



City of Neenah
COMMON COUNCIL AGENDA
Wednesday, June 3, 2020 - 7:00 p.m.
Neenah City Hall
Council Chambers

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

Link: <https://global.gotomeeting.com/join/195683885>

OR

Conference Telephone Number (AUDIO ONLY): [+1 \(224\) 501-3412](tel:+12245013412)

Access Code: 195-683-885

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

I. Roll Call

II. Introduction and Confirmation of Mayor's Appointment(s)
None.

III. Approval of Council Proceedings

A. Approval of the Council Proceedings of May 20, 2020 regular session and May 26, 2020 special meeting. **(UC)**

IV. Public Hearings

V. Plan Commission, Public Services & Safety Committee or Finance & Personnel Committee report pertaining to the Public

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: Lorie Bortoluzzi, Katherine Delano, Carole Hanson-Holt, Chelsie Nachreiner-Wickman, and Kacie Olsen.
(PSSC)
 - B. **(UC)**
- IX. Reports of standing committees
- A. Regular Public Services and Safety Committee meeting of May 26, 2020: (Chairman Bates/Vice Chairman Lang) (Minutes can be found on the City web site)
 - 1. Committee recommends Council approve the State Municipal Agreement for Project 4993-01-00_01, S. Commercial Street Reconstruction.
(RollCall)
 - 2. Committee recommends Council accept resolution granting permission to the Parks and Recreation Department to apply for a Wisconsin DNR Boating Grant to offset the costs of completing dredging of the Rec Boat Launch. **(RollCall)**
 - B. Regular Finance and Personnel Committee meeting-**Cancelled**
- X. Reports of special committees and liaisons and various special projects committees
- A. Regular Plan Commission-**Cancelled**
 - B. Board of Public Works meeting of May 26, 2020: (Vice Chairman Bates) (Minutes can be found on the City web site)
 - 1. Information Only Items:
 - a) The Board approved Change Order No. 1 for Contract 1-20, to Kruzcek Construction, Inc. for 550 feet additional 24 inch storm sewer and 10 vert. feet of storm sewer manhole in the amount of \$38,330.00.
 - 2. Council Action Items:
 - a) The Board recommends Council award Contract 9-20, HMA Pavement Repairs to MCC. Inc. for the low bid in the amount of \$83,881.30. **(RollCall)**
 - b) The Board recommends Council award Contract 10-20, Concrete Pavement and Sidewalk Repair to Sommers Construction Company, Inc. for the low bid in the amount of \$204,150.00. **(RollCall)**
 - C. Special Board of Public Works meeting of May 28, 2020 (Vice Chairman Bates) (Minutes can be found on the City web site)
 - 1. Council Action Items:
 - a) The Board recommends Council award Contract 11-20, Lakeshore Avenue Street Construction with concrete trail alternate

to Sommers Construction Company, Inc. for the low bid in the amount of \$406,495.00. **(RollCall)**

- D. Landmarks Commission
 - 1. Report from the Landmarks Commission – Alderperson Lang
- E. Sustainable Neenah Committee
 - 1. Report from the Sustainable Neenah Committee – Alderperson Kunz
- F. Reports on neighborhood groups.
 - 1. Business Improvement District Board (BID Board) – Alderperson Lang
- G. Bergstrom Mahler Museum
 - 1. Report from the Bergstrom Mahler Museum – Alderperson Spellman

- XI. Presentation of petitions
 - A. Any other petition received by the City Clerk’s Office after distribution of the agenda.

- XII. Council Directives

- XIII. Unfinished Business

- XIV. New Business
 - A. Ordinance 2020-08 Creating a Noncodified Ordinance to Provide For the Display or Sale of Merchandise on Public Streets or Sidewalks on a Temporary Basis due to the COVID-19 Pandemic (Attachment to be distributed at a later date)
 - B. Any announcements/questions that may legally come before the Council.

- XV. Adjournment

In accordance with the requirements of Title II of the Americans with Disabilities Act (ADA), the City of Neenah will not discriminate against qualified individuals with disabilities on the basis of disability in its services, programs, or activities. If you need assistance, or reasonable accommodation in participating in this meeting or event due to a disability as defined under the ADA, please call the Clerk’s Office (920) 886-6100 or the **City’s ADA Coordinator at (920) 886-6106 or e-mail attorney@ci.Neenah.wi.us** at least 48 hours prior to the scheduled meeting or event to request an accommodation.

COMMON COUNCIL MINUTES
Wednesday, May 20, 2020 - 7:00 p.m.

The Common Council of the City of Neenah, Winnebago County, Wisconsin, met in regular session virtually at 7:00 p.m., May 20, 2020.

Mayor Kaufert in the chair.

Present: Alderpersons Boyette, Bates, Lang, Lendrum, Erickson, Spellman, Steele, Kunz & Stevenson, Director of Finance Easker, Director of Community Development & Assessment Haese, Director of Public Works Kaiser, City Attorney Godlewski and Deputy City Clerk Cheslock.

Also Present: Mike Norton, Deputy Dir. of Community Development & Assessment Schmidt, and Police Captain Bernice.

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

- I. Clerk Cheslock called a voice roll call. All members were present.
- II. **Introduction and Confirmation of Mayor's Appointments**
None
- III. **Proceedings**
MS Lendrum/Steele to approve the Council Proceedings of the regular meeting of May 6, 2020. There being no objections the motion was approved by unanimous consent.
- IV. **Public Hearing**
 - A. Consider Special Use Permit—521 S Commercial Street—Truck and Trailer Rental
 - There being no appearances, Mayor Kaufert declared the public hearing closed.
 - B. Consider Special Use Permit—112 Langley Boulevard—Wholesale Vehicle Sales
 - Scott Smith, 2513 Bishop Lane—owner of 112 Langley Blvd—is present to answer questions.
 - There being no further appearances, Mayor Kaufert declared the public hearing closed
- V. **Plan Commission Report Pertaining to the Public Hearings**
 - A. Council Rep. Lang reported from the Regular Plan Commission meeting of May 12, 2020:
 - a. Commission recommends Council approve a Special Use Permit for a truck and trailer rental sales business located at 521 S. Commercial Street subject to the conditions of the Approval Letter and based on the submitted site plan. The use shall have no more than 4 rental trucks on the north end of the site and 3 trailers along the south end of the site.

Council discussed the notice received by neighbors within 200 feet of the property, if this is the kind of use we want to see in such a prominent corridor of the City, the landscaping required as part of the special use permit and its location, the number of vehicles allowed on the property, the options to revoke the permit if the conditions of the letter are not followed, how the UHaul business will be operated out of the gas station, and the background of why these special use permits are required for this business and not others that have been grandfathered in as a permitted use. **MSCRP Lang/Boyette, carried on roll call 8-1, Erickson voted no.**

- b. Commission recommends Council approve a Special Use Permit for a wholesale and retail used vehicle sales business located at 112 Langley Boulevard subject to the conditions of the Approval Letter. Council discussed the option for the property owner to simply combine his two lots into one parcel to achieve the same thing, where landscaping will be present, how the driveways will be repaved, and other ways the site will be brought into compliance as part of this special use permit. **MSCRP Lang/Stevenson, all voting aye.**

VI. Public Forum

- A. Paula Pitch—210 Main Street—thanked the Council for taking action and reducing the fees of the liquor licenses. She shared that it has been a difficult time financially due to the shutdown. She expressed hope that Council would be able to provide similar help for the bartender license renewal fees and allow some kind of temporary outdoor seating option for bars and restaurants.
- B. Don Shuck—129 N Green Bay Road—ICU Bar & Grill—Shared the hardship his business has been under due to the shutdown, though they were open for takeout their business cannot be sustained on that alone. He reiterated the desire for an outdoor seating option for restaurants and bars.
- C. Laurie Davis—1102 Harris Street—Short Branch Saloon—also shared the current hardships their business is facing and stated the need for bartenders to receive assistance as well.
- D. There being no further appearances, Mayor Kaufert declared the public forum closed.

