

CITY OF NEENAH
PUBLIC SERVICES AND SAFETY COMMITTEE MEETING
September 27, 2022 @ 6:30 PM
City Hall, 211 Walnut Street
Council Chambers

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

AGENDA

1. Approval of Minutes of the Meeting of September 13, 2022 (Attachment)
2. Public Appearances
3. Public Hearing - Appeal of Dangerous Animal Designation for Zeus, pursuant to Neenah Code §3-16 - owners Steven and Farrah Marquette, 925 Hunt Avenue (Attachments)

The Committee may convene into Closed Session in the Council Chambers, pursuant to Wis. Stat. §19.85(1)(a) for the purpose of conducting deliberations

Reconvene into Open Session to announce result of deliberations on appeal of Dangerous Animal Designation of Zeus, owners Steven and Farrah Marquette, 925 Hunt Avenue

4. Public Hearing - Appeal of Dangerous Animal Designation for Beau, pursuant to Neenah Code §3-16 - owners Lauren Lo Bianco and Tylor Berkich, 652 Stanley Street (Attachments)

The Committee may convene into Closed Session in the Council Chambers, pursuant to Wis. Stat. §19.85(1)(a) for the purpose of conducting deliberations

Reconvene into Open Session to announce result of deliberations on appeal of Dangerous Animal Designation of Beau, owners Lauren Lo Bianco and Tylor Berkich, 652 Stanley Street

5. Approval of 2022-2023 Winnebago County Joint Powers Agreement 911 Emergency System (Attachment)
6. Public Works General Construction and Department Activity (Attachment)
7. Announcements/Future Agenda Items
8. Adjournment

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

CITY OF NEENAH
PUBLIC SERVICES AND SAFETY COMMITTEE MEETING MINUTES
Tuesday September 13, 2022, 6:30 PM

Present: Alderpersons Borchardt, Hillstrom, Lendrum, and Stevenson

Excused: Alderperson Weber

Also Present: Mayor Lang, Public Works Director Kaiser, Police Chief Olson, Assistant Police Chief Bernice, Police Captain Van SamBeek, and Public Works Office Manager Mroczkowski

Approval of the August 30, 2022 Regular Meeting Minutes

Motion/Second/Carried by Hillstrom/Stevenson to approve the minutes of the August 30, 2022 regular meeting. All voting aye

Public Appearances:

None

Recommendation to Approve Civil Engineer-Neenah Police Building Expansion

Chief Olson stated that three proposals were received for civil engineering services for the building expansion. He stated that FGM and the construction manager from Miron have reviewed all three proposals. He stated that both FGM and Miron have worked with all three firms and feel all are reputable. He stated that Clark Dietz had the low cost proposal.

Chief Olson stated that he is recommending approving Clark Dietz, Inc., as the Civil Engineer with their lump sum price of \$18,600.

Alderperson Stevenson asked if this is typical to bring in a civil engineer for this type of building project. He also asked if civil engineering services should be provided through the architect bid. Director Kaiser stated that some architect firms have civil engineer firms they usually work with as part of the design and will bring them on board when their services are needed. He stated that architect's role is to build the design to suit the department's needs and budget. He stated that once that is complete, it is necessary to bring in a civil engineer firm to start firming up the details.

Alderperson Stevenson asked why this was not included in the original FGM's bid. Chief Olson stated that it was part of the original scope for budgeting purposes. He stated that he has waited to bring this to committee for approval because he wanted to make sure the building expansion was going to move forward. He stated that he did not want to pay for services if they were not going to be needed.

The Committee further discussed the reason for a civil engineer on the this project, if the City always has to go with the lowest bidder, if there are any other design services that will be coming to the committee for approval, and if the proposal needs to be reviewed by the City Attorney.

Report
Following discussion, **Motion/Second/Carried Borchardt/Hillstrom to recommend Council approve Clark Dietz, Inc., as the Civil Engineer in the amount of \$18,600 pending review by the City Attorney and using 2022 CIP Building funds.** All voting aye

Memorandum of Understanding (MOU) for Galloway Co.-Harrison Street Storm Water Pond

Director Kaiser reviewed his memo of September 9, 2022. He stated that in March 2022, staff presented an agreement for cost reimbursement between the City and Galloway Company for their participation in the development of the Harrison Street Pond. He stated that prior to the Committee recommending its approval to Council, staff received revisions from Galloway Company, and so a final agreement was not presented to Council. Director Kaiser stated that staff worked with the Galloway Co., and the revisions have been made.

Director Kaiser stated that staff recommends that Council approve the entering into an agreement for cost reimbursement with Galloway Company on the Harrison Street pond.

