

**CITY OF NEENAH  
AMENDED  
PUBLIC SERVICES AND SAFETY COMMITTEE MEETING  
October 27, 2020 - 6:30 PM  
(or immediately following the Special Common Council Meeting)**

**Due to the Public Health Emergency caused by the COVID-19 Pandemic, this meeting will occur at a virtual location accessed by the below link or conference call. Committee members and the public should use the following information:**

Link: <https://global.gotomeeting.com/join/900832653>

OR

Conference Telephone Number (AUDIO ONLY): [tel:+1 \(872\) 240-3212](tel:+1(872)240-3212)

Access Code: 900-832-653#

- Members of the public who join the meeting will be asked for their name and address and whether they wish to speak during the Public Forum.
- For members of the public unable to access this meeting online or via conference call, the Mayor and a staff member will be present in the Council Chambers, City Hall, 211 Walnut Street, Neenah, to assist those wishing to attend the meeting. The Council Chambers will be open to eight (8) people in addition to the Mayor and one staff person, consistent with the social distancing rules established under Emergency Order 12 (Safer at Home Order).

**NOTICE IS HEREBY GIVEN, pursuant to the requirements of Wis. Stats. Sec. 19.84, that a majority of the Neenah Common Council may be present at this meeting. Common Council members may be present to gather information about a subject over which they have decision-making responsibility. This may constitute a meeting of the Neenah Common Council and must be noticed as such. The Council will not take any formal action at this meeting.**

**AGENDA**

1. Approval of Minutes of the meetings for October 13, 2020 (Attachment)
2. Public Appearances
3. Revocable Occupancy Permit 617 E Wisconsin Avenue (Attachment)
  - a. Remove from Table and Consider
4. Ord 20-17 Creating Sec, 11-57 Metal Detectors Prohibited on Public Lands and Right-of-Way (Attachment)
5. Licenses
  - a. Beverage Operator's License Appeal (Attachment)
6. Public Works General Construction and Department Activity (Attachment)
7. Adjournment

In accordance with the requirements of Title II of the Americans with Disabilities Act (ADA), the City of Neenah will not discriminate against qualified individuals with disabilities on the basis of disability in its services, programs, or activities. If you need assistance, or reasonable accommodation in participating in this meeting or event due to a disability as defined under the ADA, please call the **Public Works Administrative Assistant at (920)886-6240** or the **City's ADA Coordinator at (920)886-6106** or e-mail [attorney@ci.Neenah.wi.us](mailto:attorney@ci.Neenah.wi.us) at least 48 hours prior to the scheduled meeting or event to request an accommodation.

**CITY OF NEENAH**  
**PUBLIC SERVICES AND SAFETY COMMITTEE MEETING MINUTES**  
**Tuesday, October 13, 2020, 6:30 PM**

**Due to the Public Health Emergency caused by the COVID-19 Pandemic, these meeting minutes are from a virtual web link (Audio & Video) and conference call (Audio only). There were no in-person attendees from the public.**

**Present:** Alderpersons Bates, Lang, Lendrum, Spellman and Stevenson

**Excused:**

**Also Present:** Mayor Kaufert, City Attorney Godlewski, Deputy City Attorney Westbrook, Public Works Director Kaiser, Police Chief Olson, Captain Bernice, Community Liaison Officer Zuehls, Deputy Director Community Development and Assessment Schmidt, PW Office Manager Mroczkowski, Alderperson Boyette, County Sup. Brian Defferding, and Ron Klatt,

Approval of Minutes of the meetings for September 29, 2020

**Motion Second/Carried Lendrum/Lang to approve of the minutes of the Meeting of September 29, 2020.** All voting aye.

Public Appearances:

Brian Defferding, Winnebago County Board Supervisor District 6, 686 Oak St., Neenah.

Mr. Defferding spoke to the committee in regards to the new Winnebago County Connect Program. This is a collaborative effort between the Winnebago County District Attorney's Office and the Winnebago County Department of Health and Human Services. This program will be the central focus of the County's incarceration diversion programs. The plan for the Connect Program is that offenders will be referred by the District Attorney's Office. They will be assessed by the Department of Health and Human Services case managers. If they pass the assessment, a custom plan will be developed for each individual. Upon successful completion of the program the individual's criminal charge will be expunged from their record.

Mr. Defferding also inquired about a request that he had made in regards to the Police MRAP Unit. He has not received the requested information and would like to know the status.

Chief Olson stated the information was sent out and put on the City's webpage. Director Kaiser stated the information was presented at the July 7<sup>th</sup> Public Services and Safety Committee. Chief Olson will send Mr. Defferding the information again.

Ron Klatt, 202 Grant St., Neenah WI

Mr. Klatt spoke to the committee in regards to renaming of the slough. He provided background and history of the slough and suggested that there be a proclamation renaming the slough to the Hunt River.

Aldersperson Lendrum stated she would support the idea of a proclamation of informally naming the slough. Aldersperson Lang asked Mr. Klatt what his goal is for renaming of the slough. Did he want signage? Did he want people to use the new name and if so what are his ideas to make that happen.

Mr. Klatt responded stating he would like to see signage along Winneconne Avenue, Cecil Street and Main Street. The name would only be for the part of the slough that is in the city's boundaries. Aldersperson Boyette stated she had talked with Traffic Engineer Merten regarding the cost of placing signs along the slough and he said it would be minimal.

Aldersperson Bates likes the idea of taking the negative connotation away by renaming the slough. She stated it could make it more inviting for people to use for recreational purposes and attract potential developers. She would like the name to only be for the part of the slough that is in the city.

Aldersperson Spellman stated she also likes the idea of renaming the slough and taking away the negative connotation that the word slough brings. She is afraid of inconsistencies across jurisdictions so she too would like the renaming to be only for the part that is within city boundaries. She added though, she is not sure the renaming is going to have the impact we are looking for market wise if it is not changed on maps.