VII. Mayor/Council Consideration of Public Forum Issues

- A. Alderperson Bates asked the bar owners present what kind of changes they have made inside their establishments
 - ICU owner stated he had made a lot of changes inside including removing the pool table, spacing out tables, and adding a plexiglass divider across the bar.
- B. Alderperson Kunz asked if Community Development had any small business loans that would be of additional assistance to these businesses.

- Dir. Haese stated they did not have the kind of program they would need but the County of Winnebago still has a loan program in place with a deferred payment option.

VIII. Consent Agenda

- A. **MS Lendrum/Stevenson to approve the Consent Agenda as follows:**
1. **Approve Beverage Operator License Applications for Debra L. DeRoche, Ariaah Dubord, Karla Klundt, Janelle R. Potvin, and Andrea L. Reinke (PSSC)**
 2. **Approve the beverage operator license application for Michele L. Bauer contingent on payment of all delinquent City fees (PSSC)**
 3. **Approve the Class "A" and Class "B" Liquor/Beer License renewals, provided in Exhibit A of the agenda, contingent upon payment of all delinquent City fees (PSSC)**
 4. **There being no objections the motion was approved by unanimous consent.**

IX. Reports of Standing Committees

A. **Public Services and Safety Committee**

Chairman Bates reported the regular meeting of May 12, 2020:

1. Committee recommends Council approve for the next year the "Class B" Intoxicating Liquor license fee be reduced from \$350 to \$50, the Class "B" Malt Beverage license fee be reduced from \$100 to \$10, and late fees be waived.

Council discussed the late fees and when fees are generally due, the potential for monetary loss to the City, the risk the City is taking by reducing these fees, the option to reduce the fees by half or allow for a later due date of the fees, the importance of helping businesses when possible and the hardships they are facing due to closures, the potential to also reduce fees for the bartender licenses renewals,

MS Stevenson/Bates to amend the motion to reduce fees by 50%, bringing the \$350 Class B Liquor License fee to \$175 and the \$100 Class B Beer fee to \$50 for an annual total of \$225.

Council discussed fee totals, if license holders need both licenses, the budgetary concerns, the importance of helping businesses and the long term issues businesses are facing, and how refunds will be processed.

Motion fails on roll call 4-5; Alderpersons Boyette, Erickson, Bates, and Stevenson voted yes.

No further discussion.

Original Motion-MSCRP Bates/Lendrum, all voting aye.

2. Committee recommends Council approve Neenah Police Department participation in the Winnebago County Speed Task Force 2020 Summer Speed Enforcement Grant from June 1 to September 30, 2020.

Council discussed how this will be implemented due to all the recent accommodations at the police department. Captain Bernice shared the time line for transitioning jail operations back to normal beginning June 1. This program does not begin until the end of June. Captain Bernice

also stated that this is an overtime grant so if we do not have time to put out the additional patrols we are not required to do so. Last year these deployments were all filled by patrol officers.

MSCRP Bates/Lendrum, all voting aye.

3. Committee recommends Council approve a Distribution Easement—Underground for We Energies work request 4491109 on the Tullar Road Garage site.

No discussion.

MSCRP Bates/Lendrum, all voting aye.

X. Reports of special committees and liaisons and various special project committees

A. Board of Public Works

Vice Chairman Bates reported the meeting of May 12, 2020:

1. Information Only Items:

- a. The Board approved Change Order No. 1 for Contract 5-20, Miscellaneous Sewer and Water Main Construction on Lakeshore Avenue to Robert J. Immel Excavating, Inc., Greenville, in the amount of \$5,515.45 for water service boring.
- b. The Board approved Change Order No. 1 for Contract 7-19, Breezewood Lane and Harness Farm Sanitary Sewer Construction to Dorner, Inc., Luxemburg, in the amount of \$5,105.45 for manhole size change
- c. The Board approved Pay Estimate No. 2 for Contract 1-20 Sewer and Water Main and Street Construction on Abby Ave, Clybourn Street, Bond Street, and Center Street to Kruczek Construction, Inc., Green Bay, in the amount of \$353,850.99
- d. The Board approved Pay Estimate No. 2 for Contract 2-20, Miscellaneous Sewer and Water Main Construction on Van Street and Monroe Street to Carl Bowers & sons Construction Co., Inc., Kaukauna, in the amount of \$670,525.00
- e. The Board approved Pay Estimate 2 for Contract 5-20, Miscellaneous Sewer and Water Main Construction on Lakeshore Avenue to Robert J. Immel Excavating, Inc., Greenville, in the amount of \$227,201.91

B. Board of Public Works

Vice Chairman Bates reported the meeting of May 20, 2020

1. Council Action Items:

- a. The Board recommends Council Award Contract 4-20, Water Main and Concrete Street Construction on Green Bay Road, Tullar Road, and Marathon Avenue to Vinton Construction Co. for the low bid in the amount of \$1,237,337.88. **(RollCall)**

Director Kaiser explained the work being completed in this project as described in the May 20 Board of Public Works minutes, which can be found on the City web site.

Council discussed the incentive attached to the project to get the work done more quickly and have fewer days of road closures, the discretionary funds applied for not being granted, and pre-construction start date scheduled for June 1, with construction on Tullar Road beginning June 8 and taking 30 days. Council also discussed the size of this project and quickly it has been passed through the Board to Council. It was noted that this project was previously approved as part of the Capital Improvement Program. Council discussed where this project falls within the budget, the options to remove some epoxy work to reduce the bottom line, how water projects are approved, and the options in the future for this kind of project to be broken down ahead of time for the Council to review.

MSCRP Bates/Lang, motion passes 8-1, Alderperson Kunz voted no.

C. Community Development Authority

No Report

D. Library Board

Alderperson Erickson reported from the Library Board meeting of May 20, 2020

1. Since the library has started curbside pick up they have distributed over 4500 items
2. They have changed the pick up location to the circle so now patrons do not need to reserve a time but can simply call the library when they have arrived and library staff will bring out their reserved items.
3. The library plans to open June 8 and are working out the details of what that will look like, for example limited the amount of time a person can spend in the library, limiting the number of people in the library at a time, plexiglass barriers throughout the library and around computer screens. Further updates will be provided to Council as they are decided.

E. **Neenah Arts Council**

Alderperson Erickson reported from the Neenah Arts Council meeting of May 13, 2020.

1. The Council discussed virtual art projects; however it has been difficult to plan any initiatives as they do not know how things will be moving forward.
2. May 27th is the Neenah High School graduation. A procession will be held at 11am starting from the High School to Cecil Street to South Park and Riverside and then through the downtown. The Police Department is involved to assist with traffic control.
3. The Council has worked with many businesses to put congratulatory text on their electronic messaging boards. The Council asks citizens

to wear red and white in support of the seniors on that day to show support.

