

COMMON COUNCIL MINUTES
Wednesday, June 20, 2012 - 7:00 p.m.

The Common Council of the City of Neenah, Winnebago County, Wisconsin, met in regular session at 7:00 p.m., June 20, 2012 in the Council Chambers of Neenah City Hall.

Mayor Scherck in the chair.

Present: Aldermen Lendrum, Ahles, Hamblin, Pollnow, Bates, Hillstrom, Ramos, Zaretzke and Stevenson, City Attorney Godlewski and City Clerk Sturn.

Also Present: Director of Finance Easker, Director of Community Development & Assessment Haese, Director of Public Works & Utilities Wetering, Director of Parks & Recreation McCoy, Assistant Planner Kasimor, Police Officer Howie Fuerst, Gerry Andrews, Holly Park, Steve Gries, Deb Andrews, Pete Meyer, Jennifer Sunstrom, Peter Weyenberg, Jane Lang, Kevin & Jean Redlin, Rick & Renee Brey, Susan Antonneau, Christina, Theodore, Benjamin & Emma Kotchen, Pat Galloway, Nate Van Zeeland, Brad Lauderdale, Julie Walsh, Fred Hrubecky, Nathan & Michael Jahncke, Tom Hanby, J. Maroszek, Sean & Mary Keepers, Jeff Lendrum, Phyllis Goodenough, John Hefti, Sally Orm, Nikki Chaganos, Carol Mather, Sharon Fiedler and Duke Behnke of the Post Crescent.

Mayor Scherck called the meeting to order at 7:06 pm.

Clerk Sturn called a voice roll call as the Mayor/Aldermen recorded their attendance in the RollCall-Pro System followed by the Pledge of Allegiance.

Presentation Of Stewardship Awards By Landmarks Commission

- I. Gerry Andrews, Chairman of the Landmarks Commission presented the following Stewardship Awards:
 - A. Steve Gries accepted the Stewardship Award for the train depot at 500 N. Commercial Street.
 - B. Wayne & Ruth Streck were unable to accept the award for their property located at 516 E. Forest Avenue. Gerry Andrews read a letter of acceptance from Ruth Streck thanking the Landmarks Commission for the award.
 - C. Mary Keepers accepted the award for their property at 201 Pine Street.

Council Proceedings

- I. **MSCRP Zaretzke/Ramos to approve the Council Proceedings of June 6, 2012 regular session, all voting aye.**

Public Hearings

- I. Consider the designation of the area on East Forest Avenue, Ninth, Seventh and Hewitt Streets described on the attached map as a City of Neenah historic district.
 - A. Gerry Andrews, Chairman of the Landmarks Commission gave a brief introduction on the proposed historic designation of E. Forest Avenue. The mission of the Neenah Landmarks Commission is to protect Neenah's historical resources by promoting their appreciations, use and preservation. The proposal to designate E. Forest Avenue a historic district does just that. The Commission offers assistance in maintaining the historic integrity of those structures. A historic district is continuous geographically and typically comprised of both contributing and noncontributing properties. W. Wisconsin Avenue is currently the only historic district in the City of Neenah. The Landmarks Commission has worked to register this as a state and national historic district. It was designated in 2005 and is comprised of 27 structures of which 22 are contributing structures. Six homes are already protected as local city landmarks. The Landmarks Commission has worked to register and provide monetary incentives through tax credits to promote and maintain these historic buildings in the district. The historic district designation is a tool the City of Neenah uses to protect a neighborhoods distinctive character from deterioration of its historic and architectural significance. The Landmarks Commission will review work requiring an exterior building permit and advise on the ways to preserve historic structures. It ensures subsequent owners respect the historic and architectural integrity of the property and the neighborhood.
 1. Mayor Scherck opened the Public Hearing at 7:22 pm.
 2. Tom Hanby, 706 E. Forest Avenue, spoke in opposition to the proposed historic district. He feels it is an obstruction of the rights of the private property owners. He has yet to see any documented evidence supporting the financial benefit a historic designation will bring to the community and property owners. He opposed the historic guidelines those properties would be required to meet.
 3. Pat Galloway, 325 Ninth Street, spoke in opposition to the proposed historic district. He feels the specifications relating to building permit requirements are unfair. It is unfair that similar neighbors not in the district would not have to follow the same building permit procedures. If the program was not forced on E. Wisconsin Avenue residents, how can you force it on the residents on E. Forest Avenue? He also does not feel restrictive covenants should be added at a later date.
 4. Fred Hrubecky, 2410 Forest Manor Court, spoke in opposition to the district, as he does not feel the property owners should be told what they could do with their properties. He does not have a dog in this fight but grew up in the neighborhood.

