

**Common Council Minutes**  
**Wednesday, June 7, 2023 at 7:00 PM**

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

Mayor Lang is the chair.

Present: Alderpersons Boyette, Erickson, Hillstrom, Lendrum, Steiner, Stevenson, Skyrms, and Weber. Council President Borchardt 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: Police Chief Olson and Fire Chief Kloehn.

Mayor Lang called the meeting to order at 7:05 p.m.

- I. The Mayor/Alderpersons recorded their attendance on the RollCall-Pro System as the Clerk called the roll. Alderperson Stevenson led the Pledge of Allegiance.
- II. Introduction and Confirmation of Mayor's Appointment(s)
  - A. Reappoint Bob Karmann to the Police Commission for a five-year term to expire May 2028.
  - B. Reappoint Grant Birch, Michelle Bauer, and Tom Martin to the Community Development Authority for a four-year term to expire April 2027.
  - C. **(UC)**
  - D. Swearing in  
**There being no objections, the Mayoral appointments were ordered approved by unanimous consent.**
- III. Approval of Council Proceedings
  - A. Approval of the Amended Council Proceedings of May 17, 2023 regular session.
  - B. Approval of May 30, 2023 Committee of Whole 2023-2027 Capital Improvement Plan Meeting.  
**There being no objections, the Amended Council Proceedings of May 17, 2023 and the May 30, 2023 Committee of the Whole 2023-2027 Capital Improvement Plan minutes were ordered approved as written by unanimous consent.**
- IV. Public Input Session
  - A. Discussion and consideration of public input and other matters relating to the 2023-2027 Capital Improvement Program including potential amendments.  
  
At 7:06 PM Mayor Lang opened the public input session. After several calls for comments, there were no appearances. Mayor Lang closed the public input session at 7:07 PM.
- V. Committee of the Whole Report pertaining to the public input session.
  - A. Committee of the Whole meeting of May 30, 2023: (Council President Borchardt) (Minutes can be found on the City web site)

Mayor Lang explained that Council President Borchardt is not in attendance of tonight's meeting because he is volunteering for the Honor Flight this evening. Therefore, Finance and Personnel Chairman, Alderman Erickson, will be presenting the Committee of the Whole Report.

- A. The Committee made no recommendations to Council regarding the 2023-2027 Capital Improvements Program with potential amendments as discussed.

Alderman Erickson noted two police amendment due to discrepancies that were changed as a result of the Committee of the Whole meeting which are the following:

1. For Capital Equipment in 2024, Flocks Security Cameras should be \$21,000 verses \$2,100, page 107.
2. For Capital Equipment in 2027, Vehicle Purchases should be \$120,000 versus \$100,000, page 116.

- B. Possible motion to approve the 2023-2027 Capital Improvements Program with potential amendments as discussed. **(RollCall-Pro)**  
**MSRCP Lendrum/Weber to approve the 2023-2027 Capital Improvements Program with the amendments listed above, all voting aye.**

Alderman S kyrms realizes the CIP is a formidable task and therefore thanked Director Rasmussen, Deputy Director Kahl, Police Chief Olson, Fire Chief Kloehn, and all the department heads who worked on the project. He also clarified for the public that the CIP is a planning tool to look at potential future capital expenses. Looking past next year, Alderman S kyrms is encouraging department heads to look at potential modifications within the CIP because borrowing cannot be as high as it is projected.

Alderman Stevenson asked for clarification on the Fire Department's request for Station 31 reassessment study which shows \$1,500 for the reassessment. What does the \$1,500 get the city?

Fire Chief Kloehn advised it has been three years since Station 31 was assessed by Five Bugles and the department wanted to make sure we were still on the right path. Keller Structures offered to reassess the Station 31 for \$1,500 so there is an updated assessment. The report is expected to be received in June.

Alderman Stevenson concurs with Alderman S kyrms. The challenging year is 2025 when many projects will peak at the same time; parks and recreation projects, the parking ramp, Arrowhead Park, Station 31. There is more work to come as the 2025 approaches but more importantly is the exposure to the debt capacity. Congratulations on nice document.

VI. Public Forum

- A. Speakers should give their name and residential address (not mailing address) and are allowed five minutes to speak on any topic.  
Mayor Lang opened the Public Forum at 7:07 PM.

Judd Stevenson, 632 Reed Street – Mr. Stevenson spoke on Council Directive to review of 2017 Wisconsin Act 243 and City of Neenah Ordinance 26-27(7) regarding rezoning protest petitions. Mr. Stevenson would like to know what the review process is going to be and if public input going to be allowed. Is the public going to be given the opportunity to provide alternative recommendations for this ordinance change. What is the process for this review and ordinance change.