Aldersperson Stevenson expressed that he was excited when this idea was brought up in 2012. Now Mr. Klatt is presenting some valid points and good ideas. He would support the renaming but only within the city boundaries.

Aldersperson Bates would like to see a copy of the original report that was done by the Parks and Recreation Department. Aldersperson Boyette stated that Community Development Department has the report. Aldersperson Bates will put this on a future agenda after all the information has been collected.

#### Revocable Occupancy Permit 617 E Wisconsin Ave:

Aldersperson Lendrum was disappointed that the property owner was not at the meeting to answer questions.

Deputy Director Schmidt stated he talked with the owner's representative who told him that he had shared what he wanted to at the Common Council meeting. The representative stated that the owner made it clear this was his request and he was not willing to change it. Deputy Director Schmidt stated if Committee and Council decides to not approve the revocable occupancy permit, the current fence will remain.

Aldersperson Bates stated that this agenda item should be brought back at a future meeting when the property owner can attend. She stated that she wanted to address the fence on

the Wisconsin Avenue side of the property in addition to the fence on S. Park Avenue. Deputy Director Schmidt reiterated that this item has nothing to do with the Wisconsin Avenue fence. He further stated that this revocable occupancy permit does not set a precedent. Alderperson Bates did not agree.

Mayor Kaufert noted that, in his discussions with the owner's representative, the owner expressed his intention of installing the same type of fence along the Wisconsin Avenue side of his property. Alderperson Bates stated she would like to deal with both of the fences at the same time. Deputy Director Schmidt stated that the difference with the fence along the Wisconsin Avenue side of this property, which is also in the city right-of-way, is that there is a high probability that it can be moved back onto the owner's property, whereas the fence on S. Park Avenue cannot. The situations are not the same.

Alderperson Stevenson expressed support for the revocable permit. He feels the original fence was put up years ago and has not affected city infrastructure.

Officer Zuehls stated that, from a crime prevention through environmental design standpoint, the current fence is in poor condition and does nothing to prevent access to the owner's property. He stated that a new fence would be better at discouraging access to this property.

Alderperson Bates asked Director Kaiser about the future plans of the sidewalk along Wisconsin Avenue and if the fence on the Wisconsin Avenue side of this property will impede the Wisconsin Avenue sidewalk installation included in the Lakeshore Avenue project. Director Kaiser stated the current sidewalk plans included in that project will not be affected by the fence.

Motion/Second Lendrum/Bates to table discussion of the Revocable Occupancy Permit 617 E Wisconsin Avenue.

Ald. Stevenson requested Unanimous Consent to suspend the rule restricting discussion of a tabling motion. Request failed 3-2 (Alderpersons Lendrum and Bates voting no).

The motion to table was on the floor. **Motion passed** 3-2 (Alderpersons Lang and Stevenson voting no).

Ord 20-16 Amending Sec. 22-323 Stormwater Performance Standards:

Assistant City Attorney Westbrook reviewed the ordinance changes. He noted that the changes to the code are intended to bring the code in conformance with actual practice. The first change clarifies our practice relative to the threshold of impervious area requiring water quality best management practices. The interpretation of this section came up recently with the Lakeshore project. Our ordinance has always been interpreted to mean 20,000 additional square feet of impervious surface. The second change is in the exemption section regarding multi-modal trails. The DNR separates trails and other projects. We need to follow the DNR regulations with protected areas, so by adding this

language to the ordinance we are just incorporating the DNR rules we already have to follow.

Aldersperson Stevenson asked for clarification of the differences between the Arrowhead Park project and the Lakeshore Avenue Project. Assistant City Attorney Westbrook stated the Arrowhead Park project had more than 20,000 square feet of additional impervious surface for the trail. The Lakeshore project is under 20,000 square feet of additional impervious surface including the road and the trail.

Mayor Kaufert asked if changing this ordinance now will hurt the ongoing litigation on the Lakeshore Avenue Project. Assistant City Attorney Westbrook stated it will not. The ordinance changes are to match our past practice.

Report Following discussion, **Motion/Second/Carried Stevenson/Lang to recommend Council approval of Ord 20-16 Amending Sec. 22-323 Stormwater Performance Standards.** All voting aye.

Ord 20-17 Creating Sec. 11-57 Metal Detectors Prohibited on Public Lands and Right-of-Way:

Assistant City Attorney Westbrook reviewed his memo regarding the creation of Section 11-57 to Ordinance 20-17 prohibiting the use of metal detectors on public property. This new section was created after a recent discussion with the State and Tribal representatives on Lakeshore Avenue. Their concern is with people digging in burial areas. Lakeshore Avenue is considered a burial area and Kimberly Point Park is a likely burial area also. He further stated there are exemptions, where a no cost permit can be taken out if there is a real need to use a metal detector. Director Kaiser followed up that any public utilities that are not city owned are required to take out a Street Excavation Permit to work in the city right-of-way. We can make this a condition of their permit.

Mayor Kaufert was glad to see there is an exemption in the ordinance. He further stated he would like to see the ordinance allow metal detectors but ban the digging on city and park land. Assistant City Attorney Westbrook stated the committee has the authority to amend and add whatever language they deem is appropriate.

Director Kaiser stated that Parks Superintendent Fink informed him that there are park rules that prohibit digging in city parks. Aldersperson Bates asked if the park rules are part of the ordinance. Assistant City Attorney Westbrook stated the ordinance includes language that the Park Commission oversees the parks but the rules that Director Kaiser talked about are not in the ordinance.

Aldersperson Bates would like to see all the parks, except for Kimberly Point Park, as an exemption to the ordinance. Aldersperson Stevenson questioned why we were entertaining the idea of banning the use of metal detectors in the parks if we have already addressed the issue of banning digging on city land and parks through the park rules. Assistant City Attorney Westbrook clarified that Lakeshore Avenue falls under state law that prohibits any metal detector use and digging on a cataloged burial site. When talking with the tribal

representatives, their concern was with Kimberly Point Park, which does not fall under state law, because of the proximity to Lakeshore Avenue. After discussion with staff Kimberly Point Park and all the other parks were included in the ordinance too.