XI. Petitions
None

XII. Council Directives
None

XIII. Unfinished Business

A. Director Easker and Mayor Kaufert have been working on the Capital Improvement Plan and workshops are tentatively scheduled for June 22 and 24 with Council adoption on July 1. Council discussed their availability of these dates and the expectation of holding in person meetings at that time.

XIV. New Business

A. At the request of the Mayor—Resolution No. 2020-09: A Resolution Waiving Interest on Property Tax Payment Installments due on or after April 1, 2020.

1. Mayor Kaufert shared the background on this Resolution as it had to be adopted first by Winnebago County. As a municipality we need to mirror what the County has passed, which limits our options. An amended Resolution was emailed to the Council by Attorney Godlewski for review and adoption tonight.
2. **MS Stevenson/Lendrum to approve Resolution 2020-09: A Resolution Waiving Interest on Property Tax Payment Installments due on or after April 1, 2020**
3. Council discussed the language included in the resolution and if the City can change anything from what the County passed.

B. Mayor's appointment to the Board of Review

C. Mayor's appointment to the Loan Assistance Board

D. Mayor Kaufert asked Council their preference on how they would like staff to proceed regarding outdoor extension of premises for bars and restaurants for the serving of alcohol and food.

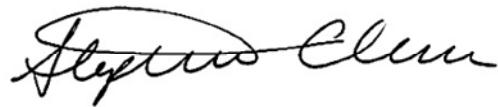
1. Dir. Haese stated there is already a template for this as our ordinance already allows for extension of premises and sidewalk cafes. Generally these are reviewed by staff but approved through committee and Council. Staff is looking for this to be a staff run and approved program due to the limited timeframe that businesses will be able to take advantage of the extension.
2. Council discussed what changes will be made to the current ordinance, how public right of way will be affected, the temporary aspect of any changes, the importance this could have for local restaurants and bars to increase business and draw in for customers while also keeping them safe, if action can take place

tonight, and when a special meeting could take place in order to pass an amended ordinance.

- E. Mayor Kaufert shared his proclamation honoring the 2020 graduates of Neenah High School
- F. Mayor Kaufert updated the Council on how staff and City Hall has been handling the COVID-19 closures and plans to reopen. Council discussed when they may be having in person Council meetings again.

XV. Adjournment

- I. **MSC Stevenson/Boyette to adjourn at 10:21 p.m., all voting aye.**



Stephanie Cheslock
Deputy City Clerk

COMMON COUNCIL PROCEEDINGS

Wednesday, May 20, 2020 - 7:00 p.m.

The Common Council of the City of Neenah, Winnebago County, Wisconsin, met in regular session virtually at 7:00 p.m., May 20, 2020.

Mayor Kaufert in the chair.

Present: Alderpersons Boyette, Bates, Lang, Lendrum, Erickson, Spellman, Steele, Kunz & Stevenson, Director of Finance Easker, Director of Community Development & Assessment Haese, Director of Public Works Kaiser, City Attorney Godlewski and Deputy City Clerk Cheslock.

Also Present: Mike Norton, Deputy Dir. of Community Development & Assessment Schmidt, and Police Captain Bernice.

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

- I. Clerk Cheslock called a voice roll call. All members were present.
- II. **Proceedings**
MS Lendrum/Steele to approve the Council Proceedings of the regular meeting of May 6, 2020. There being no objections the motion was approved by unanimous consent.
- III. **Public Hearing**
 - A. Consider Special Use Permit—521 S Commercial Street—Truck and Trailer Rental
 - There being no appearances, Mayor Kaufert declared the public hearing closed.
 - B. Consider Special Use Permit—112 Langley Boulevard—Wholesale Vehicle Sales
 - Scott Smith, 2513 Bishop Lane—owner of 112 Langley Blvd—is present to answer questions.
 - There being no further appearances, Mayor Kaufert declared the public hearing closed
- IV. **Plan Commission Report Pertaining to the Public Hearings**
 - A. Council Rep. Lang reported from the Regular Plan Commission meeting of May 12, 2020:
 - a. Commission recommends Council approve a Special Use Permit for a truck and trailer rental sales business located at 521 S. Commercial Street subject to the conditions of the Approval Letter and based on the submitted site plan. The use shall have no more than 4 rental trucks on the north end of the site and 3 trailers along the south end of the site.
MSCRP Lang/Boyette, carried on roll call 8-1, Erickson voted no.

- b. Commission recommends Council approve a Special Use Permit for a wholesale and retail used vehicle sales business located at 112 Langley Boulevard subject to the conditions of the Approval Letter.
MSCRP Lang/Stevenson, all voting aye.

V. Consent Agenda

- A. **MS Lendrum/Stevenson to approve the Consent Agenda as follows:**
1. **Approve Beverage Operator License Applications for Debra L. DeRoche, Ariaah Dubord, Karla Klundt, Janelle R. Potvin, and Andrea L. Reinke (PSSC)**
 2. **Approve the beverage operator license application for Michele L. Bauer contingent on payment of all delinquent City fees (PSSC)**
 3. **Approve the Class "A" and Class "B" Liquor/Beer License renewals, provided in Exhibit A of the agenda, contingent upon payment of all delinquent City fees (PSSC)**
 4. **There being no objections the motion was approved by unanimous consent.**

VI. Reports of Standing Committees

A. **Public Services and Safety Committee**

Chairman Bates reported the regular meeting of May 12, 2020:

1. Committee recommends Council approve for the next year the "Class B" Intoxicating Liquor license fee be reduced from \$350 to \$50, the Class "B" Malt Beverage license fee be reduced from \$100 to \$10, and late fees be waived. **MS Stevenson/Bates to amend the motion to reduce fees by 50%, bringing the \$350 Class B Liquor License fee to \$175 and the \$100 Class B Beer fee to \$50 for an annual total of \$225. Motion fails on roll call 4-5; Alderpersons Boyette, Erickson, Bates, and Stevenson voted yes. Original Motion-MSCRP Bates/Lendrum, all voting aye.**
2. Committee recommends Council approve Neenah Police Department participation in the Winnebago County Speed Task Force 2020 Summer Speed Enforcement Grant from June 1 to September 30, 2020. **MSCRP Bates/Lendrum, all voting aye.**
3. Committee recommends Council approve a Distribution Easement—Underground for We Energies work request 4491109 on the Tullar Road Garage site. **MSCRP Bates/Lendrum, all voting aye.**

VII. Reports of special committees and liaisons and various special project committees

A. Board of Public Works

Vice Chairman Bates reported the meeting of May 20, 2020

1. Council Action Items:
 - a. The Board recommends Council Award Contract 4-20, Water Main and Concrete Street Construction on Green Bay Road, Tullar Road, and Marathon Avenue to Vinton

Construction Co. for the low bid in the amount of \$1,237,337.88. **(RollCall)**
MSCRP Bates/Lang, motion passes 8-1, Alderperson Kunz voted no.

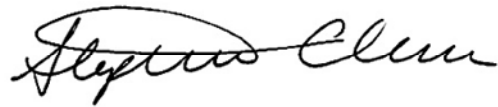
VIII. New Business

A. At the request of the Mayor—Resolution No. 2020-09: A Resolution Waiving Interest on Property Tax Payment Installments due on or after April 1, 2020.