Alex Collins, 331 W. Wisconsin Avenue – Mr. Collins believes this sounds like the agenda item that was removed from the Plan Commission agenda a few months ago. Mr. Collins, when inquiring on the repeal, was told that repeal is not the only option for the ordinance amendment; cleaning up the language would and should be looked at as well. The language could be simplified because the residents around the Shattuck Middle School rezoning were left guessing what the current requirements are. Mr. Collins recommends making the language clearer, make it administratively intuitive, and add a section that the petitioner must be notified as to why the petition is rejected if it is rejected. These recommendations would stop the situation from escalating and would leave the city with happy constituents.

With that said, Mr. Collins strongly encourages not to repeal the ordinance all together for the following reasons:

- One of the few times the protest petition was invoked, an undesired plan was stopped. The school district is in negotiations with another developer on a much better proposal.
- Justification for retaining the ordinance is because it is rarely invoked.
- By requiring three-quarters of the vote of the council merely forces a broader consensus for a decision of great importance. This is not the only ordinance that requires a three-quarters vote of council to pass.
- Mr. Collins is of the opinion that all rezonings should require a three-quarters vote and sends the message that Neenah takes rezoning very seriously.

Mr. Collins' believes that if the directive is approved the directive should explicitly look at all rezonings requires a three-quarters vote for approval.

Seeing no additional appearances, Mayor Lang closed the public forum at 7:21 PM.

VII. Mayor/Council consideration of public forum issues.

- A. Alderman Steiner asked for clarification on the process in which the directive will take.

Director Haese cannot advise on the potential conversation that will take place staff level. Staff will defiantly research how other communities handle rezone protest petitions, and the reasoning behind the inclusion in the statutes. The process is, once there is a recommendation from staff, the recommendation will be forwarded to the

Plan Commission for their recommendation to Council. Due to the fact this is a zoning code amendment, there is public notice required for a both an informal hearing in front of the Plan Commission and a formal public hearing in front of the Council. The Council has final adoption authority. There are at least two different and separate opportunities for public input on the recommendation. The public notice requires publication and posting, as well as the agenda notice as well.

- B. Alderman Stevenson questioned the language of the directive on the agenda which is not exactly how Alderman Skyrms had worded the directive at the last meeting. Mayor Lang advised the exact motion is on the last page of the council packet as well as in the minutes.

There were questions as to what was amended just prior to the tonight's meeting. Clerk Nagel advised amendments were made to the May 17, 2023 meeting minutes only, the meeting agenda itself was not amended. The minutes were amended in order to be approved at tonight's meeting.

Alderman Stevenson questioned the time sensitivity in the motion by Alderman Skyrms at the May 17<sup>th</sup> meeting. The minutes from the May 17<sup>th</sup> meeting was displayed on the screen. The motion from Alderman Skyrms to be voted on at tonight's meeting read as follows (in bold print):

**Motion by Skyrms, seconded by Steiner 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.**

Alderman Stevenson noted that the motion that is to be voted on at this meeting is not what is on the agenda.

- C. Alderman Steiner clarified the timing of the directive as being an evaluation to be completed and a staff recommendation by the end of next month which would be by the end of June because the motion came in May. Therefore, just a recommendation, if any, were to come by the end of June.
- D. Alderman Lendrum reminded everyone that anyone, any resident, any staff, any council member, can make an appointment with the Mayor, the City Attorney, the Directors, and any Aldermen at any time to discuss an issue in order to be heard. No one has to wait for a public hearing.

Seeing no additional comments, Mayor Lang requested a motion to move Item IX. Reports of standing committees ahead of Item VIII Consent Agenda.

**Motion by Lendrum, seconded by Skyrms to move Item IX ahead of Item VIII, all voting aye.**

- IX. Reports of standing committees

A. Regular Public Services and Safety Committee meeting of May 30, 2023: (Chairperson Lendrum/Vice Chairperson Hillstrom) (Minutes can be found on the City web site)

1. Committee recommends Council approve Special Event Ordinance 2023-09 and Proposed Special Event Temporary Outdoor Refreshment Area (TDORA) Ordinance 2023-08. **(RollCall-Pro)**  
**MSRCP Lendrum/Weber to approve as recommended by committee, all voting aye.**

Discussion: Alderman Boyette heard that TDORA map was crafted by the way of the BID map. Does that mean the entire BID is open to open intoxicants?

Attorney Rashid clarified the TDORA map area is defined both in written language as well as visually as Exhibit 1 to the ordinance. If the TDORA is applied for and approved along with a special event permit, the area depicted in Exhibit 1 is the area where open intoxicants can be carried and consumed within a special event. The TDORA is tied to a specific event footprint.

