

Common Council Minutes
Wednesday, September 4, 2024 at 7:00 p.m.

The Common Council of the City of Neenah, Winnebago County, Wisconsin, met in regular session at 7:00 p.m., September 4, 2024, in the Council Chambers of Neenah City Hall.

Mayor Lang is the chair.

Present: Aldermen Boyette, Erickson, Hillstrom, Lendrum, Steiner, Pollnow, Weber, Ellis and Council President Borchardt. Staff present Deputy Director of Finance Kahl, Director of Community Development & Assessment Haese, Director of Public Works Kaiser, City Attorney Rashid, and City Clerk Nagel.

Also Present: Director of Human Resources Fairchild, Fire Chief Teesch, and those noted on the attached Meeting Sign-In Sheets.

Mayor Lang called the meeting to order at 7:01 PM,

- I. The City Clerk called a voice roll call as the Mayor/Aldermen recorded their attendance in the RollCall-Pro System followed by the Pledge of Allegiance led by Alderman Boyette.
- II. Introduction and Confirmation of Mayor's Appointment(s)
 - A. Appointment of Mayor Lang and Alderman Lendrum to the East Central Wisconsin Regional Planning Commission Appleton (Fox Cities) Metropolitan Planning Organization Policy Board for a term two-year term expiring April 2026. **(UC)**
Seeing no objections, the Mayor's appointments were ordered approved.
- III. Approval of Council Proceedings
 - A. Approval of the Council Minutes and Proceedings of August 21, 2024 regular session. **(UC)**
Seeing no objections, the Minutes and Proceedings of August 21, 2024 were ordered approved as written.
- 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 7:02 PM.

Bob Lace, 765 Oak Street – Mr. Lace requested a military plaque be hung on the wall of the Council Chambers of all city employees who served in the military and by branch.

Mr. Lace spoke about his work with Mothers Against Drunk Driving (MADD). His concern is mainly that gas and alcohol cannot be mixed, that convenience stores and gas stations should not intertwined. The ordinance has served the community well for the past two decades and will continue to do so. Two star athletes have just lost their lives to drunk driving, another reason to keep the current ordinance in place.

Mr. Lace suggested redeveloping the former Jersild Knitting Mill into a community garden.

Kate Hancock-Cooke, 216 Bosworth Court – Spoke about the Winnebago County Spirit Fund Grant Dashboard, of which she distributed a copy of to the council members. Ms. Hancock-Cooke serves on the ARPA Strategy and Outcomes Commission in which the meeting is September 13, 2024, at 1:00 PM.

Erich Lisser, 2533 Marathon Avenue – Mr. Lisser is affiliated with the Neenah Kwik Trip. Stated Kwik Trip will only come to cities that are probusiness. Approving the sale of beer at convenience stores helps businesses become fair and levels the playing field not only with other Neenah businesses who sell alcohol but with the surrounding communities as well.

Mark Noffke, 637 Elm Street – Would like to know why Neenah gas prices are thirty cents higher than any of the surrounding communities. Mr. Lisser believes this is the convenience stores' way of making up the profit by not selling alcohol.

Mr. Noffke also spoke about the traffic signs around the former Shattuck Middle School. The Shattuck area is no longer a school zone and the no parking signs no longer apply. Would like to see additional police presence during the overnight hours to curb vandalism.

Dave Sebor, 1185 Skyview Drive – Teaches a state-run OWI course at Fox Valley Tech for those who have been convicted of OWI. He sees firsthand the effects of alcohol. He shared where Wisconsin alcohol consumption fits in with nationwide statistics. Wisconsin is the only state where the first time OWI is a glorified speeding ticket, and Wisconsin has not raised the beer tax since 1969. Mr. Sebor challenged the council to Google what are the good things about alcohol. Alcohol is a known carcinogen, it is tied to crime, domestic abuse, etc. Mr. Sebor understands allowing convenience store to sell alcohol is tied to economic development, but the real question would be increasing the access of alcohol improve the quality of life in Neenah.

Ron Albrecht, 1144 Westwind Court – Displayed some alcohol and non-alcoholic drinks and how they would be flagged at Kwik Trip cash registers for an ID check. Like Mr. Lisser, he too believes allowing convenience stores to sell alcohol would level the business playing field.

