette, 675 Chestnut St., Neenah – Wrote many letters to the Council and Plan Commission with only one person responding to her; she is disappointed. This can all be changed tonight. The school district has been derelict in maintaining the Shattuck building for years, that’s why we are here. There is a chance tonight to be much better stewards of this neighborhood than the school district. Please give us a chance to work together and do not vote yes to this proposal tonight.

Alexander Collins, 331 E. Wisconsin Ave, Neenah – The property has not been marketed properly. Developers around the country are not watching Neenah Referendums. The neighborhood contacted developers within Neenah who had no idea that the property was for sale. There is a way out, it is no vote for now. Let the developers come up with an alternative package. Northpointe probably will not run away and if they do, they had no intention of doing the project anyway.

Tamara Hasz, 301 E. Wisconsin Ave., Neenah – There were a lot of unanswered questions from the developer at the Plan Commission. Renters are homeless, recovering drug addicts, and sex offenders. Do not destroy this wonderful community because once this property is opened to renters there is no going back. Ms. Hasz then offered to purchase the property with the same proposal as Northpointe.

Kathy Tonn, 700 Chestnut St., Neenah – Ms. Tonn spoke on being a victim of an apartment fire where she lost everything. This is her fear of Shattuck Middle School turning into an apartment building. Apartments invite trouble, do not put us in harm’s way.

Kris Erdman, 1140 Manor Dr., Neenah – The property was not marketed properly or long enough. The listing was only available on the day Ms. Erdman asked for the information on the listing. The baseball diamond south of Laudan was owned by the city until December 2021, it is unclear as to why it is currently owned by the school district. It is unclear why Shattuck's intention is not being followed. Encouraged the council to keep an open mind when it comes to developing this property. With public input the property could be something that we are all proud of.

Scott Becher, 1061 Green Acres Ln., Neenah – What does the city want to remember ten years from now. Would like the city, school board, and neighborhood to work together to come up with the best possible use of the property.

Steve Spanbauer, 314 E. Wisconsin Ave., Neenah – Growing up in Neenah and even now, Mr. Spanbauer has great respect for local government. Mr. Spanbauer recommends the council to vote no today and have what is called a "Developer Day" with the school district, the city, the neighborhood, and interested developers to talk about possible options for the property.

Luis Lavallo, 636 Reed St., Neenah – Moved to Reed Street because it is a wonderful neighborhood. The apartments are not good for the neighborhood. Keep the neighborhood the way it is and look at other offers.

Phil Florek, 1140 Lynrose Lane, Neenah – Instituted the smoking ban here in the City of Neenah. Mr. Florek knew this was the right thing, the healthy thing to do in Neenah. This zoning can be put on hold, it can be studied. Please vote no and do the right thing as the Council did with the smoking ban.

Quintin Meyer, 915 Terra Cotta Dr., Neenah – Mr. Meyer is a landlord in low income housing: it's a nightmare with all the drug deals, police calls, and extra activities. This will destroy the area. With her daughters going to school at St. Margret Mary's, Mr. Meyer would not be comfortable sending his daughters to school there with 100 apartments across the street. No one in that neighborhood is going to feel comfortable leaving their door unlocked once the low-income housing is put in.

Lori Lavallo, 636 Reed St., Neenah – There is a place for this type of housing. It is a location on bus routes, grocery stores, and restaurants, where there is walkability. This location does not make sense. Give us time, this is a decision is going to change our neighborhood, change our lives, change the lives of the next generation as well. This is not going to make Neenah better. We want to work with you to make Neenah better. We do not want an empty building, we do not want this proposal, and we want time to talk to developers to see what can be put there. We are not being heard; we are asking for time.

The final call for additional comments was made by Mayor Lang at 8:16 PM. Seeing no additional comments, Mayor Lang closed the Public Forum at 8:17 PM.