Aldersperson Stevenson stated that he did not support the ordinance as written banning the use of metal detectors in all city parks.

Aldersperson Lang agreed with Aldersperson Stevenson and Aldersperson Bates. She further stated she has concerns with Riverside Park not being part of this ordinance because it has similar characteristic to Kimberly Point Park, she still feels this ordinance is too strict and reactive because of the Lakeshore Avenue Project.

Following discussion, **Motion/Second/Carried Stevenson/Spellman to refer the proposed ordinance back to staff to amend the language to allow metal detector use on public land and city parks with the exception of Kimberly Point Park and have Lakeshore Avenue fall under the state jurisdiction.** All voting aye.

#### 3<sup>rd</sup> Quarter 2020 Statistics for the Neenah Police Department:

Chief Olson reviewed the 3<sup>rd</sup> Quarter Statistic Report. He stated a lot of the data is COVID-19 driven. He reviewed the significant decrease in accidents, reckless driving and OWI's. He attributes this to COVID-19. He noted that the Crime Prevention statistic is much higher than this same time in 2019. He stated that this includes officers who are patrolling, checking doors, walking by hotels and parks and more. He reviewed Overdoses and Drugs. He said the numbers are down because we are stopping fewer cars which is where the majority of the trafficked drugs are found.

Mayor Kaufert asked Chief Olson about the solution to all the graffiti taking place in the city. Chief Olson responded that officers are patrolling the parks more. They are also looking at cameras for the parks. He noted the logistics and costs related to installing cameras. Aldersperson Lendrum suggested looking at the camera that is used at the Neenah- Menasha Waste Water Treatment Plant along the Loop the Lake Trail. Aldersperson Spellman stated that the City of Detroit has started a program called the Green Light Project. This project is a collaboration between the city and businesses. Businesses can volunteer to put up cameras on their store fronts that are then available to the police department. She would like Police Department research this option before purchasing cameras. Chief Olson stated that they are already working on this option. The Police Department is creating a data base of the available cameras.

Chief Olson reviewed the Unified Crime Report. He reviewed in detail the Traffic Citations, Traffic Warnings, OWI arrests, Parking Citations and Accidents. He especially noted the locations of where accidents are occurring. He noted the number of traffic accidents taking place in round-a-bouts are decreasing as drivers become more familiar with them. He reviewed Drug Overdoses. Overdoses have become more related to Covid-19 than actual drug use.

Chief Olson discussed the Open Record Requests in detail. He stated since Marcy's Law was passed the open records requests have become overwhelming for staff. They have

gone from a part-time person to a full time person handling all the requests and have had to assign additional staff to assist the full time person. He stated some of these requests can take a full shift to complete because of the media type in these records and redaction required. There have been 836 open record requests in the 3<sup>rd</sup> Quarter.

Aldersperson Stevenson questioned who was making the background check requests. Chief Olson responded that most of those are employers and insurance companies. Aldersperson Stevenson asked for detail information of who is requesting the background checks. Assistant Chief Bernice stated that the majority are employers.

Licenses:

Liquor License Review Subcommittee of the Public Service & Safety Committee recommends the Committee approve the Retail "Class B" License Application for Rolling Thunder Lanes LLC, d/b/a Rolling Thunder Lanes, 934 Byrd Ave, Neenah, William Smith, Agent, for the 2020-2021 licensing year.

Following discussion, **Motion/Second/Carried Stevenson/Lang to recommend Council approve the Retail "Class B" License Application for Rolling Thunder Lanes LLC, d/b/a Rolling Thunder Lanes, 934 Byrd Ave, Neenah, William Smith, Agent, for the 2020-2021 licensing year.** All voting aye.

Public Works General Construction and Department Activity:

- 1) Contract 7-19 (Breezewood Sanitary Sewer) – Work is complete.
- 2) Contract 1-20 (Abby, Bond, Center, Clybourn) Utility work is complete. Paving on Bond is scheduled for 10/9. The other streets will follow.
- 3) Contract 2-20 (Utilities - Van, Monroe) – Work is complete. A final estimate is being prepared.
- 4) Contract 3-20 (Street - Van, Monroe, Gillingham)
  - a) Gillingham, Van, Monroe, Cavalry – Work is complete.
  - b) Shootingstar – Work is on hold pending resolution of boundary issues. A CSM is being prepared.
- 5) Contract 4-20 (Green Bay, Tullar, Marathon)
  - a) Tullar, Marathon – Work is complete.
  - b) Green Bay – Water main work is complete. Concrete pavement was placed on the east side of the street. Pavement along the west side will be placed the week of October 12. Aldersperson Stevenson asked Director Kaiser when traffic will be able to flow both ways. Director Kaiser stated paving could be done in the next two weeks. After that is done pavement marking will need to be done.

- 6) Contract 5-20 (Utilities - Lakeshore) – Utility work is complete except for the northernmost storm sewer outfall.
- 7) Contract 6-20 (Millview Drive Utility Relocation) – Mainline storm sewer and sanitary sewer relocation is complete. Some miscellaneous utility work and pavement repair remains.
- 8) Contract 7-20 (Fire 32 Roof) – Work is complete except for replacement of the skylights, which are on order.
- 9) Contract 9-20 (Misc. Asphalt Pavement Repairs) – Work has not been scheduled.
- 10) Contract 10-20 (Misc. Concrete Pavement and Sidewalk Repair) – Work is nearly complete for the year.
- 11) Contract 11-20 (Street - Lakeshore) – Archaeology investigation is ongoing. Monitored excavation is scheduled to start on October 12.
- 12) Building Manager – Pat Fischer has announced his retirement after more than 26 years with the city. A request to fill the position is being taken to the October 12 F&PC meeting. Alderperson Stevenson noted that the Committee authorized filling the position.
- 13) Recycling/Refuse Guide – Staff is doing its annual update to the guide. If there are any areas that you feel need clarity, let us know.
- 14) Electronics Recycling – We have an e-waste event at the Tullar Garage on October 17. There is no sponsorship for item charges. The event flyer is attached.