Ray Jahnke, 203 Joseph Court, Apt. 2 – Mr. Jahnke spoke about the Temporary Designated Outdoor Refreshment Area, does not understand how alcohol can be sold downtown during the Boogie & the Yo-Yo's concert in plastic cups.

Heidi Keating, 525 Riford Road – Ms. Keating is employed by the Winnebago County Health Department. Alcohol sales in convenience stores is bigger than Kwik Trip, bigger than leveling the business playing field, it's about what we want our community

to be. Increasing access to alcohol is associated with increased drinking and increased social harm in terms of being harmful to self or others. Alcohol is not an ordinary commodity. In terms of legal verses illegal drugs, alcohol is the most dangerous because of the harm caused to others. Increasing alcohol outlets is not economic development, it's the other way around as binge drinking costs Winnebago County an estimated 108.9 million dollars annually. This is about the health and safety of our community and the type of community Neenah wants to be.

Kay Horan, 324 9th Street – Ms. Horan spoke against allowing alcohol sales in convenience stores. She spoke about the impact alcohol has had on her life. Ms. Horan is concerned about the effects of alcohol consumption on children. She is worried about kids in the community who are living in unsafe conditions having a safe place to go, such as Youth-Go or the new Boys and Girls Club. Alcohol has had such a negative impact on her life that she does not want easy access to it by allowing the sale of alcohol in convenience stores.

After several calls for additional public comments, there were no appearances. Mayor Lang closed the public hearing at 7:32 PM.

V. Mayor/Council consideration of public forum issues

- A. Alderman Boyette asked Director Haese to explain the Temporary Designated Outdoor Refreshment Area (TDORA) and why alcohol was allowed to be consumed in were plastic cups.

The TDORA is tied to a Special Event Permit. The TDORA is a defined area where, if approved by the Special Event Committee, allows for the consumption of alcohol in designated geographic outdoor area only during a specific event.

- B. Council President Borchardt, with Kwik Trip representatives present, asked why gas prices were thirty cents higher in Neenah than surrounding communities.

Mr. Lisser, with Kwik Trip, answered that there is a state law that governs a minimum markup on gas. If a gas station goes lower than the minimum markup, competition laws allow other gas stations to go down and match without repercussions. Mr. Lisser would have to contact the petroleum department to find out the exact answer.

- C. Alderman Hillstrom asked if beer cans are acceptable in the TDORA. Clerk Nagel advised that yes can are allowed in the TDORA. The ordinance restricts the use of glass because of public safety reasons. Cans also need to have the TDORA stickers on them as well.

VI. Consent Agenda

- A. Approve Temporary Extension of Licensed Premises Application to Cedar Neenah, LLC, 1330 S. Commercial Street, Neenah, for the Cedar Cornhole Event, to be held on September 7, 2024, from 1:00 PM to 6:00 PM. (**PSSC**)

- B. **(UC)**
Seeing no objections, the Consent Agenda was ordered approved as presented.

VII. Reports of standing committees

- A. Regular Public Services and Safety Committee meeting of August 27, 2024: (Chairman Lendrum/Vice Chair Hillstrom) (Minutes can be found on the City web site)

1. Committee recommends Council approve the purchase of two (2) 24' ceiling fans for the south vehicle bay from Black Gold Environmental Services in the amount of \$12,688.00 and installation costs not exceeding \$2,300.00 utilizing 2024 Capital Equipment budgeted funds. **(RollCall-Pro)**
MSCRP Lendrum/Hillstrom to approve the purchase of two (2) 24' ceiling fans for the south vehicle bay as recommended by committee, all voting aye.

2. Committee recommends Council approve a budget amendment of \$8,000 from remaining funds from the Sewer Capital Project Funds, Project SEW09, Sewer Utility Truck, to purchase a Boss VBX 6500 Auger Salt Spreader from Monroe Truck Equipment in the amount of \$6,848.00. **(RollCall-Pro)**
MSCRP Lendrum/Weber to approve a budget amendment of \$8,000 to purchase a Boss VBX 6500 Auger Salt Spreader as recommended by committee, all voting aye.

