



City of Neenah
COMMON COUNCIL AGENDA (1)
Wednesday, April 5, 2017 - 7:00 p.m.
Neenah City Hall
Council Chambers

- I. Roll Call and Pledge of Allegiance.
- II. Introduction and Confirmation of Mayor's Appointment(s).
 - A. Mayor Kaufert's appointment of Brian Gajewski to fill the expired term of Gina Louis on the Business Improvement District (BID) Board, term to expire December 2019. (Motion to confirm) **(RollCall-Pro) (2)**
 - B. Swearing in
- III. Approval of Council Proceedings of August 3 & 17, 2016, September 21, 2016 & March 15, 2017 regular session and special session. (Proceedings and Minutes can be found on the City web site) **(RollCall-Pro) (3, 4, 5, 6, 7, 8, 9, 10, 11 & 12)**
- IV. Public Hearings. (None)
- V. Plan Commission report pertaining to the public hearings. None.
- VI. Public Forum.
 - A. Speakers should give their name and residential address (not mailing address) and are allowed five minutes to speak on any topic.
- VII. Mayor/Council consideration of public forum issues.
- VIII. Consent Agenda.
 - A. Approve Beverage Operator License Applications for: James J. Carter, Jenna M. Kuepper, Jennifer L. Lee, Polly S. Lund, Alexi J. Quinn, Amanda R. Rausch, Andrea L. Sword and Caura E. Winters. **(PSSC)**
 - B. Approve Beverage Operator License Application (new) for Karly M. Coopman contingent upon payment of a delinquent utility bill of \$190.23 and any other outstanding City fees. **(PSSC)**
 - C. Approve the Street Use Permit for the Minds Matter! Event, Autumn Grimm, N282 Stoney Brook Rd, Ste. D, Appleton, to be held on September 16, 2017, in the Church Street Ramp, 135 N. Church Street, contingent upon receipt of a certificate of liability insurance, confirmation by the Traffic Engineer of coordination with Alta Resources and Plexus Corporation, and use of a wristband arrangement for alcohol sales. **(PSSC)**
 - D. Approve the Temporary Class "B" Retail Beer/Wine License to A-mazing Events, LLC, N282 Stoney Brook Road, Ste D, Appleton, for the Minds Matter! Event to be held on September 16, 2017, in the Church Street Ramp, 135 N. Church Street. **(PSSC)**
 - E. Approve the Street Use Permit for the Community First Fox Cities Marathon & 5K, sponsored by the Community First Fox Cities Marathon, Jesse Drake, 2616 S. Oneida Street, Appleton, to be held September 22-24, 2017. **(PSSC)**

- F. Approve the Street Use Permit for the JDRF One Walk, sponsored by the Juvenile Diabetes Research Foundation, Dana Paschen and Julie Feest, 1800 Appleton Road, Ste. 2, Menasha, to be held on May 20, 2017, contingent upon receipt of a certificate of liability insurance and permit payment. **(PSSC)**
 - G. Approve the Street Use Permit for the Memorial Day Parade sponsored by the Nicolet Post 2126 Menasha VFW, Dave Mix, 1427 Baytree Lane, Neenah, to be held on May 29, 2017. **(PSSC)**
 - H. Approve the Street Use Permit for CommunityFest 2017, sponsored by the City of Neenah, Mike Kading, 211 Walnut Street, to be held on July 3-4, 2017. **(PSSC)**
 - I. Approve the Street Use Permit for the Neenah High School Homecoming Parade, Vicki Strebel, 1275 Tullar Road, Neenah, to be held on September 29, 2017. **(PSSC)**
 - J. **(RollCall-Pro)**
- IX. Reports of standing committees.
- A. Regular Public Services and Safety Committee meeting of March 28, 2017: (Chairman Bates) (Minutes can be found on the City web site) **(13)**
 - 1. Committee recommends Council adopt Ordinance 2017-05B, as amended, creating Chapter 3, Article IV Permitting Bee Keeping. **(RollCall-Pro) (13.1)**
 - 2. Committee recommends Council approve the purchase of the Castle Oak play equipment proposal #2 from Lee Recreation, Cambridge, in the amount of \$64,300. **(RollCall-Pro)**
 - 3. Committee recommends Council approve the purchase of the Carpenter Preserve play equipment proposal #2 from Lee Recreation, Cambridge, in the amount of \$64,000. **(RollCall-Pro)**
 - 4. Committee recommends Council approve 2017-08 Repealing and Recreating Article IV of Chapter 22, Construction Site Erosion Control and Post-Construction Storm Water Management with the modifications as noted by City Attorney Godlewski. **(RollCall-Pro) (13.2)**
 - B. Regular Finance and Personnel Committee meeting of March 27, 2017: (Chairman Pollnow) (Minutes can be found on the City web site) **(14)**
 - 1. Committee recommends Council approve the Castle Oak V Development Agreement. (To be acted on following a report from the Board of Public Works meeting of March 30, 2017)
 - 2. Committee recommends Council approve the 2016 Operating Budget Carry Forwards to 2017 requests for a total carry forward of \$55,000 as follows
1). Community Development/Weights and Measures - \$16,000 for Outside Services-Code Compliance; 2). Community Development/Weights and Measures - \$2,000 for Capital Equipment-Computer Equipment and 3). Public Works/T.V. Sanitary Sewers - \$37,000 for Outside Services. **(RollCall-Pro)**
 - 3. Committee recommends Council approval to purchase a replacement storage solution, necessary networking equipment, a new Hewlett Packard server and associated licenses for the Redundant Data Center for a cost not to exceed \$99,400. This cost includes equipment, implementation services, a three-year warranty and staff training. Funding for this purchase consists of \$72,000 approved in Information System's 2016 Capital

- Equipment budget and \$27,400 approved in Information System's 2017 Capital Equipment budget. **(RollCall-Pro)**
4. Committee recommends Council approval of the purchase of Cemetery Information Management System (CIMS), from Ramaker and Associates at a cost not to exceed \$48,000 to be funded by \$50,000 approved in the 2017 Oak Hill Cemetery Facility CIP budget. This cost includes software licenses, implementation services, training and first year maintenance costs. **(RollCall-Pro)**
 5. Committee recommends Council approval of Phase II Engineering Agreement for Loop the Lake with Graef USA in the amount not to exceed \$61,300, with the cost to be funded from the Loop the Lake project budget within the City Capital Project Facilities Fund. **(RollCall-Pro)**
- X. Reports of special committees and liaisons and various special projects committees.
- A. Regular Plan Commission meeting of March 28, 2017: (Council Rep Lang) (Minutes can be found on the City web site) **(15)**
 1. Commission recommends Council approve the Final Plat of the Castle Oak V Subdivision subject to the inclusion of a storm sewer easement between Lots 176 and 177. (To be acted on following a report from the Board of Public Works meeting of March 30, 2017)
 - B. Neenah-Menasha Fire Rescue Joint Finance & Personnel Committee meeting of March 28, 2017: (Council President Stevenson) (Minutes can be found on the City web site) (Vice Chairman Stevenson)
 1. Committee recommends that the City of Neenah and City of Menasha Common Councils approve filling the vacated firefighter position as soon as possible. **(RollCall-Pro) (16 & 16.1)**
 - C. Board of Public Works meeting of March 30, 2017: (Vice Chairman Hillstrom) (Minutes can be found on the City web site) **(17)**
 1. Council Action Items:
 - a) The Board recommends Council award Contract 3-17 Parking Lot, Street and Trail Construction to the low bid from Sommers Construction, Shiocton in the amount of \$738,974.15. **(RollCall-Pro)**
 - b) The Board recommends Council approve the Development Agreement for Castle Oak V Subdivision. **(RollCall-Pro)**
 - D. Board of Canvass – April 4, 2017 Spring Election:
 1. Report from the April 5, 2017 Board of Canvass (Council President Stevenson)
 - E. Landmarks Commission
 1. Report from the Landmarks Commission – Alderman Lang
 - F. Reports on neighborhood groups.
 1. Business Improvement District Board (BID Board) – Alderman Lang
 - G. Bergstrom Mahler Museum
 1. Report from the Bergstrom Mahler Museum – Alderman Erickson
- XI. Presentation of petitions.
- A. Any other petition received by the City Clerk's Office after distribution of the agenda.
- XII. Council Directives. **(18)**

XIII. Unfinished Business.

XIV. New Business.

- A. Appointments to be made at the April 18, 2017 Organizational Meeting:
 - 1. Mayor Kaufert's appointment to fill the expired term of Trish Nau as the City of Neenah representative to the Fox Cities Transit Commission for a 3-year term to expire in April 2020.
 - 2. Mayor Kaufert's appointment to fill the expired term of Wayne Streck on the Fox Cities Room Tax Commission for a term to expire April 2018.
 - 3. Mayor Kaufert's appointment of himself or his designee to the Exhibition Center Advisory Committee of the Appleton Redevelopment Authority for a term to expire April 2018.
 - 4. Mayor Kaufert's appointments to the newly created Neenah Arts Council for 3-year terms to expire April 2018, 2019 & 2020.
 - 5. Mayor Kaufert's appointment to fill the expired terms of Merry Whipple and Carol Codner on the Library Board for 3-year terms to expire April 30, 2017.
 - 6. Mayor Kaufert's appointment to fill the expired terms of Tom Martin and Jim Perras on the Community Development Authority for 4-year terms to expire April 2021.
 - 7. Mayor Kaufert's appointment to fill the expired term of Mike Faulks as public representative to the Joint Review Board for Tax Increment Districts.
- B. Any announcements/questions that may legally come before the Council.

XV. Adjournment.

“Neenah City Hall is accessible to the physically disadvantaged. If special accommodations are needed please contact the Neenah City Clerk’s Office at 886-6100 at least 24 hours in advance of the meeting.”

City of Neenah Application For Appointment



Name Brian J Gajewski
Address 2030 Brookview Ct
City, ST Zip Neenah WI 54956

Date 2/23/17

Employer Subway

Eve. Phone 920-810-1901

Day Phone 920-810-1901

E-mail bgsubman7@hotmail.com

Fax

What appointment are you seeking? You may check more than one box.

- ☐ Board of Appeals
- ☐ Board of Review
- ☒ Business Improvement District (BID)
- ☐ Citizen Advisory Committee
- ☐ Committee of Aging
- ☐ Community Development Authority (CDA)
- ☐ Fox Cities Transit Commission
- ☐ Joint Review Board for TIFs
- ☐ Landmarks
- ☐ Library Board
- ☐ Loan Assistance Board

- ☐ N-M Joint Fire Commission
- ☐ N-M Sewerage Commission
- ☐ Neenah Harbor Committee
- ☐ Park & Recreation Commission
- ☐ Parking Task Force
- ☐ Plan Commission
- ☐ Police Commission
- ☐ Sustainable Neenah Committee
- ☐ Water Works Commission
- ☐ Other:

Do you currently serve on other boards, commissions, or hold an elected office? ☐ Yes ☒ No Detail Below

Please provide or attach a brief statement outlining your interest and qualifications for this appointment:

Please Sign and Date: Brian J Gajewski 2/23/17

Please return to the Neenah City Clerk's Office

Proceedings of the Common Council of the City of Neenah

Wednesday, August 3, 2016 - 7:00 p.m.

The Common Council of the City of Neenah, Winnebago County, Wisconsin, met in regular session at 7:00 p.m., August 3, 2016 in the Council Chambers of Neenah City Hall.

Mayor Kaufert in the chair.

Present: Aldermen Boyette, Bates, Hillstrom, Lendrum, Erickson, Lang, Pollnow, Kunz 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 Kaiser, Director of Human Resources & Safety Barber, Director of Parks & Recreation Kading, Ryan Roth with Habitat for Humanity, Nicole & Jonathan Coultas, Rich Fercy, Terri Gonya, Tom & Carol Morley and Jay Schroeder.

Mayor Kaufert called the meeting to order at 7:18 pm.

Consent Agenda

- I. **MSCRP Pollnow/Lendrum to approve the Consent Agenda as follows:**
 - A. **Approve Beverage Operator License Applications for: Nicholl M. Green, Bryanna L. Gullickson, Laura K. Hanneman, Jennifer M. Kronberg, Lori A. Masin, Taylor O. Meier, Nicole M. Nehls, Cynthia D. Peterson, Diane L. Schultz, Chelsea M. Tank and Cierra N. Ziemann. (PSSC)**
 - B. **Approve the Beverage Operator License Application (new) for Melanie A. Briggs contingent upon payment of delinquent court fines of \$160.00 and any other outstanding City fees. (PSSC)**
 - C. **Grant a temporary Class "B" retail (picnic) beer license to the Fox Valley Area Labor Council for their Labor Day Celebration to be held at 157 S. Green Bay Road, Mark Westphal, on September 5, 2016. (PSSC)**
 - D. **Approve the Street Use Permit for the Fox Valley Area Labor Council Labor Day Parade, Mark Westphal, to be held on September 5, 2016. (PSSC)**
 - E. **All voting aye.**

Public Services and Safety Committee

- I. Chairman Bates reported the regular meeting of August 3, 2016:
 - A. **MSC Bates/Hillstrom to waive the 24-hour rule relative to providing minutes for Council consideration and action, all voting aye.**

- B. Committee recommends Council adopt Resolution No. 2016-26 supporting the Town of Neenah request for alterations to the intersection of CTH CB and Oakridge Road. (Resolution to follow)
- II. Chairman Bates reported the regular meeting of July 26, 2016:
- A. Committee recommends Council approve authorization to negotiate the sale of a portion of City property along the east side of the Oak Street Bridge with the owner of 302 E. Wisconsin Avenue with the inclusion of suitable provisions to allow for City maintenance of the bridge and south approach. **MSCRP Bates/Pollnow, all voting aye.**
 - B. Committee recommends Council void the combination Class B&C license for Pagoni's Pizzeria if payment of the remaining balance of \$2,983.72 isn't satisfied by August 1, 2016, and to commence non-renewal proceedings if payment is not received by August 15, 2016. That payment agreement was fulfilled on August 1, 2016. **MSCRP Stevenson/Hillstrom to table any decision at this time, all voting aye, Ald. Pollnow voting nay.**
 - C. Committee recommends Council approve hiring SEH as the consultant to develop the Arrowhead Park Master Plan for an amount not to exceed \$45,525, with funding from the Minergy Trust Fund. **MSCRP Bates/Hillstrom, all voting aye.**

Finance & Personnel Committee

- I. Chairman Pollnow reported the regular meeting of July 25, 2016:
- A. Committee recommends Council authorize a change order with AECOM Services to remove 375 tons of lead-contaminated topsoil from the former police firearms range and transport it to a DNR-authorized disposal site for a cost not to exceed \$36,000, to be funded by the \$44,662.99 carryover remaining from the 2014 Capital Facilities Budget for the project. **MSCRP Pollnow/Erickson, all voting aye.**
 - B. Committee recommends Council accepts the updated Salary Plan Policy #2014-6. **MSCRP Pollnow/Erickson, all voting aye.**
 - C. Committee recommends Council approve that beginning January 1, 2017, the City move its Retirement Health Savings Plan for non-Police Union employees to the Prime Choice Plan offered by Precision Retirement Group. **MSCRP Pollnow/Kunz, all voting aye.**
 - D. Committee recommends Council approve the movement of \$2,756 from the Human Resources Temporary Wages budget to the Small Software Packages budget to purchase the Neogov Onboarding Software and pay for four months of usage (\$1,756 for the unreimbursed portion of the grant for startup and \$250 per month for September through December of 2016). **MSCRP Pollnow/Kunz, all voting aye.**
 - E. Committee recommends Council approve a \$250 donation to the Fox Valley Area Labor Council for the 34th Annual Labor Fest Parade and Celebration. **MSCRP Pollnow/Kunz, all voting aye, Ald. Pollnow & Boyette voting nay and Ald. Stevenson abstained.**

Plan Commission

- I. Ald. Lang reported the regular Plan Commission meeting of July 26, 2016:
 - A. Commission recommends Council approve Ordinance #2016-10 granting approval of Project Plan #1-16 for the Calvary Bible Church Planned Development District to allow the placement of a storage shed and to repave a parking lot subject to the following conditions: the location of the storage shed shall have a minimum setback of 10 feet from any property line; and future building additions, parking lot expansions, and road extensions within the Calvary Bible Church Planned Development District require Project Plan approval and are not being reviewed as part of this project plan request. (Ordinance to follow)
 - B. Commission recommends Council approve the Preliminary Plat for the Woodside Green Estates Subdivision subject to the following conditions: rezone land from PDD to R-1, Single-Family Residence District; amend the City's Official Road Map and provide a future alignment of Dogwood Lane to the west and Dell Court to the north; amend the "Winnebago County" notes on the face of the plat, specifically paragraph 2, to state that "...repairs shall be equally charged" instead of "...repairs shall be equally assessed"; add the Wetland Rules on the face of the plat; Minor storm sewer utility and drainage adjustments affecting lots 10-18 as per Engineering Division correspondence; the Developer shall make a physical connection between the proposed Terra Cotta Drive within the Woodside Green Estates subdivision to the Terra Cotta Drive in the Town of Neenah; on Page 5 of the Engineering Plan, the sanitary pipe slope shall be decreased to 0.30% and the depth of manhole 5 shall be increased; Prior to approval of the Final Plat, the developer and the City shall finalize a Developers Agreement which outlines the responsibilities of each party in regards to the proposed subdivision; Developer and engineers determine and agree on adequate access to the storm water pond; and change either Dogwood Lane or Dogwood Court to remove the duplication of "Dogwood". **MSCRP Lang/Pollnow, all voting aye.**

Committee of the Whole

- I. Council President Stevenson reported the Committee of the Whole meeting of July 20, 2016:
 - A. Committee recommends Council approve utilizing the sidewalk criteria, as presented, for the 2017 budgetary process with the caveat that Dir. Kaiser & City Atty. Godlewski review and make necessary changes to the current sidewalk ordinance and bring those changes back to the Council. **MSCRP Stevenson/Pollnow, all voting aye.**

Neenah-Menasha Fire Rescue Joint Finance & Personnel Committee

- I. Council President Stevenson reported the Neenah-Menasha Fire Rescue Joint Finance & Personnel Committee meeting of July 26, 2016:
 - A. Committee recommends the City of Neenah and City of Menasha Common Councils approve Neenah-Menasha Fire Rescue's 2017 Cost Distribution Formula with the City of Neenah's weighted share at 0.5929% and the City of Menasha's weighted share at 0.4071. **MSCRP Stevenson/Pollnow, all voting aye.**

Board of Public Works

- I. Vice Chairman Hillstrom reported the meeting of July 26, 2016:
 - A. Council Action Items:
 1. The Board recommends Council award Contract 4-16 Concrete Pavement & Sidewalk Repair to the low bid from Fischer-Ulman Construction, Appleton in the amount of \$293,270. **MSCRP Hillstrom/Bates, all voting aye.**

Ordinance

- I. **Ordinance No. 2016-10** Project Plan approval #1-16 for Calvary Bible Church PDD to allow the construction of a storage shed and repaving of the east parking lot with the conditions that the location of the storage shed have a minimum setback of 10 feet from any property line and future building additions, parking lot expansions, and road extensions within the Calvary Bible Church Planned Development District require Project Plan Approval and are not being reviewed as part of this project plan request was presented.
 - A. **MSCRP Pollnow/Erickson to adopt Ordinance No. 2016-10, all voting aye.**

Resolution

- I. **Resolution No. 2016-26** supporting the Town of Neenah request for alterations to the intersection of CTH CB and Oakridge Road with changes made in committee was presented.
 - A. **MSCRP Bates/Stevenson to adopt Resolution No. 2016-26, all voting aye, Ald. Pollnow voting nay.**

Adjournment

- I. **MSC Pollnow/Stevenson to adjourn at 9:00 p.m., all voting aye.**

COMMON COUNCIL MINUTES

Wednesday, August 3, 2016 - 7:00 p.m.

The Common Council of the City of Neenah, Winnebago County, Wisconsin, met in regular session at 7:00 p.m., August 3, 2016 in the Council Chambers of Neenah City Hall.

Mayor Kaufert in the chair.

Present: Aldermen Boyette, Bates, Hillstrom, Lendrum, Erickson, Lang, Pollnow, Kunz 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 Kaiser, Director of Human Resources & Safety Barber, Director of Parks & Recreation Kading, Ryan Roth with Habitat for Humanity, Nicole & Jonathan Coultas, Rich Fercy, Terri Gonya, Tom & Carol Morley and Jay Schroeder.

Mayor Kaufert called the meeting to order at 7:18 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.

Habitat for Humanity Update/Report on Neenah Event

- I. Ryan Roth indicated a little over a year ago, Mayor Kaufert attended their first Rock the Block in the valley. After looking at the success of the event and the ability to revitalize the neighborhood, Mayor Kaufert indicated to Ryan that we need to bring this to Neenah. The Habitat for Humanity Rock the Block Program is an exterior revitalization program. They do up to \$3,000 worth of work for homeowners in the neighborhood. They allow the homeowner to pay for primarily materials. They do not charge labor. The amount of work that can be done for these homeowners is incredible. Homeowners can pay through a zero interest deferred loan that does not have to be paid back until they sell their house. It is the generous support from the community, donors and volunteers that make this program work. Mr. Roth did a short presentation on the Neenah Event held this past May and answered questions from the Council.
 - A. Ald. Lang, on behalf of the Historical Society, thanked Ryan and the volunteers with Habitat for Humanity for their hard work.
 - B. Mayor Kaufert also thanked Ryan indicating this effort made a huge difference in a lot of people's lives.

Presentation of the 2016 Parade of Lights & Venetian Parade Awards

- I. Dir. of Parks & Recreation Kading introduced Rich Fercy, representing Boy Scout Troop 14. Rich presented the 2016 Parade of Lights Awards. He congratulated the winners and presented them with a plaque as follows:

- A. Parade of Lights
 - 1. Henri Miles Award - Best of Show - Neenah Ambassador Band.
Terri was present to accept the plaque and check.
 - 2. Best Non-Profit Float - Trinity Lutheran Church / School
 - 3. Best Corporate Float - Gem of the Fox Valley
 - 4. Best Non-profit Marching - VFW Post 2126
 - 5. Best Corporate Marching - Ultimate Fusion
 - 6. Best Live Music – Ms. Neenah Idol
- II. Dir. of Parks & Recreation Kading introduced Nicole Coultas representing the Neenah Nodaway Club who organized the Venetian Parade. Nicole presented the 2016 Venetian Parade Awards as follows:
 - A. Venetian Parade
 - 1. Fox Valley Sailing School - Lil Rascal
 - 2. Tom and Carol Morley - Hurricane Mom
- III. Mr. Fercy on behalf of Troop 14 thanked all the sponsors, Dir. Kading & his staff and everyone for participating. He invited others to join in next year.
 - A. Mayor Kaufert thanked everyone for their time and effort. This is what makes Neenah such a special place to live.
 - B. Council President Stevenson thanked the volunteers who made this a successful event.
 - C. Mayor Kaufert thanked the sponsors as well.

Public Forum

- I. Jay Schroeder, 1299 N. Lake Street, Village of Fox Crossing, indicated he is a candidate for the Winnebago County Register of Deeds in the Republican Party. He has 25 years mortgage experience. The Register of Deeds Office has been vacant for 212 days. For all of 2016 it will be vacant for 359 days. Anyone thinking about the taxpayers would make cuts. That position with salary and fringe benefits is \$100,000. The average salary in Winnebago County in 2014 was \$47,000. One of his main goals is to reduce that as he feels we are being over taxed. He feels changes need to be made and is the only candidate running to make that cut. When a position is vacant that long, changes need to be made. He is running in the Primary on August 9th and his local opponent is Natalie Strohmeyer and signed the Walker recall petition. He is a Republican and a Conservative. He hopes everyone takes a better look at this position.
- II. Carol Troopert, 1830 Jefferson Street, Oshkosh, spoke in favor of safety improves on CTH CB and Oakridge Road. Her daughter was killed in an accident at that intersection earlier this year. It has been her campaign for the past 5 months to get something done with the intersection to make it safer. She urge the Council to adopt Resolution No. 2016-26 supporting the Town of Neenah request for alterations to the intersection of CTH CB and Oakridge Road.

- III. There being no further appearances, Mayor Kaufert declared the public forum closed.

Consent Agenda

- I. **MSCRP Pollnow/Lendrum to approve the Consent Agenda as follows:**
- A. **Approve Beverage Operator License Applications for: Nicholl M. Green, Bryanna L. Gullickson, Laura K. Hanneman, Jennifer M. Kronberg, Lori A. Masin, Taylor O. Meier, Nicole M. Nehls, Cynthia D. Peterson, Diane L. Schultz, Chelsea M. Tank and Cierra N. Ziemann. (PSSC)**
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 - C. **Grant a temporary Class "B" retail (picnic) beer license to the Fox Valley Area Labor Council for their Labor Day Celebration to be held at 157 S. Green Bay Road, Mark Westphal, on September 5, 2016. (PSSC)**
 - D. **Approve the Street Use Permit for the Fox Valley Area Labor Council Labor Day Parade, Mark Westphal, to be held on September 5, 2016. (PSSC)**
 - E. **All voting aye.**

Public Services and Safety Committee

- I. Chairman Bates reported the regular meeting of August 3, 2016:
- A. **MSC Bates/Hillstrom to waive the 24-hour rule relative to providing minutes for Council consideration and action, all voting aye.**
 - B. Committee recommends Council adopt Resolution No. 2016-26 supporting the Town of Neenah request for alterations to the intersection of CTH CB and Oakridge Road. (Resolution to follow)
- II. Chairman Bates reported the regular meeting of July 26, 2016:
- A. Committee recommends Council approve authorization to negotiate the sale of a portion of City property along the east side of the Oak Street Bridge with the owner of 302 E. Wisconsin Avenue with the inclusion of suitable provisions to allow for City maintenance of the bridge and south approach. **MSCRP Bates/Pollnow, all voting aye.**
 - B. Committee recommends Council void the combination Class B&C license for Pagoni's Pizzeria if payment of the remaining balance of \$2,983.72 isn't satisfied by August 1, 2016, and to commence non-renewal proceedings if payment is not received by August 15, 2016. That payment agreement was fulfilled on August 1, 2016. **MSCRP Stevenson/Hillstrom to table any decision at this time, all voting aye, Ald. Pollnow voting nay.**
 - C. Committee recommends Council approve hiring SEH as the consultant to develop the Arrowhead Park Master Plan for an amount not to exceed

\$45,525, with funding from the Minergy Trust Fund. **MSCR**
Bates/Hillstrom, all voting aye.

Finance & Personnel Committee

- I. Chairman Pollnow reported the regular meeting of July 25, 2016:
 - A. Committee recommends Council authorize a change order with AECOM Services to remove 375 tons of lead-contaminated topsoil from the former police firearms range and transport it to a DNR-authorized disposal site for a cost not to exceed \$36,000, to be funded by the \$44,662.99 carryover remaining from the 2014 Capital Facilities Budget for the project. **MS Pollnow/Erickson.**
 1. Chief Wilkinson indicated this move should resolve the contamination issues with most of the berm left in place. The town can then use the remaining dirt to make their parking lot.
 2. Ald. Kunz indicated the goal here is to get to the point that we can apply for the DNR to do their testing.
 3. **Motion carried, by a 9-0 RollCall-Pro System vote, all voting aye.**
 - B. Committee recommends Council accept the updated Salary Plan Policy #2014-6. **MS Pollnow/Erickson.**
 1. Dir. Barber indicated she recommended this update to the Salary Plan Policy to address some issues that came about under the previous Salary Plan. The employees previously reclassified under that plan were given no adjustment coming into the new plan. While the new Salary Plan is working well for those reclassified under it, it has left those reclassified under the previous plan falling behind. Her recommendation is that employees who have been here 10 years should be at 90% of the midpoint for their grade.
 2. Ald. Bates asked if this is assuming the employee has had satisfactory reviews.
 3. Dir. Barber clarified that the updates states if an employee has received a below average performance rating in any year, that year does not count toward the ten year seniority.
 4. Ald. Pollnow pointed out that dollars have been budgeted for this.
 5. Dir. Easker added that this will be combined with the October increases which are budgeted. There is no need for a budget for this amendment because the wage funding is sufficient in the various department budgets.
 6. **Motion carried, by a 9-0 RollCall-Pro System vote, all voting aye.**
 - C. Committee recommends Council approve that beginning January 1, 2017, the City move its Retirement Health Savings Plan for non-Police Union employees to the Prime Choice Plan offered by Precision Retirement Group. **MS Pollnow/Kunz.**
 1. Dir. Barber indicating she is recommending a change for the vendor in our Retirement Health Savings. This is to manage accruals that

are paid out to employees upon retirement go into an account tax free for medical expenses. The administration of this plan is much simpler than our current vendor ICMA is offering us. It also has a tax savings that we did not have with ICMA through the deferred comp option where the City does not pay payroll taxes. All costs of this plan are paid for by the employees participating in the plan. It is just a change in benefits. It gives employees more flexibility and is a savings for the City.

2. **Motion carried, by a 9-0 RollCall-Pro System vote, all voting aye.**

D. Committee recommends Council approve the movement of \$2,756 from the Human Resources Temporary Wages budget to the Small Software Packages budget to purchase the Neogov Onboarding Software and pay for four months of usage (\$1,756 for the unreimbursed portion of the grant for startup and \$250 per month for September through December of 2016). **MS Pollnow/Kunz.**

1. Dir. Barber advised that this is a request to add a piece to an existing program to help with new hire orientation. As they are hiring more and become more technology driven, having sit down face to face orientations are not the way to go. This solution allows us to put those things on line to allow applicants to access a portal, watch videos, conduct training, fill out paperwork and submit it electronically for more efficient processing of new hires.
2. **Motion carried, by a 9-0 RollCall-Pro System vote, all voting aye.**

E. Committee recommends Council approve a \$250 donation to the Fox Valley Area Labor Council for the 34th Annual Labor Fest Parade and Celebration. **MS Pollnow/Kunz.**

1. City Atty. Godlewski advised Ald. Lendrum that an abstention vote is used when there is a perceived conflict of interest. They are sometimes used to indicate the person voting does not want to vote against the item being voted on but is not in support of it. Both are acceptable.
2. Ald. Boyette indicated she was in that meeting and one of the members that abstained. For her, it was a personal issue. She is prepared to vote no on this as she does not feel the city should be gifting any money to an organization as it appears that we are in support of said organization. She also feels that money could be put to a better use.
3. Mayor Kaufert advised that we do give \$600 to the Veterans Group every year for their parade as well.
4. Ald. Pollnow opposed this donation and the amount of time taken for discussion of a \$250 item. He will not bring this before the committee again.
5. Mayor Kaufert added that these items have come before the Committee for many years. In the future, it was the consensus to include these items in the budget process.