1. **MS Stevenson/Lendrum to approve Resolution 2020-09: A Resolution Waiving Interest on Property Tax Payment Installments due on or after April 1, 2020**

IX. Adjournment

- I. **MSC Stevenson/Boyette to adjourn at 10:21 p.m., all voting aye.**



Stephanie Cheslock
Deputy City Clerk

SPECIAL COMMON COUNCIL MINUTES

Tuesday, May 26, 2020 - 7:00 p.m.

The Common Council of the City of Neenah, Winnebago County, Wisconsin, met in regular session virtually at 5:45 p.m. on May 26, 2020.

Mayor Kaufert in the chair.

Present: Alderpersons Boyette, Bates, Lang, Lendrum, Erickson, Spellman, Steele, Kunz & Stevenson, Director of Finance Easker, Director of Community Development & Assessment Haese, Director of Public Works Kaiser, and City Attorney Godlewski.

Also Present: Deputy Director of Community Development & Assessment Schmidt

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

Roll was called and all members were present.

Public Forum

Jon Horan—329 Park Drive—Business at 133 W Wisconsin Ave—shared his excited about the prospect of approving this to allow for the opportunity.

Seeing no other appearances, Major Kaufert closed the public forum.

Ordinance 2020-07

Mayor Kaufert introduced the ordinance and gave a brief background on how it came about and why time is of the essence. Dir. Haese discussed the changes made to the current ordinance to allow for temporary extension of premises and allow for staff approval of said permits. He notes the requirement for fencing and clear delineations of areas where outdoor seating will be for beer gardens, the ability for sidewalk cafés in the downtown area to expand their footprint to adjacent properties with written consent, and the waiving of any fees for this permit. Attorney Godlewski highlighted the sunset date of October 1 for this ordinance and temporary permit.

MS Steele/Kunze to approve Ordinance 2020-07 Creating a Noncodified Ordinance to Provide For Covid-19 Temporary Outdoor Seating Areas and Authorize City Staff Review, Approval, and enforcement of Temporary Outdoor Seating Areas and Expansion of Licensed Premises for Taverns and Restaurants

Council discussed the opportunities to take this further and see closure of the street or parking stalls to allow for more outdoor seating, the options for special events in pairing with restaurants, retailers, and Future Neenah, how to hold special events without drawing too many people and thus removing the option for social distancing, and which restaurants and bars have expressed interest in this option.

Mayor Kaufert and Dr. Haese stated they have talked with Future Neenah and the Downtown Business District regarding some further expansion options and are waiting for a unified front from them on what they would want before moving forward.

Council discussed the option to require capacity limits inside and outside for restaurants and bars applying for this permit, the reasons for allowing this extension, one of which being to increase capacity in a safe and regulated way, the fencing requirements on private property, options to extend this beyond October 1st if weather permits, the importance of keeping a clear and manageable pathway through sidewalk café areas, the zero tolerance policy for permit holders, and how noise complaints will be handled.

Council also discussed options to allow retailers a similar expansion of premises.

Aldersperson Bates moved to amend the ordinance as follows. Seconded by Aldersperson Boyette: Amend Sec. 1, III, I, by deleting the stricken language and adding the highlighted language to read as follows:

- H. Three or more noise complaints filed against the owner of an outdoor premises during a license period, and verified by , objective measurement by decibel meter, shall constitute sufficient grounds to revoke the outdoor premises permit granted under this section, subject to the hearing requirement under Section 3.

Motion to amend carried on voice vote, all voting aye.

Public Forum

Mayor Kaufert allowed for any public to speak, should they wish to.

Jon Horan—stated that he does not think there is public confidence in going out in public yet and will not have capacity issues. The more people able to be sat outside the better. Without an increase in business soon many restaurants and bars won't last through the summer.

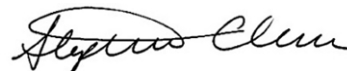
There being no further appearances, Mayor Kaufert closed the public forum.

Council discussed fencing requirements, clarified the difference between this permit and a regular license and clearly communicating that to applicants.

Motion as amended carried on voice vote, all voting aye.

Adjournment

MSC Boyette/Bates to adjourn at 6:45 p.m., all voting aye.



Stephanie Cheslock
Deputy City Clerk

SPECIAL COMMON COUNCIL PROCEEDINGS

Tuesday, May 26, 2020 - 7:00 p.m.

The Common Council of the City of Neenah, Winnebago County, Wisconsin, met in regular session virtually at 5:45 p.m. on May 26, 2020.

Mayor Kaufert in the chair.

Present: Alderpersons Boyette, Bates, Lang, Lendrum, Erickson, Spellman, Steele, Kunz & Stevenson, Director of Finance Easker, Director of Community Development & Assessment Haese, Director of Public Works Kaiser, and City Attorney Godlewski.

Also Present: Deputy Director of Community Development & Assessment Schmidt

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

Roll was called and all members were present.

Public Forum

Jon Horan—329 Park Drive—Business at 133 W Wisconsin Ave—shared his excited about the prospect of approving this to allow for the opportunity.

Seeing no other appearances, Major Kaufert closed the public forum.

Ordinance 2020-07

MS Steele/Kunze to approve Ordinance 2020-07 Creating a Noncodified Ordinance to Provide For Covid-19 Temporary Outdoor Seating Areas and Authorize City Staff Review, Approval, and enforcement of Temporary Outdoor Seating Areas and Expansion of Licensed Premises for Taverns and Restaurants

Aldersperson Bates moved to amend the ordinance as follows. Seconded by Aldersperson Boyette: Amend Sec. 1, III, I, by deleting the stricken language and adding the highlighted language to read as follows:

- H. Three or more noise complaints filed against the owner of an outdoor premises during a license period, and verified by , objective measurement by decibel meter, shall constitute sufficient grounds to revoke the outdoor premises permit granted under this section, subject to the hearing requirement under Section 3.

Motion to amend carried on voice vote, all voting aye.

Public Forum

Mayor Kaufert allowed for any public to speak, should they wish to.

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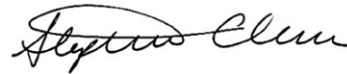
Without an increase in business soon many restaurants and bars won't last through the summer.

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

Motion as amended carried on voice vote, all voting aye.

Adjournment

MSC Boyette/Bates to adjourn at 6:45 p.m., all voting aye.



Stephanie Cheslock
Deputy City Clerk

CITY OF NEENAH
PUBLIC SERVICES AND SAFETY COMMITTEE MEETING MINUTES
Tuesday May 26, 2020 - 6:55 PM

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

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

Excused:

Also Present: Mayor Kaufert, Director of Public Works Kaiser, Director of Parks and Recreation Kading, Director of Community Development and Assessment Haese, Deputy Director of Community Development and Assessment Schmidt, Ald. Boyette, Rick Schmitz, Sarah Schmitz

Minutes: **Motion/Second/Carried Lendrum/Lang to approve of the minutes of the Meeting of May 12, 2020.** All voting aye.

Public Appearances: None

Motion/Second/Carried Lang/Lendrum to amend the agenda to address item 5 Amendment to Sec. 21-39(c) of the Municipal Code relating to Swimming Pool Protective Enclosures (Ord. No. 2020-08). All voting aye.