3. Committee recommends Council approve the Design and Engineering Services of Arrowhead Park to GRAEF, in an amount not exceed \$189,617.00, utilizing ARPA funds allocated for Arrowhead as identified in the 2024 Capital Budget. **(RollCall-Pro)**
MSCRP Lendrum/Hillstrom to approve the Design and Engineering Services of Arrowhead Park to GRAEF as recommended by committee. Motion carried in a roll call vote, 7-2 with Boyette and Pollnow dissenting.

Alderman Pollnow is voting no on this item because, having served on the council previously, there have been numerous iterations of Arrowhead Park, and, he believes a study was done by GRAEF in 2012. Twelve years later, we are being asked to spend nearly \$200,000 for the same study. As aldermen need to make choices on where money is spent. If money is spent on one project it cannot be spent on others, such as road maintenance. Also troubling is a copy of the GRAEF bid was not included in the packet, just a memo of services that GRAEF will be providing was included in the packet.

4. Committee recommends Council approve the Schematic Design proposal for the innovation building from Gries Architectural Group, Inc., in the amount not to exceed \$23,500, utilizing Budgeted 2024 CIP Arrowhead Funds. **(RollCall-Pro)**

MSCRP Lendrum/Weber to approve the Schematic Design proposal for the innovation building from Gries Architectural Group, Inc. as recommended by committee. Motion carried in a roll call vote, 7-2 with Boyette and Pollnow dissenting.

Alderman Pollnow is voting no on this item because he does not believe in the process in which this item came to council was consistent. The process is important when using taxpayer money.

5. Committee recommends Council approve the Prairie Design Services proposal from J. Kox Landscape Architecture, LLC, in the lump sum amount not to exceed \$9,500, utilizing Budgeted 2024 CIP Arrowhead Funds. **(RollCall-Pro)**
MSCRP Lendrum/Borchardt to approve the Schematic Design proposal for the innovation building from Gries Architectural Group, Inc. as recommended by committee. Motion carried in a roll call vote, 7-2 with Boyette and Pollnow dissenting.

Alderman Pollnow will be voting no on this Arrowhead Park item as well because he believes the council is in an arena where tough financial choices need to be made on behalf of the constituents, which is what he is doing. He is voting no for financial reasons.

6. Committee recommends Council approve Ordinance No. 2024-18 modifying the Neenah Municipal Code to permit the sale of malt beverages from convenience stores as specified within the Ordinance. **(RollCall-Pro)**
MSCRP Ellis/Weber to approve Ordinance No. 2024-18 modifying the Neenah Municipal Code to permit the sale of malt beverages from convenience stores as recommended by committee. Motion carried in a roll call vote, 7-2 with Hillstrom and Lendrum dissenting.

Alderman Ellis wants to do the right thing by allowing beer to be sold in convenience stores. He wants to make business fair with the surrounding communities. Alderman Ellis also believes in personal responsibility when it comes to alcohol, giving the example that if a person is shot in the head, it's not the bullet who killed, it was the person who pulled the trigger. The same concept is true with alcohol. Society has come along way in alcohol education since the ban was put in the place in the early 1980's. Schools have educational programs, the Tavern League has educational and dangers of alcohol, that to stifle one type of business because of the "what ifs" is not right.

Alderman Weber also believes this is the right thing to do for business and economic development. Neenah is a very responsible city and believes there are many positive attributes of the city which is why people chose to live here. This is a very emotional topic and when the emotion is taken out of the equations, it comes down to doing the right thing for the future economic development of Neenah.

Alderman Steiner echoed the thoughts of Aldermen Ellis and Weber. From Alderman Steiner's prospective, there would be a stronger argument if this was the initial introduction of the sale of alcohol in the city, but it's not. Alcohol sales are already occurring in the city and making it convenient by allowing convenience stores to sell beer is not a new concept in Wisconsin, it's good for economic development and allows the city to be competitive with surrounding communities.

Council President Borchardt explained that he voted against the allowing convenience stores selling alcohol in the past because he feared that some of the mom-and-pop stores wouldn't be able to compete with the larger chains. However, this version of the ordinance has more restrictions and limits the sale to beer only, he feels more comfortable voting in favor of the ordinance.

