

Common Council Minutes
Wednesday, May 3, 2023—7:00 p.m.

The Common Council of the City of Neenah, Winnebago County, Wisconsin, met in regular session at 7:00 p.m., May 3, 2023, in the Council Chambers of Neenah City Hall.

Mayor Lang is the chair.

Present: Alderpersons Boyette, Erickson, Hillstrom, Lendrum, Steiner, Stevenson, Skyrms, Weber, and Borchardt. Staff present Director of Finance Rasmussen, Deputy Director of Community Development & Assessment Schmidt, Engineer Merten, City Attorney Rashid, and City Clerk Nagel.

Also Present: Deputy Director of Finance Andy Kahl, Recreation Supervisor Schott, Recreation Superintendent Kluge, Fire Chief Kloehn, Deputy Fire Chief of Operations Krueger, Assistant Fire Chief Dorn, Assistant Fire Chief Peglow, Fire Management Assistant Ellis, Police Chief Olson, Assistant Police Chief Bernice, Police Captain Van Sambeek, Police Officer Streubel, Police Records Clerk Krueger, Director of Human Resources and Safety Fairchild, Director of Information System Wenninger, Jeff Stromeyer of the Public Works Department.

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 Weber led the Pledge of Allegiance.

PRESENTATION OF EMPLOYEE RECOGNITION AWARDS

Mayor Lang and Director Fairchild presented the employee recognition awards for 25 and 35 Years of Service. Mayor Lang and City Directors presented the 2022 Exemplary Performance Awards to the recipients. Retirements were also recognized by Mayor Lang.

PROCLAMATION OF MAY 13, 2023 AS LETTER CARRIERS' STAMP OUT HUNGER FOOD DRIVE DAY.

Mayor Lang read the proclamation aloud.

- II. Introduction and Confirmation of Mayor's Appointment(s)
 - A. Appoint Jacy Park to the Neenah Arts Council for a three-year term expiring April 2026. **(UC)**
 - B. Re-appoint Robert Wedge and Gail Dolan as members of the Board of Appeals for a three-year term expiring January 2026.
 - C. Appoint Jim Hemes as a member of the Board of Appeals for a three-year term expiring January 2026.
 - 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 Council Proceedings of April 18, 2023 organizational and regular session. **(UC)**
There being no objections, the Council Proceedings of April 18, 2023 was ordered approved as written by unanimous consent.
- IV. Public Forum
 - A. Speakers should give their name and residential address (not mailing address) and are allowed five minutes to speak on any topic.
Mayor Lang opened the Public Forum at 7:28 PM. Seeing no appearances, Mayor Lang closed the public forum at 7:29 PM.

V. Mayor/Council consideration of public forum issues - None

VI. Consent Agenda - None

VII. Reports of standing committees

A. Regular Public Services and Safety Committee meeting of April 25, 2023: (Chairperson Lendrum/Vice Chairperson Hillstrom) (Minutes can be found on the City web site)

1. Committee recommends Council approve Ordinance 2023-07 to modify the Neenah Municipal Code to allow for continuity with state UDC (Uniform Dwelling Code) code. **(RollCall-Pro)**

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

Discussion: Director Schmidt clarified the current city ordinance was compared to state statute for continuity. Some of the state departments listed within the current ordinance are no longer in existence. Therefore, most of the amendments in the proposed ordinance are in reference to correcting the state departments.

2. Committee recommends Council approve enter into a contract with MSA Professional Services for their proposal to provide Phase II Hazardous Materials Investigation for the 2025 S. Commercial Street reconstruction project. **(RollCall-Pro)**

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

Discussion: Engineer Merten advised this is a second part to the review that is required for the upcoming South Commercial Street Reconstruction Project. As part of the initial assessment, it was discovered that there is a possibility of potentially finding known contamination sites along the Commercial Street corridor. As part of this assessment process, it was recommended to continue with a second phase investigation by sampling soils to identify potential contamination areas. The purpose of the Phase 2 Investigation is to develop a disposal plan should contamination materials be discovered during the project work. The sampling investigation encompasses the entire project area which is South Commercial Street from Tyler Street to Stanley Street.

It is important to note that the scope of work being proposed was included in the original scope of work for the South Commercial Street Reconstruction Project and is being funded by funds identified through the South Commercial Street Reconstruction Project approval process.

B. Regular Finance and Personnel Committee meeting of April 24, 2023: (Chairperson Erickson/Vice Chairperson Skyrms) (Minutes can be found on the City web site)

1. Committee recommends Council approve the proposed "Social Media" policy for use by all departments of the City which host and administer any social media platforms. **(RollCall-Pro)**

MSRCP Erickson/Borchardt to approve as recommended by committee, all voting aye.