Out of respect for those attending tonight's meeting, Mayor Lang asked for a motion to move item VII. Reports of special committees and liaisons and various special projects committees to be the next item on the agenda.

MSC Stevenson/Boyette to approve the agenda adjustment to deal with item VIII at this time. No further discussion. Motion carried in a voice vote, 9-0.

Mayor Lang invited Deputy Director of Community Development Schmidt to give a brief explanation to the two items under the Plan Commission report.

The amendment to the City Comprehensive Plan Future Land Use Map is because of the school closing. Currently the property is identified as community facility designation with the proposal to change it the residential neighborhood investment areas which conforms to the surrounding area. The Comprehensive Plan Future Land Use Map is not directly tied to the rezoning item, meaning the approval of the Future Land Use Map does not approve a the rezone or master development plan for this project to move forward.

The rezoning to the Traditional Neighborhood Development (TND) approval along with the associated development plan means the development can move forward. Approval of both the rezone and the development documents, which includes the master development plan, become the regulatory documents for the project to move forward. Any changes to the land uses or changes in the Master Development Plan need to come back to the Plan Commission for approval.

- VIII. Reports of special committees and liaisons and various special projects committees
- A. Regular Plan Commission meeting of November 29, 2022: (Council Rep Steiner) (Minutes can be found on the City web site)
1. Commission recommends Council approve Ord. No. 2022-20 Adopting the Amendment of the City of Neenah Comprehensive Plan Update 2040 relating to changes to the Future Land Use Map for land along Division Street, Elm Street, Reed Street, Birch Street, and Laudan Boulevard - Shattuck Middle School. **(RollCall-Pro)**
MSCRP Steiner/Lendrum to approve Ordinance 2022-20 Adopting the Amendment of the City of Neenah Comprehensive Plan Update 2024 as recommended by the Plan Commission.

Discussion: Adperson Boyette asked for clarification as to exactly what approval does for future zoning of R-2 or TND. Both Community Development Director Haese and Deputy Director Schmidt advised that Comprehensive Plan Future Land Use Map over lays the entire city with broad appropriate land uses. This category is essentially residential. The amendment is being made because of the closure of the school; the property is no longer a school thus no longer a community facility. The Comprehensive Plan is a guide for future development therefore it is not a controlling document; what controls the land use of the property is the zoning classification. Therefore, the R-1 Single Family underlying zoning will remain, the amendment is for land use designation. Again, the land use designation

is not the controlling factor, the underlying zoning controls the actual use of the land. Even though the land use changed, the underlying zoning, R-1, and any allowed uses under R-1 zoning would be allowed and any land use not allowed in R-1 zoning would be prohibited.

If this fails, the land use designation is supposed to be in conformance with the Comprehensive Plan. So if it remains as a community facility, in theory only those land uses allowed under community facility would be allowed, land uses not allowed under community facility would be prohibited. To put it simply, the overall land use designation is the guide, the underlying zoning are the rules. Therefore, this action is changing the land use designation, which is the guide, the zoning would dictate the regulations. This is an administrative action, housekeeping action, because of the school closing.

Alderperson Stevenson advised that Ordinance 2022-20 which is the land use document does not require a super majority vote. Therefore if the ordinance passes, the action is an administrative land use designation change, nothing changes the zoning. The zoning issue is dealt with in Ordinance 2022-21. Consequently, if Ordinance 2022-21 not do passes by super majority, then Northpointe cannot move forward with their proposed project.

Mayor Lang confirmed the motion was clear to all the alderpersons that they are voting on an administrative change of the land use because of the school closing which changes the comprehensive plan land use designation because the property is no longer a school.

Motion restated: MSCRP Steiner/Lendrum to approve Ordinance 2022-20 Adopting the Amendment of the City of Neenah Comprehensive Plan Update 2024 as recommended by the Plan Commission. Motion passes in a roll call vote, 7-2 with Stevenson and Boyette dissenting.