6. **Motion carried by a 6-2-1 RollCall-Pro System vote, all voting aye, Ald. Pollnow & Boyette voting nay and Ald. Stevenson abstained.**

Plan Commission

- I. Ald. Lang reported the regular Plan Commission meeting of July 26, 2016:
 - A. Commission recommends Council approve Ordinance #2016-10 granting approval of Project Plan #1-16 for the Calvary Bible Church Planned Development District to allow the placement of a storage shed and to repave a parking lot subject to the following conditions: the location of the storage shed shall have a minimum setback of 10 feet from any property line; and future building additions, parking lot expansions, and road extensions within the Calvary Bible Church Planned Development District require Project Plan approval and are not being reviewed as part of this project plan request. (Ordinance to follow)
 - B. Commission recommends Council approve the Preliminary Plat for the Woodside Green Estates Subdivision subject to the following conditions: rezone land from PDD to R-1, Single-Family Residence District; amend the City's Official Road Map and provide a future alignment of Dogwood Lane to the west and Dell Court to the north; amend the "Winnebago County" notes on the face of the plat, specifically paragraph 2, to state that "...repairs shall be equally charged" instead of "...repairs shall be equally assessed"; add the Wetland Rules on the face of the plat; Minor storm sewer utility and drainage adjustments affecting lots 10-18 as per Engineering Division correspondence; the Developer shall make a physical connection between the proposed Terra Cotta Drive within the Woodside Green Estates subdivision to the Terra Cotta Drive in the Town of Neenah; on Page 5 of the Engineering Plan, the sanitary pipe slope shall be decreased to 0.30% and the depth of manhole 5 shall be increased; Prior to approval of the Final Plat, the developer and the City shall finalize a Developers Agreement which outlines the responsibilities of each party in regards to the proposed subdivision; Developer and engineers determine and agree on adequate access to the storm water pond; and change either Dogwood Lane or Dogwood Court to remove the duplication of "Dogwood". **MSCRP Lang/Pollnow, all voting aye.**

Committee of the Whole

- I. Council President Stevenson reported the Committee of the Whole meeting of July 20, 2016:
 - A. Committee recommends Council approve utilizing the sidewalk criteria, as presented, for the 2017 budgetary process with the caveat that Dir. Kaiser & City Atty. Godlewski review and make necessary changes to the current sidewalk ordinance and bring those changes back to the Council. **MS Stevenson/Pollnow.**

1. City Atty. Godlewski clarified for Ald. Pollnow that unless it is directed to go to the Committee of the Whole, it would go back to the committee of jurisdiction who would make a recommendation to the Council.
2. Ald. Stevenson advised that the intent was to bring it back to the Council. That means we bring it back through normal channels, which is through the committee of jurisdiction.
3. Ald. Bates questioned the timeframe for this. She hopes these changes are done before we hit the budget process.
4. Dir. Kaiser indicated he has not discussed these items with the City Atty. so it will depend on both of their schedules.
5. City Atty. Godlewski indicated they will make sure the Council receives it in time for the budget process.
6. **Motion carried, by a 9-0 RollCall-Pro System vote, all voting aye.**

Neenah-Menasha Fire Rescue Joint Finance & Personnel Committee

- I. Council President Stevenson reported the Neenah-Menasha Fire Rescue Joint Finance & Personnel Committee meeting of July 26, 2016:
 - A. Committee recommends the City of Neenah and City of Menasha Common Councils approve Neenah-Menasha Fire Rescue's 2017 Cost Distribution Formula with the City of Neenah's weighted share at 0.5929% and the City of Menasha's weighted share at 0.4071. **MSCRP Stevenson/Pollnow, all voting aye.**

Board of Public Works

- I. Vice Chairman Hillstrom reported the meeting of July 26, 2016:
 - A. Information Only Items:
 1. The Board postponed awarding Contract 5-16 HMA Pavement Repair to give Dir. Kaiser time to review the bid in light of the market conditions. The bids came in at \$152,320. The budgeted amount was \$84,000.
 - B. Council Action Items:
 1. The Board recommends Council award Contract 4-16 Concrete Pavement & Sidewalk Repair to the low bid from Fischer-Ulman Construction, Appleton in the amount of \$293,270. **MSCRP Hillstrom/Bates, all voting aye.**

Landmarks Commission

- I. Ald. Lang reported from the Landmarks Commission:
 - A. The Vintage Adventure will be held September 17, 2016.
 - B. A newly confirmed event takes place at the same time, the Voyager Canoe Rides including a Menomonee Pow Wow at Shattuck Park starting at 1 pm.

Bergstrom Mahler Museum

- I. Ald. Erickson reported from the Bergstrom Mahler Museum:
 - A. On Friday August 19th from 4:30-5:30 pm at the Neenah Library the Museum will sponsor a documentary film, Homecoming – The Conversations with Combat PTSD, exploring how US Marines experience Post Traumatic Stress Disorder. Following the movie there will be a gallery walk at the museum.
 - B. Visit the Bergstrom Mahler Museum website to view a variety of classes, dates and times.

Ordinance

- I. **Ordinance No. 2016-10** Project Plan approval #1-16 for Calvary Bible Church PDD to allow the construction of a storage shed and repaving of the east parking lot with the conditions that the location of the storage shed have a minimum setback of 10 feet from any property line and future building additions, parking lot expansions, and road extensions within the Calvary Bible Church Planned Development District require Project Plan Approval and are not being reviewed as part of this project plan request was presented.
 - A. **MSCRP Pollnow/Erickson to adopt Ordinance No. 2016-10, all voting aye.**

Resolution

- I. **Resolution No. 2016-26** supporting the Town of Neenah request for alterations to the intersection of CTH CB and Oakridge Road with changes made in committee was presented.
 - A. **MS Bates/Stevenson to adopt Resolution No. 2016-26.**
 - B. City Atty. Godlewski advised that the NOW THEREFORE BE IT RESOLVED be change to read as follows: by the City of Neenah, Winnebago County, that we support the Town of Neenah request to Winnebago County Highway Commission and Board of Supervisors to work with the D.O.T. to keep the intersection of C.T.H. CB and Oakridge Road open, and expend reasonable funds on the intersection in order to increase the public safety for all residents.
 - C. Ald. Kunz expressed concern over the word “reasonable” as everyone’s idea of reasonable is different.
 - D. Ald. Boyette indicated she has done her homework on this and unfortunately whatever is done will be the County’s vision. She agrees that we should support this as many Neenah residents utilized that intersection.
 - E. Ald. Pollnow indicated when he was on the County Board in 2007 he remembers this intersection being an issue and he fully supported a study at that time. He supports the concerns however is troubled with the process. He does not have enough information to weigh in on this therefore will not support the resolution.

- F. Mayor Kaufert commented that historically this Council has weighed in on many state issues. This is nothing more than a show of support. It is important for us to act before they meet on August 16th.
- G. Ald. Pollnow commented that in the future he would advocate inviting County Board Supervisors to our meeting or reach out to the County Executive to get a face to face discussion.
- H. **Motion carried, by an 8-1 RollCall-Pro System vote, all voting aye, Ald. Pollnow voting nay.**
- I. Mayor Kaufert advised that this resolution will be sent to the County Board, County Executive Harris and the County Highway Commission.

New Business

- I. Ald. Bates reminded that due to the Fall Primary on Tuesday August 9th the Public Services & Safety Committee meeting has been cancelled. She urged everyone to get out and vote.
- II. Mayor Kaufert advised that the issues with Pokémon Go and usage of the park has taken up a tremendous amount of staff time. He put out a statement indicating he is excited to see people of all ages participating in the game. In many evenings hundreds of people gather throughout our city, mostly Kimberly Point, Riverside Park and the cemetery. He has asked the Pokémon Company to take the cemetery off their list due to issues with people walking on graves and being disrespectful. He asked everyone participating to have fun but obey the rules and pick up after themselves. He advised everyone that all City of Neenah parks are closed to the public at 10:00 pm. Rules regarding curfew, parking and litter will be enforced. People are allowed to fish in the park 24-hours a day.
 - A. Ald. Boyette asked participants of Pokémon Go to respect people's private front yards
- III. Mayor Kaufert reminded everyone the Riverside Players 60th Anniversary of Musical Highlights show will be held Tuesday thru Saturday at 8 pm and Sunday 7 pm. The cost is \$15 for adults, \$10 for children.
- IV. Mayor Kaufert asked those watching to complete a survey monkey on the website regarding Theda Clark Hospital. The survey can be found at www.surveymonkey.com/r/mayorseeksinput.

Adjournment

- I. **MSC Pollnow/Stevenson to adjourn at 9:00 p.m., all voting aye.**

Patricia A. Sturn, WCPC/MMC

Proceedings of the Common Council of the City of Neenah

Wednesday, August 17, 2016 - 7:00 p.m.

The Common Council of the City of Neenah, Winnebago County, Wisconsin, met in regular session at 7:00 p.m., August 17, 2016 in the Council Chambers of Neenah City Hall.

Mayor Kaufert in the chair.

Present: Aldermen Boyette, Bates, Hillstrom, Lendrum, Erickson, Lang, Pollnow, Kunz 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 Kaiser, Firefighter Xiong Yang & family & friends, several members of the N-M Fire Rescue, Manny Vasquez of Fox Cities Regional Partnership, Carrie Robbins, Mike Holewinski, Corey Vanevenhoven, Ben Hamblin & Shawn Jandrey of McMahon and Chelsea Golden.

Mayor Kaufert called the meeting to order at 7:00 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.

Public Hearing

- I. Consider a Special Use Permit request by CV MH, LLC to allow the construction of min-storage units at 1001 S. Lake Street.
 - A. Carrie Robbins, 999 S. Lake Street, expressed concern over the lack of notification. She feels her privacy was taken away and would like to see a fence put up. She would also like to see the trees replaced.
 - B. There being no further appearances, Mayor Kaufert declared the public hearing closed at 7:43 pm.

Plan Commission Report Pertaining to the Public Hearings

- I. Council Rep. Lang reported the regular Plan Commission meeting of August 9, 2016:
 - A. Commission recommends Common Council approve a Special Use Permit for the construction of a self-service storage facility located at 1001 S. Lake St subject to the following conditions: any future on-site signage shall be approved by the Plan Commission prior to obtaining a sign permit, off-premise signs are prohibited in the City; and the current owner and/or future owners of the subject property are responsible for ensuring that the landscape plantings on 999 S. Lake Street continue to meet the minimum requirements for bufferyard landscaping. **MS Lang/Kunz.**
 - B. Dir. Haese indicated the adjoining owner have been notified. Ms. Robbins is the tenant. It is his understanding there will be a fence constructed on the

property line. Due to the lack of space on this site there is not enough room to place the buffer landscaping typically placed on these properties. The neighboring property has agreed that the landscaping be place on his property.

- C. Mayor Kaufert advised Ms. Robbins that her landlord was notified but failed to pass the information on to his tenant.
- D. Mike Holewinski, N1178 Roena Lane, Hortonville, added that they plan to put up a fence.
- E. Ald. Bates shared a picture of the plan on the overhead for the audience to view. She questioned how this is related to future owners.
- F. Dir. Haese clarified the existing owners is requesting it be put on his side. If a future owners want to remove that vegetation, they probably have the right to do that.
- G. Ald. Bates questioned the location of the fence that was taken down.
- H. Mike Holewinski pointed out the fencing indicating it was an old chain link fence that was overgrown. He clarified for Ald. Bates that it can be accessed 24/7 however it should not be heavy traffic and mostly during daylight hours. The use has not changed, it is just being cleaned up and made to look more attractive. He clarified for Ald. Bates that there were 17 units before, all being used.
- I. Dir. Haese reminded this is a commercial property. He cautioned the Council if there are contemplating a requirement for a fence. The landscaping is being put in to buffer the commercial use from the residential use.
- J. Mayor Kaufert added that 995 S. Lake Street has a lot of heavy equipment which is why he was hoping to have a fence. The two owners continue their discussions.
- K. Dir. Haese clarified for Ald. Pollnow that the easement could be a part of this but would not really carry any weight. It needs to be a recorded easement. We could require proof of that easement.
- L. **MS Pollnow/Stevenson to amend the motion to add a contingency to provide proof of recorded easement.**
- M. Mike Holewinski advised that the easement already exists.
- N. Dir. Haese asked Mr. Holewinski to provide documentation that the easement exists.
- O. Mayor Kaufert pointed out that the apartment building in front is also owned by the same people.
- P. **The amendment carried by a 9-0 RollCall-Pro System vote, all voting aye.**
- Q. Ald. Bates questioned if they are re-doing the parking and if restrictions with plantings will be required.
- R. Dir. Haese indicated typically those restrictions come into play with the expansion of parking lots. If traditional set back requirements were imposed, they would not have any parking. Repaving does not retrigger those requirements. He clarified for Ald. Bates that the protection is the same as it would be for any special use permit. If the neighbor takes the fence down and

staff could issue orders that the fence be replaced by the applicant. These records are stored in multiple locations within their department.

- S. **The original motion, as amended, carried by an 8-1 RollCall-Pro System vote, all voting aye, Ald. Bates voting nay.**

Public Services and Safety Committee

- I. Chairman Bates reported the special meeting of August 17, 2016:
- A. **MSC Hillstrom/Stevenson to waive the 24-hour rule relative to providing minutes for Council consideration and action, all voting aye.**
 - B. Committee recommends Council approve the Street Use Permit for Wilson School Meet & Greet & Eat on the Street to be held at 920 Higgins Street, on August 30, 2016 from 4-7 pm. **MSCRP Bates/Erickson, all voting aye.**
 - C. Committee recommends Council approve the Street Use Permit for Gord's Street Dance to be held on September 10, 2016 on the Main Street from Millview Drive to Doty Avenue. **MSCRP Bates/Lendrum, all voting aye.**
 - D. Committee recommends Council approve Beverage Operator License Applications for: Joseph J. Boneske, Jennifer R. Henson, Stephanie R. Mader, Wendy S. Mais, Kristi A. Rector, Samantha R. Sagataw, Lori A. Van Asten and Jill M. Wilke. **MSCRP Bates/Pollnow, all voting aye.**
 - E. Committee recommends Council approve the Beverage Operator License Applications for Tina M. Liotta contingent on payment of a \$20 parking ticket. **MSCRP Bates/Pollnow, all voting aye.**
 - F. Committee recommends Council approve the Change of Agent for Ultimate Mart, LLC, d/b/a Pick N Save #8124 (formerly Copps), 1530 S. Commercial Street to Lyndsey Lawrence. **MSCRP Bates/Lendrum, all voting aye.**
 - G. Committee recommends Council approve the Temporary Retail Class "B" (Beer only Picnic) License Application from the Outagamie County Tavern League, Paula Pitsch contact, for Gord's Street Dance, 210 Main Street on September 10, 2016. **MSCRP Bates/Hillstrom, all voting aye.**
 - H. Committee recommends Council approve the Temporary Retail Class "B" (Beer only Picnic) License Application from Bergstrom Mahler Museum, 165 N. Park Avenue, Jan Smith contact, for the Art After Dark Events to be held at the Bergstrom Mahler Museum, 165 N. Park Avenue on September 15, October 20, November 17 & December 15, 2016 and January 19 & February 16, 2017. **MSCRP Bates/Lendrum, all voting aye.**

Finance & Personnel Committee

- I. Chairman Pollnow reported the regular meeting of August 8, 2016:
- A. Committee recommends Council approve the creation of the position of PC/Network Specialist within the Information Systems Department and appoint current Help Desk/GIS Technician Lukasavage as PC/Network Specialist effective September 1, 2016. This action would result in Jason Lukasavage's position being reclassified from Grade G3 to Grade H3 with

a 2016 cost impact of \$659.28 based upon the 5% increase in salary per the salary plan policy. **MSCR Pollnow/Boyette, all voting aye.**

Board of Public Works

- I. Vice Chairman Hillstrom reported the meeting of August 8, 2016:
 - A. Council Action Items:
 - 1. The Board recommends Council approve the Final Payment for Contract 2-16 Contract 2-16 Curb, Gutter and HMA Street Construction and Concrete Sidewalk Construction (Castle Oak I & IV) to MCC, Inc., Appleton in the amount of \$306,474.72. **MSCR Hillstrom/Stevenson, all voting aye.**

Adjournment

- I. **MSC Pollnow/Stevenson to adjourn at 8:34 p.m., all voting aye.**

Patricia A. Sturn, WCPC/MMC

COMMON COUNCIL MINUTES
Wednesday, August 17, 2016 - 7:00 p.m.

The Common Council of the City of Neenah, Winnebago County, Wisconsin, met in regular session at 7:00 p.m., August 17, 2016 in the Council Chambers of Neenah City Hall.

Mayor Kaufert in the chair.

Present: Aldermen Boyette, Bates, Hillstrom, Lendrum, Erickson, Lang, Pollnow, Kunz 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 Kaiser, Firefighter Xiong Yang & family & friends, several members of the N-M Fire Rescue, Manny Vasquez of Fox Cities Regional Partnership, Carrie Robbins, Mike Holewinski, Corey Vanevenhoven, Ben Hamblin & Shawn Jandrey of McMahon and Chelsea Golden.

Mayor Kaufert called the meeting to order at 7:00 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.

Swearing In Ceremony for New Firefighter

- I. Fire Chief Kloehn introduced newly hired firefighter Xiong Yang. Xiong was born and raised in Oshkosh, graduating from Oshkosh North. He then enrolled in the Fire/Science Technology Program at FVTC. In 2011 he served as an intern for NM Fire Rescue for 4 months. He was hired by the LaCrosse Fire Department in September of 2012 where he stayed until he received a call from Neenah-Menasha to return home to be near his family. He is joined by his girlfriend Evas Lo, his mother Jer Xiong and several of his six brothers/sisters and nieces/nephews. He welcomed Xiong into the NM Fire Rescue family. Clerk Sturn administered the oath of office to Xiong Yang. His mother, Jer pinned on his badge.
 - A. Xiong thanked everyone for coming tonight. He is very grateful for this opportunity to come back home and to protect & serve his community.
 - B. Mayor Kaufert welcomed Xiong and wished him the best.

Fox Cities Regional Partnership Update - Vice President Manny Vasquez

- I. Fox Cities Regional Partnership Vice President Manny Vasquez gave a brief presentation/update on their organization. The Fox Cities Regional Partnership is an economic development organization that assists in business retentions/expansion. He distributed information on some of their efforts including a Fox Cities Economic Overview. He provided a list of investors which include the Cities of Neenah and Menasha and outlined the benefits to those investors. He stressed the importance of an ongoing relationship between the City of Neenah and the Fox Cities Regional

Partnership. He thanked the City of Neenah for their partnership indicating he will provide updates at future Council meetings.

Public Hearing

- I. Consider a Special Use Permit request by CV MH, LLC to allow the construction of min-storage units at 1001 S. Lake Street.
 - A. Carrie Robbins, 999 S. Lake Street, expressed concern over the lack of notification. She feels her privacy was taken away and would like to see a fence put up. She would also like to see the trees replaced.
 - B. There being no further appearances, Mayor Kaufert declared the public hearing closed at 7:43 pm.

Plan Commission Report Pertaining to the Public Hearings

- I. Council Rep. Lang reported the regular Plan Commission meeting of August 9, 2016:
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 - B. Dir. Haese indicated the adjoining owner have been notified. Ms. Robbins is the tenant. It is his understanding there will be a fence constructed on the property line. Due to the lack of space on this site there is not enough room to place the buffer landscaping typically placed on these properties. The neighboring property has agreed that the landscaping be place on his property.
 - C. Mayor Kaufert advised Ms. Robbins that her landlord was notified but failed to pass the information on to his tenant.
 - D. Mike Holewinski, N1178 Roena Lane, Hortonville, added that they plan to put up a fence.
 - E. Ald. Bates shared a picture of the plan on the overhead for the audience to view. She questioned how this is related to future owners.
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- I. Dir. Haese reminded this is a commercial property. He cautioned the Council if there are contemplating a requirement for a fence. The landscaping is being put in to buffer the commercial use from the residential use.
- J. Mayor Kaufert added that 995 S. Lake Street has a lot of heavy equipment which is why he was hoping to have a fence. The two owners continue their discussions.
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- L. **MS Pollnow/Stevenson to amend the motion to add a contingency to provide proof of recorded easement.**
- M. Mike Holewinski advised that the easement already exists.
- N. Dir. Haese asked Mr. Holewinski to provide documentation that the easement exists.
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- P. **The amendment carried by a 9-0 RollCall-Pro System vote, all voting aye.**
- Q. Ald. Bates questioned if they are re-doing the parking and if restrictions with plantings will be required.
- R. Dir. Haese indicated typically those restrictions come into play with the expansion of parking lots. If traditional set back requirements were imposed, they would not have any parking. Repaving does not retrigger those requirements. He clarified for Ald. Bates that the protection is the same as it would be for any special use permit. If the neighbor takes the fence down and staff could issue orders that the fence be replaced by the applicant. These records are stored in multiple locations within their department.
- S. **The original motion, as amended, carried by an 8-1 RollCall-Pro System vote, all voting aye, Ald. Bates voting nay.**

Public Services and Safety Committee

- I. Chairman Bates reported the special meeting of August 17, 2016:
 - A. **MSC Hillstrom/Stevenson to waive the 24-hour rule relative to providing minutes for Council consideration and action, all voting aye.**
 - B. Committee recommends Council approve the Street Use Permit for Wilson School Meet & Greet & Eat on the Street to be held at 920 Higgins Street, on August 30, 2016 from 4-7 pm. **MSCR P Bates/Erickson, all voting aye.**
 - C. Committee recommends Council approve the Street Use Permit for Gord's Street Dance to be held on September 10, 2016 on the Main Street from Millview Drive to Doty Avenue. **MSCR P Bates/Lendrum, all voting aye.**
 - D. Committee recommends Council approve Beverage Operator License Applications for: Joseph J. Boneske, Jennifer R. Henson, Stephanie R. Mader, Wendy S. Mais, Kristi A. Rector, Samantha R. Sagataw, Lori A. Van Asten and Jill M. Wilke. **MSCR P Bates/Pollnow, all voting aye.**

- E. Committee recommends Council approve the Beverage Operator License Applications for Tina M. Liotta contingent on payment of a \$20 parking ticket. **MSCRP Bates/Pollnow, all voting aye.**
- F. Committee recommends Council approve the Change of Agent for Ultimate Mart, LLC, d/b/a Pick N Save #8124 (formerly Copps), 1530 S. Commercial Street to Lyndsey Lawrence. **MSCRP Bates/Lendrum, all voting aye.**
- G. Committee recommends Council approve the Temporary Retail Class "B" (Beer only Picnic) License Application from the Outagamie County Tavern League, Paula Pitsch contact, for Gord's Street Dance, 210 Main Street on September 10, 2016. **MSCRP Bates/Hillstrom, all voting aye.**
- H. Committee recommends Council approve the Temporary Retail Class "B" (Beer only Picnic) License Application from Bergstrom Mahler Museum, 165 N. Park Avenue, Jan Smith contact, for the Art After Dark Events to be held at the Bergstrom Mahler Museum, 165 N. Park Avenue on September 15, October 20, November 17 & December 15, 2016 and January 19 & February 16, 2017. **MSCRP Bates/Lendrum, all voting aye.**

Finance & Personnel Committee

- I. Chairman Pollnow reported the regular meeting of August 8, 2016:
 - A. Committee recommends Council approve the creation of the position of PC/Network Specialist within the Information Systems Department and appoint current Help Desk/GIS Technician Lukasavage as PC/Network Specialist effective September 1, 2016. This action would result in Jason Lukasavage's position being reclassified from Grade G3 to Grade H3 with a 2016 cost impact of \$659.28 based upon the 5% increase in salary per the salary plan policy. **MSCRP Pollnow/Boyette, all voting aye.**

Board of Public Works

- I. Vice Chairman Hillstrom reported the meeting of August 8, 2016:
 - A. Information Only items:
 - 1. The Board approved Change Order No. 4 for Contract 1-16 Miscellaneous Sewer and Water Main Construction and Street Construction on Franklin Avenue, Columbian Avenue, Oak Street, Higgins Avenue, Division Street, Henry Street, Lincoln Street, Meade Street and Maple Street to Van Straten Construction Co., Inc., Green Bay in the amount of \$13,854.45.
 - 2. The Board approved Pay Estimate No. 5 for Contract 1-16 Miscellaneous Sewer and Water Main Construction and Street Construction on Franklin Avenue, Columbian Avenue, Oak Street, Higgins Avenue, Division Street, Henry Street, Lincoln Street, Meade Street and Maple Street to Van Straten Construction Co., Inc., Green Bay in the amount of \$322,512.76.
 - 3. The Board approved Change Order No. 1 for Contract 2-16 Curb, Gutter and HMA Street Construction and Concrete Sidewalk

Construction (Castle Oak I & IV) to MCC, Inc., Appleton in the amount of \$56,905.14.

B. Council Action Items:

1. The Board recommends Council approve the Final Payment for Contract 2-16 Contract 2-16 Curb, Gutter and HMA Street Construction and Concrete Sidewalk Construction (Castle Oak I & IV) to MCC, Inc., Appleton in the amount of \$306,474.72. **MSCR Hillstrom/Stevenson, all voting aye.**

Community Development Authority Update

- I. Dir. Haese advised that the CDA continues to work with the City Attorney on the properties in the Main Street neighborhood. They are in the process of scheduling a number of closing and necessary paperwork.

Library Board

- I. Ald. Erickson reported from the Library Board meeting of August 17, 2016:
 - A. This is the last week of the summer youth programs. That programming is up 33% from last year with 520 more participants. Volunteer hours are up 25% over last year
 - B. She encouraged everyone to visit the library and check out books.
 - C. Ald. Pollnow added that the Library volunteer picnic last weekend was very well attended. He thanked all the volunteers for a phenomenal job.

New Business

- I. Mayor Kaufert's appointment to fill the expired terms of Jayne Bottensek and Herb Allen on the Committee on Aging, terms expire September 2019 will be considered at the September 7, 2016 Council meeting.
- II. Mayor Kaufert reminded everyone of the Aldi Grand Opening is August 25th with the ribbon cutting at 8:30 am.
- III. Ald. Bates thanked the poll workers and Clerk Sturn for their efforts in the August 9, 2016 Partisan Primary. It was good preparation for the November Presidential Election.
- IV. Ald. Pollnow reminded the Council of the American Grand Assisted Living Open House on August 19th from 11 am to 4 pm.
- V. Mayor Kaufert reminded that Cranked Bike Studio has their 7th Annual Custom Antique Bicycle Show and Swap Meet on Saturday August 27th from 10 am to 4 pm.
- VI. City Atty. Godlewski advised the Council of a closed session to be held prior to the next Council meeting on September 7th to update the Council on the Mason/Funk

case. The closed session will begin at 5 pm, Accela training at 6 pm and Council at 7 pm.

Adjournment

- I. **MSC Pollnow/Stevenson to adjourn at 8:34 p.m., all voting aye.**

Patricia A. Sturn, WCPC/MMC

Proceedings of the Common Council of the City of Neenah

Wednesday, September 21, 2016 - 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 21, 2016 in the Council Chambers of Neenah City Hall.

Mayor Kaufert in the chair.

Present: Aldermen Boyette, Bates, Hillstrom, Lendrum, Erickson, Lang, Pollnow, Kunz 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 Kaiser, Police Captain Olson, Brandon, Dave & Lisa Robak, Laurie Case, Jim & Bev Coenen, Kenneth & Joanne Blom, Harvey & Margaret Lorenz and Dave Schmalz.

Mayor Kaufert called the meeting to order at 7:00 pm.

Council Proceedings

- I. **MSCRP Pollnow/Lendrum to approve the Council Proceedings of September 7, 2016 regular session, all voting aye.**

Public Hearings

- I. Consider amending the Official Street Map of the City of Neenah by changing the name of Dogwood Trail to Terra Cotta Drive.
 - A. Margaret Lorenz, 1228 Dogwood Trail, representing her husband Harvey and other Dogwood Trail neighbors, spoke in opposition to renaming Dogwood Trail to Terra Cotta Drive. They do not feel this should happen as the original development was approved by the city with street names in place which reflect the city approved natural surroundings. The legal covenant was also city approved. They expressed concern over police & fire finding houses in case of emergencies if the street name changes. Although this has been proved to be a moot point since the location is target through the phone's GIS system. Not everyone trying to locate address is using GIS or Google Mapping. She noted several other streets in the city that change street names: Bruce Street becomes Bruce Court; Alcott Drive becomes Congress Street; Bellin Street becomes Reed Street; Kessler Drive becomes Surrey Lane; Oxford Court becomes Oxford Drive; and Breezewood Lane becomes Bell Street then Maple Lane when it crosses South Park. She also noted several town street that change indicating no consistency there either. Between different municipalities, Neenah's numbered streets 5th thru 11th become Walnut, Pine, Nausau, Oak, Naymut, Elm and Cleveland in Menasha. It appears unlikely that either of the two governments, which share a fire/rescue department, would rename existing streets for the sake of continuity. She does not see the need for consistency in street names between municipalities. There is no

- reason to make Dogwood Trail the poster child for continuity in street names. Changing the name will cost the 13 property owners money to change their addresses on all official documents. They cannot accept that Dogwood Trail be renamed to match a street in another municipality without also attempting to rename other existing streets within the city.
- B. Laurie Case, 1105 Dogwood Trail, added to the comments made by Margaret indicating there may be some costs to the city as well for such things as building inspection permits and Certified Survey Maps.
 - C. There being no further appearances, Mayor Kaufert declared the public hearing closed.
- II. Consider rezoning land located north of Dogwood Trail from the Cottages at Woodside Green Planned Development District to R-1, Single Family Residence District.
- A. Dave Schmalz, McMahon Associates, representing Dave Winkel requested support of the R-1 zoning. The remaining lots to the south were purchased by Dave Winkel and made the 50' lots 100' lots consistent with an R-1 zoning. It would make sense to make this an R-1 zoning.
 - B. There being no further appearances, Mayor Kaufert declared the public hearing closed at 7:15 p.m.