No discussion.

2. Committee recommends Council approve to expend up to \$38,000 to replace the UPS unit in the data center and lower the UPS units and accessories in data closets

throughout the city. The data center unit will be purchased from Access, Inc. and the lower end units/accessories from various current sources providing the lowest cost. Funding for this purchase was approved in Information Systems 2023 Capital Equipment Budget. **(RollCall-Pro)**

MSRCP Erickson/Steiner to approve as recommended by committee, all voting aye.

No discussion.

3. Committee recommends Council approve the proposed "Use of Technology and Communications Systems" policy. **(RollCall-Pro)**

MSRCP Erickson/Skyrms to approve as recommended by committee, all voting aye.

No discussion.

4. Committee recommends Council approve the First Addition to The Homes at Freedom Meadows Subdivision Development Agreement. **(Action of this item will take place under Board of Public Works)**

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

- A. Regular Plan Commission meeting of April 25, 2023: (Council Rep Steiner) (Minutes can be found on the city web site)

1. Information Only Item:

- a. The Commission approved a 2 lot CSM (Certified Survey Map) for the property located at 1495 Breezewood Lane subject to the CSM review letter.

- B. Board of Public Works meeting of April 25, 2023: (Vice Chairperson Hillstrom) (Minutes can be found on the city web site)

1. Council Action Items:

- a. The Board recommends Council approve the Development Agreement for First Addition to The Homes at Freedom Meadows Subdivision. **(RollCall-Pro)**

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

Discussion: The Council wanted to make sure there was an escrow system in place for the installation of the final streets and sidewalks within the document. Director Schmidt advised this developer's agreement does include language for an escrow to be established. The challenge with the escrow is that it is based on Public Works best pricing at the time of establishment. Most of the time, the final streets and sidewalks are not installed for some years and the costs increase each year the installation is delayed causing a deficit in funding. The agreement indicates that any differences in costs can be assessed to the property owners. The challenge is trying to understand what the future costs will be when the final streets and sidewalks are installed. Typically, by the time the final street mat is put on, the developer is long gone and there is no avenue to recoup the money except through either assessments or out of the levy. According to the agreement, the escrow must be used within eight years.

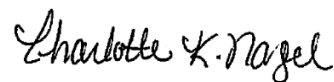
In the past, developers were issued a letter of credit; the city has since replaced letters of credit with the escrow process to alleviate past issues with final installation of streets and sidewalks.

To paraphrase the process: an escrow is established, years go by, the developer is gone, and any costs above escrow amounts for the final street and sidewalk installation is either assessed to the property owners or Council can decide to pay for it out of the tax levy. In this agreement, with regard to the two-inch mat, the agreement allows for the gap to be funded by the developer. There is also a provision that if there is escrow money left over, the city will reimburse the developer the remainder of the funds.

There was discussion on installing sidewalks sooner rather than later. Sidewalks can be installed by the developer as they see fit. Meaning, if there is a contractor that can install sidewalks quicker at a lower cost, than the developer can have that contractor install the sidewalks instead of waiting for the final street installation. Another option is that sidewalks can be installed as houses are completed. Some developers prefer this option because it helps set the grades. Sidewalks can also be installed when the final road mat is laid. There are some options available for installing sidewalks. Some developers want the sidewalks in as soon as possible as it aids in marketing.

- C. Library Board
 - 1. Report from the Library Board – Alderperson Erickson
 - a. Reporting from the April 19, 2023 Library Board Meeting
 - b. The second-floor carpeting is installed, the furniture has been placed, and the second floor looks great.
 - c. Neenah Joint School District K-12 Art Exhibit is open at the library.
- D. Sustainable Neenah Committee
 - 1. Report from the Sustainable Neenah Committee – Alderperson Lendrum
 - a. No report.
- IX. Presentation of petitions
 - A. Any other petition received by the City Clerk’s Office after distribution of the agenda - None.
- X. Council Directives - None.
- XI. Unfinished Business
 - None.
- XII. New Business
 - A. City Attorney Rashid distributed an article from the League of Wisconsin Municipalities magazine titled, “Government Use of Social Media” for background information. Attorney Rashid reported that the policy approved tonight is consistent with the article.
- XIII. Adjournment
 - Motion by Stevenson/Borchardt to adjourn, all voting aye. Meeting adjourned at 7:48 PM.**

Respectfully submitted,



Charlotte Nagel, City Clerk