At this point, Mayor Lang invited Deputy Director of Community Development Schmidt to give an overview of the project to clarify changes made to project since it was first introduced. Changes made to the project at the Planning Commission Meeting:

- Removal of four duplexes north of Laudan Blvd. and south of the school and replace them with single family lots.
- Removal of four duplexes south of Laudan Blvd. and replace them with additional greenspace.
- Reduce the number of units in the apartments in the renovated school building to 89 from 100.
- Elimination of townhouses along the north side of Laudan Blvd.

Therefore, the project in front of the Council tonight includes:

- 49 Single-Family lots - The intent of the developer is to create lots, not to build the homes. The lots would be marketed and sold.

- 89 Apartment units in the school building itself.
- South side of Laudan Blvd. open space increased to 4.1 acres with additional access along Laudan Blvd.
- 1 ½ acre storm water pond.
- A small playground has been relocated to Elm Street
- 207 off street parking spaces designated for the apartment use and the clinic use. Per the city ordinance, the required minimum off street parking is 167 space. There are 40 additional parking spaces than required.
- Additional buffer between the parking lot itself and Elm and Reed Streets requiring additional landscaping.
- Most of the access to the single family homes will be a private driveway, carriage way, with access to the house from the rear as opposed to the front of the house, with the exception of several house on Reed Street, one on Elm Street, and two on Laudan Blvd.

This is what is being proposed to Council today. The developer is in attendance to answer any questions or explain his rationale.

Mayor Lang invited owner of Northpointe, Andy Dumke, to address changes made since the original introduction of the plan.

As a whole, Northpointe is trying to work with the neighborhood to meet the concerns of the residents. The elephant in the room seems to be the affordable housing program itself and Mr. Dumke wanted to clarify the regulations:

- The program does not allow transient housing, student housing, or homelessness.
- The development would be limited to 50-60-70% set aside. Meaning that a person with a voucher would not qualify to live in this development.
- The waiting list for Section 8 Voucher Program in Winnebago County is very long and the likelihood of any Section 8 vouchers being in this development is minimal to none.

There was discussion on the Section 8 Voucher Program and how it works. Due to the project being in the 50-60-70% set asides, anyone who receives a voucher can apply to rent an apartment, but if they cannot afford to pay the remainder of the rent, they are denied. The likelihood of a voucher recipient being able to afford the remainder of the rent is very low. The developer supplied the rent rate to WEDA and it is on their website. The same with the HUD voucher program. The rent rate is above what HUD is authorized to pay. There is a caveat, currently in the program if there is a three bed room unit in the 50% satisfied, there could be a renter that would qualify. Mr. Dumke spoke about applying for a grant would allow one apartment for rent to veterans only.

With all that said, Mr. Dumke would like to do income averaging scale, which is a new program that the IRS came out with a few years ago that Northpointe has been doing. This program consists of:

- 1 unit at 30% set aside for veterans only
- 25% units at 50% set aside
- 50% units at 60% set aside
- 25% units at 70% set aside.

What is going to happen with the remainder of the open space within the building itself, what does that look like? Mr. Dumke is working with the city and other community entities to rent out the open space for various programming. The more open space that is rented out, the lower the number of apartments would need to be built. This is still a work in progress, but it could be a great opportunity. Conversations have been had but until it is understood what space is available for use there is no use in continuing negotiations. Until these answers are known it is difficult to have a focused conversation on the use of the empty space.

Security measures and background checks were questioned. Mr. Dumke advised that cameras are used, keycard/fob swipe system is used, meaning a visitor would not be able to enter the building without assistance from the resident. Background checks are done at the initial rental in which evicted applicants are automatically denied, applicants who owe previous landlord back rent are automatically denied, any first time renter that does not have an approved 2-year rental history would need a co-signer, any application with an open bankruptcy would be automatically denied, any applicant convicted of manufacturing, selling, or dealing in controlled substances would be denied, federal sex offenders would be denied. Background checks will be completed annually upon lease renewal with the minimum lease being one year.