5. Nate Van Zeeland, 1010 E. Forest Avenue, indicated he and his wife Holly also own the adjoining lot 1014 E. Forest Avenue. He represents a fairly unique point of view in that his property is both within the proposed district and already listed as a Neenah Landmark. The Landmark Commission has put a great deal of effort into identifying the contributing structures within the proposed district as well as putting forth a preservation plan. The guidelines that would be applied to the contributing structures are guidelines that he is already subject to as a Neenah Landmark. To that end, he also does not have a dog in the fight but understands the concerns of the property owners. Whatever decision is made today the process for him to do work on his home will not change at all. At the time they purchased their home they were told it was a Neenah landmark. They had a clear understanding of the extra layer of oversight and restrictions that accompany that designation. They have always been drawn to character homes and regrettably they love it. The Landmarks Commission has been a very big part of his plans for restoration of his home. His experience with the Landmarks Commission has been very positive and they will continue to use Gerry Andrews and the Landmarks Commission as a resource. He feels they have correctly identified a incredible district that has a distinctly unique historic and architectural value. His opposition is that it sets a dangerous new precedence applying this to unwilling homeowners.
6. Julie Walsh, 803 E. Forest Avenue, indicated that she had filed a petition in opposition to the proposed historic district. The petition was signed by over 70% of the available historic property owners. She feels the neighborhood has been not only maintained but also improved over the years she has lived there without these additional restrictions. The district plan as proposed is subjective, vague and contains broad restrictions on property rights on just a handful of homes in Neenah. She feels it is unfair and unnecessary and provides no benefits.
7. Martha Moore, 711 E. Forest Avenue, supported the Landmarks Commission efforts to designate E. Forest Avenue as a Historic District. Her house is already on the local, state and national Landmarks designation of historic places. They bought their home in 1989 while it was in the process of receiving its historic designation so they knew that it was a historic home and were thrilled. She has found the Landmarks Commission was very helpful with improvements they made to their home. She does not feel limited at all. She will be delighted to be a part of a historic district.
8. Brad Lauderdale, 804 E. Forest Avenue, as an owner of a contributing home, spoke in favor of the Historic designation of E. Forest. When people purchase these large old houses they

- depend in part on the neighborhood remaining appropriate to that house. If we can regulate the number of chickens, he feels it is reasonable to regulate how people go about changing the appearance of their house. Differences between the property owner and the Landmarks Commission end up at the City Council level for our elected officials to decide.
9. Mike Jahncke, 1112 E. Forest Avenue, indicated he has heard a lot of reasons to oppose the historic district but not so many in favor of it. He sides with those in opposition.
 10. Susan Antonneau, 401 Ninth Street, indicating that as a contributing property owner, she does not see the conflict. She has worked with the Landmarks Commission and has never had a problem complying with their regulations. The Commission, city staff and the Council have been very helpful and easy to work with. She favors the historic designation of E. Forest Avenue.
 11. Holly Park, Landmarks Commissioner, read into the record a letter from Liane Butitta, 329 Ninth Street. She is in favor of the historic designation as she feels it will help ensure the future of the neighborhood.
 12. Jennifer Sunstrom, Government Affairs Director of Realtors Association of Northeast Wisconsin (RANW), indicated their association is a non-profit organization with more than 15,000 members that often serves as an advocate for private property rights. Given the significant opposition by property owners, the association decided to look closer at the proposed historic district. They have several questions for the Council to consider before moving forward. (1) Is there a strong public health or safety reason that merits the involuntary participation of the residents? Are there examples of homes that have been razed or significantly altered in such a way that diminishes their historic standing? (2) Can limitation on home improvements accurately be described as guidelines if a homeowner cannot proceed with exterior structural improvements without first receiving the Landmarks Commission's "Certificate of Appropriateness"? (3) Would cosmetic work such as re-shingling, re-siding and painting which are currently exempt, be required to comply with historic guidelines in the future if the city changes ordinances to require a permit for such improvements? (4) Has a fiscal analysis been done to determine the cost associated with complying with new historic guidelines? (5) Has the city done any research as to the result of ongoing home maintenance in other communities where designated historic homeowners were not supportive of the designation and requirement? Although her Association commends the City and the Landmarks Commission for its proactive efforts to identify and preserve historic landmarks, she indicated it is rare to see such efforts take the form of mandates unsupported by the property owners