Plan Commission Report Pertaining to the Public Hearings

- I. Council Rep. Lang reported the regular Plan Commission meeting of September 13, 2016:
- A. Commission recommends Council approve Resolution No. 2016-27 amending the Official Street Map by changing Dogwood Trail to Terra Cotta Drive. **Motion made by Ald. Bates to adopt Resolution No. 2016-27. Motion died due to lack of a second.**
 - B. Commission recommends Council approve Ordinance No. 2016-11 rezoning the subject area from Cottages at Woodside Green PDD, Planned Development District to R-1, Single-Family Residence District. **MSCRP Lang/Bates to adopt Ordinance No. 2016-11, all voting aye.**

Consent Agenda

- I. **MSCRP Pollnow/Stevenson to approve the Consent Agenda as follows removing item C:**
- A. **Approve Beverage Operator License Applications for: Trisha L. Hendricks, Corrie A. Kordus and George E. Reckin. (PSSC)**
 - B. **Approve the Beverage Operator License Application (new) for Lisa K. Gauger contingent upon payment of delinquent utility bill of \$198.01 and any other outstanding City fees. (PSSC)**
 - C. ~~**Approve the Final Plat of the Woodside Green Estates subdivision subject to the following conditions: Lot 17 shall designate a 20-foot Drainage Easement along the west property line as was approved on the Preliminary Plat; Prior to building permits being issued, a**~~

~~Development Agreement must be approved by Common Council and recorded at the Winnebago County Register of Deeds office; the developer shall amend the City's Official Street Map to show a realignment of the future Dogwood Lane extension west of the subject plat and a future Dell Court realignment west of the subject plat; the Developer is responsible for street lighting within this plat. Street lighting shall be traditional wood poles with LED light fixtures or decorative poles without LED light fixtures to match the lighting with the Cottages at Woodside Green subdivision; add lot size to Lot 22; and Rename Dogwood Lane. (PC)~~

- D. All voting aye.

Public Services & Safety Committee

- I. Vice Chairman Hillstrom reported the meeting of September 13, 2016:
- A. Committee recommends Council approve the purchase of the following equipment from Bergstrom Ford of Neenah for the total price of \$111,767.70: #1C a 2017 2500 chassis and service body, #19 a 2017 Cutaway chassis and enclosed service van, and #17 a 2017 1-Ton 3500 chassis dump truck. **MSCR Hillstrom/Lendrum, all voting aye.**

Plan Commission

- I. Ald. Lang reported the recommendation from the Plan Commission meeting of September 13, 2016 regarding Consent Agenda Item C:
- A. The Commission approved the Final Plat of the Woodside Green Estates subdivision subject to the following conditions: Lot 17 shall designate a 20-foot Drainage Easement along the west property line as was approved on the Preliminary Plat; Prior to building permits being issued, a Development Agreement must be approved by Common Council and recorded at the Winnebago County Register of Deeds office; the developer shall amend the City's Official Street Map to show a realignment of the future Dogwood Lane extension west of the subject plat and a future Dell Court realignment west of the subject plat; the Developer is responsible for street lighting within this plat. Street lighting shall be traditional wood poles with LED light fixtures or decorative poles without LED light fixtures to match the lighting with the Cottages at Woodside Green subdivision; add lot size to Lot 22; and Rename Dogwood Lane. **MS Lang/Pollnow.**
1. **MSC Stevenson/Bates to table approval of the final plat of the Woodside Green Estates subdivision for two weeks to allow for more input, all voting aye.**

Board of Public Works

- I. Vice Chairman Hillstrom reported the meeting of September 13, 2016:

A. Council Action Items:

1. The Board recommends Council approve the quote from Protective Coating Specialists, Appleton to perform epoxy coating for the vehicle storage at the Tullar Road garage in the amount of \$99,224.
MSCRP Hillstrom/Bates, all voting aye.
2. The Board recommends Council award Contract 5-16 HMA Asphalt Pavement Repair to Northeast Asphalt in the amount of \$152,320.
MSCRP Hillstrom/Stevenson, all voting aye.

Council Directives

- I. Ald. Pollnow introduced a Council Directive to review the street assessment policy specifically the 1/3, 1/3, 1/3 cost split and the financial impact. **MS Pollnow/Boyette.**
(The vote on this Council Directive will take place at the October 5, 2016 Council meeting)

Adjournment

- I. **MSC Stevenson/Pollnow to adjourn at 8:33 p.m., all voting aye.**

Patricia A. Sturn, WCPC/MMC

COMMON COUNCIL MINUTES

Wednesday, September 21, 2016 - 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 21, 2016 in the Council Chambers of Neenah City Hall.

Mayor Kaufert in the chair.

Present: Aldermen Boyette, Bates, Hillstrom, Lendrum, Erickson, Lang, Pollnow, Kunz 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 Kaiser, Police Captain Olson, Brandon, Dave & Lisa Robak, Laurie Case, Jim & Bev Coenen, Kenneth & Joanne Blom, Harvey & Margaret Lorenz and Dave Schmalz.

Mayor Kaufert called the meeting to order at 7:00 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.

Introduction/Swearing In of Newly Appointed Deputy Clerk Laurie Goffard

- I. Mayor Kaufert introduced newly appointed Deputy Clerk Laurie Goffard to the Council.
 - A. City Clerk Sturn administered the oath to Deputy Clerk Goffard.
 - B. Deputy Clerk Goffard thanked Clerk Sturn for the opportunity to be in this position. She previously worked for 2-1/2 years in the Town of Clayton. She has been a resident of the City of Neenah for 40 years. She has two boys ages 5 & 9 who both go to Tullar School. They love the City of Neenah and are happy to be here.

Council Proceedings

- I. **MSCRP Pollnow/Lendrum to approve the Council Proceedings of September 7, 2016 regular session, all voting aye.**

Public Hearings

- I. Consider amending the Official Street Map of the City of Neenah by changing the name of Dogwood Trail to Terra Cotta Drive.
 - A. Margaret Lorenz, 1228 Dogwood Trail, representing her husband Harvey and other Dogwood Trail neighbors, spoke in opposition to renaming Dogwood Trail to Terra Cotta Drive. They do not feel this should happen as the original development was approved by the city with street names in place which reflect the city approved natural surroundings. The legal covenant was also city approved. They expressed concern over police & fire finding houses in case

of emergencies if the street name changes. Although this has been proved to be a moot point since the location is target through the phone's GIS system. Not everyone trying to locate address is using GIS or Google Mapping. She noted several other streets in the city that change street names: Bruce Street becomes Bruce Court; Alcott Drive becomes Congress Street; Bellin Street becomes Reed Street; Kessler Drive becomes Surrey Lane; Oxford Court becomes Oxford Drive; and Breezewood Lane becomes Bell Street then Maple Lane when it crosses South Park. She also noted several town street that change indicating no consistency there either. Between different municipalities, Neenah's numbered streets 5th thru 11th become Walnut, Pine, Nausau, Oak, Naymut, Elm and Cleveland in Menasha. It appears unlikely that either of the two governments, which share a fire/rescue department, would rename existing streets for the sake of continuity. She does not see the need for consistency in street names between municipalities. There is no reason to make Dogwood Trail the poster child for continuity in street names. Changing the name will cost the 13 property owners money to change their addresses on all official documents. They cannot accept that Dogwood Trail be renamed to match a street in another municipality without also attempting to rename other existing streets within the city.

- B. Laurie Case, 1105 Dogwood Trail, added to the comments made by Margaret indicating there may be some costs to the city as well for such things as building inspection permits and Certified Survey Maps.
 - C. There being no further appearances, Mayor Kaufert declared the public hearing closed.
- II. Consider rezoning land located north of Dogwood Trail from the Cottages at Woodside Green Planned Development District to R-1, Single Family Residence District.
- A. Dave Schmalz, McMahon Associates, representing Dave Winkel requested support of the R-1 zoning. The remaining lots to the south were purchased by Dave Winkel and made the 50' lots 100' lots consistent with an R-1 zoning. It would make sense to make this an R-1 zoning.
 - B. There being no further appearances, Mayor Kaufert declared the public hearing closed at 7:15 p.m.

Plan Commission Report Pertaining to the Public Hearings

- I. Council Rep. Lang reported the regular Plan Commission meeting of September 13, 2016:
 - A. Commission recommends Council approve Resolution No. 2016-27 amending the Official Street Map by changing Dogwood Trail to Terra Cotta Drive. **Motion made by Ald. Bates to adopt Resolution No. 2016-27. Motion died due to lack of a second.**
 - B. Commission recommends Council approve Ordinance No. 2016-11 rezoning the subject area from Cottages at Woodside Green PDD, Planned Development District to R-1, Single-Family Residence District. **MSCRPLang/Bates to adopt Ordinance No. 2016-11, all voting aye.**

Consent Agenda

- I. Ald. Bates indicated that Item 3 needs to be removed as the last condition is to rename Dogwood Lane.
 - A. Dir. Haese indicated with the proposed street name change it would have been Terra Cotta throughout the plat. If the street name is not changed, the plat would have a street name change at the municipal boundary in the middle of the block. Dogwood Lane, in the final plat, goes from Dogwood Trail to the west. He suggested if the Council decides to leave the existing street section as Dogwood Trail the street name Terra Cotta be changed from a point at and north of Dogwood Lane. The Plan Commission during review of the plat suggested Dogwood Lane be renamed regardless to minimize confusion.
 - B. Dave Schmalz indicated the plat is on hold so we have some time.
 - C. Dir. Haese suggested approval of the plat conditioned on renaming Dogwood Lane to a name approved at the staff level and that Dogwood Trail change to Terra Cotta Drive from that yet to be named street to the north.
 - D. Ald. Stevenson asked that Consent Agenda Item C the Final Plat of the Woodside Green Estates subdivision be removed from the Consent Agenda and reported out from the Committee meeting so we can continue this conversation.
- II. **MSCRP Pollnow/Stevenson to approve the Consent Agenda as follows removing item C:**
 - A. **Approve Beverage Operator License Applications for: Trisha L. Hendricks, Corrie A. Kordus and George E. Reckin. (PSSC)**
 - B. **Approve the Beverage Operator License Application (new) for Lisa K. Gauger contingent upon payment of delinquent utility bill of \$198.01 and any other outstanding City fees. (PSSC)**
 - C. ~~**Approve the Final Plat of the Woodside Green Estates subdivision subject to the following conditions: Lot 17 shall designate a 20-foot Drainage Easement along the west property line as was approved on the Preliminary Plat; Prior to building permits being issued, a Development Agreement must be approved by Common Council and recorded at the Winnebago County Register of Deeds office; the developer shall amend the City's Official Street Map to show a realignment of the future Dogwood Lane extension west of the subject plat and a future Dell Court realignment west of the subject plat; the Developer is responsible for street lighting within this plat. Street lighting shall be traditional wood poles with LED light fixtures or decorative poles without LED light fixtures to match the lighting with the Cottages at Woodside Green subdivision; add lot size to Lot 22; and Rename Dogwood Lane. (PC)**~~
 - D. **All voting aye.**

Public Services & Safety Committee

- I. Vice Chairman Hillstrom reported the meeting of September 13, 2016:
 - A. Committee recommends Council approve the purchase of the following equipment from Bergstrom Ford of Neenah for the total price of \$111,767.70: #1C a 2017 2500 chassis and service body, #19 a 2017 Cutaway chassis and enclosed service van, and #17 a 2017 1-Ton 3500 chassis dump truck. **MSCR Hillstrom/Lendrum, all voting aye.**

Plan Commission

- I. Ald. Lang reported the recommendation from the Plan Commission meeting of September 13, 2016 regarding Consent Agenda Item C:
 - A. The Commission approved the Final Plat of the Woodside Green Estates subdivision subject to the following conditions: Lot 17 shall designate a 20-foot Drainage Easement along the west property line as was approved on the Preliminary Plat; Prior to building permits being issued, a Development Agreement must be approved by Common Council and recorded at the Winnebago County Register of Deeds office; the developer shall amend the City's Official Street Map to show a realignment of the future Dogwood Lane extension west of the subject plat and a future Dell Court realignment west of the subject plat; the Developer is responsible for street lighting within this plat. Street lighting shall be traditional wood poles with LED light fixtures or decorative poles without LED light fixtures to match the lighting with the Cottages at Woodside Green subdivision; add lot size to Lot 22; and Rename Dogwood Lane. **MS Lang/Pollnow.**
 - 1. Dir. Haese commented that motion is correct with the exception of the realignment of Dogwood Lane. He suggested the language be amended to "show a realignment of the future named east/west street". That should be sufficient to determine which street we mean by that. Also add a last condition to name that street segment lying north of Dogwood Lane to Terra Cotta Drive.
 - 2. Mayor Kaufert expressed concern that two future homes in the City of Neenah would have Terra Cotta addresses instead of Dogwood Lane.
 - a) Dir. Haese commented that Hunters Point and Sunrise Bay is another example of a street name change mid-block. He advised Ald. Kunz that we have a similar situation on Evergreen Lane and Evergreen Court.
 - 3. Ald. Stevenson expressed concern over the existence of potentially three properties in the City with the street name Terra Cotta and every other house on Terra Cotta would be in the town.
 - a) Dir. Haese advised that the other examples given during the public hearing all change at a street, not in the middle of a block.
 - 4. Ald. Bates questioned if there is any way to make it look like a new area and whether the boundary agreement will affect these properties in the future.

- a) Dir. Haese indicated per the boundary agreement, they will always be separate.
5. Mayor Kaufert asked how important it is to change Dogwood Lane not that the Council has decided to leave Dogwood Trail.
 - a) Dir. Haese indicated he believes it is important as it makes it very confusing.
6. Mayor Kaufert added that enhanced 911 has the capability to zero in on locations. To him, it would be easier for 911 if all properties on Dogwood Trail were in the City of Neenah and all properties on Terra Cotta are in the Town of Neenah. He does not want to have confusion.
7. Dir. Haese advised Ald. Kunz that it is too late to tweak the alignment of Dogwood Lane. He recommended tabling approval of the plat.
8. **MSC Stevenson/Bates to table approval of the final plat of the Woodside Green Estates subdivision for two weeks to allow for more input, all voting aye.**
9. Mayor Kaufert indicated he would make sure Mr. Lorenz is made aware of the tabled discussion.

Board of Public Works

- I. Vice Chairman Hillstrom reported the meeting of September 13, 2016:
 - A. Information Only Items:
 1. The Board approved Pay Estimate No. 6 for Contract 1-16 Miscellaneous Sewer and Water Main Construction and Street Construction on Franklin Avenue, Columbian Avenue, Oak Street, Higgins Avenue, Division Street, Henry Street, Lincoln Street, Meade Street and Maple Street to Van Straten Construction Co., Inc., Green Bay in the amount of \$422,483.59.
 - B. Council Action Items:
 1. The Board recommends Council approve the quote from Protective Coating Specialists, Appleton to perform epoxy coating for the vehicle storage at the Tullar Road garage in the amount of \$99,224.
MSCR Hillstrom/Bates, all voting aye.
 2. The Board recommends Council award Contract 5-16 HMA Asphalt Pavement Repair to Northeast Asphalt in the amount of \$152,320.
MSCR Hillstrom/Stevenson, all voting aye.

Community Development Authority Update

- I. Dir. Haese advised that Site 7 continues to move forward. Two additional appraisals were received in that Main Street neighborhood last week. Interest continues to be expressed from property owners regarding selling their properties.

Sustainable Neenah Committee

- I. Ald. Kunz advised of discussions to reduce the size of the committee. They will come before the Finance & Personnel Committee to request the committee be reduced to a more manageable size.
 - A. Ald. Pollnow questioned if this should go to the Committee of Rules.
 - B. City Atty. Godlewski indicated it is the jurisdiction of the Finance & Personnel Committee. The Committee on Rules is strictly rules changes not the makeup of committees.

Library Board

- I. Ald. Erickson reported from the Library Board Meeting of September 21, 2016:
 - A. The Friends of the Neenah Public Library Book Sale began today. It will run Thursday 9/22 from 6-8:30 pm, Friday 9/23 from 9:30 am to 5 pm, Saturday 9/24 from 9:30 am to 2 pm and Sunday 9/25 from 1:30 pm to 4 pm. At the Sunday sale a bag full of books will be sold for \$5. On Monday September 26th from 9 am to 9 pm any remaining items are free. She encouraged everyone to attend.

Council Directives

- I. Ald. Pollnow introduced a Council Directive to review the street assessment policy specifically the 1/3, 1/3, 1/3 cost split and the financial impact. **MS Pollnow/Boyette.** (The vote on this Council Directive will take place at the October 5, 2016 Council meeting)

Unfinished Business

- I. Ald. Pollnow questioned the status of the new parking software.
 - A. Dir. Haese indicated they had their second implementation meeting today and another one scheduled next week. He anticipates in the next month or two when they begin implementation they will also have Parking Task Force meet and begin to forward recommendations to committee and Council relative to some policy changes in the downtown.
- II. Ald. Pollnow questions the status of the review of the sidewalk ordinance. At the Committee of the Whole City Atty. Godlewski and Dir. Kaiser were asked to review the ordinance
 - A. Dir. Kaiser advised he has looked at the ordinance however has not discussed it with City Attorney Godlewski. They continue collecting data for areas on the sidewalk map lacking data for review in the near future. In the budget he submitted to the Mayor, the sidewalk consists of finishing up areas in the Nature Trail Subdivision. In those areas we have escrow dollars they would apply to that. He is not expecting to assess for sidewalk next year for those areas.

- B. City Atty. Godlewski added that in new subdivisions the escrow has always been applied for sidewalk installation. Discussion in spring next year would be good timing.

New Business

- I. Mayor Kaufert's announced the appointment to fill the expired terms of Lee Erickson and John Rather on the Neenah Harbor Commission, terms expire October 2019 will be considered at the October 5, 2016 Council meeting.
- II. Ald. Bates advised of the mid-October Memorial Park Pavilion dedication to George Scherck. Additional information will follow.
 - A. Mayor Kaufert added that date is October 15th, the same day as Boo Fest.
- III. Mayor Kaufert thanked Ald. Lang for her work with the Neenah Historical Society and the Vintage Adventure. The Pow Wow and Voyage Canoes were well received. Everyone had positive comments.
- IV. Mayor Kaufert advised that Accela is being worked on every day by the staff who will be utilizing it. Today they viewed another webinar. The parallel is being done as we speak however there is still some work that needs to be done. They are making changes to their program to facilitate our needs.
- V. Mayor Kaufert reminded the Council to start thinking about the budget workshops to be held early November. If there are date you cannot attend, make Dir. Easker aware of those dates.
 - A. Dir. Easker advised the public hearing is scheduled for Tuesday November 15, 2016. Following a short discussion the dates were set as follows: Tuesday November 1st, Wednesday November 2nd, Monday November 7th and Wednesday November 9th.
- VI. Ald. Lendrum echoed Mayor Kaufert comments thanking Ald. Lang. She wants everyone to know how committed she is to the community. She is the Director of the Neenah Historical Society and in charge of the Octagon House. She single handedly comes up with these fantastic ideas.
- VII. Ald. Kunz expressed concern over the comment the Mayor made regarding Accela and the fact that they are customizing their program to fit our needs. He feels we need to work within the confines of Accela. He voted for this as it was his understanding this would simplify the process. If you start customizing to make it fit, he is afraid this will not be what he voted for.
 - A. City Atty. Godlewski commented that the customization is not special to the City of Neenah. We are talking about things like having spell check available for the entire program not just certain section. Changes to help all of their clients with issue, not customizing for the City of Neenah.

- B. Ald. Kunz expressed concern that if it is not doing what we expected, at some point we need to indicate to them that this is not what we purchased and not what was demonstrated.
- C. Ald. Stevenson clarified that the term customization might be wrong. It sounds like we have identified options within the program that are enhancement to an already existing product that they will incorporate into their product for all customers. That is a benefit to them as it makes their product better and hence there should be no cost to us.
- D. Mayor Kaufert concurred indicating it really is an enhancement to their system.

Adjournment

- I. **MSC Stevenson/Pollnow to adjourn at 8:33 p.m., all voting aye.**

Patricia A. Sturn, WCPC/MMC

Proceedings of the Common Council of the City of Neenah

Wednesday, March 15, 2017 - 7:00 p.m.

The Common Council of the City of Neenah, Winnebago County, Wisconsin, met in regular session at 7:00 p.m., March 15, 2017 in the Council Chambers of Neenah City Hall.

Mayor Kaufert in the chair.

Present: Aldermen Boyette, Bates, Hillstrom, Lendrum, Erickson, Lang, Pollnow and Kunz, Director of Finance Easker, Director of Community Development & Assessment Haese, Director of Public Works Kaiser, City Attorney Godlewski and City Clerk Sturn. Alderman Stevenson was excused.

Also Present: Director of Parks & Recreation Kading, Police Chief Wilkinson, Police Captains Gonzalez & Olson, Building Inspector Walter, Amy Barker of Future Neenah, Guy Stewart, Rodney Carter of Husch Blackwell - Milwaukee, Steve & Ron Seegers, Keith Laux and Brandon & Lisa Robak.

Mayor Kaufert called the meeting to order at 7:00 pm.

Proceedings

- I. **MSCRP Pollnow/Lendrum to approve the Council Proceedings of September 7, 2016 regular session, October 5, 2016 regular session, October 18, 2016 regular session, November 2, 2016 regular session and March 1, 2017 regular session, all voting aye.**

Consent Agenda

- I. **MS Bates/Pollnow to approve the Consent Agenda as follows:**
 - A. **Approve Beverage Operator license for: Dawn M. Eccles, Jason A. Meyer and Michelle D. Loula. (PSSC)**
 - B. **Approve a temporary Class "B" retail beer license to Future Neenah, Inc., 135 W. Wisconsin Avenue, for their Summer Kick-Off Bike to Boogie event to be held on June 14, 2017. (PSSC)**
 - C. **The motion to approve the Consent Agenda carried, by an 8-0 RollCall-Pro System vote, all voting aye.**

Public Services and Safety Committee

- I. Chairman Bates reported the regular meeting of March 7, 2017:
 - A. Committee recommends Council approve the quote for the purchase of 13 lights for the trestle bridge project from Crescent Electric, Appleton, in the amount of \$27,998.99 with funding from the 2016 Community Development Block Grant (CDBG) Funds. **MSCRP Bates/Hillstrom, all voting aye, Ald. Pollnow, Boyette and Lendrum voting nay.**

- B. Committee recommends Council adopt Ordinance 2017-05A - Reorganizing and amending Chapter 3 - Animals. **MSCRP Bates/Boyette, all voting aye, Ald. Pollnow voting nay.**
- C. Committee recommends Council adopt Ordinance 2017-05B – Creating Chapter 3, Article IV Permitting Bee Keeping. **MS Kunz/Lang.**
 - 1. **MSCRP Bates/Boyette to refer this back to the March 28th Public Services & Safety Committee to give us an opportunity to get the word out and obtain additional comments, all voting aye, Ald. Lang, Kunz and Pollnow voting nay.**

Finance & Personnel Committee

- I. Chairman Pollnow reported the regular meeting of March 6, 2017:
 - A. Committee recommends Council authorize staff to execute the proposed parking lot lease with the Masonic Lodge (Kane Lodge #61). **MSCRP Pollnow/Kunz, all voting aye.**
 - B. Committee recommends Council approval to replace the 2016 Ford Explorer Police Utility AWD with a 2017 version of the same vehicle. The vehicle would be purchased from Bergstrom Automotive, total cost not to exceed \$29,357 plus changeover costs of \$2,000 to be funded by CVMIC automobile liability coverage of \$28,357, with the remaining \$3,000 to be funded by Equipment Replacement Fund reserves. **MS Pollnow/Kunz.**
 - 1. **MSCRP Bates/Pollnow to amend the motion to increase changeover costs from \$2,000 to \$3,500 and increase the \$3,000 to be funded be Equipment Replacement Fund reserves to \$4,500, all voting aye.**
 - 2. **The original motion, as amended, carried by an 8-0 RollCall-Pro vote, all voting aye.**
 - C. Committee recommends Council approve the Tentative Agreements with the Neenah Professional Police Officers Association and Neenah Police Supervisory Bargaining Unit for contract terms from January 1, 2017 to December 31, 2018 and authorize preparation and execution of amended contracts reflecting the changes outlined in the Tentative Agreement between the City and unions. **MSCRP Pollnow/Boyette, all voting aye.**
 - D. Committee recommends Council adopt Policy 2017-02, Americans with Disabilities Act Title II Policy. **MSCRP Pollnow/Boyette, all voting aye.**

Plan Commission

- I. Council Rep. Lang reported the regular meeting of February 21, 2017:
 - A. **Council Rep. Lang stated the motion from the February 21, 2017 meeting that was postponed from the March 1, 2017 Council meeting with the contingency that they authorize the 14 day extension of the approval deadlines as stated in Wis. Stat. 66.0404.** Commission recommends Council approve the Special Use Permit for the construction of a 105 foot tall telecommunication tower and associated ground equipment located at 512 S. Commercial Street subject to the following conditions: Any future expansion of the fenced area, addition of future equipment within the fenced area, or

adding new antennas to the telecommunication pole will require an amendment to the special use permit; Submit a revised landscape plan which identifies the frontage landscape strip with a minimum of 3 shade trees and 7 shrubs. In addition, the landscape plan shall include evergreen plantings around the north, south, and east sides of the fenced area to create a visual buffer to surrounding properties; No driveway access is allowed from Maple Street; All internal access to the telecommunication area shall be constructed of a hard surfaced material such as asphalt or concrete; Obtain all necessary building permits prior to construction; Submit an exterior lighting (photometric) plan if exterior lighting is included as part of this project. The photometric plan shall indicate the location of all light fixtures and the intensity of those lights, measured in foot-candles, at the property line. **MS Lang/Pollnow.**

1. **The motion ended in a tie RollCall-Pro System vote, Ald. Erickson, Lang, Bates and Hillstrom voting aye, Ald. Pollnow, Kunz, Boyette and Lendrum voting nay. Mayor Kaufert abstained. The motion failed for lack of a majority.**
2. **MSCR Pollnow/Lendrum to refer the Street Use Permit application for the construction of a 105 foot tall telecommunication tower and associated ground equipment located at 512 S. Commercial Street to a Special Council meeting, prior to the March 22, 2017 deadline, on a date to be determined, all voting aye.**

N-M Fire Rescue Jt. Finance & Personnel Committee

- I. Ald. Pollnow reported the regular meeting of February 28, 2017:
 - A. Committee recommends the City of Neenah and City of Menasha Common Councils approve hiring a firefighter after April 7, 2017 based on the known retirement NMFR will experience on June 24, 2017, to have the person trained prior to the retirement, and to reduce the overtime NMFR would experience if the department waited to fill the position until after the retirement. **MSCR Pollnow/Boyette, all voting aye.**
 - B. Committee recommends the City of Neenah and City of Menasha Common Councils approve P.O. #17-18 to purchase a Sur Trac STW 6'x12' trailer from Y-Pay-More Trailer Sales for a cost not to exceed \$4,100.00 with the purchase to be primarily funded by the sale of the public education van and secondly be funded through a contribution from the Annual Mayor's Charity golf outing. **MSCR Pollnow/Boyette, all voting aye.**

Board of Public Works

- I. Vice Chairman Hillstrom reported the meeting of March 9, 2017:
 - A. Council Action Items:
 1. Board recommends Council award Contract 2-17 sewer & water main construction and street construction on Cleveland, Edward & Helen Streets to the low bid from Don E. Parker Excavating, Hortonville in the amount of \$620,620.35. **MSCR Hillstrom/Bates, all voting aye.**

Adjournment

- I. **MSC Pollnow/Boyette to adjourn at 8:38 p.m., all voting aye.**

Patricia A. Sturn, WCPC/MMC
City Clerk

COMMON COUNCIL MINUTES

Wednesday, March 15, 2017 - 7:00 p.m.

The Common Council of the City of Neenah, Winnebago County, Wisconsin, met in regular session at 7:00 p.m., March 15, 2017 in the Council Chambers of Neenah City Hall.

Mayor Kaufert in the chair.

Present: Aldermen Boyette, Bates, Hillstrom, Lendrum, Erickson, Lang, Pollnow and Kunz, Director of Finance Easker, Director of Community Development & Assessment Haese, Director of Public Works Kaiser, City Attorney Godlewski and City Clerk Sturn. Alderman Stevenson was excused.

Also Present: Director of Parks & Recreation Kading, Police Chief Wilkinson, Police Captains Gonzalez & Olson, Building Inspector Walter, Amy Barker of Future Neenah, Guy Stewart, Rodney Carter of Husch Blackwell - Milwaukee, Steve & Ron Seegers, Keith Laux and Brandon & Lisa Robak.

Mayor Kaufert called the meeting to order at 7:00 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.