Adjournment: **Motion/Second/Carried Lendrum/Stevenson to adjourn at 9:07 p.m.** All voting aye.

Respectfully submitted,



Lisa Mroczkowski  
Public Works Officer Manager



I wish to thank the Public Services and Safety Committee and the Mayor Kaufert for the opportunity to update you on my vision for The Slough. I also want to extend my heartfelt thanks to aldermen Cari Lendrum and Kathy Boyette who have helped me with this journey. I will briefly talk about four things: 1. The history of The Slough 2. Why the name should be changed 3. What I believe it now should be called. 4. How I came to this decision.

### 1. THE HISTORY:

From reviewing books, documents, and maps I learned that the slough has been called The Slough since 1847. In Cunningham's 1878 book it says "We soon thought about some way to get across the Neenah Slough" I have a 1909 map designating the waterway as The Slough.

The first time The Slough was involved in a possible name change was 1961-62 when the term Stoney River was presented to the Winnebago County Board by the Neenah Council, who had petitioned the Health Education and Welfare Department to change Neenah Slough back to Stoney River. This effort did not produce any official name change and I have found no maps with Stoney River listed on it. I learned about this effort through Cari Lendrum's facebook Slough page which she established in 2017. This is an excellent resource and many people have responded with their thoughts about The Slough on this page.

The second time was 50 years later in 2012. Laurie Olson, Superintendent of Recreation, headed a Name Selection Committee. I spoke to Laurie and she indicated that even though the name Neenah Creek was selected by the committee she did not forward it on. There was lack of enthusiasm for the new name and there were many local, county, and state obstacles that would have had to have been addressed and worked through. Also there is a Neenah Creek already near Oxford WI.

### 2. WHY A NAME CHANGE

By renaming The Slough home values could increase for the present homeowners along the waterway, as well as those who purchase homes in the future.

By renaming The Slough those who use non motorized crafts such as canoes and kayaks could be more attracted to this waterway

By renaming The Slough it would hopefully discourage an ongoing problem of the improper dumping of trash into the waterway

By renaming The Slough it would encourage the continuity of usage into Arrowhead and Washington parks. A rebranding of this waterway could coincide with the rebranding, rebuilding and expansion of these two Neenah parks.

By renaming The Slough it would promote a more desirable waterfront through the city and thus would be seen as an attraction rather than an aversion

### 3. WHAT SHOULD THE SLOUGH BE CALLED-- The Hunt River.

#### 4.HOW I CAME TO THIS CONCLUSION

I picked up the torch in 2017 when I discovered several postcards of the Hunt River- Neenah WI. Researching it with Jane Lang I discovered that Edward Hunt owned property where Fox Point is today He had a gas station and cabins to rent on The Slough during the 1920's into the 1940's. The 1946 Hunt subdivision and Hunt Ave were named after his family. Being an entrepreneur my guess is he renamed The Slough after himself to draw renters to his cabins. Neenah also had a Hunt grocery store, and the P& E Hunt family firm had agencies at points along the Fox River involved in the flour business. Before it was called Doty Island it was called Hunt Island by the natives. Nothing to do with Edward of course.I walked The Slough from Main street to Cecil Ave. knocking on all the doors of homes that border the slough on the east and west sides. When I presented the Hunt name instead of The Slough the home owners overwhelmingly said they would much prefer Hunt River over The Slough.

#### MY LAST THOUGHTS

During my research on The Slough and previous efforts regarding a name change I have come to the following conclusion.

1. It would be too difficult to change the whole length of The Slough to a new name. The city of Neenah, various Towns, Winnebago County, the state of Wisconsin and the Corps of Engineers would all have to be involved and agree. I'm sure you understand. A Proclamation might be a much better way to go.
2. It has to be just one name -not a selection process. I fervently believe that if the name of The Slough is to be changed, the new name should be historically connected to our city. Stoney River or Cobblestone Creek are pleasant sounding names, but they do not represent the struggle that families had in building our thriving city in which we now reside. I favor Hunt because of its historic connection to Neenah and it is the only other name I actually found that was ever attached to the waterway, albeit by Edward Hunt.



*Department of Community Development*  
211 Walnut St. • P.O. Box 426 • Neenah WI 54957-0426  
Phone 920-886-6126 • e-mail: bschmidt@ci.neenah.wi.us  
*BRAD SCHMIDT, AICP*  
*DEPUTY DIRECTOR OF COMMUNITY DEVELOPMENT*

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## M E M O R A N D U M

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**DATE:** August 20, 2020  
**TO:** Mayor Kaufert, and Members of the Public Services and Safety Committee  
**FROM:** Brad Schmidt, Deputy Director of Community Development  
**RE:** Revocable Occupancy Permit – 617 E. Wisconsin Avenue

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Michael Geall, owner of 617 E. Wisconsin Avenue, contacted the city with a request to occupy a small portion of the S. Park Avenue right-of-way. Following work conducted by WE Energies along S. Park Avenue last summer, the property owner replaced most of the landscape plantings along S. Park Avenue and had plans of replacing the existing 6-foot tall chainlink fence with a 6-foot tall wrought iron fence. The fence was proposed to be replaced in its current location which happens to be about 2 feet into the S. Park Avenue right-of-way. Due to the location of the new plantings and WE Energies ground equipment and underground infrastructure, the fence cannot be relocated back on the property. The proposed location of the new fence would be on the east side of the sidewalk and about 2 feet into the right-of-way as it has been located since at least mid-1970. The attached revocable occupancy permit is a formal way to allow the property owner to occupy the additional space in the right-of-way that is needed for the fence. If, in the unlikely event that the city needs the space for street or sidewalk purposes, the property owner can be required to remove the encroachment.