who will be affected by them. The state and federal government has been very successful in promoting historical preservations of such historic homes through tax credits and other incentives. In the short term, mandating such measures might be successful however when it comes to local ordinances on homeowners she has found volunteer and cooperative efforts are more successful in the long term. She hopes the Council will take the issues she outlined into consideration before moving forward.

13. Mike Jahncke, 1112 E. Forest Avenue, indicated this is a wonderful community to live in, however, he has not been sold and wanted to reiterate his opposition to the historic designation.

B. Chairman Andrews/Council consideration of Public Hearing issues.

1. Holly Park, 243 Fifth Street, indicated she is a member of the Landmarks Commission and owner of a house located one house outside the proposed district. She favors the historic district designation. She sees the following benefits: help protect the distinctive character of the neighborhood; ensure the stability of the neighborhood; encourage a sense of history that makes our community a positive place to raise families; increase the value of properties over time; and promote tourism by acknowledging these districts. It is not the goal of the Commission that these structures never change. They wish only to ensure the character of the neighborhood remains in tact and where feasible, renovations are consistent with the design. They also understand homeowners are hesitant to support a district that was not in place when they purchased. How then could we ever possible create a district? They hope that once the district is in place, they can work together in a collaborative manner to help maintain and promote the integrity of the district. The Commission wants to help the property owners in their efforts and sees this district as a means of helping them do just that. It is time the City of Neenah takes a proactive step in making the preservation of its unique areas a priority. There is no cost to the city and the Landmarks Commission takes its duties seriously to help preserve our history.
2. Dir. Haese clarified for Ald. Bates that the way it is structured now anything that would require an exterior structural building permit would require review by the Landmarks Commission. An exemption could be made to the building permit requirements.
3. Gerry Andrews commented that the mission of the Landmarks Commission is to protect Neenah's historic resources by promoting their appreciation, use and preservation. Tonight will determine what really is Neenah's commitment to preservation. We have heard a lot of emotions however list the facts as the district would promote and stabilize property values and prevent neighborhood identity theft. The Commission supports and acts as advocates for their unique position and needs. They act on the neighbor's behalf when reviewing projects and help support the

- residents and protect them from future owners who do not value the historic feature, bring resources to help support an endangered landmark and support and help file tax credits. He commented briefly on issues raised indicating no restrictions are being imposed here.
4. There being no further appearances, Mayor Scherck declared the public hearing closed at 8:13 p.m.
- II. Consider the installation of curb, gutter and bituminous concrete (blacktop) pavement on Ninth Street.
- A. Dir. Wettering indicated this is for work on Ninth Street between Forest Avenue and Nicolet Blvd. The assessment is estimated at \$27/front foot. Once the final cost is received, that number will be adjusted.
 - B. There being no appearances, Mayor Scherck declared the public hearing closed.
- III. Consider bituminous street construction on Greenfield Street (Sterling Avenue to end).
- A. Dir. Wettering indicated that no curb and gutter would be installed. The plan is to build up the edges with asphalt to help direct the water off the street. The cost will be \$27/sq ft and the work will be done late July/early August.
 - B. Pete Meyer, 634 Greenfield Street, questioned why curb and gutter is not being used and what the actual plan is.
 - C. Dir. Wettering advised that the Council reviewed the petition filed in opposition to curb and gutter and decided to just build up the edges of the asphalt road for drainage. He advised Mr. Meyer that curb and gutter would be \$5 more per square foot.
 - D. Mayor Scherck indicated this is a precedent for the City in response to the petition filed. The department recommendation was for curb & gutter.
 - E. Ald. Stevenson spoke on behalf of the Council indicating it really was a political decision. He disagreed with the Mayor that this set any sort of precedence by taking that vote. The Council simply responded to a petition for a road that has very little vehicular traffic. They chose to build something less than what the department recommended based on the financial restrictions of the residents being asked to support the project.
 - F. Mayor Scherck commented that what he meant by precedent was that it was our first time, however, it does not bind future Councils to follow that "precedent".
 - G. There being no further appearances, Mayor Scherck declared the public hearing closed.