Mr. Dumke is open to categorizing the apartments as a 55 and older living facility. He cannot currently commit to this because the process to get the 55 and older category takes at least a year. The project is going to cost more than it will ever make, therefore the only way to make the project work with the undertaking of the building itself is to pool money resources together through grants. If the 55 and older program works to that end, Mr. Dumke would commit that program. However, 55 and older are not prohibited to rent apartments either. Overall, older building renovation projects attract the 55 and older age group.

If there is not a zoning change, what are the next steps for Northpointe. Mr. Dumke cannot do this project with anything less than what is being proposed. The project would then go back to school district to find another developer to come up with another plan.

There was discussion on the single-family homes. The anticipated cost per single family lot would be about \$75,000 with house construction estimated to be in the \$250,000-\$300,000 for an anticipated square footage of 1,800 – 2,500. This led to conversation of a Home Owners Association (HOA). There will be an overall cost sharing for the access road so more than likely there would be an HOA. There was discussion on turning these houses into rental property. The developer cannot prevent anyone from renting their home. Discussion ensued regarding the ability to include that restriction within the HOA document or covenants. It is unclear and needs to be researched.

Alderman Lendrum, a landlord and explained the 1% rule on investments. If a home costs \$350,000, the 1% rule dictates rent would be \$3,500/month. That kind of rent is not feasible.

The developer is committed to the development for at least 15 years per bank and program requirements. Mr. Dumke does not intend on selling the apartments and will hand them down to his children when the time comes.

2. Commission recommends Council approve Ord. No.2022-21 Approving the Master Development Plan for the Shattuck Middle School Site and rezoning for the property from R-1, Single Family Residence District to the Traditional Neighborhood Development District (TND). **(Roll Call-Pro) MSCRP Steiner/Lendrum to approve Ordinance 2022-21 Approving the Master Development Plan for Shattuck Middle School and rezoning for the property from R-1, Single Family Residence District to the Traditional Neighborhood Development District (TND) as recommended by the Plan Commission.**

Discussion: Mayor Lang explained Roberts Rules of Order to the audience.

Alderman Lendrum addressed the audience by stating that the Council always hears all of city residents all the time. Being a homeowner of one of the homes on Elm Street, directly across from the track, this directly affects her as well. Alderman Lendrum has done her due diligence and has had many conversations with Mr. Dumke. He has heard the residents as well. Accommodations to meet resident concerns have been done. Alderman Lendrum is also a landlord in which Mr. Dumke has answered all her tenant concerns. The Council has studied all the numbers, statistics, e-mails, and such from all the residents. Most of the Council have jobs aside from being an alderman and there just was not enough hours in the day to respond to everyone. The plan was reviewed by Neenah's most respected developer who advised Alderman Lendrum that the plan was the best and highest use for this property and no one would be able to develop it without an apartment building. Alderman Lendrum supports this plan because she is not going to jeopardize her neighborhood or her investment.

Alderson Stevenson addressed the audience. Other than the Glatfelter Paper Project, this is the only other project the city has had regarding functional obsolescence. This property is truly like no other, this property has a zero-tax value baseline. The Northpointe development is borderline capitalized in Alderson Stevenson's opinion and potentially undercapitalized given Mr. Dumke's comments tonight. Financing options need to be better understood. While the reduction of the number of rental units being proposed was to appease the neighborhood concerns only adds to Alderson Stevenson's concerns regarding financing this project. With 60% of the Shattuck building remaining undeveloped concerns of where the money is going to come from for maintaining the undeveloped building are apparent. There has been discussion of the city using the undeveloped space for programming but who and how all that would work needs to be understood before allowing the rezone. The same is true with the outdoor open space, however, it is unknown if this meets the Park & Recreation long-term plan. All this information should be known before the rezoning takes place. TIF financing should be explored to provide financial stability to not only the project but to the neighborhood.