Amendment to Sec. 21-39(c) of the Municipal Code relating to Swimming Pool Protective Enclosures. (Ord. No. 2020-08): Rick Schmitz, 1221 Nature Trails Drive, addressed the Committee to express support for the proposed ordinance change that would allow a pool safety cover in lieu of fencing for inground pools. He expressed that a pool safety cover is a safer option since it seals the pool. He said that the cover prevents access for anyone in the household, any outsiders that may or may not have permission to be on the property and pets. He noted research that he has done of pool standards and discussions that he has had with pool installers about the use of covers instead of fences. He noted that many municipalities allow the use of a safety cover instead of a fence.

Committee noted that a cover allows a pool to be in place without drawing attention to it. Committee discussed the need to close any gates in a pool fence, otherwise the fence loses its effectiveness.

Ald. Boyette addressed the Committee to support fencing and an automatic closing gate for inground pools. She expressed concern with the manner in which a toddler would react to falling on a pool cover and if there would be a possibility of suffocation. She noted pool safety regulations in the State of Florida. She expressed opposition to the proposed ordinance in its current form.

Deputy Director Schmidt reviewed his memo of May 22, 2020, noting the current regulation requiring fencing around an inground pool and the exceptions to the fencing requirement. He noted the proposed change. He reviewed his research on code requirements from eight area communities. He noted that there were four communities that allowed pool safety

covers in lieu of fencing. Those communities have indicated that they are not seeing problems. He clarified that he had not contacted the three communities with ordinances similar to the current Neenah ordinance. He noted that pool covers can be more expensive than a typical fence. He also noted that there are other benefits to the pool cover such as heat retention and preventing debris from entering the pool. He noted that a pool cover still has a human element similar to a fence gate. Someone still needs to actively place the cover just as they need to actively close a gate. He stated that the chief building inspector sees a pool cover as being a secondary safety measure. He also stated that more requests of this type are being brought to staff.

Committee discussed the difficulty with manual placement of pool covers. It was also noted that water can collect on top of a pool cover, which can create a safety issue of its own. Committee discussed the possibility of requiring motorized or automated cover placement. Deputy Director Schmidt noted that the pool safety covers need to support 100 pounds per square foot so tend to be more rigid than solar pool covers. Mayor Kaufert noted a similar understanding of the rigidity of a safety cover.

Rick Schmitz addressed the Committee to express support for the idea of having the pool cover placement be automated. He noted that a pool safety cover can support the weight of someone walking on it. He described the ASTM standard covering this type of cover. He stated that the price of a good fence was close to the cost of a pool safety cover.

Committee discussed possible neighbor safety concerns if a pool isn't covered all of the time.

Motion/Second Lang/Lendrum to recommend Council approve Ordinance 2020-08 with a requirement that automated or motorized pool safety covers be required for inground pools.

Committee noted that it was unusual for ordinances to come before the Committee without staff recommendation and questioned the impetus for bringing this forward. Deputy Director Schmidt noted that this type of request frequently comes up when staff receives a request to construct an inground pool. He stated the staff may have offered a positive recommendation had the chief building inspector had less concern with using a pool cover as a primary safety measure. Committee noted that the fencing requirement seems to be working well.

Committee noted that the word "rigid" may need to be added to describe the cover. Deputy Director Schmidt noted that language could be added that is specific to inground pools. Rick Schmitz addressed the Committee to note that recent editions of the International Swimming Pool and Spa code deal with pool cover requirements. He noted in his discussions with the chief building inspector that there seemed to be more comfort with the idea if the pool cover was motorized. He noted the periodic inspection needed for the cover and associated mechanical systems. Committee discussed a desire to have staff do additional research.

Motion/Second Bates/Lendrum to amend the motion and refer the ordinance to staff to research and revise ordinance language.

Deputy Director Schmidt indicated that additional information would be available for Committee discussion at the next meeting.

No action was taken.

REPORT

State-Municipal Agreement for S. Commercial Street Reconstruction: Director Kaiser reviewed his memo of May 20, 2020, regarding the State-Municipal agreement for the S. Commercial Street reconstruction. He reviewed the summary of costs included in the agreement. He noted possible non-participating project costs. He confirmed that project design and real estate costs are not part of the agreement and will be City costs. Committee discussed the project schedule and budget layout.

Following discussion, **Motion/Second/Carried Lendrum/Lang to recommend Council approve the State Municipal Agreement for Project 4993-01-00_01, S. Commercial Street Reconstruction.** All voting aye.

REPORT

Wisconsin Boating Grant: Director Kading reviewed his memo of May 22, 2020, requesting permission to apply for a Wisconsin DNR Boating Grant to offset the costs of dredging the Rec Park Boat Launch. He stated that the project estimate is \$153,190 and the grant request will be for \$76,595. He reviewed the project timeline. Mayor Kaufert noted the sedimented condition of the boat launch. Director Kading confirmed that he expected multiple bids for this work. He also confirmed that this type of grant could not be used to pave the parking area at Fresh Air Park.

Following discussion, **Motion/Second/Carried Lang/Stevenson to recommend Council acceptance of the resolution granting permission to the Parks and Recreation Department to apply for a Wisconsin DNR Boating Grant to offset the costs of completing dredging of the Rec Park Boat Launch.** All voting aye.

Licenses:

Beverage Operator License Application: The Committee reviewed the beverage operator license application for Lorie Bortoluzzi, Katherine Delano, Carole Hanson-Holt, Chelsie Nachreiner-Wickman, and Kacie Olsen.

C.A.

Following discussion, **Motion/Second/Carried Lendrum/Lang to recommend Council approve beverage operator license application for Lorie Bortoluzzi, Katherine Delano, Carole Hanson-Holt, Chelsie Nachreiner-Wickman, and Kacie Olsen.** All voting aye.

Public Works General Construction and Department Activity

- 1) Contract 7-19 (Breezewood Sanitary Sewer) – The sanitary sewer interceptor has been installed from Breezewood Lane to a point approximately 2,300 feet north. Rock blasting is complete. Pipe laying is scheduled to start on May 27. Committee discussed the remaining closure time for Breezewood Lane.
- 2) Contract 1-20 (Abby, Bond, Center, Clybourn) – Utility main work is complete on Center Street and Bond Street. Water main work is nearly complete on Clybourn Street. Work on Abby Avenue will start the week of May 25.

A change order is being processed for additional storm sewer installation on Abby Avenue from Matthewson to the west. This has been discussed with staff from both Menasha and We Energies. This storm line would ultimately be extended to Little Lake Butte des Morts through the current We Energies substation parcel. That substation is scheduled for decommissioning in the next two years. The new storm line will replace the current storm main in Menasha on Madison Street that outfalls to Little Lake Butte des Morts. That storm

sewer runs through the Neenah-Menasha Wastewater Treatment Plant, which makes access very difficult and the consequence of a failure concerning.