The revocable occupancy permit, location map, streetview photo, and property owner sketch is attached to this memo below. Staff has reviewed the request and determined that it can be granted without impact on the use of the sidewalk along S. Park Avenue.

**Staff recommends Council approval of the Revocable Occupancy Permit to Michael Geall for installation of a fence on S. Park Avenue for his property located at 617 E. Wisconsin Avenue.**

Site Location – 617 E. Wisconsin Avenue



Streetview – Existing fence along S. Park Ave



Property Owner Photo



Note from property owner:

Hi Brad, it's going to be difficult to move the fence from the existing location, because as part of the recent work along South Park by WE Energies replacing the overhead lines, WE Energies added a transformer just inside the existing fence. See the attached photo. They also drilled underneath the property in a line along that transformer, so any anchors for the fence would penetrate that line. They have granted us a letter to replace the existing fence, but not move it over their infrastructure.

-Mark Geall (Owner's son)

**REVOCABLE  
OCCUPANCY PERMIT**

RE6035 90 Ch. 84 Wis. Stats.

**Document No.**

Exempt from fees: s 77.25(2r)

|   |
|---|
| Occupant Name and Address:<br>Michael G. Geall<br>617 E. Wisconsin Avenue<br>Neenah, WI 54956 |
| Agency Name and Address:<br>City of Neenah<br>211 Walnut Street<br>Neenah, WI 54956           |
| Highway:<br>S. Park Avenue  |
| County:<br>Winnebago  |
| City:<br>Neenah   |

This space reserved for recording data.

Return to: City Attorney James Godlewski  
Neenah City Administration Building  
P.O. Box 426  
Neenah, WI 54957

Encroachment Location: That portion of S. Park Avenue described as being part of the Northeast ¼ of the Southeast ¼ and the Southeast ¼ of the Northeast ¼ of Section 27, Township 20 North, Range 17 East, being part of the right-of-way for S. Park Avenue, 1<sup>st</sup> Addition to Lakeview, City of Neenah, Winnebago County, Wisconsin, contained in the following:

*Lying westerly of the East line of S. Park Avenue;*  
*Lying easterly of the East edge of sidewalk as currently laid on S. Park Avenue, being approximately three (3) feet west of the east line of S. Park Avenue;*  
*Lying northerly of a line parallel to and 24.5 feet north of the extended line of Lot 2, First Addition to Lakeview;*  
*Lying southerly of the extended south edge of sidewalk as laid on E. Wisconsin Avenue, being approximately five (5) feet north of the south line of E. Wisconsin Avenue.*

Encroachment Description: Fence.

The use and occupancy of Highway right of way under this permit is conditioned upon the Occupant's compliance with these provisions:

1. This permit only authorizes the described encroachment to remain temporarily within the S. Park Avenue right-of-way.
2. In the event that the Agency deems it necessary to revoke this permit on the basis of a need to expand capacity or improve safety, the Agency reserves the right to give notice regarding the removal of the described encroachment. The Agency may terminate this permit upon thirty (30) days written notice to the Occupant. The Occupant shall remove the described encroachment maintained under this permit within the time specified in the notice.
3. In the event the subject property is subdivided into 2 or more separate parcels, the fence along S. Park Avenue shall comply with the regulations in place at time of subdivision.
4. If the Agency determines that the installation or use of the described encroachment authorized under this permit increases the difficulty of highway maintenance, creates conditions adverse to the best interests of the highway users, the general public, or presents a threat to highway safety, then the Occupant, upon notification by the Agency shall promptly remove the encroachment from the highway right of way.
5. Failure by the Occupant to comply with the provisions of this permit is cause for the Agency to terminate this permit and to require the Occupant to take immediate action to clear the right of way to a safe condition.
6. Issuance of this permit shall not be construed as a waiver of the Occupant's obligation to comply with any more restrictive requirements imposed by local ordinance.
7. Occupant shall provide the City with a Certificate of Liability Insurance naming the City of Neenah its officers, council members, agents, employees, and authorized volunteers as additional insured(s) with no exclusions in the form of General Commercial Liability Insurance. The Occupant agrees to indemnify the City for any applicable deductibles under the policy.
8. Occupant is responsible for the installation and all maintenance of the encroachment. Occupant shall obtain all necessary permits for the installation of the encroachment.

Approved for the City of Neenah

\_\_\_\_\_  
(Signature) (Date)  
\_\_\_\_\_  
(Print or Type Name)  
\_\_\_\_\_  
(Title)

State of Wisconsin )  
Winnebago County ) ss. \_\_\_\_\_  
(Date)

On the above date, this instrument was acknowledged before me by the named person(s).

\_\_\_\_\_  
(Signature, Notary Public, State of Wisconsin)  
\_\_\_\_\_  
(Print or Type Name, Notary Public, State of Wisconsin)  
\_\_\_\_\_  
(Date Commission Expires)

Approved for Occupant

\_\_\_\_\_  
(Signature) (Date)  
\_\_\_\_\_  
(Print or Type Name)  
\_\_\_\_\_  
(Title)

State of Wisconsin )  
\_\_\_\_\_ County ) ss. \_\_\_\_\_  
(Date)

On the above date, this instrument was acknowledged before me by the named person(s).