MSC Ramos/Pollnow to amend the agenda to act on a petition received in the Clerk's Office on June 13, 2012 asking the Council to reject the Landmark's Commission's proposal to establish an East Forest Avenue Historic District, all voting aye.

Petition

- I. The petition to the Neenah City Council opposing as East Forest Avenue Historic District was presented.
 - A. **MSCRP Ramos/Pollnow to refer the petition to the Landmarks and Plan Commissions, all voting aye.**

Joint Plan Commission/Landmarks Commission Report Pertaining to the Public Hearing

- I. Ald. Lendrum reported from the Joint Plan Commission/Landmarks Commission meeting of May 29, 2012:
 - A. The Landmarks Commission recommended to Plan Commission and Common Council the designation of the area on East Forest Avenue, Ninth, Seventh and Hewitt Streets described on the attached map as a City of Neenah Historic District, and the approval of the East Forest Avenue Historic District Preservation Plan. (Ordinance to follow)
- II. Ald. Hamblin reported from the Joint Plan Commission/Landmarks Commission meeting of May 29, 2012:
 - A. The Plan Commission recommends Council designate the area on East Forest Avenue, Ninth, Seventh and Hewitt Streets described on the attached map as a City of Neenah Historic District and the approval of the East Forest Avenue Historic District Preservation Plan. (Ordinance to follow)

Ordinance Pertaining to the Public Hearing

- I. Ordinance No. 2012-7 Approving the East Forest Avenue Historic District and East Forest Avenue Historic District Preservation Plan was presented.
 - A. Ald. Bates moved to approve the East Forest Avenue Historic District and East Forest Avenue Historic District Preservation Plan. Motion died due to lack of a second.
 - B. **MS Ramos/Stevenson to refer Ordinance No. 2012-7 approving the East Forest Avenue Historic District and East Forest Avenue Historic District Preservation Plan back to the Landmarks Commission and Plan Commission to consider the petition filed.**
 1. Ald. Stevenson indicated that would be the appropriate thing to do since the petition was referred back to both Commissions.
 2. Ald. Bates indicated she understands their concern however since the petition was referred to the two commissions, they can review the petition. She does not see the point in sending the ordinance back.
 3. Ald. Ramos indicated the intent of the motion is to give the Landmarks and Plan Commissions an opportunity to consider the effect of this new information if any.

4. Ald. Pollnow questioned Roberts Rules of Order and if this ordinance is technically not on the floor since it died due to lack of a second. If it is not on the floor, how can it be referred back to committee?
5. City Atty. Godlewski clarified that the motion made by Ald. Bates to adopt the ordinance died. The ordinance is still on the agenda and it would be appropriate for a motion to refer it back.
6. Ald. Hamblin concurred with Ald. Ramos and Stevenson that there has been additional information submitted to the Council that needs to be considered and issues resolved before making any decision.
7. Mayor Scherck commented that regardless of your position, it is important to realize that a process has worked. The citizens exercised their rights by submitting a petition in opposition. The Commissions carried out their missions and responsibility to present their point of view to this Council. The Council has looked at it and is now asking it go back to be reconsidered. You cannot criticize that process.
8. **The motion to refer Ordinance No. 2012-7 approving the East Forest Avenue Historic District and East Forest Avenue Historic District Preservation Plan back to the Landmarks Commission and Plan Commission, carried by the RollCall-Pro System, all voting aye.**
9. Mayor Scherck informed everyone that the next Plan Commission meeting is scheduled for July 10, 2012 at 4:15 pm and Landmarks at 5:30 pm. He indicated they would schedule this agenda item at a joint meeting on that day more than likely at 4:15 pm. He advised everyone to watch the website for that agenda. The Council will then consider the ordinance at their July 18th meeting.