Proceedings

- I. **MSCRP Pollnow/Lendrum to approve the Council Proceedings of September 7, 2016 regular session, October 5, 2016 regular session, October 18, 2016 regular session, November 2, 2016 regular session and March 1, 2017 regular session, all voting aye.**

Consent Agenda

- I. **MS Bates/Pollnow to approve the Consent Agenda as follows:**
 - A. It was at consensus of the Council to allow Amy Barker to speak on Consent Agenda item B, the Summer Kick-Off Bike to Boogie event.
 1. Amy Barker of Future Neenah advised that their first ever Summer Kick-Off Bike to Boogie which will be held on June 14th. They are encouraging people to bike to a Boogie & the Yoyos concert on the lawn in front of Plexus from 6-9 pm. This will kick off all the exciting summer events they sponsor. In conjunction, they are looking to sell beer at this event as a fund raising opportunity. She will be available to answer any questions.
 2. Mayor Kaufert advised that he had a request to have non-alcoholic beer as well.
 3. Amy indicated it will be non-alcoholic beverages as well, water, soda, etc. Not necessarily non-alcoholic beer but they could look at that as an opportunity.
 - B. **Approve Beverage Operator license for: Dawn M. Eccles, Jason A. Meyer and Michelle D. Loula. (PSSC)**

- C. **Approve a temporary Class "B" retail beer license to Future Neenah, Inc., 135 W. Wisconsin Avenue, for their Summer Kick-Off Bike to Boogie event to be held on June 14, 2017. (PSSC)**
- D. **The motion to approve the Consent Agenda carried, by an 8-0 RollCall-Pro System vote, all voting aye.**

Public Services and Safety Committee

- I. Chairman Bates reported the regular meeting of March 7, 2017:
 - A. Committee recommends Council approve the quote for the purchase of 13 lights for the trestle bridge project from Crescent Electric, Appleton, in the amount of \$27,998.99 with funding from the 2016 Community Development Block Grant (CDBG) Funds. **MS Bates/Hillstrom.**
 - 1. Ald. Lendrum indicated she will vote against this because she has voted against the trestle bridge project all along. She feels this is an inappropriate use of CDBG funds.
 - 2. Dir. Haese gave a justification for using block grant funds. Block grant funds are typically required to be spent in low and moderate income neighborhoods, which this is defined as per data from Housing and Urban Development. Also, park uses and park development are acceptable uses of CDBG funds.
 - 3. Ald. Pollnow spoke in opposition to spending CDBG funds on this purchase. This is not a good use for federal tax payer dollars.
 - 4. **Motion carried, by a 5-3 RollCall-Pro System vote, all voting aye, Ald. Pollnow, Boyette and Lendrum voting nay.**
 - B. Committee recommends Council adopt Ordinance 2017-05A - Reorganizing and amending Chapter 3 - Animals. **MS Bates/Boyette.**
 - 1. Ald. Boyette questioned if the section relating to vicious animals relates to raising bees. She also questioned if the area for raising bees is limited.
 - 2. City Atty. Godlewski indicated the bee ordinance contains a provision where the City can revoke a bee permit if the bee keeper is not adequately managing the bees. He explained to Ald. Boyette that there is not limit on the number of properties that can own bees just a limitation to where they can be located on a particular lot.
 - 3. Ald. Pollnow asked what exactly is being reorganized and amended.
 - 4. City Atty. Godlewski indicated he reorganized the Chapter to be in order by Articles. Article 1 contains definitions/general matters, Article 2 deals with licensing, investigations and rabies control, and Article 3 deals with dangerous animals. If the bee keeping ordinance would pass, it would become Article 4. The only policy change that was added was that if an animal was declared dangerous by another municipality that animal would be subject to the regulations of our code. The policies of the two communities must be similar. The pet license application would need to be changed to ask if their pet has been declared dangerous by another community.
 - 5. **Motion carried, by a 7-1 RollCall-Pro System vote, all voting aye, Ald. Pollnow voting nay.**

- C. Committee recommends Council adopt Ordinance 2017-05B – Creating Chapter 3, Article IV Permitting Bee Keeping. **MS Kunz/Lang.**
1. **MS Bates/Boyette to refer this back to the March 28th Public Services & Safety Committee to give us an opportunity to get the word out and obtain additional comments.**
 2. Dir. Haese asked if she is expecting staff to be present at that meeting.
 3. Ald. Bates indicated she hopes Brian Walter would be at that meeting to answer questions. She indicated she is looking for areas within the city that could possibly become a bee preserve. If you cannot put a hive in your backyard, you would be able to raise your bees in these preserves. She wants to encourage bees but also recognize there are some people that are allergic to them.
 4. Ald. Kunz indicated he will vote against tabling this motion. His concern is this already went through the Public Services & Safety Committee and there all kinds of people there. The Sustainable Neenah Committee has been discussing this for one year now. This has been a long time coming. Timing is important. He thought the Town of Menasha's survey told the number of people supporting bees in a time when the bee population is declining. It is time we move forward.
 5. Ald. Boyette indicated cats and dogs are leashed and given many other restrictions. The police department assist in dog/cat control and we have an animal shelter in the town. Bees are a different avenue. They are not necessarily a pet. The requirements for dogs/cats are enforceable. She does not see how we would enforce stray bees. She has received many phone calls asking her to vote no on this. Bee keeping is a rural activity and should be kept that way.
 6. Ald. Bates clarified for Ald. Kunz that there were 3 people at the committee meeting. She does not feel people are aware of this and does not want to make a decision that could affect someone very seriously. It would be helpful to her to hear what the people have to say.
 7. Ald. Kunz indicated there are much larger communities in Wisconsin that allow bees. Menasha has been allowing bees for decades. He can guarantee there are people in the City that are allergic to bees. Having a bee hive does not increase the opportunity to get stung, there are already a lot of stinging insects in the air.
 8. Ald. Pollnow concurred with Ald. Kunz. He would rather see those opposing bees vote no rather than sending it back to see how many people were not informed and show up at the meeting. He will vote against tabling this motion.
 9. Ald. Bates indicated moving slowly with this is not bad. She opposed passing this with no one knowing about it.
 10. Mayor Kaufert indicated one of the problems is lack of local media coverage. Times have changed and they do not have staff available to report things like they did in the past. Any time an alderman asked for more time, out of respect for that alderman, we should accept the request if it is reasonable. He will make an attempt to get the word out on social media.

11. Ald. Lendrum indicated this can be changed into a positive. You think you know about bees, however, you don't know anything. She feels this could be a positive and give us an opportunity to learn about bees. She encouraged anyone with knowledge of bees to attend the March 28th meeting to help us learn. She supports sending it back.
12. Ald. Erickson added that this past summer Sustainable Neenah place mason bee houses in front of the Neenah Library, City Hall and the Octagon House. She is a master gardener who works the gardens in front of the Library and they had no problems with the bees. They are great pollinators and wonderful for plants in the city.
13. **Motion carried by a 5-3 RollCall-Pro System vote, all voting aye, Ald. Lang, Kunz and Pollnow voting nay.**

Finance & Personnel Committee

- I. Chairman Pollnow reported the regular meeting of March 6, 2017:
 - A. Committee recommends Council authorize staff to execute the proposed parking lot lease with the Masonic Lodge (Kane Lodge #61). **MSCR Pollnow/Kunz, all voting aye.**
 - B. Committee recommends Council approval to replace the 2016 Ford Explorer Police Utility AWD with a 2017 version of the same vehicle. The vehicle would be purchased from Bergstrom Automotive, total cost not to exceed \$29,357 plus changeover costs of \$2,000 to be funded by CVMIC automobile liability coverage of \$28,357, with the remaining \$3,000 to be funded by Equipment Replacement Fund reserves. **MS Pollnow/Kunz.**
 1. Police Captain Gonzalez advised that the estimates he provided at the meeting on March 6th for the changeover costs were incorrect. The day after the meeting, March 7th, the estimates were received from the vendor. The estimate was short by about \$1,500. Both the changeover costs and the amount to be funded by reserves would need to be increased by \$1,500.
 2. **MS Bates/Pollnow to amend the motion to increase changeover costs from \$2,000 to \$3,500 and increase the \$3,000 to be funded be Equipment Replacement Fund reserves to \$4,500.**
 3. Ald. Hillstrom questioned if those dollars are available.
 4. Dir. Easker indicated there are enough dollars in that account to cover these increased cost.
 5. **The amendment carried, by an 8-0 RollCall-Pro System vote, all voting aye.**
 6. Ald. Bates questioned why these vehicles do not go to the Public Services & Safety Committee like other vehicles.
 7. Dir. Easker advised that historically all police vehicles go through the Finance & Personnel Committee rather than Public Services & Safety Committee. This may be partially due to the insurance aspect.
 8. **The original motion, as amended, carried by an 8-0 RollCall-Pro vote, all voting aye.**

- C. Committee recommends Council approve the Tentative Agreements with the Neenah Professional Police Officers Association and Neenah Police Supervisory Bargaining Unit for contract terms from January 1, 2017 to December 31, 2018 and authorize preparation and execution of amended contracts reflecting the changes outlined in the Tentative Agreement between the City and unions. **MSCRP Pollnow/Boyette, all voting aye.**
- D. Committee recommends Council adopt Policy 2017-02, Americans with Disabilities Act Title II Policy. **MSCRP Pollnow/Boyette, all voting aye.**

Plan Commission

- I. Council Rep. Lang reported the regular meeting of February 21, 2017:
 - A. **Council Rep. Lang stated the motion from the February 21, 2017 meeting that was postponed from the March 1, 2017 Council meeting with the contingency that they authorize the 14 day extension of the approval deadlines as stated in Wis. Stat. 66.0404.** Commission recommends Council approve the Special Use Permit for the construction of a 105 foot tall telecommunication tower and associated ground equipment located at 512 S. Commercial Street subject to the following conditions: Any future expansion of the fenced area, addition of future equipment within the fenced area, or adding new antennas to the telecommunication pole will require an amendment to the special use permit; Submit a revised landscape plan which identifies the frontage landscape strip with a minimum of 3 shade trees and 7 shrubs. In addition, the landscape plan shall include evergreen plantings around the north, south, and east sides of the fenced area to create a visual buffer to surrounding properties; No driveway access is allowed from Maple Street; All internal access to the telecommunication area shall be constructed of a hard surfaced material such as asphalt or concrete; Obtain all necessary building permits prior to construction; Submit an exterior lighting (photometric) plan if exterior lighting is included as part of this project. The photometric plan shall indicate the location of all light fixtures and the intensity of those lights, measured in foot-candles, at the property line. **MS Lang/Pollnow.**
 - 1. Ald. Pollnow asked for comments from Atty. Rod Carter since he was the one requesting this item be moved back two weeks due to a bad snow storm.
 - 2. It was the consensus of the Council to allow the applicants attorney to speak.
 - 3. Rod Carter, Husch Blackwell, representing Bright Star Properties/Verizon Wireless urged the Council to approve the Special Use Permit with the conditions stated. He and Guy Stewart were present to answer any questions. He clarified for Ald. Lendrum that the property is being leased not purchased.
 - 4. Ald. Kunz spoke in opposition to the motion in hopes to deny for reasons not covered by State Statutes.
 - 5. Ald. Pollnow spoke in opposition to approving the Special Use Permit based on the grounds previously addressed. He asked for clarification that if this is voted down no other action can be taken.

6. City Atty. Godlewski advised that voting this down would have the effect of not granting the permit but would not be the final motion as there was no motion to deny or approve the application. He added that if the 90th day from the application date passes, it is deemed approved. We believe the 90th day is March 22nd. That does not include the 14 day extension due to the weather.
7. **The motion ended in a tie RollCall-Pro System vote, Ald. Erickson, Lang, Bates and Hillstrom voting aye, Ald. Pollnow, Kunz, Boyette and Lendrum voting nay.** Mayor Kaufert advised that the State Statute indicated the Mayor “may” break a tie. He advised that due to the fact he was in the Legislature at the time this was discussed and it was part of the overall budget package, he abstained. Since he abstained in the Plan Commission, he abstained. **Mayor Kaufert abstained. The motion failed for lack of a majority.**
8. Ald. Kunz questioned if a motion to deny is in order. Otherwise after 90 days it would pass without any conditions.
9. City Atty. Godlewski advised that the effect of this motion is not to grant the Special Use Permit or deny the Special Use Permit, it was basically not to pass the recommendation from the Plan Commission. He suggested a separate meeting with the motion to deny on the agenda since it was not on this agenda. He clarified for Ald. Pollnow that a motion would be in order to refer this to a meeting to a date specific prior to the deadline.
10. **MSCR Pollnow/Lendrum to refer the Street Use Permit application for the construction of a 105 foot tall telecommunication tower and associated ground equipment located at 512 S. Commercial Street to a Special Council meeting, prior to the March 22, 2017 deadline, on a date to be determined, all voting aye.**

N-M Fire Rescue Jt. Finance & Personnel Committee

- I. Ald. Pollnow reported the regular meeting of February 28, 2017:
 - A. Committee recommends the City of Neenah and City of Menasha Common Councils approve hiring a firefighter after April 7, 2017 based on the known retirement NMFR will experience on June 24, 2017, to have the person trained prior to the retirement, and to reduce the overtime NMFR would experience if the department waited to fill the position until after the retirement. **MSCR Pollnow/Boyette, all voting aye.**
 - B. Committee recommends the City of Neenah and City of Menasha Common Councils approve P.O. #17-18 to purchase a Sur Trac STW 6'x12' trailer from Y-Pay-More Trailer Sales for a cost not to exceed \$4,100.00 with the purchase to be primarily funded by the sale of the public education van and secondly be funded through a contribution from the Annual Mayor's Charity golf outing. **MSCR Pollnow/Boyette, all voting aye.**

Board of Public Works

- I. Vice Chairman Hillstrom reported the meeting of March 9, 2017:
 - A. Council Action Items:
 - 1. Board recommends Council award Contract 2-17 sewer & water main construction and street construction on Cleveland, Edward & Helen Streets to the low bid from Don E. Parker Excavating, Hortonville in the amount of \$620,620.35. **MSCR Hillstrom/Bates, all voting aye.**

Community Development Authority (CDA)

- I. Dir. Haese reported from the Community Development Authority (CDA):
 - A. Geiger Auto Body and Therapy Bar on Main Street have been removed. Some work remains to clean up the sites.
 - B. The CDA will go to bid soon for the parking area at the end of Martens Street. We should have a new parking lot by June 1st.
 - 1. Ald. Pollnow asked Dir. Haese to pass on to Go Green that they did a great job.
 - 2. Dir. Haese indicated they have done good work for us in the 8 or 10 demolitions in the past 12 months. He will
 - 3. Ald. Kunz questioned the rock pile on the Minergy site.
 - 4. Dir. Haese advised that Go Green is doing that work and are experiencing equipment problems. A mystery metal is causing the equipment problems. They are working to resolve that issue and continue to make progress.

Sustainable Neenah Committee

- I. Ald. Kunz reported from the Sustainable Neenah Committee meeting of March 8, 2017:
 - A. The Committee continues to look for ways to play a more visible role in the Farmers' Market.
 - B. The Committee is looking into reducing the number of members from 16 to 14. They would like a smaller group to make it more manageable.
 - C. Mayor Kaufert indicated that may be addressed at the organizational meeting.

Library Board

- I. Ald. Erickson reported from the Library Board meeting of March 15, 2017:
 - A. The Library will offer Spring Events for Youth & Families every day during spring break. If you are looking for things to do during spring break, the Library has a lot of great programming for the kids. Information can be obtained on the web site.
 - B. In April the Library will have an Earth Day craft.
 - C. Tomorrow night at 7:00 pm at the Library, the Galloway Company (Ted Galloway) and Neenah Dairy Queen (Jim Reiser), will do a presentation on the history of their companies and the unique & long-term business relationship between the two companies.

- D. The Library held a Genealogy Lock-in on Friday March 10th from 6-9 pm. Twenty people participated and loved the program. They plan to repeat the program in the future.
- E. The Library has planned a follow up on the "Paper Clutter" event in May.
- F. New bags are available to check out in the youth department. Each bag features different items, i.e. English as a Second Language, Coding Games, Math, Baking, Music and Motion. These bags are so popular, Ald. Erickson suggested you reserve one ahead of time.

Unfinished Business

- I. Ald. Pollnow reminded the Council to leave their iPad at their desk tonight so I/S can prepare them for the go live for paperless agendas.
- II. Ald. Hillstrom advised the Council that the sign-up sheet for the drop off site is available on line. He asked those interested in helping to sign-up.
- III. Ald. Lendrum reminded everyone of the Neenah School Board Candidate Forum sponsored by the League of Women Voters Winnebago County to be held Wednesday, March 22, 2017 at 6 pm in the Shattuck Community Room at the Neenah Library.
- IV. Mayor Kaufert advised everyone that early voting is now available in the Clerk's Office for the April 4th Spring Election. Hours are 7:30 am to 4:30 pm Monday thru Thursday and 7:30 am to 4:00 pm on Fridays.
- V. Ald. Erickson asked the hours for the drop off site.
 - A. Dir. Kaiser indicated the drop off site hours are 7 am to 5 pm Monday thru Friday. They will be open Saturdays beginning in May.
- VI. Mayor Kaufert asked the Council to check their availability for the Special Council meeting next week. Two aldermen could not attend on Monday and Tuesday. They discussed the possibility of Friday night at 4 pm. Mayor Kaufert indicated he would talk to Council President Stevenson, select a date and notify the Council.

Adjournment

- I. **MSC Pollnow/Boyette to adjourn at 8:38 p.m., all voting aye.**

Patricia A. Sturn, WCPC/MMC
City Clerk

Proceedings of the Special Common Council meeting of the City of Neenah

Wednesday, March 22, 2017 - 4:00 p.m.

The Common Council of the City of Neenah, Winnebago County, Wisconsin, met in special session at 4:00 p.m., March 22, 2017 in the Council Chambers of Neenah City Hall.

Mayor Kaufert in the chair.

Present: Aldermen Bates, Hillstrom, Lendrum, Erickson, Lang, Pollnow, Kunz & Stevenson, Director of Community Development & Assessment Haese, City Attorney Godlewski and City Clerk Sturn. Alderman Boyette, Director of Finance Easker and Director of Public Works Kaiser were excused.

Also Present: Deputy Director of Community Development Schmidt, Rodney Carter, Attorney at Husch Blackwell LLP, Milwaukee representing Central States, Court Reporter Stephanie Grosek, Ron & Steve Seegers, Guy Stewart, Rodney Carter and Duke Behnke of the Post Crescent.

Mayor Kaufert called the meeting to order at 4:04 pm.

Special Use Permit – Telecommunications Tower 512 S. Commercial Street:

- I. **MSCRP Pollnow/Stevenson to deny the Special Use Permit application by Bright Star Properties/Verizon Wireless for the construction of a 105 foot tall telecommunication tower and associated ground equipment located at 512 S. Commercial Street and direct City Atty. Godlewski and Dir. Haese to draft a findings of facts and conclusion of law letter to be given to Bright Star Properties and Verizon Wireless to include and not limited to the following: incompatible with the 1991 master plan for the S. Commercial Street corridor and diminishes development potential for the remainder of the parcel, all voting aye, Ald. Bates voting nay.**

Adjournment

- I. **MSC Stevenson/Pollnow to adjourn at 4:45 p.m., all voting aye.**

Patricia A. Sturn, WCPC/MMC
City Clerk

SPECIAL COMMON COUNCIL MINUTES

Wednesday, March 22, 2017 - 4:00 p.m.

The Common Council of the City of Neenah, Winnebago County, Wisconsin, met in special session at 4:00 p.m., March 22, 2017 in the Council Chambers of Neenah City Hall.

Mayor Kaufert in the chair.

Present: Aldermen Bates, Hillstrom, Lendrum, Erickson, Lang, Pollnow, Kunz & Stevenson, Director of Community Development & Assessment Haese, City Attorney Godlewski and City Clerk Sturn. Alderman Boyette, Director of Finance Easker and Director of Public Works Kaiser were excused.

Also Present: Deputy Director of Community Development Schmidt, Rodney Carter, Attorney at Husch Blackwell LLP, Milwaukee representing Central States, Court Reporter Stephanie Grosek, Ron & Steve Seegers, Guy Stewart, Rodney Carter and Duke Behnke of the Post Crescent.

Mayor Kaufert called the meeting to order at 4:04 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.

Special Use Permit – Telecommunications Tower 512 S. Commercial Street:

- I. Council consideration of the application by Bright Star Properties/Verizon Wireless for a Special Use Permit for the construction of a 105 foot tall telecommunication tower and associated ground equipment located at 512 S. Commercial Street.
 - A. Public Input:
 1. Guy Stewart, 3703 Northpoint, Stevens Point, gave a quick overview of the reason they are looking at this site. He was asked by Verizon to acquire a site in this area. His first task was to look for an existing site as it makes it quicker for Verizon to get up and running. Finding nothing in this area, he looked at the city ordinance and matched it up with the State Statutes and began to look for options for a new communications tower site. He then started looking for potential land owners willing to work with them. Bright Star Properties has agreed to work with them. They met with them and Verizon engineers and submitted a site plan to the city. After several meetings, they were asked to revise that site plan which they have done. The site plan now matches the city ordinance, State Statutes and the revised request by the City.
 2. Rod Carter, Attorney at Husch Blackwell LLP, Milwaukee representing Central States and Verizon Wireless, added to Mr. Stewart's comments indicating both Central States and Verizon Wireless can live with the conditions requested by the Plan Commission. Speaking to State Statute 66.04(4), the wireless siting statute, the state saw a need to declare wireless siting a

statewide concern. The state thought about the needs of the public in terms of data and wireless coverage, including governmental entities and saw fit to make it a matter of statewide concern. He urged the Council not to get into a discussion on whether this is appropriate as this is not the venue for that debate. The tower will be built so other carriers can co-locate on the tower. This will eliminate the need to site towers in the future. In closing he stated that the application meets city code and State Statutes therefore he urged approval.

3. Steven Seegers, owner of 512 S. Commercial Street, spoke on behalf of himself and his business partner Rod Seegers. He indicated the long term best use for this property is NOT what is currently there. It is an eye sore. His concern was why the Council needs to approve the cell tower lease. He feels Council has done its due diligence but also did a good job delaying the process. He does not want to take this to the media and feels we can resolve this tonight.

B. Staff Input:

1. Chris Haese, City of Neenah Director of Community Development, provided his input to the cell tower application. In his 25 years of employment with the City of Neenah he has had quite a bit of experience dealing with communications towers. He took exception to the comment it may be the last time we look at a tower since the City has a number of antennae within a couple hundred feet of this building. Capacity is always an issue. He believes the proposed tower conflicts with the goals and objectives of the 1991 S. Commercial Street Corridor Study. Those goals and objectives continue to be implemented moving forward. Even though the study was done in 1991, the validity is still with us today. Construction of a tower on this property would diminish the ability to redevelop the site. Every square foot you take away from this site for the sake of a tower, diminishes its ability as a redevelopment site. He pointed out the Winnebago Community Credit Union, just to the south of this site, indicating it is a 2,500 sq. ft. building. That building would not fit on this site with or without a cell tower particularly if you take into consideration the fact that the building would be 2,500 sq. ft. however required parking would add an additional 1,500 sq. ft. With setbacks and green space requirements you could add another 2,000 sq. ft. to that. On top of that storm water management could add another 1,000 sq. ft. The property is an eye sore and a tower would contribute to the difficulty to redevelop the site. In summary, he believes the utilization of square footage of this site for a communications antennae will diminish the ability to allow the site to be redeveloped in an efficient pattern. Furthermore, he believes this would be in direct conflict with the goals & objectives of the 1991 Corridor Study. Dir. Haese responded to Ald. Lendrum that communications antennae are not assessed as personal property. There is no change in the tax bill as a result of the tower however

we apparently receive some revenue through the shared revenue formula through the state.

2. Rod Carter clarified for Ald. Lendrum that the lease agreement requires the carriers to remove and restore the ground upon discontinuance of the use. This is a 5 year lease with options. The lease can terminate after five years however typically they would extend on for additional 5 year periods up to 25 years.

3. Deputy Dir. Schmidt outlined the timeline for the application:

- Sept. 21, 2016 – applicant was sent a copy of the site plan review application and application requirements.
- That application was received the end of November along with the fee.
- Dec. 2nd the applicant was notified that the Verizon search area map was missing.
- Dec. 9th the map was received and the applicant was informed of the need to apply for a Special Use Permit.
- Dec. 22nd the Special Use Permit was received.
- Feb. 8, 2017 he confirmed with the applicant that the application submittal date was Dec. 22, 2016.
- Jan. 2017 the additional fee was received.

Deputy Dir. Schmidt advised that they determined the need for a Special Use Permit as the site is zoned C1 and in a C1 district, if principle use of the site is residential, standards of R1 apply. In an R1 district, telecommunication towers require a Special Use Permit.

- C. Council action on Special Use Permit Application:

1. **MS Pollnow/Stevenson to deny the Special Use Permit application by Bright Star Properties/Verizon Wireless for the construction of a 105 foot tall telecommunication tower and associated ground equipment located at 512 S. Commercial Street and direct City Atty. Godlewski and Dir. Haese to draft a findings of facts and conclusion of law letter to be given to Bright Star Properties and Verizon Wireless to include and not limited to the following: incompatible with the 1991 master plan for the S. Commercial Street corridor and diminishes development potential for the remainder of the parcel.**
2. Ald. Bates questioned if Walgreen's was approach to see if access to this site could be through their driveway.
3. Guy Stewart indicated they did not contact Walgreen's as their original contact with the City indicated there was a potential to enter off Maple Street. The Plan Commission made the decision to not allow access from Maple Street. At this point, they will not be contacting Walgreens.
4. Steve Seegers advised that at a Plan Commission meeting Deputy Dir. Schmidt had proposed through Google Sketch Up, a 3,000 & 4,000 sq. ft. building could fit on the site. It would not fit a restaurant but small retail would fit. His plan would be to knock both buildings down.

5. Guy Stewart informed Ald. Kunz that when they cannot find a site within the radius, he works with the radio frequency engineer for possibilities. The ring is arbitrary and this site is not outside the search area.
6. Dir. Haese clarified for Ald. Stevenson that his position is that the tower is incompatible with the 1991 S. Commercial Street study master plan and the use is incompatible.
7. Ald. Stevenson indicated he will support the motion to deny the Street Use Permit application.
8. Ald. Kunz commented that cell towers are part of any community that wants access. As a community we try to work with people because we understand it services our community. He will vote to deny this however would like to find a way to put up cell towers in an area where they do not diminish our ability for development.
9. **The motion to deny, carried, by a 7-1 RollCall-Pro System vote, all voting aye, Ald. Bates voting nay.**

Other Business

- I. None.

Adjournment

- I. **MSC Stevenson/Pollnow to adjourn at 4:45 p.m., all voting aye.**

Patricia A. Sturn, WCPC/MMC
City Clerk

CITY OF NEENAH
PUBLIC SERVICES AND SAFETY COMMITTEE MEETING MINUTES
Tuesday, March 28, 2017 - 7:00 PM
Council Chambers - City Administration Building

Present: Aldermen Bates, Hillstrom, Lang, Lendrum, and Stevenson

Also Present: Mayor Kaufert, City Attorney Godlewski, Director of Public Works Kaiser, Director of Parks and Recreation Kading, Parks Superintendent Fink, Assistant Planner Kasimor, Engineer Kummerow, Traffic Engineer Merten, Ald. Pollnow, Megan VandeHey, Joey Reader, Kim Ritzow, Trina Doxtator, Penny Redlich-Stroik, Bill Stroik, Jesse Drake, Josh Preissner

Minutes: Motion/Second/Carried Hillstrom/Lendrum to approve the minutes of the Regular Meeting of March 7, 2017. All voting aye.

Public Appearances: Bill Stroik and Penny Redlich-Stroik, Neenah, addressed the Committee about algae conditions in the L-shaped Pond in the Nature Trails Subdivision. He stated that he doesn't believe that the efforts taken to eliminate the algae problem have been effective. He noted that the pond currently has algae from the west edge of the pond to a point about 70 feet to the east, although it is full width only at the west edge. He noted that the aquatic plants don't seem to have taken root and expressed a concern with the ability of the city's pond treatment consultant to manage the problem. He noted the changes in the pond location from the original concept for the subdivision and deficiencies in the original pond design. He expressed a concern that the early algae growth this year will result in a return to the algae problems prior to 2015. He stated the belief that the pond qualifies as a public nuisance that must be eliminated. Mrs. Redlich-Stroik provided the Committee with photos showing the pond conditions.

Committee discussed the issue. Director Kaiser noted contacts that had been made since being contacted by the Stroiks to line up pond treatment and determine the status of work needed on the submergent plants and prairie. He informed the Committee that the biologist indicated that these are in a maintenance stage. He also noted that the biologist inspects the ponds each spring. Committee requested information on the efforts and costs expended on management of this pond. They also requested that Director Kaiser inform the Stroiks of any work on the pond that could interfere with the showings of their property. Director Kaiser reviewed the history of work done on the pond to alleviate the algae complaints. He also noted the evolution of detention pond design standards since this pond was constructed. Mrs. Redlich-Stroik expressed concern with the impact that the pond could have on their ability to sell the property. Mayor Kaufert outlined the algae conditions that he had observed at a number of other ponds and stated that conditions here are not much different from those other locations. He stated that there is a greater distance between those ponds and abutting homes. He stated that the pond will not be kept to the condition that one may see at a golf course but that the Council and staff are intent to continue to make improvements.

Ordinance 2017-05B – Creation of Title 3, Article IV Permitting Bee Keeping: Chairman Bates noted that she had expressed a concern at the prior Council meeting with the level of public awareness of the proposed ordinance. She outlined the efforts made since that meeting to provide information to the public and to receive comment. City Attorney Godlewski clarified the process for an appeal of an apiary registration. He also clarified that the fence barrier noted in Sec. 3-42(b) must be a solid fence.

Public Services and Safety Committee Meeting
March 28, 2017
Page 2

Motion/Second Stevenson/Lendrum to recommend Council approve Ordinance 2017-05B – Creating Chapter 3, Article IV Permitting Bee Keeping.

Chairman Bates stepped down from the Chair and Vice-Chairman Hillstrom took the Chair.

Ald. Bates noted that the public input that was received on the proposed ordinance was balanced between those in support of bee keeping and those that were more cautious. She stated that those concerns lead her to want to have a registration appeal included in the ordinance. She noted that she had worked with Chief Building Inspector Walter to develop Amendment 1 to the proposed ordinance to provide for an apiary registration fee, require the City to maintain a list of registered apiaries, and provide an ability to appeal an apiary registration for a medical reason.

Motion/Second/Carried Bates/Lendrum to amend the motion to include Amendment 1 to Ordinance No. 2017-05B. All voting aye.

The amended motion was placed on the floor.

ORD. Following discussion, **Motion/Second/Carried Stevenson/Lendrum to recommend Council adopt Ordinance 2017-05B, as amended, creating Chapter 3, Article IV Permitting Bee Keeping.** All voting aye.

Vice-Chairman Hillstrom stepped down from the Chair and Chairman Bates took the Chair.

Castle Oak and Carpenter Preserve Play Equipment: Director Kading reviewed his memo dated March 23, 2017 regarding the purchase of play equipment for the Castle Oak and Carpenter Preserve parks. Proposals were received from four companies. Committee discussed several aspects of the project including the inclusion of a shade area at the playgrounds, whether water fountains would be available, handicap accessibility requirements, and the possibility for community involvement in the installation process. It was noted that approximately 100 people attended the public input session. Director Kading clarified the proposal process indicating that equipment suppliers were given a general price range and a requirement to include certain features. The proposals were then reviewed by the Parks & Recreation Commission, which selected the preferred vendor in each case.

REPORT Following discussion, **Motion/Second/Carried Hillstrom/Stevenson to recommend Council approve purchase of the Castle Oak play equipment proposal #2 from Lee Recreation, Cambridge, in the amount of \$64,300.** All voting aye.

REPORT Following discussion, **Motion/Second/Carried Stevenson/Hillstrom to recommend Council approve purchase of the Carpenter Preserve play equipment proposal #2 from Lee Recreation, Cambridge, in the amount of \$64,000.** All voting aye.

Motion Second/Carried Stevenson/Hillstrom to amend the agenda to address Item 7 – Street Use Permits. All voting aye.

Public Services and Safety Committee Meeting
March 28, 2017
Page 3

Minds Matter!: Committee reviewed the Street Use Permit for the Minds Matter! Event to be held on Saturday, September 16, 2017, from 5:00 p.m. to 11:00 p.m. in the Church Street Parking Ramp. Traffic Engineer Merten noted the material provided by the event organizers to explain the event. Committee noted that a certificate of liability insurance is needed. Committee discussed coordination of the event with Alta Resources and Plexus Corporation. Joey Reader, an event representative, noted that they have been in touch with Alta Resources but that Alta is awaiting the decision of the Council on the event before they develop alternate parking arrangements for their employees. Committee discussed event arrangements for security and managing alcoholic beverages. Ms. Reader indicated that since the event is in early planning stages, security arrangements have not been finalized. She also noted that the event is geared toward older adults. Committee suggested that they use a wristband arrangement to identify those of legal drinking age. Traffic Engineer Merten confirmed that the event will comply with the noise ordinance if the event entertainment goes until 11:00 p.m.