Alderman Boyette has a problem with the TDORA because there is such an issue in the city with allowing the sale of alcohol and gasoline but there isn't an issue with people walking around with open intoxicants even if it is only for a two-hour event. Council needs to be more diligent when presenting what is expected from public when it comes to alcohol. The TDORA is sending mixed messages in what exactly Neenah wants.

Alderman Steiner is excited to test out the TDORA. Nationwide, there are several communities who host events such as Future Neenah Inc. that have similar type of set up as the TDORA where there aren't any issues. The TDORA is structured on a limited basis and gives an opportunity to try it, assess it, and see if it works especially since there are communities around us who are hosting these types of events.

Alderman Skyrms would not try the TDORA if it was a whenever, wherever, all the time occurrence. However, the structure is limited and tied to a special event with a defined perimeter which makes it palatable. The police department is also in support of the TDORA which should make the enforcement burden easier.

Alderman Lendrum reminded everyone that the Summer Kick-Off concert is a very highly controlled event. There are distinctive QR stickers on the cups linking the rules and the map via cellphone, and the perimeter is visually defined.

2. Committee recommends Council approve the 2023-2024 liquor license renewal applications. **(RollCall-Pro)**

**MSRCP Lendrum/Hillstrom to approve as recommended by committee, all voting aye.**

- B. Regular Finance and Personnel Committee meeting of May 29, 2023: (Chairperson Erickson/Vice Chairperson Skyrms) (Minutes can be found on the City web site)
  - 1. No report, meeting cancelled.
  
- VIII. Consent Agenda
  - A. Approve Street Use Permit for the Summer Kick Off Concert, sponsored by Future Neenah, 135 W Wisconsin Avenue, to be held on June 14, 2023, from 6:00 PM to 8:00 PM. (PSSC)
  - B. Approve Street Use Permit for the St. Gabriel Eucharistic Procession, sponsored by St. Gabriel Catholic Church, 900 Geiger Street, to be held on June 11, 2023, from 11:00 AM to 11:30 AM. (PSSC)
  - C. Approve Street Use Permit for Community Fest sponsored by City of Neenah Parks & Recreation, 211 Walnut Street, Neenah to be held on July 3, 2023, from 7:00 AM to 10:00 PM and July 4, 2023, from 7:00 AM to 10:30 PM (PSSC)
  - D. Approve Street Use Permit for Boogie Downtown Concert, sponsored by Future Neenah, 135 W Wisconsin Avenue, to be held on August 23, 2023, from 6:00 PM to 9:00 PM. (PSSC)
  - E. **(UC)**  
**There being no objections, the Consent Agenda is approved as written by unanimous consent.**
  
- X. Reports of special committees and liaisons and various special projects committees
  - A. Regular Plan Commission meeting of May 30, 2023: (Council Rep Steiner) (Minutes can be found on the City web site)
    - 1. No report, meeting cancelled.
  - B. Board of Public Works meeting of May 30, 2023: (Vice Chairperson Hillstrom) (Minutes can be found on the City web site)
    - 1. Information Only Items:
      - a. The Board approved Change Order No. 1, Contract 5-23, for street, curb and gutter, sidewalk and apron construction for mill butt joints and 2-inch overlay repair on Oakridge Road from Tullar Road to where the concrete starts to the east of Tullar Road intersection to MCC, Inc. Appleton, WI, in the amount of \$29,250.00.
      - b. The Board approved Pay Request No. 4, Contract 11A-22, Water Service Replacement Reddin Avenue & Zemlock Avenue, Donald Hietpas & Sons Inc., Little Chute, in the amount of \$49,871.83.
      - c. The Board declined the Police Department Training Center Project Change Order request to provide water to neighboring Community Gardens and directed staff to work with the organization on water source options.
    - 2. Council Action Items:
      - a. None.
  - C. Community Development Authority