\_\_\_\_\_  
(Signature, Notary Public, State of Wisconsin)  
\_\_\_\_\_  
(Print or Type Name, Notary Public, State of Wisconsin)  
\_\_\_\_\_  
(Date Commission Expires)



*Dept. of Legal & Administrative Services*  
*Office of the City Attorney*  
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**ADAM JAMES WESTBROOK**  
*DEPUTY CITY ATTORNEY*

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## M E M O R A N D U M

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**DATE:** October 27, 2020  
**TO:** Chairwoman Bates and Members of the Public Services and Safety Committee  
**FROM:** Deputy City Attorney Adam Westbrook  
**RE:** Ord 20-17 Creating Sec. 11-57 Metal Detectors Prohibited on Public Lands and Right of Way

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Based on the conversations at the last Public Services and Safety Committee meeting, the ordinance has been amended to only disallow metal detectors at Kimberly Point Park, and along Lake Shore Avenue. As a reminder, there is also a state statute that prohibits metal detectors on Lake Shore Avenue, so this only acts as double coverage. Additionally, park rules forbid digging in any park and our municipal code prohibits digging in the right of way.

**An appropriate motion would be for the Committee to recommend Council approve Ordinance 2020-17 creating section 11-57 of the City Code prohibiting use metal detectors at Kimberly Point Park and along Lake Shore Avenue.**





211 Walnut Street  
Neenah, WI 54956

AN ORDINANCE: By Public Services & Safety  
Committee  
Re: Creating Neenah Code § 11-57 – Use of Metal  
Detectors Prohibited

ORDINANCE NO. 2020-17

Introduced: \_\_\_\_\_

Committee/Commission Action: \_\_\_\_\_

## AN ORDINANCE

The Common Council of the City of Neenah, Wisconsin, do ordain as follows:

**Section 1.** Section 11-57 of the Code of Ordinances of the City of Neenah is created to read as follows:

**Sec. 11-57 Use of Metal Detectors Prohibited**

- (a) Definitions. As used in this section, the following terms shall have the meanings indicated:  
**Metal Detectors:** Any device that gives an audible or other signal when it is close to metal, typically used to search for lost or buried items.
- (b) The use of metal detectors at Kimberly Point Park or along Lakeshore Avenue is prohibited.
- (c) Exception. If the City, after hearing evidence indicating a strong necessity, finds that a metal detector must be used, the Director of Public Works, Director of Parks and Recreation, or the City Attorney may issue a no-cost permit to the requesting party for the specific location required to be searched.
- (d) Penalties: Any person who shall violate this section shall pay a forfeiture of \$200 plus costs.

**Section 2. Severability.** In the event any section, subsection, clause, phrase or portion of this ordinance is for any reason held illegal, invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remainder of this ordinance. It

is the legislative intent of the Common Council that this ordinance would have been adopted if such illegal provision had not been included or any illegal application had not been made.

**Section 3. Repeal and Effective Date.** All ordinances or parts of ordinances and resolutions in conflict herewith are hereby repealed. This ordinance shall take effect from and after its passage and publication.

Moved by: \_\_\_\_\_

Adopted: \_\_\_\_\_

Approved: \_\_\_\_\_

Published: \_\_\_\_\_

Approved:

\_\_\_\_\_  
Dean R. Kaufert, Mayor

Attest:

\_\_\_\_\_  
Stephanie A. Cheslock, City Clerk

THIS INSTRUMENT WAS DRAFTED BY:  
Deputy City Attorney Adam J. Westbrook  
211 Walnut Street  
Neenah WI 54956  
State Bar No. 1098561



For Office Use Only

- New License (\$60)  Renewal (\$60) Year Ending: **June 30, 2022**
- Provisional (\$15) Good for 60 Days Period Ending: \_\_\_\_\_
- Temporary (\$10) Expires with event Period Ending: \_\_\_\_\_
- Duplicate License (\$10)  Pick-up License
- Mail License

Receipt No: 57195 Amt. Paid: \$ 60 Account Code: **OP**

Application For Beverage Operator's License

AGENTS OF CORP/LLC DO NOT NEED A BEVERAGE OPERATOR LICENSE

Answer all questions completely and correctly. Please print

Name: John (First) R. (Middle Initial) Manchester (Last)

Street Address: 845 Congress St, Apt 4 City: Neenah State: WI Zip Code: 54956

DOB: 05/29/1985 Sex: Male Driver's License Number: M522-4768-5189-07

All Previous names: \_\_\_\_\_ Home Phone: \_\_\_\_\_

Where will you be working: Cranky Pat's Pizzeria Cell Phone: 920-268-8546

Have you ever had an Operator's (Bartender's) License?  Yes  No If yes, where? \_\_\_\_\_

Have you **EVER** been convicted of a felony?  Yes  No

If yes, when, where and what type of violation? Please be specific. \_\_\_\_\_

Have you been convicted of a misdemeanor or ordinance violation in the **past five (5) years** (e.g. speeding, OWI, disorderly conduct, driving without a license, etc.)?  Yes  No

If yes, when, where and what type of violation? Use the back of this sheet if more room is required. back of sheet

Have you **EVER** been convicted of any violation of the Wisconsin Statutes and/or federal law pertaining to the sale of alcoholic beverages and/or the manufacture, possession or deliverance of a controlled substance?  Yes  No

If yes, when, where and what type of violation? Use the back of this sheet if more room is required. \_\_\_\_\_

I certify that I have no delinquent taxes, assessments, other claims including but not limited to water bills in whole or part owed to the City of Neenah or any delinquent forfeiture resulting from a violation of any City ordinance.

I further certify that I am familiar with the laws, ordinances and regulations pertaining to the sale of malt and liquor beverages and I hereby agree, if granted said license, to obey all provisions of said laws.

Under penalty of law, I swear that the information provided in this application is true and correct to the best of my knowledge and belief and if the information on this application is incomplete or incorrect my application will be denied.

I, the applicant for this license/permit hereby consent to the release of my customer information to the City of Neenah from the Neenah Utilities for the purpose of processing my application.

[Signature]  
Applicant Signature

9/24/20  
Date

Applicant meets guidelines for issuance of Beverage Operator's License.