- 3) Contract 2-20 (Utilities - Van, Monroe) – Utility main work is complete. Utility service work is ongoing.
- 4) Contract 3-20 (Street - Van, Monroe, Gillingham) – Gillingham Rd excavation is scheduled for completion by May 22. Curb repairs will take place the week of May 26.
- 5) Contract 4-20 (Green Bay, Tullar) – A pre-construction meeting is scheduled for June 1.
- 6) Contract 5-20 (Utilities - Lakeshore) – Excepting the northernmost storm sewer outfall, utility installation is complete.
- 7) Contract 6-20 (Street - Lakeshore) – The bid opening is scheduled for May 27.
- 8) Contract 7-20 (Fire 32 Apparatus Bay Roof) – The contractor schedule has not been set.
- 9) Green Bay Rd – As part of a Fox Crossing storm sewer project, Green Bay Road will be closed between North Street and Chapman Avenue. The closure is scheduled to start on May 27 and end on June 1.
- 10) E-waste Collection Event – The event is scheduled for May 30 at the Tullar Garage.
- 11) Downtown Traffic Study – A draft report has been received regarding traffic assignments and impacts for the Hewitt Lot structure option.
- 12) Recycling Grant - We received notification of the 2020 Recycling Grant Award. The grant amount is \$202,087.28. Below is a listing of past grant awards.

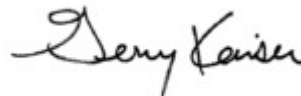
2008	\$335,952.46		2012	\$202,619.54		2016	\$192,076.53
2009	\$301,867.96		2013	\$202,831.40		2017	\$201,853.38
2010	\$302,598.49		2014	\$202,575.92		2018	\$201,820.65
2011	\$195,637.74		2015	\$202,571.33		2019	\$202,084.53

Mayor Kaufert reminded the Committee if the procession for high school graduates scheduled for 11:00 a.m. on May 27.

Mayor Kaufert noted the extent of the power outage experienced the afternoon of May 26.

Adjournment: Motion/Second/Carried Lang/Lendrum to adjourn at 8:05 p.m. All voting aye.

Respectfully submitted,



Gerry Kaiser, PE
Director of Public Works

**Minutes of the Board of Public Works Meeting
Tuesday, May 26, 2020, 12:00pm Noon
Virtual Meeting**

MEMBERS PRESENT: Mayor Kaufert, City Attorney Godlewski, Director of Public Works Kaiser, Director of Finance Easker, Director of Community Development & Assessment Haese and Alderpersons Bates & Lang.

ALSO PRESENT: Director of Water Utility, Tony Mach, and Public Works Office Manager Mroczkowski

Mayor Kaufert called the meeting to order at 12:06 p.m.

APPEARANCES: None.

UNFINISHED BUSINESS: None.

NEW BUSINESS:

Public Works:

1. Award Contract 9-20: Dir. Kaiser reviewed the two bids: MCC, Inc. \$83,881.30 and Northeast Asphalt Inc., \$125,345.00. The bid price from MCC, Inc. is about half of the engineer's estimate for this project. Director Kaiser recommended approval of the low bid from MCC, Inc. in the amount of \$83,881.30. The balance of the funds will be used to complete additional HMA pavement repair within the scope of this contract. The board discussed approvals needed if additional work is to be completed that was not part of the bid. Attorney Godlewski stated each project has a 15% contingency built in the bid so unless the work would increase the project costs by more than 15%, it would not need Council approval.

Motion/Second/Carried Kaiser/Godlewski to recommend that Council award Contract 9-20, HMA Pavement Repairs to MCC. Inc. for the low bid in the amount of \$83,881.30. All voting aye.

2. Award Contract 10-20: Dir. Kaiser reviewed the four bids: Sommers Construction Company, Inc. \$204,150.00; Fischer-Ulman Construction, Inc. \$222,300.00, Jim Fischer, Inc., \$239,175.00 and Al Dix Concrete, Inc., \$265,050.00. Dir. Kaiser recommended approval of the low bid from Sommers Construction Company, Inc. in the amount of \$204,150.00. Alderperson Bates asked why the water main services/main bid price of \$20,000 was so much lower than the budgeted price \$350,000. Dir. Kaiser noted that there were fewer water main breaks this year than in years past and that this Water Utility budget item covers other water main and service maintenance costs.

Motion/Second/Carried Kaiser/Haese to recommend to Council award Contract 10-20, Concrete Pavement and Sidewalk Repair to Sommers Construction Company, Inc. for the low bid in the amount of \$204,150.00. All voting aye.

Report

Report

3. Change Order No. 1 for Contract 1-20: Dir. Kaiser requested approval of Change Order No 1 for Contract 1-20, to Kruczek Construction, Inc. for 550 feet additional 24 inch storm sewer and 10 vert. feet of storm sewer manhole in the amount of \$38,330.00. He noted that the additional storm sewer installation is on Abby Avenue from Matthewson to the west. He described discussions with staff from both Menasha and We Energies. This storm line would ultimately be extended to Little Lake Butte des Morts through the current We Energies substation parcel. That substation is scheduled for decommissioning in the next two years. The new storm line will replace the current storm main in Menasha on Madison Street that outfalls to Little Lake Butte des Morts. That storm sewer runs through the Neenah-Menasha Wastewater Treatment Plant, which makes access very difficult. He noted that Menasha also has concerns about the condition of that line. The Board discussed the timing of the substation decommissioning and the placement of the storm line. Dir. Kaiser noted that the new storm line would run under the road. Staff had looked at stubbing out a line from the Abby/Matthewson intersection to a nearby terrace for a future extension but there were other utilities that prevented that option.

Following discussion, **Motion/Second/Carried Godlewski/Kaiser to approve Change Order No 1 for Contract 1-20, to Kruczek Construction, Inc. for 550 feet additional 24 inch storm sewer and 10 vert. feet of storm sewer manhole in the amount of \$38,330.00.** All voting aye.

ADJOURNMENT

Motion/Second/Carried Godlewski/Kaiser to adjourn at 12:34 p.m. All voting aye.

Respectfully Submitted,



Lisa Mroczkowski

Minutes of the Board of Public Works Meeting
Thursday, May 28, 2020, 11:30am
Virtual Meeting

MEMBERS PRESENT: Mayor Kaufert, City Attorney Godlewski, Director of Public Works Kaiser, Director of Finance Easker, Director of Community Development & Assessment Haese and Alderpersons Bates & Lang.

ALSO PRESENT: Deputy City Clerk Cheslock and Council President Stevenson

Mayor Kaufert called the meeting to order at 11:30 am.

MINUTES: MSC Godlewski/Kaiser to approve the minutes from the May 12, 2020 meeting, all voting aye.

APPEARANCES: None.

UNFINISHED BUSINESS:

Aldersperson Bates discussed the option to include a breakdown of miscellaneous account numbers and amounts for the public. Dir. Kaiser stated he generally supplies the Board with something like that mid-year and will do so again. It will be on a future agenda.

NEW BUSINESS:

Public Works:

1. Award Contract 11-20: Dir. Kaiser stated there were six bidders on this project. The project was bid with two options for trail material—concrete or asphalt. He discussed the price differences on the two options and stated staff had discussed the benefits of using concrete over asphalt, one of the benefits being cost of long term maintenance. Dir. Kaiser stated there had been some neighborhood desire for asphalt due to aesthetics.
The board discussed the rubber trail component for around tree roots in one section of the trail, the amount of prep work required for concrete vs. asphalt being less, the options and cost of dyeing the concrete to make it more aesthetically pleasing, the sidewalk link on Wisconsin Ave, the options for porous concrete compared to regular concrete and the environmental effects of each, and the potential need of more lighting along the trail.
Director Easker and Director Haese stated their yes votes regarding concrete as the chosen trail material will be made in deference to Director Kaiser and the staff recommendation, knowing the material for the trail construction is ultimately a Council decision up for Council debate. Mayor Kaufert expressed concern regarding the aesthetics and ambiance of a concrete trail and shared his desire for a more porous option to lessen environmental impact.
The Board also discussed the possibility of tourism grants to assist in funding a more aesthetically pleasing concrete option, the two trees being removed due to

Report

this project, the other trees being removed due to Emerald Ash Borer and other diseases, and a timeline for removing and replacing trees.