Alderson Stevenson does not share the same resident concerns with traffic and decline in property values. Rather, he would like the transition of this site to be developed with Council input, with full transparency to the neighborhood, and with financial stability to assure a long-term success. City involvement with functional obsolescence properties needs to be understood before rezone, not after hoping an agreement can be worked out. This property will not be green space, the school is closing. The city needs to be more involved with TIF assistance in exchange for programming rights to the undeveloped open space with the Shattuck building.

Alderson Weber has been on the Council less than six months. When all the discussion started, Alderson Weber listened to the staff because he does believe they have the best interest in all of Neenah and its citizens in mind. Alderson Weber thanked those who were professional in their communication and encouraged those who were not to do so. There are too many unknowns at this point to in order to be in favor of the rezoning and his intuition is to not support the project.

Had Alderson Borchardt not been an alderperson he would not have understood all the work that goes into creating and approving a development plan. The proposal of the city using the open building space can significantly impact the culture of this development as well as the city budget. The concern Alderson Borchardt had was the claims that this has been rushed through. In conversations with Community Development, this project has followed all other development project timelines within the city, the process is essentially the same. He listened to the residents, the city has listened to the residents, Northpointe has listened to the residents

and has made project concessions, so it is inaccurate to say that the residents have not been heard. The integrity of this Council and staff being called to question without facts is disingenuous. There are no guarantees with development projects, meaning just because a particular development is desired does not mean that it is a possibility or even feasible. There is a lot of unfinished work that needs to be done if this proposal is approved tonight and wanted the residents to know that the Council and the staff will be working alongside the residents to complete this work. Alderperson Borchardt will be voting no to the rezone because he heard the residents say this project was rushed. Alderperson Borchardt ultimately wants the residents to have faith in the process of government in hopes that the Council and the developer can work together to find some common ground. At some point, there must be trust in those who have as much pride in this city and its future as the residents do.

Alderperson Steiner has a deep respect for everyone who came out to speak, public speaking is not always easy. Alderperson Steiner stands by his comments made at the Plan Commission meeting but just because he disagrees with the residents does not mean that he disrespects them. It simply means there is a difference of opinion. Alderperson Steiner does feel this truly is the best of the property that is available. Alderperson Steiner asked if there was anything preventing the Council from looking at TIF opportunities whether or not the rezone was approved. The answer is no, there is nothing prohibiting the Council from looking at TIF funding options.

Alderperson Boyette thanked all the residents who came out as their opinions and concerns are important to the council. To those who have not felt they were heard, they were heard and she held up the printed version of all the e-mails. Alderperson Boyette appreciates everyone who did their due diligence and going through the process.

Alderperson Skyrms is grateful for the feedback from the residents and believes this is a great example of how democracy is supposed to work. He also thanked the staff and the Plan Commission. He understands the fears of the residents with this plan being dropped in their lap, it was also dropped in Council's lap. However, the project was not rushed, it feels rushed because there are huge implications, but this is how the process works, good or bad. The path this proposal took was no different than any other project in the city. The City does not own the property and had it owned the property, it may have had a different outcome. Alderperson Skyrms received many e-mails, text messages, phone calls from residents in the neighborhood who are in support of this development. These people had various reasons for not speaking out, intimidation, worried about the impact, worried about what the neighbors thought or felt, etc. Alderperson Skyrms read some of those e-mails and text messages. Northpointe addressed all the concerns raised by the neighbors; density, traffic, green

space, property values, and neighborhood fit. The proposed mix of income limits for the apartments will allow people from many walks of life an equal opportunity to have a decent place to live.

As a resident of Neenah for sixty years, Alderperson Erickson really struggled with this decision. She understands where the residents are coming from and she understands that this property will not remain the same no matter what we want, change must happen here, and the property is up for sale. Her hope is that a development will be make a positive change for this area. That does not mean that the Northpointe development is not what is needed or best, we need to pin this down and get it right. Her hope is that Northpointe will stay in the game and the proposal is looked at further.