C.A.

Following discussion, **Motion/Second/Carried Lendrum/Hillstrom to recommend that the Chairman sign and the Council approve the Street Use Permit for the Minds Matter! Event, Autumn Grimm, N282 Stoney Brook Rd, Ste. D, Appleton, to be held on September 16, 2017, in the Church Street Ramp, 135 N. Church Street, contingent upon receipt of a certificate of liability insurance, confirmation by the Traffic Engineer of coordination with Alta Resources and Plexus Corporation, and use of a wristband arrangement for alcohol sales.** All voting aye.

Temporary Class "B" Retail Beer/Wine License Application - Future Neenah: The Committee reviewed the request for a temporary Class "B" retail beer/wine license application from A-mazing Events, LLC, N282 Stoney Brook Road, Ste D, Appleton, for the Minds Matter! Event to be held on September 16, 2017, in the Church Street Ramp.

C.A.

Following discussion, **Motion/Second/Carried Lendrum/Stevenson to recommend Council approve the temporary Class "B" retail beer/wine license to A-mazing Events, LLC, N282 Stoney Brook Road, Ste D, Appleton, for the Minds Matter! Event to be held on September 16, 2017, in the Church Street Ramp, 135 N. Church Street.** All voting aye.

Community First Fox Cities Marathon & 5K: Committee reviewed the Street Use Permit for the Community First Fox Cities Marathon & 5K to be held September 22-24, 2017. Event representative Jesse Drake reviewed the operation of the event. Traffic Engineer Merten noted the improvement in traffic operations for the 2016 event as compared to the 2015 event. Committee commented on several matters including sound levels at Riverside Park, medical staffing, and access to St. Paul's Lutheran Church. Mr. Drake noted that all intersection and water station volunteers have emergency contact information for medical emergencies. Traffic Engineer Merten requested that the correspondence that was received from Peter Adams be included in the meeting record.

C.A.

Following discussion, **Motion/Second/Carried Hillstrom/Lendrum to recommend that the Chairman sign and the Council approve the Street Use Permit for the Community First Fox Cities Marathon & 5K, sponsored by the Community First Fox Cities Marathon, Jesse Drake, 2616 S. Oneida Street, Appleton, to be held September 22-24, 2017.** All voting aye.

Public Services and Safety Committee Meeting
March 28, 2017
Page 4

Juvenile Diabetes Research Foundation One Walk: Committee reviewed the Street Use Permit for the JDRF One Walk to be held on May 20, 2017. Traffic Engineer Merten noted a minor change in the event routing. He also noted that a certificate of liability insurance and permit payment are needed. He clarified that all residents on the route and internal to the route will be notified prior to the event.

C.A. Following discussion, **Motion/Second/Carried Lendrum/Stevenson to recommend the Chairman of the Public Services and Safety Committee sign and the Council approve the Street Use Permit for the JDRF One Walk, sponsored by the Juvenile Diabetes Research Foundation, Dana Paschen and Julie Feest, 1800 Appleton Road, Ste. 2, Menasha, to be held on May 20, 2017, contingent upon receipt of a certificate of liability insurance and permit payment.** All voting aye.

Memorial Day Parade: Committee reviewed the Street Use Permit for the Memorial Day Parade to be held on May 29, 2017.

C.A. Following discussion, **Motion/Second/Carried Lendrum/Hillstrom to recommend the Chairman of the Public Services and Safety Committee sign and the Council approve the Street Use Permit for the Memorial Day Parade sponsored by the Nicolet Post 2126 Menasha VFW, Dave Mix, 1427 Baytree Lane, Neenah, to be held on May 29, 2017.** All voting aye.

CommunityFest: Committee reviewed the Street Use Permit for CommunityFest to be held on July 3-4, 2017.

C.A. Following discussion, **Motion/Second/Carried Lendrum/Hillstrom to recommend the Chairman of the Public Services and Safety Committee sign and the Council approve the Street Use Permit for CommunityFest 2017, sponsored by the City of Neenah, Mike Kading, 211 Walnut Street, to be held on July 3-4, 2017.** All voting aye.

Neenah High School Homecoming Parade: Committee reviewed the Street Use Permit for the Neenah High School Homecoming Parade to be held on September 29, 2017. Ald. Stevenson requested that Traffic Engineer Merten contact Jim Strick to see if a change to the event start time is needed to account for a Neenah High School Hall of Fame event. Traffic Engineer Merten indicated that he would make contact and report back to Committee.

C.A. Following discussion, **Motion/Second/Carried Lendrum/Hillstrom to recommend the Chairman of the Public Services and Safety Committee sign and the Council approve the Street Use Permit for the Neenah High School Homecoming Parade, Vicki Strebel, 1275 Tullar Road, Neenah, to be held on September 29, 2017.** All voting aye.

Ordinance 2017-08: Repealing and Recreating Article IV of Chapter 22, Construction Site Erosion Control and Post-Construction Storm Water Management: Engineer Kummerow informed the Committee that as a condition of the City's Municipal Separate Storm Sewer Permit (WPDES Permit No. WI-S050075-2), the City is required to update the construction and post-construction ordinance to meet State standards.

The proposed storm water ordinance was developed by the Northeast Wisconsin Storm Water Consortium (NEWSC) of which the City is a member. The City had used the NEWSC model of ordinances in the past so that our ordinances are compliant with permit requirements and are consistent with ordinance in other area communities. He highlighted several changes in the ordinance due to changes in State requirements. He noted the requirement to use the Revised Universal Soil Loss Equation to drive the determination of controls for construction site erosion control. He noted the change in post-construction storm water standards and stated that the calculations are done through storm water modelling. He noted the inclusion of a provision for water quality trading. Committee discussed enforcement of construction site erosion control violations. City Attorney Godlewski requested permission for staff to make adjustments to correct the numbering sequence and to add a definition for non-point source discharge.

ORD.

Following discussion, **Motion/Second/Carried Stevenson/Lendrum to recommend Council adopt Ordinance 2017-08 Repealing and Recreating Article IV of Chapter 22, Construction Site Erosion Control and Post-Construction Storm Water Management with the modifications as noted by City Attorney Godlewski.** All voting aye.

Licenses:

Beverage Operator License Applications: The Committee reviewed the beverage operator license applications for James J. Carter, Jenna M. Kuepper, Jennifer L. Lee, Polly S. Lund, Alexi J. Quinn, Amanda R. Rausch, Andrea L. Sword and Caura E. Winters.

C.A.

Following discussion, **Motion/Second/Carried Lendrum/Hillstrom to recommend Council approve beverage operator license applications for James J. Carter, Jenna M. Kuepper, Jennifer L. Lee, Polly S. Lund, Alexi J. Quinn, Amanda R. Rausch, Andrea L. Sword and Caura E. Winters.** All voting aye.

Beverage Operator License Application (New) - Delinquent Fee: The Committee reviewed the beverage operator license application for Karly M. Coopman. Ms. Coopman currently has a delinquent utility bill of \$190.23.

C.A.

Following discussion, **Motion/Second/Carried Lendrum/Hillstrom to recommend Council approve the beverage operator license application (new) for Karly M. Coopman contingent upon payment of a delinquent utility bill of \$190.23 and any other outstanding City fees.** All voting aye.

Public Works General Construction and Department Activity:

1. Contract 1-17 (Cecil St, Higgins Av) – Change orders are being prepared for the change in water main piping material due to the poor soils and for a change in cost for pavement marking. The pavement marking that was bid assumed that the markings would be placed on asphalt pavement. That marking will instead be placed on concrete pavement which requires more preparation. Traffic Engineer Merten outlined construction period traffic signal operations at the Commercial Street/Cecil Street intersection.

Public Services and Safety Committee Meeting

March 28, 2017

Page 6

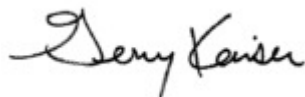
- A. W. Cecil Street – Sanitary sewer main is installed from Commercial to a point 375 feet west. Water main is installed from Henry to Commercial. Minimal amounts of poor soils were encountered during this work. This section of the project is now open to traffic and will remain open for the next 3-4 weeks until utility installation is near completion east of Commercial
- B. E. Cecil Street – Sanitary sewer main is installed from Commercial to Oak. Work in the Oak intersection, along Oak, and on Higgins will be done the week of March 27, while NJSD is on spring break. Water main installation will start the week of March 27.
2. Contract 2-17 (Edward, Helen, Cleveland) – This contract was awarded to Don E. Parker Excavating. A pre-construction meeting was held on March 24. The contractor tentatively expects to start work on April 10 on both Cleveland and Edward.
3. Contract 3-17 (Downtown Parking Lot, Whippoorwill, Yorkshire, Bergstrom Rd Trail) – Bids will be opened on March 29. An award recommendation will be taken to the Board of Public Works on March 30 and to Council on April 5.
4. Fox Valley Energy Concrete Pile – Concrete crushing is complete. Much of the material will be used in the downtown parking lot work. Mayor Kaufert questioned if the use of that material on City projects should be included in TID 10 cost accounting.
5. Pendleton Park Traffic Impact Study – Staff has reviewed a draft report prepared by OMNNI. The report has been forwarded to the Winnebago County Highway Commissioner for review and comment.
6. Yorkshire road Memorandum of Understanding – A revised MOU has been sent to Town of Neenah officials for review.
7. Cecil Street Bridge – Another area needing repair has been found on the east abutment.
8. Clock Tower – The new controller and electric panel have been delivered. We are working with Kuehl Electric on the electric panel installation. When that is done, Verdin Company will install the controller.

Announcements/Future Agenda Items:

Mayor Kaufert informed the Committee that work on the Pendleton Park development will start within the next two weeks. He stated that the blasting contractor will be visiting adjacent properties to catalog conditions prior to blasting.

Motion/Second/Carried Stevenson/Hillstrom to adjourn at 9:00 p.m. All voting aye.

Respectfully submitted,



Gerry Kaiser
Director of Public Works



Marathon
Peter Adams

to:

jmerten

09/18/2016 03:40 PM

Hide Details

From: Peter Adams <padams537@gmail.com>

To: jmerten@ci.neenah.wi.us

History: This message has been replied to and forwarded.

James,

The barricades worked very well again. If asked, the Flahertys might say that the tape across their driveway was a nuisance, but as I was prepping a fence for painting, I was able to take it up and down as they needed. In practice the barricades probably need to be up only until noon, as by that time most of whoever is coming to the marathon is already there.

The sound was another matter. On Saturday afternoon when the system was being tested I spoke with George from Legends (the sound system contractor) and he said the test was louder than would be heard because the crowds would absorb most of it (something I knew to be true from Eileen's testings for Communityfest). He also told me to come back on Sunday and they would turn the amplification down if it was too loud.

Around 11:00, when the crowd had thinned out considerably, I asked through an intermediary that the sound be turned down and they readily complied, which I very much appreciated. I thought all would be good the rest of the day, but then at 1:30 the sound went back up again, when only a handful of people remained in the park. This seemed completely unnecessary.

When I spoke to George directly this time he all he would say was that the program was almost over. Another person who was on the platform next to the sound tent (and who seemed to be in charge) repeated that the program was almost over and that no changes were going to be made. I said that I would be reporting this to you, and suffice it to say, our parting remarks were not a good reflection on either one of us - nor was any reduction in the sound made until the event was over, about 2:15.

Beyond the fact that they turned the sound back up, two other things were also said that I felt should be reported. In my initial conversation on Saturday with the George from Legends, he said, acknowledging the inherent problems, "They're making so much money on this the neighbors should ask the city for compensation." The other thing was on Sunday the man on the platform said to me, "Do you know who I am?" I found the subtext of these remarks very disturbing.

Anyway, I'm not sure what to do at this point. I don't want to make an issue of it at Public Works, but I feel this should all be entered into the record for next year. As I said to all parties on this and on previous occasions, I'm all in favor of events in the park, and that even with amplification systems a common ground can be reached if park users remember that they're in a residential neighborhood and abide by the expectations of their permit.

Peter Adams



211 Walnut Street
Neenah, WI 54956

AN ORDINANCE: Sustainability Committee and Public
Services and Safety Committee
Re: Creating Chapter 3, Article IV permitting bee
keeping, providing for registration of apiaries;
and amending Sec. 10-3(15) to permit
registered apiaries in the City

ORDINANCE NO. 2017-05B

Introduced: March 15, 2017

Committee/Commission Action:

RECOMMENDED FOR PASSAGE

AN ORDINANCE

Preamble

WHEREAS, honey bees (*apis mellifera*) are of benefit to mankind, and to Wisconsin in particular, by providing agriculture, fruit and garden pollination services and by furnishing honey, and other useful products; and

WHEREAS, Wisconsin is among the leading states in honey production and agricultural by products associated with beekeeping throughout the United States; and

WHEREAS, domestic strains of honey bees have been selectively bred for desirable traits, including gentleness, honey production, tendency not to swarm and non-aggressive behavior, characteristics which are desirable to foster and maintain; and

WHEREAS, gentle strains of honey bees can be maintained within populated areas in reasonable densities without causing a nuisance if the bees are properly located and carefully managed;

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

Section 1. The findings contained in the preamble of this ordinance are hereby adopted as an uncodified part of this ordinance.

Section 2. Chapter 3, Article IV, Bee Keeping, of the Code of Ordinances of the City of Neenah is created to read as follows:

ARTICLE IV BEE KEEPING

Sec. 3-40 Purpose

The purpose of this Article is to allow small-scale beekeeping on lots within the city and establish standards and requirements for beekeeping in order to avoid issues that might otherwise be associated with beekeeping in neighborhoods. Honeybees are critical pollinators for flowers, fruits and vegetables. Managed colonies of bees help to increase yields and quality of a large variety of plants commonly found in backyard gardens, parks, and natural areas. A growing interest in renewable resources has prompted more people to take up beekeeping as a way to produce their own honey, beeswax, pollen and other hive products that are high in nutritional value. Domestic strains of honeybees have been selectively bred for desirable traits so that they can be kept within populated areas and in reasonable densities, without causing a nuisance if the bees are properly located and carefully managed. By providing a "best practices" ordinance for small-scale ("hobby") beekeeping on properties, the City can support a sustainable activity while setting standards that are practical for beekeepers and safe for neighbors.

Sec. 3-41 Registration Required

- a) *Application.* Prior to establishing any Apiary, a property owner or tenant shall register with the Department of Community Development and Assessment (the "Department"). The Department shall prescribe the form of registration required. At a minimum, the registration shall require the following information:
 - 1) Name and address of the applicant Beekeeper.
 - 2) The address of the Apiary and whether the Beekeeper owns or rents the location. If the Beekeeper rents the location of the prospective Apiary, the property owner shall sign a statement on the application indicating the owner's consent to establish an apiary on the owner's property.
 - 3) A copy of the notice required under §3-43(a) and evidence that shows the notice was provided as required.
 - 4) A diagram showing where on the property the apiary will be located.
 - 5) Such other information as the department shall prescribe to aide in the enforcement of this Article.
- b) *Inspection.* Prior to accepting registration under this section, the Department shall inspect the proposed location of the Apiary to determine if it meets the standards outlined in this Article.
- (c) *Registration Fee.* The fee for registering an Apiary shall be in the amount established by Common Council.
- (d) *List of Registered Apiaries.* The Department shall maintain a list of registered apiaries located in the City which shall be open to public inspection.

Sec. 3-42 Standards & Practices

The following criteria constitute standards and practices that, when applied to small-scale beekeeping, protect the health, safety, property and welfare of the general public.

- a) *Number of hives.* One hive or colony per 5000 square foot of lot size to a maximum of six hives allowed on any lot within the City.
- b) *Location.* Hives are allowed only within side or rear yards. In all cases, a minimum setback of 10 feet must be maintained between any property line and the closest point of any hives. Hives shall also be located at least 25 feet from any neighboring

dwelling. Hives located within 25 feet of a property line must be shielded with a minimum six-foot height flyway barrier installed within ten (10) feet of the hive. The flyway barrier may consist of a solid wall, fence, dense vegetation, or combination thereof that extends 10 feet beyond the outer edges of the hives in each direction so that all bees are forced to fly over the material to reach the colony.

- c) *Water supply.* Every beekeeper shall ensure that a convenient and constant supply of water is provided near the hives for as long as colonies remain active outside of the hives.
- d) *Best practices.* The Department shall develop suggested best practices for operation of any small-scale beekeeping operation in the City to be incorporated as part of the registration required under §3-41 of this Code.
- e) *Africanized honeybees avoidance practices.* In any instance where a colony is found to exhibit aggressive behavior, it shall be the duty of the beekeeper to immediately destroy or re-queen the hive with certified European stock.

Sec.3- 43 Administration and Enforcement.

A beekeeping registration must be received and approved by the City before a property owner or tenant can begin beekeeping operations.

- a) *Neighbor notification.* Prior to registration, the applicant/beekeeper will be required to notify all neighbors whose properties share a common lot line with the property where beekeeping will take place.
- b) *City inspections.* The Department of Community Development and Assessment is authorized to make inspections, during reasonable hours, to investigate any complaints, or to determine continued compliance with the beekeeping ordinance. The Department may revoke a registration approval if there have been three or more violations of the ordinance within any six-month period.
- c) *Effect of compliance.* Compliance with this section shall not be a defense to a proceeding alleging that a given bee colony is in violation of other codes or ordinances governing public nuisances, or public health and safety. However, compliance with this section may be offered as evidence of the beekeeper's efforts to abate any proven nuisance, or as evidence of the beekeeper's compliance with generally accepted standards of practice among small-scale hobby beekeepers in the State of Wisconsin.
- d) *Registration Appeal.* Abutting neighbors of a proposed or previously registered apiary may appeal to the Public Services and Safety Committee to revoke or deny a registration approval based on a documented Anaphylaxis medical condition of one or more of the occupants residing at an abutting property. In the event that the Committee finds a documented Anaphylaxis medical condition exists at an abutting property, it may revoke or refuse to register the adjoining apiary.

Section 3. Sec. 10-3(15) of the Code of Ordinances of the City of Neenah is amended by deleting the stricken language and adding the highlighted language to read as follows:

- 15) *Raising of bees.* It shall be unlawful for any person or persons to raise bees, except mason bees, within the City without registering and operating their apiary pursuant to Chapter 3, Article IV of this Code. Notwithstanding the foregoing, mason bees (genus *Osmia*), due to their benefits for pollination and limited stinging threat, may be raised and/or kept within the City without registering, provided any mason bee house be located a minimum of three feet from the lot line.

Section 4. 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 5. 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.

Approved:

Moved by: _____

Adopted: _____

Approved: _____

Published: _____

Dean R. Kaufert, Mayor

Attest:

Patricia A. Sturn, City Clerk

THIS INSTRUMENT WAS DRAFTED BY:
City Attorney James G. Godlewski
211 Walnut Street
Neenah, WI 54956
State Bar No. 1005210



211 Walnut Street
Neenah, WI 54956

AN ORDINANCE: By Public Services & Safety
Committee
Re: Repealing and recreating Art. IV of NMC Ch.
22, Erosion Control & Stormwater Management

ORDINANCE NO. 2017-08
Introduced: April 5, 2017
Committee/Commission Action:
RECOMMENDED FOR PASSAGE

AN ORDINANCE

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

Section 1. Article IV of Ch. 22 of the Code of Ordinances of the City of Neenah is repealed and recreated to read as follows:

ARTICLE IV. - CONSTRUCTION SITE EROSION CONTROL AND POST-CONSTRUCTION STORMWATER MANAGEMENT

DIVISION 1. GENERALLY

Sec. 22-254. Permit; intergovernmental agreements.

- (a) Where a permit may be required under either Division 2 or Division 3 of this article, or both, the administering authority shall determine whether a separate or combined permit shall be required.
- (b) Any permit required by this section shall be issued prior to the issuance of any other zoning permit, building permit, or sanitary permit.
- (c) Intergovernmental agreements pursuant to State Statutes regarding the administration of this article may be approved by the Common Council provided:
 - (1) That the prospective administering body has an ordinance at least as restrictive as this article as determined by City; and/or
 - (2) That the prospective administering body provides satisfactory evidence to the City, as determined by the City, of an ability to administer this article, or an equally restrictive ordinance. Evidence of an ability to administer may include contractual arrangements, and shall also provide that a contractual or employment arrangement prohibits a contractor or employee from reviewing their own work.

Sec. 22-255. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Adequate sod or self-sustaining vegetative cover means maintenance of sufficient vegetation types and densities such that the physical integrity of the streambank or lakeshore is preserved. Self-sustaining vegetative cover includes grasses, forbs, sedges and duff layers of fallen leaves and woody debris.

Administering authority means a governmental employee empowered under Wis. Stats. § 62.234, that is designated by the City Council to administer this article.

Agricultural activity area means the part of the farm where there is planting, growing, cultivating and harvesting of crops for human or livestock consumption and pasturing or outside yarding of livestock, including sod farms and silviculture. Practices in this area may include waterways, drainage ditches, diversions, terraces, farm lanes, excavation, filling and similar practices. The agricultural activity area does not include the agricultural production area.

Agricultural production area means the part of the farm where there is concentrated production activity or impervious surfaces. Agricultural production areas include buildings, driveways, parking areas, feed storage structures, manure storage structures, and other impervious surfaces. The agricultural production area does not include the agricultural activity area.

ATLAS 14 means the National Oceanic and Atmospheric Administration (NOAA) Atlas 14 Precipitation-Frequency Atlas of the United States, Volume 8 (Midwestern States), published in 2013.

Average annual rainfall means a typical calendar year of precipitation as determined by the Wisconsin DNR for users of models such as SLAMM, P8, or equivalent methodology. The average annual rainfall is chosen from a Wisconsin DNR publication for the location closest to the municipality.

Best management practice or *BMP* means structural or non-structural measures, practices, techniques or devices employed to avoid or minimize soil, sediment or pollutants carried in runoff to waters of the state.

Business day means a day the City of Neenah is routinely and customarily open for business.

Cease and desist order means a court-issued order to halt land disturbing construction activity that is being conducted without the required permit.

Combined sewer system means a system for conveying both sanitary sewage and stormwater runoff.

Common plan of development or sale means a development or sale where multiple separate and distinct land disturbing construction activities may be taking place at different times on different schedules but under one plan. A common plan of development or sale includes, but is not limited to, subdivision plats, certified survey maps, and other developments.

Connected imperviousness means an impervious surface connected to the waters of the state via a separate storm sewer, an impervious flow path, or a minimally pervious flow path.

Construction site means an area upon which one or more land disturbing construction activities occur, including areas that are part of a larger common plan of development.

Design storm means a hypothetical discrete rainstorm characterized by a specific duration, temporal distribution, rainfall intensity, return frequency, and total depth of rainfall. The TP-40, Type II, 24-hour design storms for the City of Neenah are: one-year, 2.3 inches; two-year, 2.6 inches; five-year, 3.4 inches; ten-year, 3.9 inches; twenty-five-year, 4.5 inches; fifty-year, 5.0 inches; and one-hundred-year, 5.5 inches. The Atlas 14, MSE4, 24-hour design storms for the City of Neenah are: one-year, 2.19 inches; two-year, 2.51 inches; five-year, 3.09 inches; ten-year, 3.62 inches; twenty-five-year, 4.42 inches; fifty-year, 5.10 inches; and one-hundred-year, 5.83 inches.

Development means residential, commercial, industrial, institutional, or other land uses and associated roads.

Direct conduits to groundwater means wells, sinkholes, swallets, fractured bedrock at the surface, mine shafts, nonmetallic mines, tile inlets discharging to groundwater, quarries, or depressional groundwater recharge areas over shallow fractured bedrock.

Division of land means the creation from one or more parcels or building sites of additional parcels or building sites where such creation occurs at one time or through the successive partition within a five-year period.

Effective infiltration area means the area of the infiltration system that is used to infiltrate runoff and does not include the area used for site access, berms or pretreatment.

Erosion means the process by which the land's surface is worn away by the action of wind, water, ice or gravity.

Erosion and sediment control plan or plan means a comprehensive plan developed to address pollution caused by erosion and sedimentation of soil particles or rock fragments during construction.

Exceptional resource waters mean waters listed in Wis. Admin. Code § NR 102.11.

Existing development means development in existence on October 1, 2004 or development for which a storm water permit in accordance with subch. III of Ch. NR 216, Wis. Adm. Code, was received on or before October 1, 2004.

Extraterritorial means the unincorporated area within three miles of the corporate limits of a first, second, or third class city, or within 1.5 miles of a fourth class city or village.

Filtering layer means soil that has at least a 3-foot deep layer with at least 20 percent fines; or at least a 5-foot deep layer with at least 10 percent fines; or an engineered soil with an equivalent level of protection as determined by the administering authority for the site.

Final stabilization means that all land disturbing construction activities at the construction site have been completed and that a uniform perennial vegetative cover has been established, with a density of at least 70 percent of the cover, for the unpaved areas and areas not covered by permanent structures, or that employ equivalent permanent stabilization measures.

Financial guarantee means a performance bond, maintenance bond, surety bond, irrevocable letter of credit, or similar guarantees submitted to the administering authority by the responsible party to assure that requirements of the article are carried out in compliance with the stormwater management plan.

Governing body means the Common Council of the City of Neenah.

Groundwater means waters of the state, as defined in § 281.01 (18), Wis. Stats., occurring in a saturated subsurface geological formation of rock or soil.

High groundwater level or subsurface saturation means the higher of either the elevation to which the soil is saturated as observed as a free water surface in an unlined hole, or the elevation to which the soil has been seasonally or periodically saturated as indicated by soil color patterns throughout the soil profile, as defined in Technical Standard 1002, Site Evaluation for Stormwater Infiltration.

Highway has the meaning given in Wis. Stats. § 340.01(22).

Highway reconditioning has the meaning given in Wis. Stats. § 84.013 (1)(b).

Highway reconstruction has the meaning given in Wis. Stats. § 84.013(1)(c).

Highway resurfacing has the meaning given in Wis. Stats. § 84.013(1)(d).

Impervious surface means an area that releases as runoff all or a large portion of the precipitation that falls on it, except for frozen soil. Rooftops, sidewalks, driveways, parking lots and streets are examples of surfaces that typically are impervious. Gravel surfaces are considered impervious, unless specifically designed to encourage infiltration.

In-fill means an undeveloped area of land or new development area located within an existing urban sewer service area, surrounded by development or development and natural or man-made features where development cannot occur. In-fill does not include any undeveloped area that was part of a larger new development for which a storm water permit in accordance with subch. III of ch. NR 216, Wis. Adm. Code, was required to be submitted after October 1, 2004 to the Wisconsin Department of Natural Resources or Wisconsin Department of Safety and Professional Services (formerly Department of Commerce).

Infiltration means the entry and movement of precipitation or runoff into or through the soil.

Infiltration system means a device or practice such as a basin, trench, rain garden or swale designed specifically to encourage infiltration, but does not include natural infiltration in pervious surfaces such as lawns, redirecting of rooftop downspouts onto lawns or minimal infiltration from practices, such as swales or road side channels designed for conveyance and pollutant removal only.

Land disturbing construction activity (or *disturbance*) means any man-made alteration of the land surface resulting in a change in the topography or existing vegetative or non-vegetative soil cover, that may result in runoff and lead to an increase in soil erosion and movement of pollutants into the municipal separate storm sewer or waters of the state. Land disturbing construction activity includes clearing and grubbing, demolition, excavating, pit trench dewatering, filling and grading activities, and soil stockpiling.

Maintenance agreement means a legal document that provides for long-term maintenance of stormwater management and best management practices.

MEP or maximum extent practicable means the highest level of performance that is achievable but is not equivalent to a performance standard identified within this ordinance. Maximum extent practicable applies when the permit applicant demonstrates to the administering authority's satisfaction that a performance standard is not achievable and that a lower level of performance is appropriate. In making the assertion that a performance standard is not achievable and that a level of performance different from the performance standard is the maximum extent practicable, the permit applicant shall take into account the best available technology, cost effectiveness, geographic features, and other competing interests such as protection of public safety and welfare, protection of endangered and threatened resources, and preservation of historic properties.

Minor reconstruction of a highway means reconstruction of a highway that is limited to 1.5 miles in continuous or aggregate total length of realignment and that does not exceed 100 feet in width of roadbed widening, and that does not include replacement of a vegetated drainage system with a non-vegetated drainage system except where necessary to convey runoff under a highway or private road or driveway.

MSE4 distribution means a specific precipitation distribution developed by the USDA, NRCS, using precipitation data from Atlas 14.

Navigable waters and navigable waterway has the meaning given in § 30.01(4m), Wis. Stats.

New development means that portion of a post-construction site where impervious surfaces are being created or expanded. Any disturbance where the amount of impervious area for the post-development condition is greater than the pre-development condition is classified as new development. For purposes of this article, a post-construction site is classified as new development, redevelopment, routine maintenance, or some combination of these three classifications as appropriate.

Nonpoint source means a land management activity which contributes to runoff, seepage or percolation which adversely affects or threatens the quality of waters of this state and which is not a point source as defined under Wis. Stat. § [283.01 \(12\)](#).

Off-site means located outside the property boundary described in the permit application.

On-site means located within the property boundary described in the permit application.

Ordinary high-water mark has the meaning given in Wis. Admin. Code § NR 115.03(6).

Outstanding resource waters means waters listed in Wis. Admin. Code § NR 102.10.

Percent fines means the percentage of a given sample of soil, which passes through a # 200 sieve.

Performance standard means a narrative or measurable number specifying the minimum acceptable outcome for a facility or practice.

Permit means a written authorization made by the administering authority to the applicant to conduct land disturbing construction activity or to discharge post-construction runoff to waters of the state.

Permit administration fee means a sum of money paid to the City of Neenah by the permit applicant for the purpose of recouping the expenses incurred by the administering authority in administering the permit.

Pervious surface means an area that releases as runoff a small portion of the precipitation that falls on it. Lawns, gardens, parks, forests or other similar vegetated areas are examples of surfaces that typically are pervious.

Pollutant has the meaning given in Wis. Stats. § 283.01(13).

Pollution has the meaning given in Wis. Stats. § 281.01(10).

Post-construction site means a construction site following the completion of land disturbing construction activity and final site stabilization.

Post-development means the extent and distribution of land cover types present after the completion of land disturbing construction activity and final site stabilization.

Pre-development means the extent and distribution of land cover types present before the initiation of land disturbing construction activity, assuming that all land uses prior to development activity are managed in an environmentally sound manner.

Preventive action limit has the meaning given in Wis. Admin. Code § NR 140.05(17).