MSC Ramos/Pollnow to amend the agenda to consider Final Resolution No. 2012-27 for bituminous street construction on Greenfield Street, all voting aye.

Resolution Pertaining to the Public Hearing

- I. Final Resolution No. 2012-27 for the installation of bituminous street construction on Greenfield Street was presented.
 - A. **MS Zaretske/Hillstrom to adopt Resolution No. 2012-27 for the installation of bituminous street construction on Greenfield Street.**
 - B. Ald. Bates questioned why Mr. Meyer was not informed of the decision to use the asphalt edging versus curb and gutter.
 - C. Dir. Wettering indicated a letter was sent to each resident several weeks ago informing them of the decision.
 - D. Ald. Hamblin asked that since this asphalt curb is new, it be monitored closely for wear and tear.
 - E. **Motion carried, by the RollCall-Pro System, all voting aye.**

Consent Agenda

- I. **MSCRP Stevenson/Ahles to approve the Consent Agenda as follows:**
 - A. **Approve Beverage Operator License Applications for: Approve Beverage Operator license for: Richard S. Anderson, Cynthia A. Bettinger, John N. Eckrich, Alesia R. Girard, William J. Griffin, Christopher A. Guay, Debra L. Gullickson, Toni L. Heine, Skyler R. Hestnes, Kathleen A Hill, Aaron T. Jankowski, Jena L. Laflin, Connie E. Larsen, Jennifer L. Lee, Meghan M. Lessor, Wendy S. Mais, Nicholas R. Marx, Michael J. McGuire, Melissa S. Parks, Marie L. Parve, Carol J. Pokorny, July L. Schmidt, Diane L. Schultz, Elizabeth F. Spielbauer, Richard D. Thompson, and Tami A. Trochinski.**
 - B. **Approve a temporary "Class B" retail (picnic) beer & wine license to the Children's Hospital Foundation for the Benefit for Children's Hospital held at Sidetracked Bar & Grill, 129 N. Lake Street on June 30, 2012, and ask City Attorney Godlewski to report on legality of asking the licensee to report back to Council the amount eventually donated to the charity.**
 - C. **Approve a retail Class "B" malt and liquor license for the Aspen Restaurant Group, LLC, Richard E. Brey, agent, d/b/a Nauts Landing, 124 W. Wisconsin Avenue (formerly Madhouse Grill), contingent on passing all inspections and finding no delinquent payments.**
 - D. **All voting aye.**

Public Services and Safety Committee

- I. Chairman Zaretzke reported the regular meeting of June 12, 2012:
 - A. Committee recommends Council approve Ordinance No. 2012-6 amending On-Street Parking Restrictions Map. (Ordinance to follow)
 - B. Committee recommends Council approve Ordinance No. 2012-4 Animal Regulations, as originally recommended. (Ordinance to follow)
 - C. Commission recommends Council approve Committee recommends Council approve Final Resolution No. 2012-27 for bituminous street construction on Greenfield Street. (Previously acted on)
 - D. Committee recommends Council approve Resolution No. 2012-28: Compliance Maintenance Annual Report for Sanitary Sewer. (Resolution to follow)

Finance and Personnel Committee

- I. **MSC Stevenson/Ramos to waive the 24-hour rule relative to providing minutes for Council consideration and action in order to permit a report of the special meeting of June 20, 2012, all voting aye.**