Alderson Bates requested Director Kaiser provide a memo illustrating depth requirements and other differences between the asphalt and concrete trail options as well as the color options of the rubber, asphalt, and concrete sections of this project.

He recommended approval of the low bid with concrete trail from Sommers Construction Company, Inc. in the amount of \$406,495.00. **MSC Kaiser/Bates to recommend to Council award Contract 11-20, Lakeshore Avenue Street Construction with concrete trail alternate to Sommers Construction Company, Inc. for the low bid in the amount of \$406,495.00; motion passes on voice vote 6-1, Mayor Kaufert voted no.**

ADJOURNMENT

MSC Kaiser/Haese to adjourn at 12:21 p.m., all voting aye.

Respectfully Submitted,



Stephanie Cheslock,
Deputy City Clerk

STATUS OF COUNCIL DIRECTIVES ISSUED SINCE JULY 1, 1981

Date: June 3, 2020

Date of Directive: 4/17/2018

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

Responsible Party: Ald. Lendrum

Status: Pending



M E M O R A N D U M

DATE: June 2, 2020
TO: Mayor Kaufert, Council President Stevenson and Council Members
FROM: Chris A. Haese, Director of Community Development and Assessment
RE: COVID-19 Temporary Street Furniture Ordinance 2020-08

Attached for your review and consideration is proposed Ordinance 2020-08 temporarily amending the street furniture provisions of the Neenah Municipal Code to allow the display and sale of merchandise from public sidewalks. Currently, the Code allows street furniture to be placed on the sidewalk but specifically prohibits the display and/or sale of merchandise. The proposed Ordinance would temporarily allow the following:

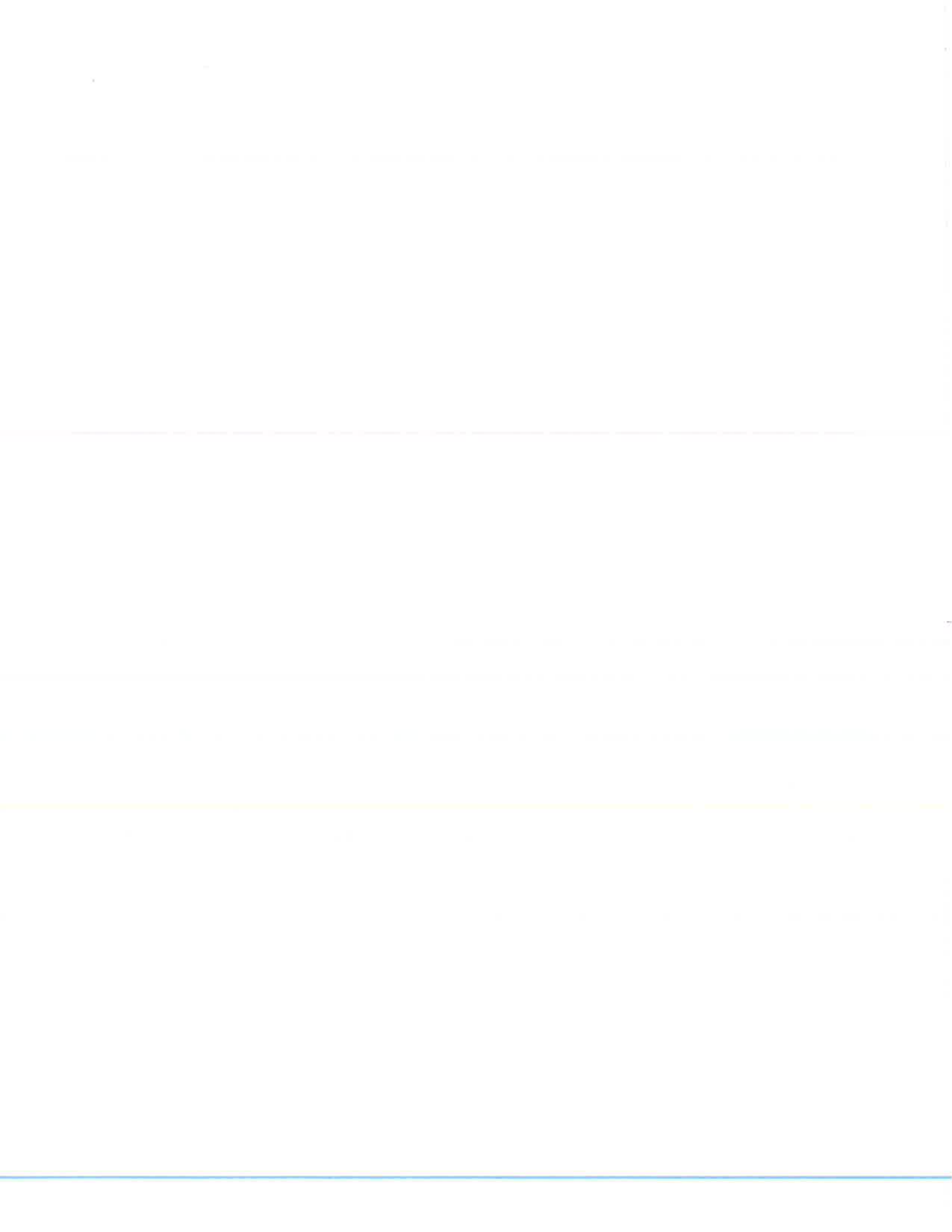
- The sale and display of merchandise on a public sidewalk in an area not to exceed six (6) feet by two (2) feet and within two (2) feet of the building face.
- The temporary permitting of merchandise for sale or display would expire on October 1, 2020.
- Sidewalk Furniture permit fees would be waived for temporary permits.

All other provision of the Code related to street furniture would remain in place including the provision requiring a permit from the Department of Community Development prior to placement of any furniture on the public sidewalk.

I have also attached a copy of the existing section of the Municipal Code allowing street furniture as an item of reference.

Due to the limited time the Council will have during the meeting to consider this item, I would encourage you to contact me prior to the meeting with any questions or concerns.

Appropriate action at this time is to approve Ordinance 2020-08 authorizing COVID-19 Temporary Street Furniture to assist local business during this world-wide pandemic.





211 Walnut Street
Neenah, WI 54956

AN ORDINANCE: From the President of the Council
Re: Creating an Ordinance to Provide For Covid- 19 Temporary Sales of Merchandise on Public Sidewalks.