One thing that bothers Alderperson Erickson is that she is part of this community, she is a substitute teacher who works long hours. The staff are professional people in their jobs, we do not need to have literal discussion of what we are listening to. Some of the comments, the swearing, that has come through e-mails; our community can do better. We need to do better; we are all trying to be our best for our community and we need to do better. We should be proud of our city and know that our City Council is doing the best they can with the information they have. We need to teach our kids to respect one another. Alderperson Erickson thinks the city needs to take a step back and get everything in writing, but she is not opposed to saying the Northpointe plan is not a good plan, we need to get everything in place. If this plan goes forward, there needs to be respect for everyone going through the process.

Alderperson Hillstrom has read all the e-mails once, most of them twice, and has asked three pages worth of questions to Community Development on this issue alone. Answers to questions were given swiftly and promptly because they are dedicated to this city and for them to take some criticisms from some the residents is annoying. Northpointe has been listening to the residents and have made changes. The park property is now up to 4.1 acres, which is larger than new subdivisions, and is a very gracious and grateful donation. Dr. Pfeiffer talked about the school clinic being available to tenants in the building, heard a bit from Parks & Recreation wanting to negotiate an agreement to use the open space in the building, but none of that can happen unless the rezoning has passed or failed. The Park & Recreation Commission talked about the donation of the land and would accept but it is contingent on the vote. None of this is worth putting time into until the rezone is approved. To have a park of this size donated to an older part of the city most likely will not happen again. Alderperson Hillstrom hopes everyone appreciates this offer. Northpointe advised it will take \$25-\$30 million dollars to renovate the building, not sure who else would attempt that. Dr. Pfeiffer has advised that if this does not go through and the school closes a fence will be installed, windows will be boarded,

and the cost to maintain the building runs into the hundreds of thousands which is money that does not go to staff or students. The Council is taught to look to the future and how that is going to affect the area, which the Council continually does. This is a good project and Alderperson Hillstrom will be supporting it.

Mayor Lang closed by reading her statement. Mayor Lang is grateful for the staff, Plan Commission members, and Council members who are constantly committed to providing their experience and professional insight into every concern of the city. They have provided solid, process driven, and straight forward approach to this issue. Mayor Lang can assure residents that this issue was approached with the highest level of thought, concern, integrity, and appropriateness for all city residents. Mayor Lang stands by her comments made at the Plan Commission on the appropriateness of the rezoning request and Master Plan that is now under consideration. For the following reasons, Mayor Lang supports the proposal:

- The proposal was vetted
- The proposal was altered to meet the concerns expressed by the neighborhood and community
- The density has been reduced
- Open space will be set aside for community use
- The multi-family housing outside of the Shattuck building itself was removed and replaced with single family lots for sale to anyone interested in purchasing them
- The traffic study conducted by the city revealed that traffic would not negatively impact the neighborhood
- The property values of the neighborhood would not be negatively impacted
- There is no good alternative plan to consider; time will not create a better alternative plan. There are only four qualified developers in the state capable of doing this kind of renovation work on a historic property to the level that Northpointe is suggesting, and Northpointe is the only local one.

It is time now for the Council members to make decision, the difficulty of that decision is not to judged. Mayor Lang knows the hard it can be to make difficult and sometime unpopular decisions and it is not easy. The decision tonight has the possibility to positively shape this neighborhood for future generations and urges the Council to support it.

To those who have made the effort, who have spent time trying to do what you believe is the right thing for this neighborhood, thank you. You are appreciated and you make our community stronger with your commitment and your passion. The city has listened to you and have taken into consideration your concerns and questions. The foremost goal as mayor is to lead the community in the direction which is believed to be the best for

the community. Mayor Lang wants nothing but absolute best for the community. Neenah is her hometown, and she is committed to do everything she possibly can to keep Neenah the exceptional place that she has loved all of her life. This decision has arrived after receiving weeks of careful consideration of all received input and feedback.