- II. Chairman Ahles reported the special meeting of June 20, 2012:
- A. Committee recommends Council refund Bryan and Rebecca Blankenfield, owners of 510 Bosworth Lane, \$2,242.69 of property taxes that were overpaid due to a palpable error per Wis. Stats. Sec. 74.33(1)(a). **MSCRPAhles/Ramos, all voting aye.**
 - B. Committee recommends Council approve the settlement negotiation with the homeowner at 505 Chatham Court regarding damages resulting from the sewer back up and resulting repairs in April 2012 as follows: The homeowner would agree to waive any other claim for damages arising out of the sewer lateral repair, including sewer back up damages costing just under \$4,000 from the incident in April after the initial lateral repair; the City will absorb the cost of the sewer lateral repair (estimated cost \$2,500); the City will reimburse the homeowner for the cost of repairing and replacing her driveway that was damaged to accommodate the lateral repair based on the quote from her concrete contractor totaling \$3,700, the homeowner will be responsible for arranging the concrete installation through her own contractor; and the City will restore the lawn area with topsoil and grass seed by the City's street department, the homeowner will be responsible for daily watering of the reseeded area after installation by the City crews. **MSCRPAhles/Ramos, all voting aye.**
- II. Chairman Ahles reported the regular meeting of June 11, 2012:
- A. Committee recommends Council approve the creation of the position of part-time City Sealer at 15 hours per week at salary grade F on the part-time salary plan, and that the position be placed under the supervision of the Department of Community Development. **MSCRPAhles/Pollnow, all voting aye.**
 - B. Committee recommends Council approve that Winnebago County retain \$171,470.00 to cover their 2011 operating deficit, and refund the remaining recycling revenue surplus of \$780,911.00 for 2011 to all municipalities, based upon the tonnage processed in 2011 for each municipality. **MSCRPAhles/Bates, all voting aye.**
 - C. Committee recommends Council approve entering into a one-year contract with Lexipol beginning July 1, 2012 to provide policy management and training services to the Police Department for \$4,803.00 with the first installment of \$2,401.50 to be invoiced July 1, 2012 and the second installment of \$2,401.50 to be invoiced January 1, 2013, with the full cost to be charged consistently to the same line item for 2012 and beyond. **MS Ahles/Hillstrom.**
 - 1. Ald. Ramos asked for clarification that this is a one-year contract and Council would need to revisit this after one year.
 - 2. Mayor Scherck advised it would be a part of the budget process. The Chief sees this valuable and ongoing. It would be part of the budget allocation and up to future Councils to determine that.
 - 3. Police Officer Fuerst concurred that the Chief plans continue with this service and bring it as part of the budget process.

4. Ald. Stevenson indicated committee discussed the funding source and agreed not to take it from multiple line items. He recognized that that line item would take an incremental hit in 2012 and a significant hit in 2013.
 5. Dir. Easker explained that the action of the committee was that starting with this first payment in July 2012 whatever line item is charged would then be charged and budgeted for into the future.
 6. Ald. Ahles indicated that was his understanding also.
 7. **Motion carried, by the RollCall-Pro System, all voting aye.**
- D. Committee recommends Council amend FLSA Policy 2012-2 requiring certain non-exempt employees only use comp time balances as paid time off consistent with the historic practice in the City. **MSCRPAhles/Stevenson, all voting aye.**

Plan Commission

- I. Ald. Hamblin reported the regular meeting of June 12, 2012:
 - A. The Commission approved the site plan for the outdoor extension of retail Class B license for Nauts Landing, 124 W. Wisconsin Avenue.
- II. Chairman Zaretzke reported the regular Public Services & Safety Committee meeting of June 12, 2012:
 - A. Committee recommends Council approve the application for outdoor extension of retail Class B license for Aspen Restaurant Group LLC, for Nauts Landing, 124 W. Wisconsin Avenue (formerly Madhouse Grill), Richard E. Brey, Agent. **MSCRPAhles/Zaretzke/Hillstrom to approve the outdoor extension of retail Class B license for Aspen Restaurant Group LLC, for Nauts Landing, 124 W. Wisconsin Avenue (formerly Madhouse Grill), Richard E. Brey, Agent, all voting aye.**