- Has taken Responsible Beverage Server Training Course or held a license within the past 2 years
- No outstanding Court forfeitures (Patty K)
- No parking tickets (Tina L)
- No delinquent claims (Patie F)
- Police Background Check completed
- No Delinquent Water Bill (Julie)

Approve: [Signature] Reject: \_\_\_\_\_

Clerk/Deputy Clerk Signature: \_\_\_\_\_ Date: 09/29/2020

- within 5 years -

2016CT000082 - 01/09/2016 - operating w/o Carry license

- Just outside of 5 years -

2015CT000345 - 05/01/2015 - OWI (3rd)



Re: BeverageOperatorLicense - John R Manchester - 845 Congress St, apt 4,  
Neenah WI 54956 

Laurie K Krueger to: David A Lopez Velez  
Cc: Thomas H Van Sambeek

09/28/2020 08:40 AM

John is denied.

Per the email from Adam Westbrook on 08/13/2020:

*Any person who has 3 or more OWI's, with the most recent OWI being in the past 10 years will be denied.*

*Examples: 2 OWIs in the 80s and 1 in 2018. 3 total, the most recent being in 2018 = denial  
1 OWIs in the 80s, 1 in the 90s and 1 in 2007. 3 total, the most recent is longer than 10  
years ago = approve (subject to the other parameters)*

John has three OWI's with the most recent two within the past ten years:

2009: 1st  
2012: 2nd  
2015: 3rd

I have attached the CCAP cases for the last two OWI's as well as for one traffic violation in 2016. Please let me know if you have any questions.

Have a great day!

Laurie Krueger  
Open Records Clerk  
Neenah Police Department



2012CT001051 Case Details in Winnebago County\_Manchester.pdf



2015CT000345 Case Details in Winnebago County\_Manchester.pdf



2016CT000082 Case Details in Winnebago County\_Manchester.pdf

*CONFIDENTIALITY NOTICE: This electronic mail transmission and any attachments may contain information belonging to the sender, which may be confidential and legally privileged. This information is intended for the use of the individual to whom this electronic mail transmission was intended. If you are not the intended recipient, reading, copying, or distributing the contents of this transmission is prohibited. If you have received this information in error, please notify the sender immediately and delete this message.*

David A Lopez Velez Good Afternoon, please see attached,

09/24/2020 03:59:15 PM

From: David A Lopez Velez/Neenah  
To: Lynn M Heider/Neenah@Neenah, Julie A Rosenau/Neenah@Neenah, Patie J Freimuth/Neenah@Neenah, Patty S Kunde/Neenah@Neenah, Brandia L Kutchek/Neenah@Neenah, Laurie K Krueger/Neenah@Neenah, Carrie M

Date: Marose/Neenah@Neenah, Andrew W Kahl/Neenah@Neenah, Amber M Adams/Neenah@Neenah  
09/24/2020 03:59 PM  
Subject: BeverageOperatorLicense - John R Manchester - 845 Congress St, apt 4, Neenah WI 54956

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Good Afternoon,

please see attached,

Thank you,

David Lopez  
Deputy City Clerk  
211 Walnut Street,  
Neenah, WI 54956  
920-886-6110

dlopezvelez@ci.neenah.wi.us

[attachment "JohnRManchester.pdf" deleted by Laurie K Krueger/Neenah]



Dept. of Legal & Administrative Services  
Office of the City Clerk  
211 Walnut St. • P.O. Box 426 • Neenah WI 54957-0426  
Phone 920-751-4602 • Fax 920-751-5282  
e-mail scheslock@ci.neenah.wi.us  
Stephanie Cheslock  
CITY CLERK

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**CERTIFIED MAIL**

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September 29, 2020

John R Manchester  
845 Congress St, Apt 4  
Neenah WI 54956

RE: Beverage Operator License Application  
Notification of Denial – Habitual Offender

Dear Mr. Manchester:

This letter is in regards to your recent application for a Beverage Operator License with the City of Neenah. The Neenah Police Department has completed their background investigation and has recommended denial of your application due to your status as a habitual offender status based on the following citations:

- 2012: 346.63(1)(a) OWI (2<sup>nd</sup>)
- 2012: 346.63(1)(b) Operating w/ PAC (2<sup>nd</sup>)
- 2015: 346.63(1)(a) OWI (3<sup>rd</sup>)
- 2015: 346.63(1)(b) Operating w/ PAC (3<sup>rd</sup>)
- 2016: 343.18(1) Operate w/o Carrying License

You may appeal the Neenah Police Department decision by filing a notice of appeal with the City Clerk within **10 days** from the date of this written notice of denial. The appeal shall be stated in writing and shall state in detail the grounds for reversal of the license denial by the Neenah Police Department and shall be signed by the applicant. This appeal would be heard at the next Public Service and Safety Committee meeting.

If you have any questions, please feel free to call me at (920) 886-6110.

Sincerely,

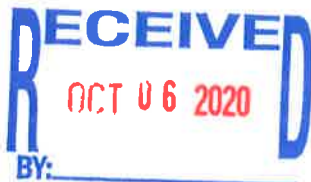
Stephanie Cheslock  
City Clerk



To whom it may concern:

I'm writing to you on behalf of John Manchester's appeal for a bartender's license. He has worked for me at Cranky Pat's since October of 2003. While aware of John's past infractions with the law, I have full confidence in his ability to tend bar safely and responsibly. I believe his military and management experience is what our business needs to continue to thrive and be successful. In the unusual times; John, not only as a member of our management team, but as a bartender would substantially help in our scheduling and training of future responsible bartenders. Thank you for your time and concern.