Mayor Lang invited City Attorney Rashid to address the petition and what it means.

City Attorney Rashid advised that the zoning application was received from the property owner, Neenah Joint School District, October 21, 2022. The first petition was received a little over a month ago which comprised of copies of handwritten signatures and a lot of on-line signatures. There was a supplement to the petition received November 16, 2022 that had nothing to do with the legal question that Attorney Rashid was charged with determining for the Council or the Mayor. On December 5, 2022 a second petition was received. On December 6, 2022 a supplement to the second petition was received.

There are a couple of useful aspects to understand when thinking about what is a petition and what does a petition do? The two aspects are one a political aspect which the attorney is not a voter on the Council. The other aspect of concern are the legal impacts the petitions have on the Council. According to ordinance 26-27(b)(7) relating to protest petition which requires petitions be duly signed and acknowledged. The first two submissions failed in that regard. There have been comments and criticisms as to why the City Attorney did not provide help to the residents with why the petition failed. The answer is that it would be unethical for the City Attorney to help with a submission of a petition as it would not be keeping with the oath of City Attorney. The submitter of the petition was advised that they could seek legal counsel, which they eventually did. Based on the supplement to the second petition submitted yesterday, the accumulative petitions did satisfy Ordinance 26-27 and the underlying state statute.

As such, Community Development confirmed that the numbers show that a super majority vote is required (3/4 of the full membership) under subsection 7. That the accumulative petition resulted in a 22.38 percent, which is 23 of the 85 properties that are adjacent to the Shattuck property which met the super majority vote threshold. With that said, a super majority vote is required to pass the rezoning.

Mayor Lang called the question.

Vote via RollCallPro Device: Motion failed in a 5-4 vote with Hillstrom, Skyrms, Steiner, and Lendrum voting in favor of the rezone; Erickson, Borchardt, Stevenson, Boyette, Weber not in favor of the rezone.

Mayor Lang announced that this portion of this meeting has concluded.

At 9:53 PM, the Council took a short break so those who wished to exit could do so. The Council reconvened at 10:08 PM.

3. Commission recommends Council approve Certified Survey Map #13-22-515 W. North Water Street-Lot Line Adjustment. **(RollCall-Pro) MSRCP Steiner/Skyrms to approve Certified Survey Map #13-22-515 as recommended by the Plan Commission, all voting aye.**
- B. Community Development Authority
 1. Report from the CDA – Director Haese
 - a. No report
 - C. Sustainable Neenah Committee
 1. Report from the Sustainable Neenah Committee – Alderperson Borchardt
 - a. No report
 - D. Bergstrom Mahler Museum
 1. Report from the Bergstrom Mahler Museum – Alderperson Steiner
 - a. No report
 - E. Parks & Recreation Commission
 1. Report from the Park Commission – Alderperson Borchardt
 - a. Reporting from the November 17, 2022 Meeting
 - b. There were 75 participants at the 7th Annual Grinch Family Christmas Breakfast at Washington Park. There were pictures with the Grinch and a candy cane hunt.
 - c. Saturday December 10, 2022 the 3rd Annual Ugly Sweater Shuffle will take place at Fritze Park. This is a partnership with Fox Crossing. Volunteers are needed, contact the Park & Recreation Department to sign up.
- VI. Consent Agenda
- A. Approve naming the Neenah Police Department lobby the “Steve Morton Memorial Lobby” effective December 14, 2022. **(PSSC)**
Mayor Lang requested Police Chief Olson explain this agenda item.