Protective area has the meaning given in subsection [22-323\(c\)\(4\)](#) of this Code.

Redevelopment means that portion of a post-construction site where impervious surfaces are being reconstructed, replaced, or reconfigured. Any disturbance where the amount of impervious area for the post-development condition is equal to or less than the pre-development condition is classified as redevelopment. For purposes of this article, a post-construction site is classified as new development, redevelopment, routine maintenance, or some combination of these three classifications as appropriate.

Responsible party means any entity holding fee title to the property or performing services to meet the performance standards of this article through a contract or other agreement.

Routine maintenance means that portion of a post-construction site where pre-development impervious surfaces are being maintained to preserve the original line and grade, hydraulic capacity, drainage pattern, configuration, or purpose of the facility. Remodeling of buildings and resurfacing of parking lots, streets, driveways, and sidewalks are examples of routine maintenance, provided the lower one-half of the impervious surface's granular base is not disturbed. The disturbance shall be classified as redevelopment if the lower one-half of the granular base associated with the pre-development impervious surface is disturbed or if the soil located beneath the impervious surface is exposed. For purposes of this article, a post-construction site is classified as new development, redevelopment, routine maintenance, or some combination of these three classifications as appropriate.

Runoff means storm water or precipitation including rain, snow or ice melt or similar water that moves on the land surface via sheet or channelized flow.

Sediment means settleable solid material that is transported by runoff, suspended within runoff or deposited by runoff away from its original location.

Separate storm sewer means a conveyance or system of conveyances including roads with drainage systems, streets, catch basins, curbs, gutters, ditches, constructed channels or storm drains, which meets all of the following criteria:

- (1) Is designed or used for collecting water or conveying runoff.
- (2) Is not part of a combined sewer system.
- (3) Is not part of a publicly owned wastewater treatment works that provides secondary or more stringent treatment.
- (4) Discharges directly or indirectly to waters of the state.

Silviculture activities means activities including tree nursery operations, tree harvesting operations, reforestation, tree thinning, prescribed burning, and pest and fire control. Clearing and grubbing of an area of a construction site is not a silviculture activity.

Site means the entire area included in the legal description of the land on which the land disturbing construction activity is proposed in the permit application.

Stop work order means an order issued by the administering authority which requires that all construction activity on the site be stopped.

Stormwater management plan means a comprehensive plan designed to reduce the discharge of pollutants from storm water after the site has undergone final stabilization following completion of the construction activity.

Stormwater management system plan is a comprehensive plan designed to reduce the discharge of runoff and pollutants from hydrologic units on a regional or municipal scale.

Targeted performance standard means a performance standard that will apply in a specific area, where additional practices beyond those contained in this ordinance, are necessary to meet water quality standards. A total maximum daily load is an example of a targeted performance standard.

Technical standard means a document that specifies design, predicted performance and operation and maintenance specifications for a material, device or method.

Top of the channel means an edge, or point on the landscape, landward from the ordinary high-water mark of a surface water of the state, where the slope of the land begins to be less than 12 percent continually for at least 50 feet. If the slope of the land is 12 percent or less continually for the initial 50 feet, landward from the ordinary high-water mark, the top of the channel is the ordinary high-water mark.

Total maximum daily load (TMDL) means the amount of pollutants specified as a function of one or more water quality parameters, that can be discharged per day into a water quality limited segment and still ensure attainment of the applicable water quality standard.

TP-40 means Technical Paper No. 40, Rainfall Frequency Atlas of the United States, published in 1961.

TR-55 means the United States Department of Agriculture, Natural Resources Conservation Service (previously Soil Conservation Service), Urban Hydrology for Small Watersheds, Second Edition, Technical Release 55, June 1986, which is incorporated by reference for this ordinance.

Transportation facility means a public street, a public road, a public highway, a railroad, a public mass transit facility, a public-use airport, a public trail, or any other public work for transportation purposes such as harbor improvements under Wis. Stats. § 85.095(1)(b). Transportation facility does not include building sites for the construction of public buildings and buildings that are places of employment that are regulated by the Wisconsin Department of Natural Resources pursuant to § 281.33, Wis. Stats.

Type II distribution means a rainfall type curve as established in the "United States Department of Agriculture, Soil Conservation Service, Technical Paper 149, published 1973." The Type II curve is applicable to all of Wisconsin and represents the most intense storm pattern.

Waters of the state has the meaning given in Wis. Stats. § 283.01(20).

Sec. 22-256. Authority.

- (a) The ordinance from which this article is derived is adopted by the Common Council under the authority granted by Wis. Stats. §§ 62.234, 101.65(1)(a) and 101.653. Except as specifically provided for in Wis. Stats. § 62.234, Wis. Stats. § 62.23 applies to this article and to any amendments to this article. The provisions of this article are deemed not to limit any other lawful regulatory powers of the Common Council.
- (b) The Common Council hereby designates the Community Development Department to administer the provisions of Division 1 and Division 2 of this article, and the Public Works Department to administer Division 3. The Public Works Department will enforce Divisions 1, 2, and 3.
- (c) The requirements of this article do not pre-empt more stringent stormwater management requirements that may be imposed by any of the following:
 - (1) Department of Natural Resources administrative rules, permits or approvals including, but not limited to, those authorized under Wis. Stats. § 283.33 and 281.16.
 - (2) Targeted performance standards promulgated in rules by the Department of Natural Resources under Wis. Admin. Code § NR 151.004.

Sec. 22-257. Findings.

The Common Council finds that runoff:

- (a) From land-disturbing construction activity carries a significant amount of sediment and other pollutants to the waters of the State and City; and
- (b) From land development and land redevelopment activity has a significant impact upon water resources and the health, safety and general welfare of the community, and diminishes the public enjoyment and use of natural resources. Specifically, uncontrolled stormwater runoff can: degrade physical stream habitat by increasing stream bank erosion, increasing streambed scour, diminishing groundwater recharge, diminishing stream base flows and increasing stream temperature;
- (c) Diminishes the capacity of lakes and streams to support fish, aquatic life, recreational and water supply uses by increasing loadings of sediment, suspended solids, nutrients, heavy metals, bacteria, pathogens and other urban pollutants;
- (d) Alters wetland communities by changing wetland hydrology and by increasing pollutant loads;
- (e) Reduces the quality of groundwater by increasing pollutant loading;
- (g) Threatens public health, safety, property, and general welfare by overtaxing storm sewers, watercourses, and other minor drainage facilities;
- (h) Threatens public health, safety, property, and general welfare by increasing major flood peaks and volumes; and
- (i) Undermines floodplain management efforts by increasing the incidence and levels of flooding.

Sec. 22-258. Purpose.

- (a) Following is the purpose of Division 2 and Division 3 of this article:
 - (1) It is the purpose of Division 2 of this article to further the maintenance of safe and healthful conditions; prevent and control water pollution; prevent and control soil erosion; protect spawning

grounds, fish and aquatic life; control building sites, placement of structures and land uses; preserve ground cover and scenic beauty; and promote sound economic growth, by minimizing the amount of sediment and other pollutants carried by runoff or discharged from land disturbing construction activity to waters of the state in the City of Neenah.

- (2) It is the purpose of Division 3 of this article to set forth longterm, post-construction stormwater requirements and criteria which will diminish the threats to public health, safety, welfare, and the aquatic environment due to runoff of stormwater from land development and land redevelopment activity. The specific purposes of this section are to:
 - a. Further the maintenance of safe and healthful conditions of the land and water resources of the County;
 - b. Prevent and control the adverse effects of stormwater, prevent and control soil erosion, prevent and control water pollution, and protect spawning grounds, fish, and aquatic life;
 - c. Control exceedance of the safe capacity of existing drainage facilities and receiving water bodies; prevent undue channel erosion; control increases in the scouring and transportation of particulate matter; prevent conditions that endanger downstream property;
 - d. Control building sites, placement of structures, and land uses, and promote sound economic growth.

Sec. 22-259. Intent.

It is the intent of the City Council that Division 3 of this article regulates post-construction stormwater discharges to waters of the state. This article may be applied on a site-by-site basis. The City Council recognizes, however, that the preferred method of achieving the stormwater performance standards set forth in this article is through the preparation and implementation of comprehensive, systems-level stormwater management plans that cover hydrologic units, such as watersheds, on a municipal and regional scale. Such plans may prescribe regional stormwater devices, practices or systems, any of which may be designed to treat runoff from more than one site prior to discharge to waters of the state. Where such plans are in conformance with the performance standards developed under Wis. Stats. § 281.16, for regional stormwater management measures and have been approved by the City Council, it is the intent of this article that the approved plan be used to identify post-construction management measures acceptable for the community.

Sec. 22-260. Applicability and jurisdiction.

(a) *Applicability—Division 2.*

- (1) Where not otherwise limited by law, this Division applies to all construction sites, unless the site is otherwise exempt under subsections 22-260(a)(1) or (2):
 - a. A permit is required for a construction site with 4,000 square feet or greater of land disturbing construction activity. The responsible party shall comply with all applicable provisions of this ordinance for a permitted site, including the subsection 22-292(b) performance standards, section 22-293 permit requirements, and section 22-294 plan requirements.
 - b. A permit is not required for a construction site with less than 4,000 square feet of land disturbing construction activity. The responsible party shall comply with all applicable provisions of this ordinance for a non-permitted site, including the subsection 22-292(a) performance standards.
 - c. Notwithstanding the applicability requirements in 22-260(a)(1)a. and b., a permit is required for a construction site with less than 4,000 square feet of land disturbing construction activity if

the administering authority determines that permit coverage is needed in order to improve ordinance compliance, meet targeted performance standards, or protect waters of the state. If a permit is required, the responsible party shall comply with all applicable provisions of this ordinance for a permitted site, including the subsection 22-292(b) performance standards, section 22-293 permit requirements, and section 22-294 plan requirements.

- (2) The ordinance from which this article derives does not apply to the following:
- a. Land disturbing construction activity that includes the construction of one- and two-family residential dwellings that are not part of a larger common plan of development or sale and that result in less than one acre of disturbance. These construction sites are regulated by the Wisconsin Department of Safety and Professional Services under Wis. Admin. Code § SPS 321.125.
 - b. Nonpoint source discharges from agricultural activity areas.
 - c. Nonpoint source discharges from silviculture activities.
- (3) A construction site exempted by federal statutes or regulations from the requirement to have a national pollutant discharge elimination system permit issued under 40 CFR 122, for land disturbing construction activity, shall comply with 22-292(a) performance standards if less than 1 acre of land disturbing construction activity. The 22-292(b) performance standards, section 22-293 permit requirements, and section 22-294 plan requirements are not applicable.
- (b) *Jurisdiction—Division 2.* The ordinance from which this article derives applies to land disturbing construction activity on construction sites located within the boundaries and jurisdiction of the City of Neenah.
- (c) *Exclusions—Division 2.* The ordinance from which this article derives is not applicable to activities conducted by a state agency, as defined under Wis. Stats. § 227.01 (1), but also including the office of district attorney, which is subject to the state plan promulgated or a memorandum of understanding entered into under Wis. Stats. § 281.33 (2).
- (d) *Applicability—Division 3.*
- (1) Where not otherwise limited by law, the ordinance from which this article derives applies to all post-construction sites, unless the site is otherwise exempt under subsection 22-260(d)(2).
 - (2) A post-construction site that meets any of the following criteria is exempt from the requirements of the ordinance from which this article derives.
 - a. One- and two-family residential dwellings that are not part of a larger common plan of development or sale and that result in less than one acre of disturbance.
 - b. Non-point discharges from agricultural activity areas.
 - c. Non-point discharges from silviculture activities.
 - d. Mill and crush operations.
 - (3) Notwithstanding the applicability requirements in subsection 22-260(d)(1), this article applies to post-construction sites of any size that, in the opinion of the administering authority, is likely to result in runoff that exceeds the safe capacity of the existing drainage facilities or receiving body of water, that causes undue channel erosion, that increases water pollution by scouring or the transportation of particulate matter or that endangers property or public safety.
- (e) *Jurisdiction—Division 3.* This article applies to post construction sites within the boundaries and jurisdiction of the City of Neenah.
- (f) *Exclusions—Division 3.* This article is not applicable to activities conducted by a state agency, as defined under Wis. Stats. § 227.01 (1), but also including the office of district attorney, which is subject

to the state plan promulgated or a memorandum of understanding entered into under Wis. Stats. § 281.33 (2).

Sec. 22-261. Fee schedule/financial guarantee.

- (a) The fees referred to in other sections of this article shall be established by the Common Council and may from time to time be modified by resolution. A schedule of the fees established by the City Council shall be available for review in City Hall.
- (b) All after the fact fees shall be doubled.
- (c) Where more than one permit is required, the permittee shall be required to pay the amount required for each permit.
- (d) The financial guarantees referred to in other sections of this article are in addition to permit fees and required escrow amounts and shall be as determined within the applicable section. If a financial guarantee is required in more than one section, the administering authority shall determine the total amount of the required guarantee, whether as a single or combined amount.

Sec. 22-262. Reserved.

Sec. 22-263. Appeals.

- (a) An appeal to the provisions of this article shall be done in accordance with the provisions of [Chapter 26](#), Zoning. The Neenah Zoning Board of Appeals shall have jurisdiction over appeals under this article.
 - (1) Shall hear and decide appeals where it is alleged that there is error in any order, decision or determination made by the administering authority in administering this article except for cease and desist orders.
 - (2) Upon appeal, may authorize variances from the provisions of this article which are not contrary to the public interest and where owing to special conditions a literal enforcement of the provisions of the article will result in unnecessary hardship; and
 - (3) Shall use the rules, procedures, duties and powers authorized by statute in hearing and deciding appeals and authorizing variances.
- (b) Who may appeal:
 - (1) Appeals to the Board of Appeals may be taken by any aggrieved person or by any office, department, board, or bureau of the City of Neenah affected by any decision of the administering authority.

Sec. 22-264. Severability.

If a court of competent jurisdiction judges any section, clause, provision or portion of this article unconstitutional or invalid, the remainder of the article shall remain in force and not be affected by such judgment.

Secs. 22-265—22-289. Reserved.

DIVISION 2. CONSTRUCTION SITE EROSION CONTROL

Sec. 22-290. Technical standards.

- (a) *Design criteria, standards and specifications.* All BMPs required to comply with this division shall meet the design criteria, standards and specifications based on any of the following:
 - (1) Design guidance and technical standards identified or developed by the Wisconsin Department of Natural Resources under subchapter V of chapter NR 151, Wis. Admin. Code.
 - (2) Technical standards and other guidance identified within the City of Neenah Storm Water Reference Guide.
 - (3) Soil loss prediction tools such as the Revised Universal Soil Loss Equation 2 (RUSLE2) that estimate the sediment load leaving the site under varying land and management conditions may be used to show compliance with the sediment performance standards contained in subsection 22-292(b).
 - (4) For this division, soil loss is calculated using the appropriate annual rainfall or runoff factor, also referred to as the R factor, or an equivalent design storm using a Type II distribution, with consideration given to the geographic location of the site and the period of disturbance.
- (b) *Other standards.* Other technical standards not identified in section 22-290, may be used provided that the methods have been approved by the administering authority.

Sec. 22-291. Reserved.

Sec. 22-292. Performance standards.

- (a) *Non-Permitted Sites.*
 - (1) *Responsible party.* The landowner of the construction site or other person contracted or obligated by other agreement with the landowner to implement and maintain construction site BMPs is a responsible party and shall comply with this ordinance.
 - (2) *Requirements.* At each site where land disturbing construction activity is to occur, BMPs shall be used to prevent or reduce all of the following:
 - a. The deposition of soil from being tracked onto streets by vehicles.
 - b. The discharge of sediment from disturbed areas into storm water inlets.
 - c. The discharge of sediment from disturbed areas into adjacent waters of the state.
 - d. The discharge of sediment from drainage ways that flow off the site.
 - e. The discharge of sediment by dewatering activities.
 - f. The discharge of sediment eroding from soil stockpiles existing for more than 7 days.
 - g. The discharge of onsite chemicals, cement and other building compounds and materials into waters of the state or offsite separate storm sewers during the construction period. However,

projects that require the placement of these materials in waters of the state, such as constructing bridge footings or BMP installations, are not prohibited by this ordinance.

- (3) *Location.* BMPs shall be located so that treatment occurs before runoff enters waters of the state and offsite separate storm sewers. However, projects that require BMP placement in waters of the state, such as a turbidity barrier, are not prohibited by this ordinance.
 - (4) *Implementation.* The BMPs used to comply with this section shall be implemented as follows:
 - a. Erosion and sediment control practices shall be constructed or installed before land disturbing construction activities begin.
 - b. Erosion and sediment control practices shall be maintained until final stabilization.
 - c. Final stabilization activity shall commence when land disturbing activities cease and final grade has been reached on any portion of the site.
 - d. Temporary stabilization activity shall commence when land disturbing activities have temporarily ceased and will not resume for a period exceeding 14 calendar days.
 - e. BMPs that are no longer necessary for erosion and sediment control shall be removed by the responsible party.
- (b) *Permitted sites.*
- (1) *Responsible party.* The landowner or other person performing services to meet the performance standards of this ordinance, through a contract or other agreement with the landowner, is a responsible party and shall comply with this ordinance.
 - (2) *Plan.* A written erosion and sediment control plan shall be developed and implemented by the responsible party in accordance with section 22-294. The erosion and sediment control plan shall meet all of the applicable requirements contained in this ordinance.
 - (3) *Requirements.* The erosion and sediment control plan shall meet all of the following:
 - a. The plan shall use BMPs to prevent or reduce all of the following:
 1. The deposition of soil from being tracked onto streets by vehicles.
 2. The discharge of sediment from disturbed areas into storm water inlets.
 3. The discharge of sediment from disturbed areas into adjacent waters of the state.
 4. The discharge of sediment from drainage ways that flow off the site.
 5. The discharge of sediment by dewatering activities.
 6. The discharge of sediment eroding from soil stockpiles existing for more than 7 days.
 7. The discharge of sediment from erosive flows at outlets and in downstream channels.
 8. The discharge of onsite chemicals, cement and other building compounds and materials into waters of the state or offsite separate storm sewers during the construction period. However, projects that require the placement of these materials in waters of the state, such as constructing bridge footings or BMP installations, are not prohibited by this ordinance.
 9. The discharge of untreated wash water from vehicle and wheel washing into waters of the state or offsite separate storm sewers.
 - b. For sites with 1 acre or more of land disturbing construction activity, the plan shall meet the following sediment performance standards:

1. BMP's that, by design, discharge no more than 5 tons per acre per year, or to the maximum extent practicable, of the sediment load carried in runoff from initial grading to final stabilization.
 2. Except as provided in subsection 22-292(b)(6), the administering authority may not require any person to employ more BMPs than are needed to meet the 5 tons per acre per year sediment performance standard in order to comply with maximum extent practicable. Erosion and sediment control BMPs may be combined to meet the sediment performance standard. The administering authority may give credit toward meeting the sediment performance standard for limiting the duration or area, or both, of land disturbing construction activity, or for other appropriate mechanisms.
 3. Notwithstanding subsections 22-292(b)(3)b.1. and 2., if BMPs cannot be designed and implemented to meet the 5 tons per acre per year sediment performance standard, the plan shall include a written, site-specific explanation of why the sediment performance standard cannot be met and how the sediment load will be reduced to the maximum extent practicable.
- c. The plan shall incorporate all of the following preventative measures:
1. Maintenance of existing vegetation, especially adjacent to surface waters whenever possible.
 2. Minimization of soil compaction and preservation of topsoil.
 - c. Minimization of land disturbing construction activity on slopes of 20% or more.
 3. Development of spill prevention and response procedures.
- (4) *Location.* BMPs shall be located so that treatment occurs before runoff enters waters of the state and offsite separate storm sewers. However, projects that require BMP placement in waters of the state, such as a turbidity barrier, are not prohibited by this ordinance.
- (5) *Implementation.* The BMPs used to comply with this ordinance shall be implemented as follows:
- a. In accordance with the plan developed pursuant to section 22-294, the erosion and sediment control practices shall be constructed or installed before land disturbing construction activities begin.
 - b. Erosion and sediment control practices shall be maintained until final stabilization.
 - c. Final stabilization activity shall commence when land disturbing activities cease and final grade has been reached on any portion of the site.
 - d. Temporary stabilization activity shall commence when land disturbing activities have temporarily ceased and will not resume for a period exceeding 14 calendar days.
 - e. BMPs that are no longer necessary for erosion and sediment control shall be removed by the responsible party.
- (6) *Targeted performance standards.* The administering authority may establish numeric water quality requirements that are more stringent than those set forth in subsection 22-292 in order to meet targeted performance standards, total maximum daily loads, and/or water quality standards for a specific water body or area. The numeric water quality requirements may be applicable to any permitted site, regardless of the size of land disturbing construction activity.

Sec. 22-293. Permitting requirements, procedures and fees.

- (a) *Permit required.* When a permit is required, no responsible party may commence a land disturbing construction activity subject to this division without receiving prior approval of an erosion and sediment control plan for the site and a permit from the administering authority.
- (b) *Permit application and fees.* When a permit is required, at least one responsible party desiring to undertake a land disturbing construction activity subject to this division shall submit an application for a permit and an erosion and sediment control plan that meets the requirements of [section 22-294](#) and shall pay fees identified in [section 22-295](#) to the City of Neenah. By submitting an application, the applicant is authorizing the administering authority to enter the site to obtain information required for the review of the erosion and sediment control plan.
- (c) *Review and approval of permit application.* The administering authority shall review any permit application that is submitted with an erosion and sediment control plan, and the required fee. The following approval procedure shall be used:
 - (1) Within 20 business days of the receipt of a complete permit application, as required by subsection 22-293(b), the administering authority shall inform the applicant whether the application and plan are approved or disapproved based on the requirements of this division.
 - (2) If the permit application and plan are approved, the administering authority shall issue the permit.
 - (3) If the permit application or plan is disapproved, the administering authority shall state in writing the reasons for disapproval.
 - (4) The administering authority may request additional information from the applicant. If additional information is submitted, the administering authority shall have 20 business days from the date the additional information is received to inform the applicant that the plan is either approved or disapproved.
 - (5) Failure by the administering authority to inform the permit applicant of a decision within 20 business days of a required submittal shall be deemed to mean approval of the submittal and the applicant may proceed as if a permit had been issued.
- (d) *Financial guarantee.* As a condition of approval and issuance of the permit, the administering authority may require the applicant to deposit a surety bond, cash escrow, or irrevocable letter of credit to guarantee a good faith execution of the approved erosion and sediment control plan and any permit conditions.
- (e) *Permit requirements.* All permits issued under this ordinance shall be subject to the following conditions, and holders of permits issued under this ordinance shall be deemed to have accepted these conditions. The administering authority may suspend or revoke a permit for violation of a permit condition, following written notification of the responsible party. An action by the administering authority to suspend or revoke this permit may be appealed in accordance with section 22-263.
 - (1) Notify the administering authority within 48 hours of commencing any land disturbing construction activity.
 - (2) Notify the administering authority of completion of any BMPs within ten business days after their installation.
 - (3) Obtain permission in writing from the administering authority prior to any modification pursuant to subsection [22-294\(b\)](#) of the erosion and sediment control plan.
 - (4) Install all BMPs as identified in the approved erosion and sediment control plan.
 - (5) Maintain all road drainage systems, stormwater drainage systems, BMPs and other facilities identified in the erosion and sediment control plan.

- (6) Repair any siltation or erosion damage to adjoining surfaces and drainage ways resulting from land disturbing construction activities and document repairs in weekly inspection reports.
- (7) Conduct construction site inspections at least once per week and within 24 hours after a precipitation event of 0.5 inches or greater. Repair or replace erosion and sediment control BMPs as necessary within 24 hours of an inspection or notification that repair or replacement is needed. Maintain, at the construction site, weekly written reports of all inspections. Weekly inspection reports shall include all of the following: date, time and location of the construction site inspection; the name of individual who performed the inspection; an assessment of the condition of erosion and sediment controls; a description of any erosion and sediment control BMP implementation and maintenance performed; and a description of the present phase of land disturbing construction activity at the construction site.
- (8) Allow the administering authority to enter the site for the purpose of inspecting compliance with the erosion and sediment control plan or for performing any work necessary to bring the site into compliance with the control plan. Keep a copy of the erosion and sediment control plan, stormwater management plan, amendments, weekly inspection reports, and permit at the construction site until permit coverage is terminated.
- (9) The permit applicant shall post the "Certificate of Permit Coverage" in a conspicuous location at the construction site.
- (f) *Permit conditions.* Permits issued under this section may include conditions established by administering authority in addition to the requirements set forth in subsection 22-293(e), where needed to assure compliance with the performance standards in [section 22-292](#).
- (g) *Permit duration.* Permits issued under this section shall be valid for a period of 180 days, or the length of the building permit or other construction authorizations, whichever is longer, from the date of issuance. The administering authority may extend the period one or more times for up to an additional 180 days. The administering authority may require additional BMPs as a condition of the extension if they are necessary to meet the requirements of this division.
- (h) *Maintenance.* The responsible party throughout the duration of the construction activities shall maintain all BMPs necessary to meet the requirements of this ordinance until the site has undergone final stabilization.

Sec. 22-294. Erosion and sediment control plan.

- (a) *Plan requirements.* The erosion and sediment control plan required under subsection [22-292\(b\)](#) shall comply with the City of Neenah Storm Water Reference Guide and contain at a minimum the following information:
 - (1) Name, address, and telephone number of the landowner and responsible parties.
 - (2) A legal description of the property proposed to be developed.
 - (3) A site map with property lines, disturbed limits, and drainage patterns.
 - (4) Total area of the site and total area of the construction site that is expected to be disturbed by construction activities.
 - (5) Performance standards applicable to site.
 - (6) Proposed best management practices.
 - (7) Erosion and sediment control plan narrative.
 - (8) Construction sequence and construction schedule.
- (b) *Amendments.* The applicant shall amend the plan if any of the following occur:

- (1) There is a change in design, construction, operation, maintenance or schedule at the site which has the reasonable potential for the discharge of pollutants to waters of the state or separate storm sewers, and which has not otherwise been addressed in the plan.
- (2) The actions required by the plan fail to reduce the impacts of pollutants carried by construction site runoff.
- (3) The administering authority notifies the applicant of changes needed in the plan.

Sec. 22-295. Fee schedule.

The fees referred to in other sections of this article shall be established by the City Council and may from time to time be modified by resolution. A schedule of the fees established by the City Council shall be available for review in City Hall.

Sec. 22-296. Inspection.

- (a) The administering authority shall inspect any construction site that holds a permit under [section 22-293](#) at least once a month during the period starting March 1 and ending October 31 and at least twice during the period starting November 1 and ending February 28 to ensure compliance with the approved sediment and erosion control plan.
- (b) Whenever land-disturbing construction activities are being carried out, the administering authority may enter the land pursuant to the provisions of Wis. Stats. § 66.0119 (1)—(3).

Sec. 22-297. Enforcement—Division 2.

- (a) The administering authority may post a stop-work order if any of the following occurs:
 - (1) Any land disturbing construction activity from which this article is derived is being undertaken without a permit and, pursuant to subsection 22-260(a) of this ordinance, a permit is required for the construction site.
 - (2) The erosion and sediment control plan is not being implemented in a good faith manner.
 - (3) The conditions of the permit are not being met.
 - (4) Any land disturbing construction activity is in violation of this Article.
- (b) If the responsible party does not cease activity as required in a stop-work order posted under this section or fails to comply with the erosion and sediment control plan or permit conditions, the administering authority may revoke the permit.
- (c) If the responsible party, where no permit has been issued, does not cease the activity after being notified by the administering authority, or if a responsible party violates a stop-work order posted under subsection 22-297(a), the administering authority may request the City Attorney to obtain a cease and desist order in any court with jurisdiction.
- (d) The administering authority or the Board of Appeals may retract the stop-work order issued under subsection 22-297(a) or the permit revocation under subsection 22-297(b).
- (e) After posting a stop-work order under subsection 22-297(a), the administering authority may issue a notice of intent to the responsible party of its intent to perform work necessary to comply with this ordinance. The administering authority may go on the land and commence the work after issuing the notice of intent. The costs of the work performed under this ordinance by the administering authority,

plus interest at the rate authorized by the City Council, shall be billed to the responsible party or recovered from the surety bond, cash escrow, or irrevocable letter of credit. In the event a responsible party fails to pay the amount due, the clerk shall enter the amount due on the tax rolls and collect as a special assessment against the property pursuant to subch. VII of ch. 66, Wis. Stats.

- (f) Any person violating any of the provisions of the ordinance from which this article is derived shall be subject to a forfeiture of not less than \$25.00 nor more than \$500.00 and the costs of prosecution for each violation. Each day a violation exists shall constitute a separate offense.
- (g) Compliance with the provisions of this ordinance from which this article is derived may also be enforced by injunction in any court with jurisdiction. It shall not be necessary to prosecute for forfeiture or a cease and desist order before resorting to injunctive proceedings.

Sec. 22-298—22-321. Reserved.

DIVISION 3. POST-CONSTRUCTION STORMWATER MANAGEMENT

Sec. 22-322. Technical standards.

(a) The following methods shall be used in designing and maintaining the water quality, peak discharge, infiltration, protective area, fueling/vehicle maintenance, and swale treatment components of stormwater practices needed to meet the water quality standards of the ordinance from which this article is derived:

- (1) Technical standards identified, developed or disseminated by the Wisconsin Department of Natural Resources under subchapter V of chapter NR 151, Wis. Admin. Code.
- (2) Technical standards and guidance identified within the City of Neenah Storm Water Reference Guide.
- (3) Where technical standards have not been identified or developed by the Wisconsin Department of Natural Resources, other technical standards may be used provided that the methods have been approved by the administering authority.
- (4) In this article, the following year and location has been selected as average annual rainfall: Green Bay, 1969 (March 29—November 25).

Sec. 22-323. Stormwater performance standards.

- (a) *Responsible party.* The responsible party shall develop and implement a post-construction stormwater management plan that incorporates the requirements of this section.
- (b) *Plan.* A written stormwater management plan shall be developed and implemented by the responsible party in accordance with section 22-325. The storm water management plan shall meet all of the applicable requirements contained in this ordinance.
- (c) *Requirements.* The stormwater management plan shall meet the following minimum requirements to the maximum extent practicable:
 - (1) *Water Quality.* BMPs shall be designed, installed and maintained to control pollutants carried in runoff from the post-construction site. The design shall be based on the average annual rainfall, as compared to no runoff management controls.

a. The following is required for post-construction sites with one or more of the following: 20,000 square feet or more of impervious surface disturbance, or one acre or more of land disturbance.