1. Report from the CDA – Director Haese
    - a. No report.
  - D. Sustainable Neenah Committee
    1. Report from the Sustainable Neenah Committee – Alderperson Lendrum
      - a. Reporting from the May 24, 2023 meeting.
      - b. Farmer’s Market starts downtown on June 17<sup>th</sup>, there will be a presentation on pollinators.
      - c. Rain barrel presentation information is forthcoming.
  - E. Bergstrom Mahler Museum
    1. Report from the Bergstrom Mahler Museum – Alderperson Borchardt
      - a. No report, Alderman Borchardt is excused.
  - F. Parks & Recreation Commission
    1. Report from the Park Commission – Alderperson Weber
      - a. Reporting from the May 18, 2023 meeting.
      - b. Graef Engineering presented a concept plan for potential development of the Carpenter Preserve. There will be future public input sessions to take place.
      - c. Chapel remodel is ongoing and likely to be completed in July. The storage facility is currently being built.
      - d. The Veterans Group will develop a Memorandum of Understanding to present to the city exploring a potential memorial site at Shattuck Park. More to come on this topic.
      - e. Commission By-Laws were discussed. Recommended amendments will be reviewed by the City Attorney and brought back to the Commission for a vote.
      - f. Commission accepted the Memorandum of Understanding with the Department of Natural Resources to utilize the Whiting Boathouse for boat storage.
- XI. Presentation of petitions
- A. Any other petition received by the City Clerk’s Office after distribution of the agenda.
    1. No petitions received.
- XII. Council Directives
- A. Alderman Skyrms 2017 Wisconsin Act 243 and City of Neenah Ordinance 26-27(7) regarding rezoning protest petitions. **(RollCall-Pro)**

**At the May 17, 2023 Meeting, motion by Skyrms, seconded by Steiner 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.**

Alderman Stevenson asked the City Attorney if given the motion from the May 17, 2023 meeting and the language on the agenda, has the motion which is to be voted

upon been duly noticed? Attorney Rashid affirmed that the motion has been duly noticed.

Alderman Stevenson asked Alderman S kyrms of the timeliness of the directive. If the Directive would pass and the recommendation would be to modify the ordinance, there is a public hearing process that needs to be completed. What is to occur by the end of June, the recommendation or the entire amendment process. Alderman S kyrms affirmed that just the recommendation would come before the end of June. The recommendation would come before public input. Director Haese confirmed that a recommendation typically comes before public input for the public to comment on. Alderman Stevenson noted that this is a Council Directive, the recommendation cannot go directly to Plan Commission. The Council would then have to take action to refer to a committee which would be the Plan Commission. City Attorney Rashid referred everyone to the Council Directive process on page 58 of the Directory and Rules of Order of the Common Council. City Attorney Rashid affirmed the process is that the Council Directive is for a recommendation to come back to Council for their consideration. If so ordered, any amendments would follow the typical ordinance amendment process.

There was much discussion on the timeliness of the recommendation to come back to Council by the end of June and if it was necessary to have a timeline. The concern was with staff's workload; is there enough time to appropriately review, assess, and make a recommendation. Director Haese affirmed that staff would have a recommendation by the end of June as most of the background work was completed prior to the removal of the amendment from the Plan Commission agenda in March.

There was discussion on current rezoning applications. Director Haese and Mayor Lang confirmed that currently there are no rezoning request applications received by the city.

Attorney Rashid advised that if Alderman S kyrms, or any other alderman, can make a friendly amendment to change the timeline. Alderman S kyrms stated her thought a Council Directive is to have a timeline, therefore, he assumed that by the end of June was sufficient time for staff to make a recommendation, if any. If the timeline is a difficult for staff to meet then he would change the timeline, otherwise Alderman S kyrms would like to keep the timeline as is.

City Attorney Rashid reaffirmed his prior ruling that the Council is bound by the motion as stated in the minutes. If the Council feels there is an error with the motion as stated in the minutes the minutes should be amended. Alderman S kyrms can amend the original motion to clarify or change the language, "by the end of next month".

Alderman Boyette asked that the comments made during the tonight's public forum be considered as staff is forming the recommendation.

Alderman Steiner confirmed the process off the directive should it pass:

- The recommendation, if any, is expected to come to Council by the end of June.
- Council act on said recommendation, if any, to accept and refer to Plan Commission or deny the recommendation or parts of it or the entire recommendation.
- There would be an informal public hearing at Plan Commission.
- Plan Commission would make a recommendation to Council.
- There would be a formal public hearing at Council.
- Council would act on Plan Commission recommendation.

Alderman Stevenson inquired on the notification process of a zoning code amendment. Director Haese advised the notice requirement is a class 2 publication; meaning two insertions in two consecutive weeks with the last insertion one week prior to the formal public hearing at Council.

**Motion restated: Motion by Skyrms, seconded by Steiner 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. Motion passes in a roll call vote 6-2, with Stevenson and Boyette dissenting.**

XIII. Unfinished Business – None.

XIV. New Business

A. Any announcements/questions that may legally come before the Council.  
None.

1. Alderman Erickson requests to have a security drill during a Council meeting since there are several new Council members and new Directors.

XV. Adjournment

**Motion by Steiner/Weber to adjourn, all voting aye. Meeting adjourned at 8:03 PM.**

Respectfully submitted,



Charlotte Nagel, City Clerk