Board of Public Works

- I. **MSC Hillstrom/Stevenson to waive the 24-hour rule relative to providing minutes for Council consideration and action in order to permit a report of the meeting of June 20, 2012, all voting aye.**
- II. Vice Chairman Hamblin reported the meeting of June 20, 2012:
 - A. Council Action Items:
 1. Board recommends Council award Base Bid #1 for site work at Herb & Dolly Smith Park in the amount of \$276,582.00; Alternate A for building demo in the amount of \$17,825.00; Alternate B for shelter construction in the amount of \$21,575.00; and Alternate D for benches in the amount of \$11,040.00 to Jahnke General Contractors for a total of \$327,022.00. **MSCRPAhles/Hamblin/Zaretzke, all voting aye.**
 2. Board recommends Council award Base Bid #2 for the boardwalk at Herb & Dolly Smith Park in the amount of

- \$333,611.37 to Radtke Contractors. **MSCR**
Hamblin/Hillstrom, all voting aye.
3. Board recommends Council award Base Bid #3 for landscaping at Herb & Dolly Smith Park in the amount of \$80,200.00 to Jahnke General Contractors. **MSCR Hamblin/Zaretzke, all voting aye.**
 4. Board recommends Council award Base Bid #4 for fencing at Herb & Dolly Smith Park in the amount of \$10,680.00 to American Fence Company. **MSCR Hamblin/Hillstrom, all voting aye.**
 5. Board recommends Council award the contract for Arrowhead Park Site #1 to Advance Construction, Green Bay, in the amount of \$244,444. **MSCR Hamblin/Stevenson, all voting aye.**
- B. Informational Items:
1. Board approved Pay Estimate #2 for Contract 5-12, Winneconne Avenue & Green Bay Road Reconstruction - Phase 2, for Ptaschinski Construction, Inc., Beaver Dam for \$311,601.28.
 2. Board approved Change Order No. 1, Contract 7-12 HMA Pavement and Curb and Gutter Construction for Northeast Asphalt, Greenville, for \$44,407.50.
 3. Board approved Pay Estimate No. 5 for Contract 3-12, Miscellaneous Sewer and Water Main Construction on Adams Street, Western Avenue and Plummer Court to Van Straten Construction Co., Inc, Green Bay for \$104,976.00.
 4. Dir. McCoy clarified that no property tax is being used to fund these projects. Herb & Dolly Smith Park is being funded with the Alice Jean Smith donation, DNR Grant money and the Park Development Trust. The Arrowhead East Development is being funded with TIF money. Herb & Dolly Smith Park is running over budget, however, a DNR grant has been applied for. She advised that these projects are part of the trail system and will connect with the Trestle Trail. In 2011 a count was taken showing the average use of the Trestle Trail per day was 974 people.
 5. Dir. Haese added that the Fox Valley Convention & Visitors Bureau provided a \$50,000 grant as well.

Community Development Authority

- I. Dir. Haese reported from the Community Development Authority:
 - A. The Gateway Plaza is 99% complete. They are just finishing the landscaping along the railroad tracks.
 - B. Across the street, Site 7 has quickly become a very complex site. They continue to monitor and explore environmental issues on Site 7. The CDA will review the possibility of an extension on the development agreement on Monday. That would need to come back to the Council for review and consideration.

Sustainable Neenah Committee

- I. Ald. Ahles reported from the Sustainable Neenah Committee:
 - A. Last Saturday they had a booth set up at the Farm Market.
 - B. At their June 13th meeting there was a presentation on the Wisconsin DNR Green Tier Program. They will explore things that may benefit the City of Neenah.
 - C. The Bike To Boogie Concert in the Park will be held on June 27th.