1. Except as provided in subsection 22-323(c)(1)a.2., a pollutant reduction is required as follows:

Watershed	Total Suspended Solids (TSS) & Total Phosphorus (TP) Reduction					
	New Development		Redevelopment		Routine Maintenance	
	TSS	TP	TSS	TP	TSS	TP
Fox River	80%	41%	72%	41%	72%	41%
L. Winnebago	80%	-	40%	-	40%	-
Neenah Slough	80%	41%	52%	41%	52%	41%

2. A pollutant reduction is not required for routine maintenance areas that are part of a post-construction site with less than 5 acres of disturbance.

b. For post-construction sites with less than 20,000 square feet of impervious surface disturbance, reduce the pollutant load using BMPs from the City of Neenah Storm Water Reference Guide. These sites are not required to satisfy a numeric performance standard.

c. Sites with a cumulative addition of 20,000 square feet or greater of impervious surfaces after September 3, 2008 are required to satisfy the performance standards within subsections [22-323\(c\)\(1\)a.1.](#) and 2.

d. The amount of pollutant control previously required for the site shall not be reduced as a result of the proposed development or disturbance.

e. When designing BMPs, runoff draining to the BMP from offsite areas shall be taken into account in determining the treatment efficiency of the practice. Any impact on the BMP efficiency shall be compensated for by increasing the size of the BMP accordingly. The pollutant load reduction provided by the BMP for an offsite area shall not be used to satisfy the required onsite pollutant load reduction, unless otherwise approved by the administering authority in accordance with subsection 22-323(e).

f. If the design cannot meet the water quality performance standards of subsections 22-323(c)(1)a. through e., the storm water management plan shall include a written, site specific explanation of why the water quality performance standard cannot be met and why the pollutant load will be reduced only to the maximum extent practicable. Except as provided in subsection 22-323(f), the administering authority may not require any person to exceed the applicable water quality performance standard to meet the requirements of maximum extent practicable.

(2) *Peak discharge.* BMPs shall be designed, installed and maintained to control peak discharges from the post-construction site.

a. The following is required for post-construction sites with one or more of the following: 20,000 square feet or more of impervious surface disturbance, or one acre or more of land disturbance.

1. The peak post-development discharge rate shall not exceed the peak pre-development discharge rate for the one-year, two-year, ten-year, and 100-year, 24-hour design storms. These peak discharge requirements apply to new development and redevelopment areas. No peak discharge control is required for routine maintenance areas, unless runoff from the routine maintenance area discharges into a proposed peak flow control facility.

2. Peak discharge calculations shall use TR-55 methodology. Atlas 14 rainfall depths and the MSE4 rainfall distribution shall be used unless the site is to be served by a previously constructed peak discharge facility. At the permittee's discretion, the TP-40 rainfall depths and the Type II rainfall distribution can be used for sites that are to be served by a previously constructed peak discharge facility. The meaning of "hydrologic soil group" and "runoff curve number" are as determined in TR-55. Unless the site is currently woodland, peak pre-development discharge rates shall be determined using the following runoff curve numbers for a "meadow" vegetative cover:

Maximum Pre-Development Runoff Curve Numbers				
Vegetative Cover	Hydrologic Soil Group			
	A	B	C	D
Meadow	30	58	71	78
Woodland	30	55	70	77

- b. For post-construction sites with less than 20,000 square feet of impervious surface disturbance, reduce peak post-development discharge rates using BMPs from the City of Neenah Storm Water Reference Guide. These sites are not required to satisfy a numeric performance standard.
- c. Sites with a cumulative addition of 20,000 square feet or greater of impervious surfaces after September 3, 2008 are required to satisfy the performance standards within subsections [22-323\(c\)\(2\)a.1.](#) and 2.
- d. The amount of peak discharge control previously required for the site shall not be reduced as a result of the proposed development or disturbance.
- e. When designing BMPs, runoff draining to the BMP from offsite areas shall be taken into account in determining the performance of the practice. Any impact on the BMP performance shall be compensated for by increasing the size of the BMP accordingly. The peak discharge reduction provided by the BMP for an offsite area shall not be used to satisfy the required onsite peak discharge reduction, unless otherwise approved by the administering authority in accordance with subsection 22-323(e).
- f. An adequate outfall shall be provided for each point of concentrated discharge from the post-construction site. An adequate outfall consists of non-erosive discharge velocities and reasonable downstream conveyance.
- g. *Exemptions.* The peak discharge performance standards do not apply to the following:
 - 1. A transportation facility where the discharge is directly into a lake over 5,000 acres or a stream or river segment draining more than 500 square miles.
 - 2. Except as provided under subsections 22-323(c)(2)d.—f., a highway reconstruction site.
 - 3. Except as provided under subsections 22-323(c)(2)d.—f., a transportation facility that is part of a redevelopment project.

(3) *Infiltration.* BMPs shall be designed, installed, and maintained to infiltrate runoff from the post-construction site, except as provided in subsections 22-323(c)(3)h.—l.

- a. For post-construction sites with 1 acre or more of land disturbance, the following is required:

1. *Low Imperviousness.* For development up to 40 percent connected imperviousness, such as parks, cemeteries, and low density residential development, infiltrate sufficient runoff volume so that the post-development infiltration volume shall be at least 90 percent of the pre-development infiltration volume, based on an average annual rainfall. However, when designing appropriate infiltration systems to meet this requirement, no more than one percent of the post-construction site is required as an effective infiltration area.
2. *Moderate imperviousness.* For development with more than 40 percent and up to 80 percent connected imperviousness, such as medium and high density residential, multi-family development, industrial and institutional development, and office parks, infiltrate sufficient runoff volume so that the post-development infiltration volume shall be at least 75 percent of the pre-development infiltration volume, based on an average annual rainfall. However, when designing appropriate infiltration systems to meet this requirement, no more than 2 percent of the post-construction site is required as an effective infiltration area.
3. *High imperviousness.* For development with more than 80 percent connected imperviousness, such as commercial strip malls, shopping centers, and commercial downtowns, infiltrate sufficient runoff volume so that the post-development infiltration volume shall be at least 60 percent of the pre-development infiltration volume, based on an average annual rainfall. However, when designing appropriate infiltration systems to meet this requirement, no more than 2 percent of the post-construction site is required as an effective infiltration area.

b. Pre-development condition shall assume "good hydrologic conditions" for appropriate land covers as identified in TR-55 or an equivalent methodology approved by the administering authority. The meaning of "hydrologic soil group" and "runoff curve number" are as determined in TR-55. The actual pre-development vegetative cover and the following pre-development runoff curve numbers shall be used:

Maximum Pre-Development Runoff Curve Numbers				
Vegetative Cover	Hydrologic Soil Group			
	A	B	C	D
Woodland	30	55	70	77
Grassland	39	61	71	78
Cropland	55	69	78	83

- c. For post-construction sites with less than one acre of land disturbance, infiltrate runoff volume using BMPs from the City of Neenah Storm Water Reference Guide. These sites are not required to satisfy a numeric performance standard.
- d. Sites with a cumulative addition of 20,000 square feet or greater of impervious surfaces after September 3, 2008 are required to satisfy the performance standards within subsections [22-323\(c\)\(3\)a.—b.](#)
- e. The amount of infiltration previously required for the site shall not be reduced as a result of the proposed development or disturbance.
- f. When designing BMPs, runoff draining to the BMP from offsite areas shall be taken into account in determining the performance of the practice. Any impact on the BMP performance shall be compensated for by increasing the size of the BMP accordingly. The runoff volume reduction provided by the BMP for an offsite area shall not be used to satisfy the required onsite

runoff volume reduction, unless otherwise approved by the administering authority in accordance with subsection 22-323(e).

g. *Pretreatment.* Before infiltrating runoff, pretreatment shall be required for parking lot runoff and for runoff from road construction in commercial, industrial and institutional areas that will enter an infiltration system. The pretreatment shall be designed to protect the infiltration system from clogging prior to scheduled maintenance and to protect groundwater quality in accordance with subsection 22-323(c)(3)n. Pretreatment options may include, but are not limited to, oil/grease separation, sedimentation, biofiltration, filtration, swales or filter strips.

h. *Source area prohibitions.* Runoff from the following areas may not be infiltrated and may not qualify as contributing to meeting the requirements of subsection 22-323(c)(3) unless demonstrated to meet the conditions of subsection 22-323(c)(3)n.

1. Areas associated with a tier 1 industrial facility identified in § NR 216.21(2)(a), Wis. Adm. Code, including storage, loading, and parking. Rooftops may be infiltrated with the concurrence of the administering authority.

2. Storage and loading areas of a tier 2 industrial facility identified in § NR 216.21(2)(b), Wis. Adm. Code.

3. Fueling and vehicle maintenance areas. Rooftops of fueling and vehicle maintenance areas may be infiltrated with the concurrence of the administering authority.

i. *Source area exemptions.* Runoff from the following areas may be credited toward meeting the requirement when infiltrated, but the decision to infiltrate runoff from these sources is optional:

1. Parking areas and access roads less than 5,000 square feet for commercial development.

2. Parking areas and access roads less than 5,000 square feet for industrial development not subject to the prohibitions under subsection 22-323(c)(3)h.

3. Except as provided under subsection 22-323(c)(3)e., redevelopment and routine maintenance areas.

4. In-fill development areas less than 5 acres.

5. Roads in commercial, industrial and institutional land uses, and arterial residential roads.

6. Except as provided under subsection 22-323(c)(3)e., transportation facility highway reconstruction and new highways.

j. *Prohibitions.* Infiltration practices may not be located in the following areas:

1. Areas within 1,000 feet upgradient or within 100 feet downgradient of direct conduits to groundwater.

2. Areas within 400 feet of a community water system well as specified in § NR 811.16(4), Wis. Adm. Code, or within the separation distances listed in § NR 812.08, Wis. Adm. Code, for any private well or non-community well for runoff infiltrated from commercial, including multi-family residential, industrial, and institutional land uses or regional devices for one- and two-family residential development.

3. Areas where contaminants of concern, as defined in § NR 720.03(2), Wis. Adm. Code, are present in the soil through which infiltration will occur.

k. *Separation distances.* Infiltration practices shall be located so that the characteristics of the soil and the separation distance between the bottom of the infiltration system and the elevation of seasonal high groundwater or the top of bedrock are in accordance with the following:

Separation Distances and Soil Characteristics		
Source Area	Separation Distance	Soil Characteristics
Industrial, Commercial, Institutional Parking Lots and Roads	5 feet or more	Filtering Layer
Residential Arterial Roads	5 feet or more	Filtering Layer
Roofs Draining to Subsurface Infiltration Practices	1 foot or more	Native or Engineered Soil with Particles Finer than Coarse Sand
Roofs Draining to Surface Infiltration Practices	Not Applicable	
All Other Impervious Source Areas	3 feet or more	Filtering Layer

Notwithstanding subsection 22-323(c)(3)k., applicable requirements for injection wells classified under § NR 815, Wis. Adm. Code, shall be followed.

l. *Infiltration rate exemptions.* Infiltration practices located in the following areas may be credited toward meeting the requirement under the following conditions, but the decision to infiltrate under these conditions is optional:

1. Where the infiltration rate of the soil measured at the proposed bottom of the infiltration system is less than 0.6 inches per hour using a scientifically credible field test method.
2. Where the least permeable soil horizon to 5 feet below the proposed bottom of the infiltration system using the U.S. Department of Agriculture method of soils analysis is one of the following: sandy clay loam, clay loam, silty clay loam, sandy clay, silty clay, or clay.

m. *Alternate uses.* Where alternate uses of runoff are employed, such as for toilet flushing, laundry or irrigation or storage on green roofs where an equivalent portion of the runoff is captured permanently by rooftop vegetation, such alternate use shall be given equal credit toward the infiltration volume required by subsection 22-323(c)(3).

n. *Groundwater standards.*

1. Infiltration systems designed in accordance with this subsection 22-323(c)(3) shall, to the extent technically and economically feasible, minimize the level of pollutants infiltrating to groundwater and shall maintain compliance with the preventive action limit at a point of standards application in accordance with § NR 140, Wis. Admin. Code. However, if site specific information indicates that compliance with a preventive action limit is not achievable, the infiltration BMP may not be installed or shall be modified to prevent infiltration to the maximum extent practicable.
2. Notwithstanding subsection 22-323(c)(3)n.1., the discharge from BMPs shall remain below the enforcement standard at the point of standards application.

o. Where the conditions of subsections 22-323(c)(3)h.—l. limit or restrict the use of infiltration practices, the performance standard of subsection 22-323(c)(3) shall be met to the maximum extent practicable.

(4) *Protective areas.*

a. "Protective area" means an area of land that commences at the top of the channel of lakes, streams and rivers, or at the delineated boundary of wetlands, and that is the greatest of the following widths, as measured horizontally from the top of the channel or delineated wetland

boundary to the closest impervious surface. However, in subsection 22-323(c)(4), "protective area" does not include any area of land adjacent to any stream enclosed within a pipe or culvert, such that runoff cannot enter the enclosure at this location.

1. For outstanding resource waters and exceptional resource waters, 75 feet.
 2. For perennial and intermittent streams identified on a United States geological survey 7.5-minute series topographic map, or a county soil survey map, whichever is more current, 50 feet.
 3. For lakes, 50 feet.
 4. For wetlands not subject to subsections 22-323(c)(4)a.5. or 6., 50 feet.
 5. For highly susceptible wetlands, 75 feet. Highly susceptible wetlands include the following types: calcareous fens, sedge meadows, open and coniferous bogs, low prairies, coniferous swamps, lowland hardwood swamps, and ephemeral ponds.
 6. For less susceptible wetlands, ten percent of the average wetland width, but no less than ten feet nor more than 30 feet. Less susceptible wetlands include: degraded wetlands dominated by invasive species such as reed canary grass; cultivated hydric soils; and any gravel pits, or dredged material or fill material disposal sites that take on the attributes of a wetland.
 7. In subsections 22-323(c)(4)a.4.—6., determinations of the extent of the protective area adjacent to wetlands shall be made on the basis of the sensitivity and runoff susceptibility of the wetland in accordance with the standards and criteria in § NR 103.03, Wis. Adm. Code.
 8. Wetlands shall be delineated. Wetland boundary delineations shall be made in accordance with s. NR 103.08(1m), Wis. Adm. Code. Subsection 22-323(c)(4) does not apply to wetlands that have been completely filled in compliance with all applicable state and federal regulations. The protective area for wetlands that have been partially filled in compliance with all applicable state and federal regulations shall be measured from the wetland boundary delineation after fill has been placed. Where there is a legally authorized wetland fill, the protective area standard need not be met in that location.
 9. For concentrated flow channels with drainage areas greater than 130 acres, ten feet.
 10. Notwithstanding subsections 22-323(c)(4)a.1.—9., the greatest protective area width shall apply where rivers, streams, lakes, and wetlands are contiguous.
- b. Subsection 22-323(c)(4) applies to all post-construction sites located within a protective area, except those areas exempted pursuant to subsection 22-323(c)(4)e.
- c. The following requirements shall be met:
1. Impervious surfaces shall be kept out of the protective area entirely or to the maximum extent practicable. If there is no practical alternative to locating an impervious surface in the protective area, the storm water management plan shall contain a written, site-specific explanation.
 2. Where land disturbing construction activity occurs within a protective area, adequate sod or self-sustaining vegetative cover of 70 percent or greater shall be established and maintained where no impervious surface is present. The adequate sod or self-sustaining vegetative cover shall be sufficient to provide for bank stability, maintenance of fish habitat and filtering of pollutants from upslope overland flow areas under sheet flow conditions. Non-vegetative materials, such as rock riprap, may be employed on the bank as necessary to prevent erosion, such as on steep slopes or where high velocity flows occur.

3. Best management practices such as filter strips, swales, or wet detention ponds, that are designed to control pollutants from non-point sources may be located in the protective area.
- d. A protective area established or created after September 3, 2008 shall not be eliminated or reduced, except as allowed in subsections 22-323(c)(4)e.2., 3., or 4.
- e. *Exemptions.* The following areas are not required to meet the protective area requirements of subsection 22-323(c)(4):
 1. Redevelopment and routine maintenance areas provided the minimum requirements within subsection 22-323(c)(4)d. are satisfied.
 2. Structures that cross or access surface waters such as boat landings, bridges and culverts.
 3. Structures constructed in accordance with Wis. Stats § 59.692(1v).
 4. Areas of post-construction sites from which the runoff does not enter the surface water, including wetlands, without first being treated by a BMP to meet the requirements of subsection 22-323(c)(1) and (2), except to the extent that vegetative ground cover is necessary to maintain bank stability.

(5) *Fueling and vehicle maintenance areas.* Fueling and vehicle maintenance areas shall have BMPs designed, installed and maintained to reduce petroleum within runoff, so that the runoff that enters waters of the state contains no visible petroleum sheen, or to the maximum extent practicable.

(6) *Swale treatment for transportation facilities.* This subsection 22-323(c)(6) is not applicable to transportation facilities that are part of a larger common plan of development or sale.

- a. *Requirement.* Except as provided in subsection 22-323(c)(6)b., transportation facilities that use swales for runoff conveyance and pollutant removal are exempt from the requirements of subsection 22-323(c)(1), (2), and (3), if the swales are designed to do all of the following or to the maximum extent practicable:

1. Swales shall be vegetated. However, where appropriate, non-vegetative measures may be employed to prevent erosion or provide for runoff treatment, such as rock riprap stabilization or check dams.
2. Swales shall comply with the Wisconsin Department of Natural Resources Technical Standard 1005, "Vegetated Infiltration Swale", except as otherwise authorized in writing by the Wisconsin Department of Natural Resources.

- b. *Other Requirements.* Notwithstanding subsection 22-323(c)(6)a., the administering authority may, consistent with water quality standards, require that other requirements, in addition to swale treatment, be met on a transportation facility with an average daily traffic rate greater than 2,500 and where the initial surface water of the state that the runoff directly enters is any of the following:

1. An outstanding resource water.
2. An exceptional resource water.
3. Waters listed in § 303(d) of the Federal Clean Water Act that are identified as impaired in whole or in part, due to nonpoint source impacts.
4. Waters where targeted performance standards are developed pursuant to § NR 151.004, Wis. Admin. Code.

(7) *Exemptions.* The following areas are not required to meet the performance standards within subsection 22-323(c):

- a. Agricultural production areas with less than 100,000 square feet of impervious surface disturbance.
- b. Underground utility construction such as water, sewer, gas, electric, telephone, cable television, and fiber optic lines. This exemption does not apply to the construction of any above ground structures associated with utility construction.
- c. The following transportation facilities are exempt, provided the transportation facility is not part of a larger common plan of development or sale.
 1. A transportation facility post-construction site with less than 10 percent connected imperviousness, based on the area of land disturbance, provided the cumulative area of all impervious surfaces is less than one acre. Notwithstanding this exemption, the protective area requirements of subsection 22-323(c)(4) still apply.
 2. Reconditioning or resurfacing of a highway.
 3. Minor reconstruction of a highway. Notwithstanding this exemption, the protective area requirements of subsection 22-323(c)(4) apply to minor reconstruction of a highway.
 4. Routine maintenance for transportation facilities that have less than 5 acres of land disturbance if performed to maintain the original line and grade, hydraulic capacity or original purpose of the facility.
 5. Routine maintenance if performed for storm water conveyance system cleaning.

(d) *General considerations for on-site and off-site storm water management measures.* The following considerations shall be observed in managing runoff:

- (1) Natural topography and land cover features such as natural swales, natural depressions, native soil infiltrating capacity, and natural groundwater recharge areas shall be preserved and used, to the extent possible, to meet the requirements of this section.
- (2) Emergency overland flow for all stormwater facilities shall be provided to prevent exceeding the safe capacity of downstream drainage facilities and prevent endangerment of downstream property or public safety.

(e) *BMP location and credit.*

(1) *General.* To comply with subsection 22-323(c) performance standards, the BMPs may be located on-site or off-site as part of a regional stormwater device, practice or system.

(2) *Offsite or regional BMP.*

- a. The amount of credit that the administering authority may give an offsite or regional BMP for purposes of determining compliance with the performance standards of subsection 22-323(c) is limited to the treatment capability or performance of the BMP.
- b. The administering authority may authorize credit for an off-site or regional BMP provided all of the following conditions are satisfied:
 1. The BMP received all applicable permits.
 2. The BMP shall be installed and operational before the construction site has undergone final stabilization.
 3. The BMP shall be designed and adequately sized to provide a level of storm water control equal to or greater than that which would be afforded by on-site BMPs meeting the subsection 22-323(c) performance standards.
 4. The owner of the BMP has entered into a section 22-326 maintenance agreement with the City of Neenah, or another municipal entity, such that the BMP has a legally

obligated entity responsible for its long-term operation and maintenance. Legal authority exists if a municipality owns, operates and maintains the BMP.

5. The owner of the BMP has provided written authorization which indicates the permit applicant may use the BMP for subsection 22-323(c) performance standard compliance.

6. Where an off-site or regional BMP option exists such that the administering authority exempts the applicant from all or part of the minimum on-site storm water management requirements, the applicant shall be required to pay a fee in an amount determined in negotiation with the administering authority. In determining the fee for post-construction runoff, the administering authority shall consider an equitable distribution of the cost for land, engineering design, construction, and maintenance of the off-site or regional BMP.

(3) *BMP in non-navigable waters.* For purposes of determining compliance with the performance standards of subsection 22-323(c), the administering authority may give credit for BMPs that function to provide treatment for runoff from existing development and post-construction runoff from new development, redevelopment, and routine maintenance areas and that are located within non-navigable waters.

(4) *BMP in navigable waters.*

a. *New development runoff.* Except as allowed under subsection 22-323(e)(4)b., BMPs designed to treat post-construction runoff from new development areas may not be located in navigable waters and, for purposes of determining compliance with the performance standards of subsection 22-323(c), the administering authority may not give credit for such BMPs.

b. *New development runoff exemption.* BMPs to treat post-construction runoff from new development areas may be located within navigable waters and may be creditable by the administering authority under subsection 22-323(c), if all the following are met:

1. The BMP was constructed prior to October 1, 2002 and received all applicable permits.
2. The BMP functions or will function to provide runoff treatment for the new development area.

c. *Existing development & post-construction runoff from redevelopment, routine maintenance, & infill development areas.* Except as provided in subsection 22-323(e)(4)d., BMPs designed to treat post-construction runoff for existing development and post-construction runoff from redevelopment, routine maintenance and infill development areas may not be located in navigable waters and, for purposes of determining compliance with the performance standards of subsection 22-323(c), the administering authority may not give credit for such BMPs.

d. *Existing development & post-construction runoff from redevelopment, routine Maintenance, & infill development areas exemption.* BMPs that function to provide treatment of runoff from existing development and post-construction runoff from redevelopment, routine maintenance and infill development areas may be located within navigable waters and, for purposes of determining compliance with the performance standards of subsection 22-323(c), the administering authority may give credit for such BMPs, if any of the following are met:

1. The BMP was constructed, contracts were signed or bids advertised and all applicable permits were received prior to January 1, 2011.
2. The BMP is on an intermittent waterway and all applicable permits are received.

(5) *Water quality trading.* To comply with subsection 22-323(c)(1) performance standards, the administering authority may authorize credit for water quality trading provided all of the following conditions are satisfied:

- a. The treatment practices associated with a water quality trade shall be in place, effective and operational before credit can be authorized.
 - b. The water quality trade shall comply with applicable trading ratios established by the Wisconsin Department of Natural Resources or the City of Neenah.
 - c. The water quality trade shall comply with applicable regulations, standards, and guidance developed by the Wisconsin Department of Natural Resources or the City of Neenah.
 - d. The responsible party shall furnish a copy of executed water quality trading agreements or other related information deemed necessary by the administering authority in order to authorize credit.
- (f) *Targeted performance standards.* The administering authority may establish numeric water quality requirements that are more stringent than those set forth in subsection 22-323(c) in order to meet targeted performance standards, total maximum daily loads, and/or water quality standards for a specific water body or area. The numeric water quality requirements may be applicable to any permitted site, regardless of the size of land disturbing construction activity.
 - (g) *Alternate requirements.* The administering authority may establish stormwater management requirements more stringent than those set forth in this section if the administering authority determines that an added level of protection is needed to protect sensitive resources. Also, the administering authority may establish stormwater management requirements less stringent than those set forth in this section if the administering authority determines that less protection is needed to protect sensitive resources and provide reasonable flood protection. However, the alternative requirements shall not be less stringent than those requirements promulgated in rules by Wisconsin Department of Natural Resources under Wis. Admin. Code § NR 151.

Sec. 22-324. Permitting requirements, procedures and fees.

- (a) *Permit required.* No responsible party may undertake a land disturbing construction activity without receiving a post-construction runoff permit from the administering authority prior to commencing the proposed activity.
- (b) *Permit application and fees.* Unless specifically excluded by this article, any responsible party desiring a permit shall submit to the administering authority a permit application made on a form provided by the administering authority for that purpose.
 - (1) Unless otherwise excepted by this article, a permit application must be accompanied by a stormwater management plan, a maintenance agreement and a non-refundable permit administration fee.
 - (2) The stormwater management plan shall be prepared to meet the requirements of sections [22-323](#) and [22-325](#), the maintenance agreement shall be prepared to meet the requirements of [section 22-326](#), the financial guarantee shall meet the requirements of [section 22-327](#), and fees shall be those established by the City Council as set forth in [section 22-328](#).
- (c) *Review and approval of permit application.* The administering authority shall review any permit application that is submitted with a stormwater management plan, maintenance agreement, and the required fee. The following approval procedure shall be used:
 - (1) Within 20 business days of the receipt of a complete permit application, including all items as required by subsection 22-324(b), the administering authority shall inform the applicant whether the application, plan and maintenance agreement are approved or disapproved based on the requirements of this article.

- (2) If the stormwater permit application, plan and maintenance agreement are approved, or if an agreed upon payment of fees in lieu of stormwater management practices is made pursuant to subsection 22-323(e), the administering authority shall issue the permit.
 - (3) If the stormwater permit application, plan or maintenance agreement is disapproved, the administering authority shall detail in writing the reasons for disapproval.
 - (4) The administering authority may request additional information from the applicant. If additional information is submitted, the administering authority shall have 20 business days from the date the additional information is received to inform the applicant that the plan and maintenance agreement are either approved or disapproved.
 - (5) Failure by the administering authority to inform the permit applicant of a decision within 20 business days of a required submittal shall be deemed to mean approval of the submittal and the applicant may proceed as if a permit had been issued.
- (d) *Permit requirements.* All permits issued under this article shall be subject to the following conditions, and holders of permits issued under this article shall be deemed to have accepted these conditions. The administering authority may suspend or revoke a permit for violation of a permit condition, following written notification of the responsible party. An action by the administering authority to suspend or revoke this permit may be appealed in accordance with [section 22-263](#).
- (1) Compliance with this permit does not relieve the responsible party of the responsibility to comply with other applicable federal, state, and local laws and regulations.
 - (2) The responsible party shall design and install all structural and non-structural stormwater management measures in accordance with the approved stormwater management plan and this permit.
 - (3) The responsible party shall notify the administering authority at least ten business days before commencing any work in conjunction with the stormwater management plan, and within ten business days upon completion of the stormwater management practices. If required as a special condition under subsection 22-324(e), the responsible party shall make additional notification according to a schedule set forth by the administering authority so that practice installations can be inspected during construction.
 - (4) Practice installations required as part of this article shall be certified "as built" by a licensed professional engineer. Completed stormwater management practices must pass a final inspection by the administering authority or its designee to determine if they are in accordance with the approved stormwater management plan and ordinance. The administering authority or its designee shall notify the responsible party in writing of any changes required in such practices to bring them into compliance with the conditions of this permit.
 - (5) The responsible party shall notify the administering authority of any significant modifications it intends to make to an approved stormwater management plan. The administering authority may require that the proposed modifications be submitted to it for approval prior to incorporation into the stormwater management plan and execution by the responsible party.
 - (6) The responsible party shall maintain all stormwater management practices in accordance with the stormwater management plan until the practices either become the responsibility of the City, or are transferred to subsequent private owners as specified in the approved maintenance agreement.
 - (7) The responsible party authorizes the administering authority to perform any work or operations necessary to bring stormwater management measures into conformance with the approved stormwater management plan, and consents to a special assessment or charge against the property as authorized under subch. VII of ch. 66, Wis. Stats., or to charging such costs against the financial guarantee posted under [section 22-327](#).

- (8) If so directed by the administering authority, the responsible party shall repair at the responsible party's own expense all damage to adjoining municipal facilities and drainage ways caused by runoff, where such damage is caused by activities that are not in compliance with the approved stormwater management plan.
- (9) The responsible party shall permit property access to the administering authority or its designee for the purpose of inspecting the property for compliance with the approved stormwater management plan and this permit.
- (10) Where site development or redevelopment involves changes in direction, increases in peak rate and/or total volume of runoff from a site, the administering authority may require the responsible party to make appropriate legal arrangements with affected property owners concerning the prevention of endangerment to property or public safety.
- (11) The responsible party is subject to the enforcement actions and penalties detailed in [section 22-329](#), if the responsible party fails to comply with the terms of this permit.
- (12) The permit applicant shall post the "Certificate of Permit Coverage" in a conspicuous location at the construction site.
- (e) *Permit conditions.* Permits issued under this subsection may include conditions established by administering authority in addition to the requirements needed to meet the performance standards in [section 22-323](#) or a financial guarantee as provided for in [section 22-327](#).
- (f) *Permit duration.* Permits issued under this section shall be valid from the date of issuance through the date the administering authority notifies the responsible party that all stormwater management practices have passed the final inspection required under subsection 22-324(d)(4).
- (g) *Alternate requirements.* The administering authority may prescribe alternative requirements for applicants seeking an exemption to on-site stormwater management performance standards under subsection [22-323\(e\)](#) or for applicants seeking a permit for a post-construction site with less than 20,000 square feet of impervious surface disturbance.

Sec. 22-325. Stormwater management plan.

- (a) *Plan requirements.* The stormwater management plan required under subsections 22-323(b) and 22-324(b) shall comply with the City of Neenah Storm Water Reference Guide and contain at a minimum the following information:
 - (1) Name, address, and telephone number of the landowner and responsible parties.
 - (2) A legal description of the property proposed to be developed.
 - (3) Pre-development site map with property lines, disturbed limits, and drainage patterns.
 - (4) Post-development site map with property lines, disturbed limits, and drainage patterns.
 - a. Total area of disturbed impervious surfaces within the site.
 - b. Total area of new impervious surfaces within the site.
 - c. Performance standards applicable to site.
 - d. Proposed best management practices.
 - e. Groundwater, bedrock, and soil limitations.
 - f. Separation distances. Stormwater management practices shall be adequately separated from wells to prevent contamination of drinking water.