Alderman Lendrum has been a social drinker all her life, so she is not opposed to drinking, she just doesn't need to be swimming in it. She was impressed when she moved to Neenah 34 years ago that Neenah had a variety of stores, not just all liquor stores, and that liquor wasn't for sale everywhere. She is not sure that the smaller mom-and-pop convenience stores will be able to remain in business with the passing of this ordinance, and she's not sure the few liquor stores will either, so she will be voting no on this ordinance.

Alderman Pollnow will be supporting the ordinance change based on fairness. Alderman Pollnow looked up the dictionary definition of fair which states, "marked by impartiality and honesty". The ordinance as currently written is not fair, and we need to be fair. He has trust in so many different levels in the City of Neenah in its government and in its people that he will be comfortable telling people how and why he voted in favor of the ordinance change.

Alderman Hillstrom stated that this item has come before Council three times since he has been on the Council, and all three times the Council has voted against allowing alcohol sales in convenience stores. Alderman Hillstrom brought for statistics and data from the Center for Disease Control and World Health Organization; it's clear that Wisconsin has a drinking problem. There has been talk about safety concerns, but there is a health issue as well. Alcohol is a known carcinogen. The only amount of alcohol that does not cause cancer is zero.

Alderman Hillstrom has a lot of respect for Kwik Trip, their business model, and the way they treat their employees. The gentleman who spoke tonight told the Council that alcohol sale is a very small portion of their profits. Then consider how hard it is to find a parking spot at Kwik Trip without the sale of alcohol.

Alderman Hillstrom addressed the concern about fairness, and where does the fairness argument end. This ordinance is for the sale of beer only, is that

fair when there are stores that sell hard liquor. Appleton just extended the sale of alcohol until midnight, is that the next ask. What about the DORA that's coming; where does it end. For these reasons, Alderman Hillstrom will be voting no on the ordinance change.

7. Committee recommends Council approve the Cities of Appleton and Neenah Memorandum of Agreement for weight and measure services **(RollCall-Pro)**
MSCRP Lendrum/Borchardt to approve the Memorandum of Agreement for weight and measure services with the City of Appleton as recommended by committee, all voting aye.

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

- A. Regular Finance and Personnel Committee meeting of August 26, 2024: (Chairman Erickson/Vice Chair Boyette) (Minutes can be found on the City web site)
 1. Meeting cancelled, no report.
- B. NMFR Joint Finance & Personnel Committee and Joint Fire Commission meeting of August 27, 2024: (Chairman Boyette) (Minutes can be found on the City web site)
 1. Both the Committee and the Commission recommend both councils direct NMFR staff and Director Fairchild to complete an in-house comprehensive position classification study for NMFR Administrative non-union positions. **(RollCall-Pro)**
MSCRP Borchardt/Weber to approve an in-house comprehensive position classification study for NMFR Administrative non-union positions. Motion carried in a roll call vote, 8-1 with Pollnow dissenting.

Alderman Pollnow will be voting no on this item because the study will only impact five positions. As pointed out by Director Fairchild, the city's policy is to conduct a wage study every three to five years. A wage study was recently completed with the three-year mark being 2025. This study will have financial and morale implications that to do them all at the same time would put everyone on the same page. Alderman Pollnow asked Director Fairchild to weigh in on the study.

Director Fairchild agrees that looking at the administrative non-union positions for a reclassification would be appropriate at this time, but to do a study on one department outside of the three-to-five-year plan is a little unorthodox. Director Fairchild explained the process of a full market classification study in which a third-party consultant is contracted for an overall per capita of an organization on how it compares to market rates.

When one department pulls away from the rest of the organization for a full market analysis study the pay scale breaks apart. The goal is to keep all employees on the same pay plan for consistency reasons. We can still look a reclassification within the current market study pay scale which would not break the pay plan. The policy is also written for any reclassification to take place near budget time because there could be financial impact if there is a

change in step and it is tied in with annual employee performance reviews. Reclassification can happen for a variety of reasons such as additional job duties or additional education. This is a little unique situation in that it is an entire department, however, looking at specific job requirements and responsibilities to see where they fit into the grade may have a financial impact, but it will not break the scale. The recommendation is asking for a comprehensive position reclassification, which means looking at the point value system to see where it fits in the current pay scale.

Mayor Lang clarified that Director Fairchild is not opposed to the motion on the floor, but is opposed to having a full market analysis for one department when a full market analysis will be done for the entire organization in 2025.