Ordinances

- I. Ordinance No. 2012-4 relating to various animal regulations was presented.
 - A. **MS Zaretzke/Hillstrom to adopt Ordinance No. 2012-4.**
 - B. **MSCRIP Bates/Hillstrom to amend the Ordinance to add arachnids to Section 3-14(c)(20) under poisonous insects, all voting aye.**
 - C. Ald. Bates indicated she would like to see a rescue and fostering better defined and specifically the exemptions.
 - D. Ald. Pollnow reiterated his concerns over the Chief of Police or his designee designating dangerous animals and over the appeal process notification.
 - E. **MS Bates/Ramos to amend the ordinance to increase the number of pet animals from 3 to 4 or a total of six.**
 - F. Ald. Hillstrom opposed increasing the number. He does not see the benefit of allowing up to four pet animals. He supports keeping it at three.
 - G. Ald. Bates indicated some pet owners are good owners others are not. Pet owners with noisy dogs are covered under the noise ordinance.
 - H. Ald. Lendrum concurred with Ald. Hillstrom that three is sufficient. She has talked with experts who indicated three is more than enough.
 - I. Ald. Ramos indicated it all comes down to what we are trying to regulate. If it is true that we are trying to control the number of dogs in a household, then we should deal with dogs rather than lumping dogs and cats together. He sees the need to weigh those following the ordinance and those not. He opposed the inconsistency in the ordinance.
 - J. City Atty. Godlewski clarified for Ald. Stevenson that currently the number of dogs/cats allowed is addressed under the zoning code. Any more than 3 dogs or 3 cats they would fall under a kennel.
 - K. Ald. Stevenson indicated since the current code only allows three dogs or cats, those who currently have four are not in compliance with the code.
 - L. Ald. Lendrum added that the experts she talked to at the shelters are far more concerned about cats than dogs. They have a huge problem with over population with cats.
 - M. Ald. Bates expressed concern that we have not been enforcing the current ordinance and even allow owners license four dogs.
 - N. Dir. Haese indicated they have allowed licensing four dogs, as they would rather have them license their pets than not license them. Licensing their pets would require updated vaccinations.

- O. **The motion to amend Ordinance No. 2012-4 to increase the number of pet animals from 3 to 4 or a total of six, failed by a 4-5 RollCall-Pro System vote, all voting aye, Ald. Hillstrom, Zaretzke, Stevenson, Lendrum and Hamblin voting nay.**
 - P. **The original motion, as amended, carried by a 7-2 RollCall-Pro System vote, all voting aye, Ald. Ramos and Pollnow voting nay.**
- II. Ordinance No. 2012-6 amending on-street parking restrictions map was presented.
- A. **MSCRП Stevenson/Zaretzke to adopt Ordinance No. 2012-6, all voting aye.**

Resolutions

- I. Final Resolution No. 2012-27 for bituminous street construction on Greenfield Street was previously acted on.
- II. Resolution No. 2012-28 Compliance Maintenance Annual Report for Sanitary Sewer was presented.
 - A. **MSCRП Ahles/Hamblin to adopt Resolution No. 2012-28, all voting aye.**

Petition

- I. The petition opposing the East Forest Avenue Historic District was previously acted on.

Council Directives

- I. Ald Stevenson asked if there is any update on the status of guaranteed values within a TIF District.
 - A. Dir. Haese advised there has not been an update. There are two agreements they are being challenge with, one of which he needs to address with Dir. Easker. He has not had an opportunity to have a conversation specific to the agreement relative to the Tower Project. From a staff prospective, they have a position and need to share that with the developers. He will suggest their position to the developer, gauge their response and present that to the Council for consideration.

Unfinished Business

- I. Ald. Stevenson asked why the ExecuTime Implementation has been put on hold.
 - A. Dir. Easker indicated the installation has been delayed not put on hold. They are allowing time for implementation of changes to SunGard Payroll System prior to implementation of the ExecuTime.

- II. Ald. Zaretzke encourage the aldermen to sign up to man the recycling center on Saturday morning. She indicated it is very busy and needs more than one person on Saturdays.
 - A. Ald. Ahles added the part-time staff at the garage is valuable. They make sure all the work is getting done and properly.
 - B. Ald. Stevenson added that the scope of work at the garage has changed since they first began manning the recycling center.

New Business

- I. Mayor Scherck's appointments to fill the expired terms of Holly Park, Vicki Steffens and Sharon Fiedler on the Landmarks Commission – terms expire July 2015 will be considered at the July 18, 2012 Council meeting.
- II. Ald. Lendrum did a brief presentation on obtaining agendas/minute information from the city website.
- III. Ald. Ahles informed the public that recycling matters, they should pair up with neighbors if possible.

Adjournment

- I. **MSC Ahles/Ramos to adjourn at 9:34 p.m., all voting aye.**

Patricia A. Sturn, WCPC/MMC