Chief Olson advised that Steve Morton was an ambassador to the Police Department as well as the entire city. Mr. Morton served as a Police Commissioner from 2008-2017, then as President of the Police Commission from 2017-2020. Mr. Morton also donated a great deal of graphics and pictures to the police department which are displayed in the lobby. The lobby is being created in his name because Mr. Morton was an important person in the police department history who has done a great deal for the department. Mr. Morton was a great leader with high moral character and the department felt creating this memorial on his untimely death this year was the right thing to do. This sentiment was felt unanimously throughout the entire department.

Seeing no objections, the Consent Agenda was ordered approved.

VII. Reports of standing committees

A. Regular Public Services and Safety Committee meeting of November 29, 2022:
(Chairperson Lendrum/Vice Chairperson Hillstrom) (Minutes can be found on the
City web site)

i. Council Action Item:

1. Committee recommends Council approve the Neenah Police Department participate in the Law Enforcement Agency Grant for Safer Communities to purchase the Apex Officer X2 System and other training related equipment not to exceed the grant funding of \$75,983.68 with the initial funding coming from the Capital Equipment Reserve Funds. **(RollCall-Pro)**
MSCRП Lendrum/Boyette to approve as recommended by the Committee, all voting aye.

Discussion: This grant is for a training tool that is wearable like virtual reality. Training accessories can be used with the Apex Officer X2 System such as a rifle, pepper spray, pistol, and taser. Training that can be done includes de-escalation, use of force, crisis intervention, active shooter, mental illness, suicidal subjects, hostage situations, cultural diversity, other skill building, disturbances, and traffic enforcement. The system is like a simulator which can be programmed in multitude of ways under the example of the above list.

ii. Informational Item:

1. Committee accepted and placed on file the Police Department 3rd Quarter Statistics Report.
No action taken, informational item only.

B. Regular Finance and Personnel Committee meeting of November 28, 2022:
(Chairperson Erickson/Vice Chairperson Skyrms) (Minutes can be found on the
City web site)

i. Committee recommends Council approve Resolution 2022-21, approving the Neenah Central City Business Improvement District 2023 Operating Plan. **(RollCall-Pro)**

MSCRП Erickson/Stevenson to approve the Resolution 2022-21 as recommended by the Committee, all voting aye.

Discussion: The BID Board and the Future Neenah Board approved the Operating Plan prior to coming to the Council.

C. NMFR Joint Finance & Personnel Committee meeting of November 22, 2022:
(Aldersperson Borchardt) (Minutes can be found on the City web site)

i. Committee recommends Council approve filling the three firefighter vacancies created by the retirements no earlier than March 1, 2023. **(RollCall-Pro)**

MSRCP Borchardt/Boyette to approve the filling of vacancies as recommended by the Committee, all voting aye.

Discussion: Alderperson Borchardt clarified that this is an opportunity to speed up the hiring process to get the best choice of available recruits.

IX. Presentation of petitions

A. No petitions.

X. Council Directives

A. Alderperson Erickson recommended adding a Council Directive for staff to research the feasibility of a convenience store/gas station on Doty Island.
(RollCall-Pro)

MSCRP Erickson/Boyette to explore the feasibility and opportunities to attract a convenience store/gas station on Doty Island, all voting aye.

The Council had prior discussions with one potential suiter that would meet this requirement. That party is still interested in the opportunity to but there is an obstacle that must be overcome prior to a commitment. With the development that is anticipated to take place soon, a convenience store/gas station is needed. This is a directive for Community Development.

B. Unfinished Business

1. Council raffle basket e-mail was sent to the Council members yesterday.

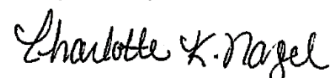
C. New Business

1. Mayor Lang thanked the Council members for their professionalism and dedication to this job and the city. It is difficult to serve the community sometimes and their efforts are appreciated and noticed.

XI. Adjournment

MSC Erickson/Boyette to adjourn, all voting aye. Meeting adjourned at 10:25 PM.

Respectfully submitted,



Charlotte Nagel, City Clerk