- (b) *Alternate requirements.* The administering authority may prescribe alternative submittal requirements for applicants seeking an exemption to on-site stormwater management performance standards under subsection [22-323\(e\)](#) or for applicants seeking a permit for a post-construction site with less than 20,000 square feet of impervious surface disturbance.

Sec. 22-326. Maintenance agreement.

- (a) *Maintenance agreement required.* The maintenance agreement required under subsection [22-324\(b\)](#) for stormwater management practices shall be an agreement between the City of Neenah and the responsible party to provide for maintenance of stormwater practices beyond the duration period of this permit. The maintenance agreement shall be filed with the County Register of Deeds as a property deed restriction so that it is binding upon all subsequent owners of the land served by the stormwater management practices.
- (b) *Agreement provisions.* The maintenance agreement shall contain the following information and provisions:
 - (1) Identification of the stormwater facilities and designation of the drainage area served by the facilities.
 - (2) A schedule for regular maintenance of each aspect of the stormwater management system consistent with the stormwater management plan required under subsection [22-324\(b\)](#).
 - (3) Identification of the responsible party(s), organization or city, county, town or village responsible for long term maintenance of the stormwater management practices identified in the stormwater management plan required under subsection [22-324\(b\)](#).
 - (4) Requirement that the responsible party(s), organization, or city, county, town or village shall maintain stormwater management practices in accordance with the schedule included in subsection [22-324\(b\)\(2\)](#).
 - (5) Authorization for the administering authority to access the property to conduct inspections of stormwater management practices as necessary to ascertain that the practices are being maintained and operated in accordance with the agreement.
 - (6) A requirement on the administering authority to maintain public records of the results of the site inspections, to inform the responsible party responsible for maintenance of the inspection results, and to specifically indicate any corrective actions required to bring the stormwater management practice into proper working condition.
 - (7) Agreement that the party designated under subsection [22-326\(b\)\(3\)](#), as responsible for long term maintenance of the stormwater management practices, shall be notified by the administering authority of maintenance problems which require correction. The specified corrective actions shall be undertaken within a reasonable time frame as set by the administering authority.
 - (8) Authorization of the administering authority to perform the corrected actions identified in the inspection report if the responsible party designated under subsection [22-326\(b\)\(3\)](#) does not make the required corrections in the specified time period. The City of Neenah shall enter the amount due on the tax rolls and collect the money as a special charge against the property pursuant to subch. VII of § 66, Wis. Stats.
- (c) *Alternate requirements.* The administering authority may prescribe alternative requirements for applicants seeking an exemption to on-site stormwater management performance standards under subsection [22-323\(e\)](#) or for applicants seeking a permit for a post-construction site with less than 20,000 square feet of impervious surface disturbance.

Sec. 22-327. Financial guarantee.

- (a) *Establishment of the guarantee.* The administering authority may require the submittal of a financial guarantee, the form and type of which shall be acceptable to the administering authority. The financial guarantee shall be in an amount determined by the administering authority to be the estimated cost of construction and the estimated cost of maintenance of the stormwater management practices during the period which the designated party in the maintenance agreement has maintenance responsibility. The financial guarantee shall give the City of Neenah the authorization to use the funds to complete the stormwater management practices if the responsible party defaults or does not properly implement the approved stormwater management plan, upon written notice to the responsible party by the administering authority that the requirements of this article have not been met.
- (b) *Conditions for release.* Conditions for the release of the financial guarantee are as follows:
 - (1) The administering authority shall release the portion of the financial guarantee established under this section, less any costs incurred by the City of Neenah to complete installation of practices, upon submission of "as built plans" by a licensed professional engineer. The administering authority may make provisions for a partial pro-rata release of the financial guarantee based on the completion of various development stages.
 - (2) The administering authority shall release the portion of the financial guarantee established under this section to assure maintenance of stormwater practices, less any costs incurred by the City of Neenah, at such time that the responsibility for practice maintenance is passed on to another entity via an approved maintenance agreement.
- (c) *Alternate requirements.* The administering authority may prescribe alternative requirements for applicants seeking an exemption to on-site stormwater management performance standards under subsection [22-323\(e\)](#) or for applicants seeking a permit for a post-construction site with less than 20,000 square feet of impervious surface disturbance.

Sec. 22-328. Reserved.

Sec. 22-329. Enforcement—Division 3.

- (a) Any land disturbing construction activity or post-construction runoff initiated after the effective date of the ordinance from which this article is derived by any person, firm, association, or corporation subject to the ordinance provisions shall be deemed a violation unless conducted in accordance with the requirements of this article.
- (b) The administering authority shall notify the responsible party by certified mail of any non-complying land disturbing construction activity or post-construction runoff. The notice shall describe the nature of the violation, remedial actions needed, a schedule for remedial action, and additional enforcement action which may be taken.
- (c) Upon receipt of written notification from the administering authority under subsection [22-329\(b\)](#), the responsible party shall correct work that does not comply with the stormwater management plan or other provisions of this permit. The responsible party shall make corrections as necessary to meet the specifications and schedule set forth by the administering authority in the notice.
- (d) If the violations to a permit issued pursuant to this ordinance are likely to result in damage to properties, public facilities, or waters of the state, the administering authority may enter the land and take emergency actions necessary to prevent such damage. The costs incurred by the City of Neenah plus interest and legal costs shall be billed to the responsible party.
- (e) The administering authority is authorized to post a stop work order on all land disturbing construction activity that is in violation of this article ordinance, or to request the City Attorney to obtain a cease and desist order in any court with jurisdiction.
- (f) The administering authority may revoke a permit issued under this article for non-compliance with article provisions.

- (g) Any permit revocation, stop work order, or cease and desist order shall remain in effect unless retracted by the administering authority or by a court with jurisdiction.
- (h) The administering authority is authorized to refer any violation of this article, or of a stop work order or cease and desist order issued pursuant to this ordinance, to the City Attorney for the commencement of further legal proceedings in any court with jurisdiction.
- (i) Any person, firm, association, or corporation who does not comply with the provisions of this ordinance shall be subject to a forfeiture of not less than \$25.00 dollars or more than \$500.00 dollars per offense, together with the costs of prosecution. Each day that the violation exists shall constitute a separate offense.
- (j) Compliance with the provisions of this article may also be enforced by injunction in any court with jurisdiction. It shall not be necessary to prosecute for forfeiture or a cease and desist order before resorting to injunctive proceedings.
- (k) When the administering authority determines that the holder of a permit issued pursuant to this article has failed to follow practices set forth in the stormwater management plan, or has failed to comply with schedules set forth in said stormwater management plan, the administering authority or a party designated by the administering authority may enter upon the land and perform the work or other operations necessary to bring the condition of said lands into conformance with requirements of the approved plan. The administering authority shall keep a detailed accounting of the costs and expenses of performing this work. These costs and expenses shall be deducted from any financial security posted pursuant to [section 22-327](#). Where such a security has not been established, or where such a security is insufficient to cover these costs, the costs and expenses shall be entered on the tax roll as a special charge against the property and collected with any other taxes levied thereon.

Sec. 22-330—22-350. Reserved.

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: _____

Approved:

Adopted: _____

Approved: _____

Dean R. Kaufert, Mayor

Published: _____

Attest:

Patricia A. Sturn, City Clerk

THIS INSTRUMENT WAS DRAFTED BY:
City Attorney James G. Godlewski
211 Walnut Street
Neenah, WI 54956
State Bar No. 1005210

CITY OF NEENAH
FINANCE AND PERSONNEL COMMITTEE MEETING
Monday, March 27, 2017 – 7:00 p.m.
Council Chambers, Neenah City Administration Building
211 Walnut Street, Neenah, Wisconsin

MINUTES

Present: Chairman Pollnow; Aldermen Erickson, Stevenson and Boyette; City Attorney Godlewski; Director of Finance Easker.

Others Present: Alderman Bates, Director of Human Resources and Safety Barber, Director of Parks and Recreation Kading, Director of Public Works Kaiser, Director of Information Systems Wenninger, Police Chief Wilkinson, Deputy Director of Community Development and Assessment Schmidt, Park Superintendent Fink, Police Captain Gonzalez, Associate Planner Kasimor, Future Neenah Executive Director Amy Barker.

Public Appearances: None.

Minutes: Motion/Second/Carried Boyette/Erickson to postpone the approval of the minutes from the March 6, 2017 Regular Meeting, subject to language being added to the Phase II Engineering-Loop the Lake discussion regarding the request by Aldermen Boyette and Erickson that more specifics be provided to the committee regarding the disbursement of funds for the project from private funds raised by Future Neenah. All voting aye.

Request to Fill Vacant Sanitation Positions: Committee reviewed memo of Director Kaiser requesting approval to fill the sanitation position vacancies. The two positions have recently become vacant due to resignations. Mayor Kaufert has reviewed the request and concurs with filling the vacant positions. Committee and staff discussed various aspects of filling the vacant positions.

Motion/Second/Carried Stevenson/Erickson to approve filling the sanitation position vacancies. All voting aye.

Request to Fill Officer Positions: Committee reviewed memo of Chief Wilkinson requesting authority to fill four current or pending Police Officer vacancies as soon as the selection process allows. The four vacancies have occurred due to the pending retirement of Lt. Howard Fuerst, the resignation of two probationary officers and the addition of a 41st sworn position authorized in the 2017 budget. Mayor Kaufert has reviewed the request and concurs with filling the vacant positions.

Committee and staff discussed various aspects of filling the vacant positions. Items discussed included the Police Commission hiring process, the status of potential recruit candidates and the overall recruitment process and how FMLA issues may affect overtime when staffing is short, including a discussion on how the FMLA law is required to be implemented.

Motion/Second/Carried Stevenson/Boyette to approve filling four current or pending Police Officer vacancies as soon as the selection process allows. All voting aye.

Request to Fill Records Clerk/Court Coordinator Position: Committee reviewed memo of Chief Wilkinson requesting authority to fill the pending full-time clerical position no sooner than April 10, 2017 and also fill any vacancy that is created if the position is filled by an internal candidate. The opening is due to the pending retirement of current Records Clerk/Court Coordinator Candy Becker. Mayor Kaufert has reviewed the request and concurs with filling the vacant position. Discussion took place on the status of the reorganization within the police department clerical area and the large number of applicants for the positions to date.

Motion/Second/Carried Stevenson/Erickson authority to fill the pending full-time clerical position no sooner than April 10, 2017 and also fill any vacancy that is created if the position is filled by an internal candidate. All voting aye.

Request to Fill Administrative Assistant/Assessment Technician Position: Committee reviewed memo of Director Haese requesting approval to fill the vacant Community Development Administrative Assistant/Assessment Tech position. The vacancy is due to the recent promotion of current Assistant Katie Osthelder to the Code Enforcement/City Sealer position. Mayor Kaufert has reviewed the request and concurs with filling the vacant position. Discussion took place on the potential for a review of staffing needs within the Community Development Department.

Motion/Second/Carried Stevenson/Boyette to approve filling the vacant Community Development Administrative Assistant/Assessment Tech position. All voting aye.

Development Agreement – Castle Oak V Subdivision: Committee reviewed memo of Deputy Director Schmidt recommending Council approve the Castle Oak V Development Agreement. The Development Agreement lays out the roles and responsibilities of the developer and City regarding Castle Oak V subdivision, which includes the proposed development of 34 single-family residential lots. The provisions of the proposed Agreement are similar in nature to those approved for the other Castle Oak phases.

Committee and staff discussed various aspects of the proposed Development Agreement. Issues discussed included the escrow of funds for the two-inch asphalt mat, the number of acres (10) remaining after this development and the process used to determine final plat street configuration.

Motion/Second/Carried Stevenson/Erickson to recommend Council approve the Castle Oak V Development Agreement. All voting aye.

2016 Operating Budget Carry Forwards to 2017: Committee reviewed memo from Director Easker with regard to the departmental requests for 2016 Operating Budget

Carry Forwards to 2017. The carry forward requests total \$55,000 as follows: 1). Community Development/Weights and Measures - \$16,000 for Outside Services-Code Compliance; 2). Community Development/Weights and Measures - \$2,000 for Capital Equipment-Computer Equipment and 3). Public Works/T.V. Sanitary Sewers - \$37,000 for Outside Services. Discussion took place regarding various aspects of the proposed carry forwards.

Motion/Second/Carried Erickson/Stevenson to recommend Council approve 2016 Operating Budget Carry Forwards to 2017 requests for a total carry forward of \$55,000 as follows 1). Community Development/Weights and Measures - \$16,000 for Outside Services-Code Compliance; 2). Community Development/Weights and Measures - \$2,000 for Capital Equipment-Computer Equipment and 3). Public Works/T.V. Sanitary Sewers - \$37,000 for Outside Services. All voting aye.

Approval to Purchase Redundant Data Center SAN Storage and Server Upgrade

Solutions: Committee reviewed memo of Director Wenninger requesting approval to purchase a replacement storage solution, necessary networking equipment, a new Hewlett Packard server and associated licenses for the Redundant Data Center for a cost not to exceed \$99,400. This cost includes equipment, implementation services, a three-year warranty and staff training. Funding for this purchase consists of \$72,000 approved in Information System's 2016 Capital Equipment budget and \$27,400 approved in Information System's 2017 Capital Equipment budget. The data center would replace the obsolete redundant solution that was implemented in 2008. Director Wenninger is recommending a solution that includes purchasing distinct aspects of the solution from different vendors. Committee and staff discussed various aspects of the proposed solution purchase.

Motion/Second/Carried Erickson/Stevenson to recommend Council approval to purchase a replacement storage solution, necessary networking equipment, a new Hewlett Packard server and associated licenses for the Redundant Data Center for a cost not to exceed \$99,400. This cost includes equipment, implementation services, a three-year warranty and staff training. Funding for this purchase consists of \$72,000 approved in Information System's 2016 Capital Equipment budget and \$27,400 approved in Information System's 2017 Capital Equipment budget. All voting aye, except Chairman Pollnow abstained.

Cemetery Management System Purchase Request: Committee reviewed memo of Director Wenninger, Director Easker and Director Kading requesting approval to purchase Cemetery Information Management System (CIMS), from Ramaker and Associates at a cost not to exceed \$48,000. Funding of \$50,000 for this purchase was approved in the 2017 Oak Hill Cemetery Facility CIP budget. This cost includes software licenses, implementation services, training and first year maintenance costs. The system would replace the current antiquated cemetery system that combines an old computer system with spreadsheets and various manual paper records and maps. A staff selection team developed an RFP and that resulted in three responses. They then reviewed the

REPORT

REPORT

responses and participated in two system demonstrations, from which Ramaker & Associates was chosen as the preferred provider.

Committee and staff discussed various aspects of the proposed system purchase. A broad discussion took place on the benefits that the system will have for both staff and the public regarding the mapping of grave locations, lot sales, scheduling grave openings and funerals as well as features that will allow family members and friends greater access and enhanced information on their loved ones located in the cemetery. Upon questioning from Chairman Pollnow, Director Wenninger said the purchase of this system would not have a negative effect on the multi-year ERP currently planned for the next several years. Discussion also took place on the potential use of Cemetery Perpetual Care funds to assist in this purchase.

REPORT

Motion/Second/Carried Stevenson/Erickson requesting Council approve the purchase of Cemetery Information Management System (CIMS), from Ramaker and Associates at a cost not to exceed \$48,000 to be funded by \$50,000 approved in the 2017 Oak Hill Cemetery Facility CIP budget. This cost includes software licenses, implementation services, training and first year maintenance costs. All voting aye.

Phase II Engineering – Loop the Lake Continued Discussion: Committee reviewed memo of Director Kading requesting approval for the Phase II Engineering Agreement for Loop the Lake with Graef USA in the amount not to exceed \$61,300. Action on the request had been delayed from the previous meeting subject to staff obtaining additional details regarding the process for transferring donated funds from Future Neenah to the City. Committee and staff reviewed and discussed the additional information as provided by Director Kading and Future Neenah Executive Director Amy Barker. Information discussed included the status of fund raising and potential disbursement schedule. Attorney Godlewski indicated that he was preparing a Memorandum of Understanding between the parties involved to spell out the funding and disbursement process. Specific discussion took place on the jurisdictional responsibilities for the project for each of the Park and Recreation Commission, City Standing Committees, Board of Public Works and Common Council. Discussion also took place on the need to define the specific \$1.6 million overall budget for the project, including which city fund and accounts will be used to record the project activities. Director Easker indicated that the City Capital Project Facilities Fund would be used to record the project activities.

REPORT

Motion/Second/Carried Stevenson/Erickson recommending Council approve Phase II Engineering Agreement for Loop the Lake with Graef USA in the amount not to exceed \$61,300, with the cost to be funded from the Loop the Lake project budget within the City Capital Project Facilities Fund. All voting aye.

Fiscal Matters: February Vouchers: Motion/Second/Carried Stevenson/Erickson to approve the February vouchers as presented. All voting aye.

Meeting adjourned at 9:45 p.m.

Respectfully submitted,

A handwritten signature in green ink, appearing to read "M.K. Easker".

Michael K. Easker, CPA
Director of Finance

MINUTES OF THE NEENAH PLAN COMMISSION
Tuesday, March 28, 2017
4:15 p.m.

Present:

Mayor Dean Kaufert, Chairman	PRESENT	Gerry Kaiser, Director of Public Works	PRESENT	Nick Piergrossi, Vice Chairman	PRESENT
Kate Hancock-Cooke	ABSENT	Ald. Christopher Kunz	ABSENT	Karen Genett	PRESENT
Gerry Andrews	ABSENT	Ald. Jane Lang	PRESENT		

Also present:

Brad Schmidt, Deputy Director of Community Development	Katie Osthelder, Administrative Assistant of Community Development	Alderwoman, Cari Lendrum
James Thienel, 990 S. Lake Street, Neenah	Forrest Genett, 957 Betty Avenue, Neenah	Grant Birtch, 534 E. Peckham, Neenah

Minutes:

MSC Genett/Lang, to approve the Feb 21, 2017 meeting minutes. All aye. Piergrossi abstain.

Public Appearances:

Grant Birtch, 534 E Peckham, Neenah, introduced himself and provided follow-up on the discussion from past Plan Commission meetings about short term rentals. He indicated that he's reviewed the ordinances that Deputy Director Schmidt provided and believes the City should adopt an ordinance which regulates short term rentals. Mr. Birtch believes the Village of Ashwaubenon ordinance is pretty good and well put together since it uses specific standards to review these properties including licensure for health inspections and building inspections. It's a very comprehensive ordinance.

Public Hearings: NONE

Action Items:

1. Final Plat – Castle Oak V

Deputy Director Schmidt provided an overview of the final plat for the 5th phase of the Castle Oak subdivision. In addition, Deputy Director Schmidt indicated that the conditions of the final plat have been met. The only request from staff is that a 20-foot easement be added over the storm sewer between Lots 176 and 177.

Commission member Genett asked if the 1,500 foot Wallace Lane/Stout Drive is a culdasc. Deputy Director Schmidt indicated that the road is not intended to function as a permanent culdasc and is temporary until Cavalry Lane is extended south to Fort Drive. City Staff worked with the developer to put language in the development agreement that allows the City to construct the Cavalry Lane extension if it isn't completed within 36 months. In addition, the developer will dedicate the Cavalry Lane right-of-way to the City.

Commission member Piergrossi asked if the dedicated Cavalry Lane would be a temporary road. Director Kaiser said that the road right-of-way was being dedicated and that no improvements will be made at this time.

Mayor Kaufert thanked Staff for looking out for the City's future interests.

MSC Kaiser/Piergrossi to recommend Common Council approve the Final Plat of the Castle Oak V Subdivision subject to the inclusion of a storm sewer easement between Lots 176 and 177. All Aye.

2. Site Plan Review – 990 S Lake Street

Deputy Director Schmidt provided an overview of the proposed site plan at 990 S. Lake Street to construct a 1,600 square-foot storage building in the rear of the property. The building would be a wood-framed design with a metal exterior. The height of the building will be about 25 feet tall. The Zoning Code limits the lot coverage of buildings on a lot to no more than 30% in the C-1 District. However, Plan Commission has the ability to allow buildings to cover up to 40% of a lot. In this case the lot coverage would be 31.6%. The site plan also includes additional parking along the west property line.

Director Kaiser asked if the Plan Commission has increased the building lot coverage above 30% in the past. Deputy Director Schmidt indicated they have and that this does not result in a variance. Director Kaiser indicated that the area the building is proposed to be located is currently on an impervious area and therefore has no issues with increasing the lot coverage to 31.6%.

Commission member Piergrossi asked about the location of the existing ponds and the proposed stormwater ponds on the site plan. Deputy Director Schmidt said there are two existing stormwater ponds on the site along Lake Street. The two proposed ponds are preliminary and may change based on the alternatives to managing stormwater on the site. The challenge is that no stormsewer exists along Lake Street.

Plan Commission Minutes

March 28, 2017

Page 2

MSC Kaiser/Genett for Plan Commission to approve the site plan for 990 S. Lake Street subject to the following conditions:

1. Obtain all necessary building permits prior to any construction, alteration, or sign installation.
2. Submit a detailed landscape plan identifying the type, size, and location of plantings along the west property line.

All Aye.

3. Excess Public Right-of-way – Harrison Street

Deputy Director Schmidt provided an overview of a request to declare City-owned land along Harrison Street as excess public right-of-way. The land is a remnant piece the City acquired as part of the Main Street overpass project. The land is too small to be used as a single-family residential lot.

Commission member Piergrossi asked if the land would be sold to one of the adjoining neighbors. Director Kaiser indicated that the property owner south of the subject land expressed interest in purchasing it.

Commission member Genett asked about the weird shape of the lot. Director Kaiser said it's a remnant piece from a service station that used to be there and the warehouse that is still used directly west of the land.

Commission member Piergrossi asked if the adjacent parcel with the warehouse on it was developable if the warehouse were removed. Deputy Director Schmidt said it appears it would meet our minimum lot size for residential lots.

Director Kaiser said the City currently maintains the subject land.

Mayor Kaufert expressed concerns about selling public land if it has development potentials in the future, specifically if the warehouse on the adjoining property was removed.

Director Kaiser indicated that regardless of the scenario there's no reason for the City to own and continue maintaining the subject land.

MSC Piergrossi/Kaiser for the Plan Commission to declare the remnant right-of-way piece of land along Harrison Street as excess property and recommend Council authorize the sale of the property. All Aye.

Zoning Code Review:

1. Short-Term Rentals

Deputy Director Schmidt provided an overview of short-term rentals and how the City currently deals with them. Unfortunately, the Zoning Code is not very clear on this use and the Plan Commission may want to further explore them. Attached in the memo are several ordinances which regulate short-term rentals in Wisconsin and a map of Airbnb properties currently listed in the City.

Director Kaiser asked what the difference between a short-term rental and a bed and breakfast is. Deputy Director Schmidt indicated that we regulate bed and breakfasts through a special use permit and they differ from short term rentals in that the property owners remain on the property and provide food for the guests.

Commission member Piergrossi asked if short-term rentals are required to pay Hotel Room Tax. Deputy Director Schmidt said that he believes they are responsible for the tax. Mayor Kaufert mentioned that the challenge is that it is a self-reporting tax.

Deputy Director Schmidt mentioned that the reason for bringing this to the Plan Commission is because the Community Development Department received a complaint from a neighbor. Commission member Piergrossi mentioned he is not in favor of regulating them.

Mayor Kaufert explained that the State has discussed preempting municipalities in regards to regulating short-term rentals. He also appreciates the background information but doesn't feel we would get far into this tonight since 3 commission members are absent.

2. Signs

Deputy Director Schmidt indicated that the sign code was attached to the Plan Commission packets and that a Supreme Court ruling impacted how the City regulates signage. Schmidt asked the Plan Commission to begin reviewing the sign code.

3. Accessory Structures

Plan Commission Minutes

March 28, 2017

Page 3

Deputy Director Schmidt provided an image of a shed that was constructed in the City which found a loop-hole in the wall height requirement. The current requirement limits shed wall heights to no more than 10 feet and the total height of the shed to no more than 20 feet. Staff is proposing to reduce the maximum height for sheds to 14 feet to avoid similar type sheds.

Announcements and future agenda items:

Next meeting April 11, 2017

Comprehensive Plan Update- Deputy Director Schmidt indicated that the Steering Committee is reviewing each chapter separately and that the final chapter, Land Use, will be reviewed over the next several weeks.

Adjournment: The Commission adjourned its meeting at 4:58 P.M. MSC Genett/Lang. All Aye.

Respectfully Submitted,



Katie Osthelder
Administrative Assistant, Community Development

**NMFR Joint Finance & Personnel Committee
Meeting Minutes
March 28, 2017 – 5:30 p.m.
Hauser Room – City of Neenah**

Present: Ald. Stevenson, Pollnow, Benner, Keehan and Krautkramer.

Excused: Ald. Kunz

Also Present: Chief Kloehn and Director Easker

Public: HR Director Barber, Jim Dunbar and Greg Wroblewski

Public Forum: No members of the public chose to speak.

Minutes: The Committee reviewed the February 28, 2017 meeting minutes. **MSC Pollnow/Keehan to approve the February 28, 2017 meeting minutes and place on file, all voting aye.**

Activity Reports: The Committee reviewed the February activity and automatic aid reports. **MSC Pollnow/Keehan to approve the February activity and automatic aid reports and place on file, all voting aye.**

Firefighter Position Replacement: The Committee reviewed the memo from Chief Kloehn regarding the vacant firefighter position. Discussion was held on FMLA usage. Director Barber noted that it does appear that Fire has higher usage than other departments and that is because it is the biggest department in the City. However, their overall usage is not out of the “normal” range and not overly high. She reminded everyone that FMLA doesn’t have a separate bank for pay when employees are off. Employees have to use their sick and vacation time when off on FMLA for them to receive pay for their time off. FMLA is there to protect their job while they are off. **MSC Pollnow/Keehan recommends the City of Neenah and City of Menasha Common Councils approve filling the vacated firefighter position as soon as possible, all voting aye.**

Radio/Fox Comm Update: Chief Kloehn provided an update regarding the recent changes to Fox Comm and how some counties are exploring different radio systems. This could potentially affect our automatic aid agreement with Appleton Fire Department if Winnebago and Outagamie Counties have different radio systems. Chief Kloehn & DC Voss will be attending demonstrations of two vendors they are looking at next week and will keep everyone updated on the status as things develop.

Review of NMFR’s 2016 Annual Report: The Committee reviewed our 2016 Annual Report. Everyone liked the report, content and thanked the department for their efforts on putting this together.

MSC Pollnow/Keehan to adjourn at 6:00 p.m., all voting aye.

Respectfully Submitted,

Kevin Kloehn
Chief

KK/tt

Report



Memorandum

TO: NMFR Joint Finance & Personnel Committee Members

FROM: Kevin Kloehn, Chief

DATE: March 20, 2017

RE: Firefighter Replacement

Over the past several months, we have had a firefighter on FMLA with an unknown return to work date. I was recently notified this firefighter is unable to return to work as a firefighter and their last day of employment will be March 26, 2017. This now leaves us with a vacant firefighter position.

As we discussed last month, we continue to have FMLA usage on a couple different shifts and peak vacation time will begin in the near future, which means we will need to backfill this unfilled line staff position with overtime until a replacement is hired and trained.

I am asking for consideration to fill the vacated firefighter position. It would be advantageous for us to have two firefighters begin at the same time. Once their four week training has been completed, both new staff members would be placed onto 24-hour shifts upon completion of their training. Since our last meeting, we have had additional approved FMLA's for staff members. The second person would cover 24-hour shifts on the shifts that we need coverage until the retirement in June.

An appropriate motion would be *recommend the City of Neenah and City of Menasha Common Councils approve filling the vacated firefighter position as soon as possible.*

Thank you for your consideration. If you have any questions, please feel free to call me at 886-6203.

KK/tt

**Minutes of the Board of Public Works Meeting
Thursday, March 30, 2017 – Noon
Council Chambers**

MEMBERS PRESENT: Mayor Kaufert, City Attorney Godlewski, Director of Finance Easker, Director of Public Works Kaiser, Aldermen Hillstrom & Bates. Director of Community Development & Assessment Haese was excused.

ALSO PRESENT: City Clerk Sturn

Mayor Kaufert called the meeting to order at 12:00 p.m.

MINUTES: MSC Hillstrom/Kaiser to approve the minutes from the March 9, 2017 Board of Public Works meeting, all voting aye, Mayor Kaufert and Ald. Bates abstained.

APPEARANCES: None.

UNFINISHED BUSINESS: None.

NEW BUSINESS:

Public Works Department:

Award Contract 3-17: Dir. Kaiser distributed the bids for Contract 3-17 Parking Lot, Street and Trail Construction. He recommended Contract 3-17 be awarded to the low bid from Sommers Construction, Shiocton in the amount of \$738,974.15. This contract is for work on Whippoorwill Circle, Yorkshire Road, Cameron Circle, parking lots and trails. The work on Yorkshire Road came in over budget however there will be a Memorandum of Understanding with the Town of Neenah for \$17,000 cost share. Northeast Asphalt is the subcontractor for the asphalt work. **MSC Kaiser/Godlewski to recommend Council award Contract 3-17 Parking Lot, Street and Trail Construction to the low bid from Sommers Construction, Shiocton in the amount of \$738,974.15, all voting aye.**

Community Development Department:

Castle Oak V Subdivision Development Agreement: In the absence of Dir. Haese, Dir. Kaiser advised that Community Development as received a final plat for the Castle Oak V Subdivision. As part of the plat, City staff and the developer have negotiated a Development Agreement which outlines the roles and responsibilities in terms of the installation of public infrastructure and the required fees the developer will owe the City. The provisions in this agreement are very similar to those approved in the Castle Oak II, Castle Oak III and Castle Oak IV Agreements. City Atty. Godlewski advised that this is a standard development agreement compliant with our ordinances. Dir. Kaiser clarified for the Board that the street names are brought forward by the developer. Staff checks to see that the street names are non-conflicting with others in the City. Blasting will be done

for the utility work and a permit will be required. There are no storm water ponds, the plan is to go to the existing pond on CTH G. **MSC Godlewski/Kaiser to recommend Council approve the Development Agreement for the Castle Oak V Subdivision, all voting aye.**

MSC Godlewski/Kaiser to adjourn at 12:25 p.m., all voting aye.

Respectfully Submitted,

Patty Sturn
City Clerk

STATUS OF COUNCIL DIRECTIVES ISSUED SINCE JULY 1, 1981

Date: April 5, 2017

Date of Directive: 10/05/2016

Item: Review the street assessment policy – Ordinance Chapter 13.5(D) (2).

Responsible Party: Ald. Pollnow

Status: Pending