Alderman Boyette confirmed that with the certification that will be obtained by Director Fairchild, she will be able to do the reclassification study in-house. Director Fairchild could not speak on budget impact because she does not know the results of the reclassification study. Director Fairchild can bring the reclassification analysis to Council and the Council will have to decide whether or not to make budget changes. Tonight is giving Director Fairchild approval to go ahead with the reclassification process.

Council President Borchardt voted in favor of the reclassification as it is a simple inquiry. Director Fairchild advised the committee and the commission that she could complete the inquiry in-house, and if there needs to be a financial adjustment, it comes back to Council to do so. This is more information to make better decisions.

- C. Regular Plan Commission meeting of August 27, 2024: (Council Rep Steiner)
(Minutes can be found on the City web site)
 - 1. Meeting cancelled, no report.
- D. Landmarks Commission
 - 1. Report from the August 14, 2024 Landmarks Commission Meeting—Alderman Weber
 - a) A quorum of the Commission was not present; therefore, the time was used to talk about the Voyager Canoe Trip in conjunction with the Powwow to be held September 14, 2024.
- E. Bergstrom Mahler Museum
 - 1. Report from the August 28, 2024 Bergstrom Mahler Museum Meeting – Council President Borchardt
 - a) Fox Valley Region and the Oshkosh Community Foundation and \$21,000 from our Spring Fund Drive. A total of \$53,000, \$3K over our goal of \$50K. My thanks to all the board for their assistance and support for our urgent need of new kilns.
 - b) Our 2024 Glass Arts Festival was a huge success! Between the VIP reception and the day, our attendance was: 5,371. WOW! A nice increase from last year. We raised \$42,680 in sponsorships and \$7,350 in revenue on the day of the festival for a total of

\$50,030. Check out the photos from the GLASS Arts Festival:
<https://sotographyproductions.pixieset.com/glassartsfestival2024/>
And a recap on our website: <https://bmmglass.com/glass-arts-festival/>

- c) Community Event: Art After Dark: Renaissance Faire, Sept 26th, 2024 5:30pm -8:30pm
- d) Yoga on the Lawn: Every Tuesday at 12noon. Members Free

F. Parks & Recreation Commission

- 1. Report from the Park Commission Meeting – Alderman Weber
 - a) The two items that were discussed were the Arrowhead Prairie Design and the engineering and services agreement that were on tonight's Council agenda.

IX. Presentation of petitions

- A. Any other petition received by the City Clerk's Office after distribution of the agenda.
 - 1. No petitions were received.

X. Council Directives

XI. Unfinished Business

- A. Approve Corrected Resolution No. 2024-10 Creating City of Neenah Tax Increment District No. 13 and Approving the District Project Plan. (Director Haese) **(RollCall-Pro)**
MSCRP Ellis/Weber to approve Corrected Resolution No. 2024-10 as presented, all voting aye.

Director Haese explained that once the TIF resolutions are approved by committee and council, they route to the Department of Revenue for review. It was during this review process that the Department of Revenue asked two items be included within the resolution:

- 1. At least fifty percent of the area property within the TIF be suitable for industrial development and be maintained as industrial zone property throughout the life of the TIF, and
- 2. There is a boundary agreement with the Town of Neenah.

Director Haese confirmed the resolution will not have to go back to the Joint Review Board as inquired by Alderman Pollnow.

XII. New Business

- A. Any announcements/questions that may legally come before the Council.
 - 1. Alderman Hillstrom reported back to the Council that the residents on Plummer Court are using and enjoying the new sidewalk that was installed over the summer. He has heard comments on how the positive changes made by the installation of the sidewalk. Sidewalks do make a difference.
 - 2. Alderman Erickson asked why the Council was not made aware of the \$15 million Menasha Corporation expansion that was in the Neenah News Paper.

Director Haese responded that the expansion was new equipment within one of the existing buildings, the building itself was not improved. Director Haese is not sure which building will house the new machine.

XIII. Adjournment

Motion by Pollnow/Boyette to adjourn. Motion carried in a voice vote 9-0. Meeting adjourned at 8:19 PM.

Respectfully submitted,

A handwritten signature in black ink that reads "Charlotte K. Nagel". The script is cursive and fluid.

Charlotte Nagel, City Clerk