ORDINANCE NO. 2020-08

Introduced: _____

Committee/Commission Action: _____

AN ORDINANCE

WHEREAS, a novel strain of the coronavirus, named COVID- 19 spread throughout numerous countries including the United States during the late winter and spring of 2020 resulting in Federal, State and Local Declarations of Emergency and Emergency Orders that limited in person business transactions, closed some businesses, required changes to business operations and had for many businesses a dramatic economic impact; and

WHEREAS, the Common Council for the City of Neenah recognizes the need to continue to prevent exposure to and spread of the COVID-19 coronavirus by increasing social distancing during the COVID-19 pandemic and recovery period; and

WHEREAS, the Common Council recognizes that small businesses within the City of Neenah may have particular difficulty providing recommended social distancing and operating profitably within the confines of their buildings and may wish to provide additional sales outdoors; and

WHEREAS, the Common Council for the City of Neenah wishes to provide temporary relief to local businesses by adjusting certain local code requirements related to such businesses during the COVID- 19 pandemic and recovery period to allow those businesses to utilize the public sidewalk during this limited period to maximize their sales area; and

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

Section 1. Notwithstanding any provision contained within the City of Neenah Municipal Code, during the period of emergency and recovery period in response to COVID- 19 Coronavirus, and for the period ending no later than October 1, 2020, Article VII, Section 14-155 is amended to by removing the stricken language and adding the highlighted language to read as follows:

“Nothing in this article shall be construed to pertain to the placement of objects, similar to street furniture, in the public right-of-way- by the City or any other authorized public agency or public utility. ~~Nothing in this article shall be construed to permit the display or sale of merchandise on public streets or sidewalk.~~ The display or sale of merchandise is permitted on public sidewalks in an area not to exceed six (6) feet in width and two (2) feet in depth and shall be within two (2) feet of the face of the building.”

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. Suspension of Conflicting Provisions of Municipal Code. All ordinances or parts of ordinances and resolutions in conflict herewith are hereby suspended during the effective period of this Ordinance. All provisions of the City Ordinances, Council Rules and General Rules of Order not specifically altered by these temporary rules shall remain in effect.

Section 4. No codification. Due to the temporary nature of this Ordinance, it shall not be codified in the Neenah Code of Ordinances.

Section 5. Effective and Sunset Dates. This ordinance shall take effect immediately and shall automatically repeal on October 1, 2020.

Approved:

Moved by: _____

Adopted: _____

Approved: _____

Published: _____

Dean R. Kaufert, Mayor

Attest:

Stephanie A. Cheslock, Deputy City Clerk

THIS INSTRUMENT WAS DRAFTED BY:
Deputy City Attorney Adam James Westbrook
211 Walnut Street
Neenah, WI 54956
State Bar No. 1098651

ARTICLE VII. - STREET FURNITURE

Sec. 14-150. - Purpose.

The purpose of this article is to provide standards for businesses and restaurants that wish to place and use street furniture and other enhancements within portions of the public right-of-way.

(Ord. No. 1405, § 1, 5-5-2010)

Sec. 14-151. - Definitions.

The following words and terms, wherever they occur in this Code, shall be construed as herein defined. Words not defined shall be interpreted in accordance with definitions found in any standard dictionary.

Street furniture shall consist of planters, flower boxes, benches, bicycle racks, flags, umbrellas, tables and chairs; other fixture, furnishing or other similar enhancements.

(Ord. No. 1405, § 1, 5-5-2010)

Sec. 14-152. - Standards.

- (a) Street furniture will only be allowed on public sidewalks of a width greater than six feet from the curb face to the back of the walk. In all instances street furniture shall be located in such a manner so as to ensure and maintain a minimum clearance width of six feet along the public sidewalk and changes of direction for travel along the sidewalk of no more than 30 degrees. In no instance shall street furniture be located in such a manner so as to block access for the pedestrians or in a manner that the street furniture would constitute a tripping hazard or other hazard to pedestrians.
- (b) Street furniture shall be:
 - (1) Located within the extended limits of the property to which the street furniture belongs provided all other requirements can be met.
 - (2) Freestanding, internally weighted or anchored to an adjacent building. Street furniture shall be placed at sidewalk grade level and shall not be placed on planters, wall, curbs or any similar structure. Street furniture shall not be placed in the right-of-way during public events, such as street fairs, Future Neenah Street Ball, and parades, without written approval, either general or specific, from the Department of Community Development.
 - (3) In order to reduce or eliminate unsightly items, street furniture must be kept in a state of good repair and condition and free from the following conditions: rust, chipped or peeling paint or finishes, delaminating or peeling materials, missing hardware, rotting materials, poor craftsmanship or construction that would cause the item to be structurally unsound and thereby pose a health or safety hazard, or any other condition that the Department of Community Development deems to be contrary to the purposes of promoting visually appealing and structurally sound sidewalk furniture.
- (c) No street furniture shall be placed, installed, used or maintained as follows:
 - (1) Within ten feet of any marked or unmarked crosswalk or access ramp.
 - (2) Within five feet of any fire hydrant.
 - (3) Within ten feet of any driveway.
 - (4) Within five feet ahead of and 15 feet to the rear of any sign marking a designated bus stop, measured along the edge of pavement.
 - (5) On or within two feet of any water valve, manhole, or other similar structure.
 - (6) Within the vision-clearance triangle as defined in the Neenah Zoning Code (Municipal Code Chapter 26).
 - (7) At any location that is closer to the center of the street than a location at the widest point of the street, measured at the curb line (i.e. bump outs).
 - (8) Windblown devices such as balloon, banners, or other similar item shall not be attached or otherwise made part of the street furniture and no advertising shall be permitted on street furniture.

- (9) Street furniture shall be stored indoors overnight and/or when the business is closed. Street furniture that is appropriately weighted is excluded from this requirement.
- (10) Umbrellas, flags, heaters and such tall equipment/furniture shall not interfere with pedestrians below a height of seven feet on a sidewalk.
- (11) Advertising on street furniture is prohibited, except for the placement of the permittee's business name in an unobtrusive or incidental manner, not to exceed 2 inches in height by 8 inches in width (3 inches in height by 8 inches in width on umbrellas), with a limit of one per piece of sidewalk furniture; incidental logos that are affixed by the manufacturer and do not advertise the permittee's business.

(Ord. No. 1405, § 1, 5-5-2010)

Sec. 14-153. - Insurance requirements.

Prior to the placement of street furniture within a public right-of-way, the owner shall provide the Department of Community Development a certificate of liability insurance naming the City of Neenah as additional insured in the form of general commercial liability insurance in a minimum amount of \$300,000.00 per occurrence.

(Ord. No. 1405, § 1, 5-5-2010)

Sec. 14-154. - Permit.

A permit shall be issued by the Department of Community Development for the placement of street furniture, and a permit fee as established from time to time by the Common Council shall be required. A request for permit shall include a written description and detailed site plan for the proposed street furniture.

(Ord. No. 1405, § 1, 5-5-2010)

Sec. 14-155. - Exceptions and interpretation.

Nothing in this article shall be construed to pertain to the placement of objects, similar to street furniture, in the public right-of-way by the City or any other authorized public agency or public utility. Nothing in this article shall be construed to permit the display or sale of merchandise on public streets or sidewalk. This article shall not apply to the following:

- (1) Signs governed by the City of Neenah Sign Code, Chapter 24;
- (2) Objects and furniture used by licensed street vendors; and
- (3) Sidewalk cafes and/or seating areas for businesses serving liquor subject to regulation under Code Section 4-106.

(Ord. No. 1405, § 1, 5-5-2010)