David Earle  
Cranky Pat's Pizzeria and Pub



**Neenah**  
905 S. Commercial Street  
Neenah, WI 54956  
Phone: 920.725.2662

**Green Bay**  
709 Bellevue Street  
Green Bay, WI 54302  
Phone: 920.468.7777

**Oshkosh**  
100 N. Main Street  
Oshkosh, WI 54901  
Phone: 920.230.PATS (7287)



To the Public Service and Safety Committee:

I'm writing to you in regards to my denial of a bartender's license on September 29, 2020. I understand I have been labeled a Habitual Offender do to:

- 2012 OWI (2nd)
- 2012 Operating w/ PAC (2nd)
- 2015 OWI (3rd)
- 2015 Operating w/ PAC (3rd)
- 2016 Operate w/o Carrying License

I will not argue these charges. It was not my intention to hide any of this info or try to sneak it by the background check. For 6 of my 8 years I was in the army as a medic, I had a hard time dealing with my depression and obviously had made some horrible choices. Since that time and the past 4 years I haven't had any infractions with the law and I have excelled at the job I have. I currently am one of our restaurant managers at Cranky Pat's Pizzeria. As part of my job, I'm required to obtain a tenders license and hence the appeal. I believe the experiences I have had and now my 17 years of restaurant knowledge is what I need to be a safe and responsible bartender. We currently are struggling as a business to hire reliable and responsible people to work in our bar and I feel obtaining a license would strengthen our ability to train future responsible employees. Currently I have a valid driver's license due to it being more than 5 years past my last OWI. I Have taken the bartender's Safe Serving and the Management of Others Safe Serving courses. I am in a place in my life where I need to be as driven as I can and having this license will open opportunities here for me. Having the ability to pick up extra hours in our bar (currently the only busy place of our restaurant) will be beneficial for my son and my family. In Neenah, we may require being under the legal limit to serve alcohol, at my business we are not allowed at all to consume. I take pride in doing what is right and following the rules. I have learned a lot from my previous choices in life and have done a lot to turn myself to the right path. I hope that upon reading this appeal you will understand what expanding my job qualifications can do for my family. I appreciate your time and consideration of my appeal.



John R. Manchester

10/5/20





Dept. of Legal & Administrative Services  
Office of the City Clerk  
211 Walnut St. | P.O. Box 426 | Neenah WI, 54957-0426  
Phone 920-886-6101 | Fax 920-886-6109  
scheslock@ci.neenah.wi.us  
STEPHANIE CHESLOCK  
CITY CLERK

October 9, 2020

John R Manchester  
845 Congress St, Apt 4  
Neenah, WI 54956

Re: Denial of Bartender License  
**Notice of Hearing: Tuesday, October 27, 2020**  
Virtual Meeting

Dear Mr. Manchester:

Your appeal of the denial of your bartender license application has been scheduled for a hearing before the Public Services & Safety Committee as captioned above. A copy of the background check results are enclosed here and will be presented to the Committee. You must attend for the hearing to occur. You should be prepared to present testimony regarding your appeal.

By way of background, the hearing will be similar, but less formal than a court hearing. The Deputy City Attorney will present his case first, you will have an opportunity to cross examine the City's case and witnesses. Then you will have an opportunity to present your response, including any witnesses or documents you wish for the committee to consider. The committee may also ask questions of witnesses during the course of the hearing.

After the hearing is concluded, the Committee may convene in closed session to deliberate the case. Their decision is final. Any appeal of the Committee's decision would be to the Circuit Court for Winnebago County.

Should you have questions, please contact me.

Sincerely,

Stephanie Cheslock  
City Clerk

cc: Deputy City Attorney Westbrook  
Lisa Mroczkowski, PSSC



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## M E M O R A N D U M

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**DATE:** October 23, 2020  
**TO:** Mayor Kaufert and Members of the Public Services and Safety Committee  
**FROM:** Gerry Kaiser, Director of Public Works  
**RE:** Public Works General Activity

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- 1) Contract 7-19 (Breezewood Sanitary Sewer) – Work is complete. A final pay request is being taken to the Board of Public Works.
- 2) Contract 1-20 (Abby, Bond, Center, Clybourn) - Utility work is complete. The lower course of pavement has been placed on Bond, Center and the west half of Abby.
- 3) Contract 2-20 (Utilities - Van, Monroe) – Work is complete. A final estimate is being prepared.
- 4) Contract 3-20 (Street - Van, Monroe, Gillingham)
  - a) Gillingham, Van, Monroe, Cavalry – Work is complete.
  - b) Shootingstar – Work is on hold pending resolution of boundary issues. A CSM is being prepared.
- 5) Contract 4-20 (Green Bay, Tullar, Marathon)
  - a) Tullar, Marathon – Work is complete.
  - b) Green Bay – Water main work is complete. Concrete pavement is done with the exception of a gap in the northbound lane. Concrete driveway aprons and sidewalk are ongoing. Terracing has been completed on the west side and about half of the east side. Asphalt aprons are scheduled for the week of October 26.
- 6) Contract 5-20 (Utilities - Lakeshore) – Utility work is complete.
- 7) Contract 6-20 (Millview Drive Utility Relocation) – Utility work and concrete pavement repairs are complete. Asphalt pavement paving on Millview Drive is scheduled for late in the week of October 26.
- 8) Contract 7-20 (Fire 32 Roof) – Work is complete.
- 9) Contract 9-20 (Misc. Asphalt Pavement Repairs) – Work has not been scheduled.
- 10) Contract 10-20 (Misc. Concrete Pavement and Sidewalk Repair) – Work is nearly complete for the year.
- 11) Contract 11-20 (Street - Lakeshore) – Archaeology mitigation is complete. Monitored excavation is scheduled to resume on October 26. This work is being staged to maximize the availability of access to the residents. In looking at the work remaining, the most likely project status at the conclusion to this construction season is that the roadway and trail areas are excavated and graveled. This is based on the expectation that asphalt plants will close around November 20. After the monitored excavation is complete and the burial features within the roadway are addressed, the contractor has about two weeks of excavation and graveling, which will put us very near the time of plant shutdown. If weather allows, additional progress on the project may be made. We will be discussing the full schedule with the contractor in the coming week.