The Committee further discussed the environmental affects the temperature of the discharge water will have on the pond, the current and future routing of the discharge water, and any costs that may be associated with the rerouting of the discharge water

Report
Following discussion, **Motion/Second/Carried Hillstrom/Borchardt to recommend Council approve entering into an agreement for cost reimbursement with Galloway Company on the Harrison street pond.** All voting aye.

Revocable Occupancy Permit for 157 N Park Avenue

Director Kaiser reviewed his memo of September 9, 2022. He stated that a contractor working for the owner of 157 N. Park Avenue contacted the City about installing a sump pump discharge line from the house to Lake Winnebago. Director Kaiser stated that this is a privately owned discharge line and would cross through the Lake Shore Avenue right-of-way.

Director Kaiser stated that because it cross the street right-of-way, a revocable occupancy permit is appropriate. He stated that this property also has an irrigation line along the north side of the property so that is also included in the permit.

Director Kaiser stated that after discussions with former alderperson Bates and Chairperson Lendrum language will be added to clause two, that will protect the city that if work needs to be done on the trail it would require the removal of the sump pump discharge line.

Director Kaiser stated that City Attorney Rashid reviewed the permit and asked that clause five also be modified to add language that this permit can't be construed as waiving the applicants obligation to perform the relevant county, state or federal requirements.

Report

Following discussion, **Motion/Second/Carried Borchardt/Stevenson to recommend Council approve the Revocable Occupancy Permit to Lynn and Kyle Tanger, 157 N Park Avenue for a sump pump line and irrigation system facilities located within the Lakeshore Avenue right-of-way.** All voting aye.

Public Works General Construction and Department Activity

- 1) Contract 7-21 (Harrison Pond): Pond excavation is complete. The retaining wall is in place. The northerly two-thirds of the wall is stained.
Aldersperson Hillstrom asked if the contractor is aware of the completion timeline for this project. Director Kaiser stated that they are. He stated that Engineer Kummerow's main concern is the bank stabilization and having vegetation planted by the end of the year for the DNR approval.
- 2) Contract 8-21 (Jewelers Park Drive Trail): Work is complete. A final pay request is being prepared.
- 3) Contract 2-22 (Utility and Street Construction on Grove and Dieckhoff): The mainline street paving is complete. Work on driveway and sidewalk replacement will start the week of 9/12.
- 4) Contract 3-22 (Street Construction in Fredrick Drive area, Fresh Air Pk, Southview Pk): Work on Fresh Air Park, Shootingstar/Armstrong and the Southview Park basketball court is complete. Concrete repairs in the Fredrick Drive area are ongoing with work mainly remaining on Primrose. Excavation and backfill of soft soil areas is complete. Fine grading on project streets is scheduled to start the week of September 12. Paving will follow that.

Aldersperson Stevenson asked when this project is going to be completed. Director Kaiser stated approximately the second week of October.

- 5) Contract 4-22 (S. Commercial Utility Construction): There are some small pieces of asphalt paving still left to do.
- 6) Contract 6-22 (Epoxy Pavement Marking): Some spot markings will be done this year. The remainder of the work identified for 2022 will be rolled into 2023 work.
- 7) Contract 7-22 (Winneconne Ave Overpass Repairs): Repairs to the south column are complete. Work on repairs to the westbound lanes of the bridge deck started on 9/6. The repair areas identified were more extensive than projected during project development.
- 8) Contract 8-22 (Miscellaneous Asphalt Repairs): This contract was awarded to Northeast Asphalt. Work has not been scheduled but typically takes place in October.
- 9) Contract 11-22A (Lead service line replacement – Zemlock/Reddin): The contract was awarded to Donald Hietpas & Sons Construction. A schedule has not been set.
- 10) Contract 11-22B (Lead service line replacement – Hunt/Madison/Nicolet): The contract was awarded to Carl Bowers & Sons Construction. A schedule has not been set.
- 11) City Hall: The water heater failed on 9/6. A replacement is being arranged.
Director Kaiser stated that the quotes for a new one range from \$6,500 to \$8,000.
- 12) Transit Center Study: Staff met with Valley Transit staff, ECWRPC staff and their consultant regarding the location study for the transit center. We were informed that the study scope has expanded as the issue has been evaluated in order to gather additional information to feed into the analysis of possible site locations. The City is not being charged for this study

Director Kaiser stated that the project scope now includes re-evaluating the bus routes in Neenah to better select a site for the new bus transfer station. He stated that the report will not be available until spring of 2023.

Aldersperson Borchardt asked that Director Kaiser contact the owner of Greene's Pourhouse to let him know the status of the study.

Aldersperson Hillstrom asked that the population signs be updated with the 2020 census numbers.

Announcements/Future Agenda Items

None

Adjournment: **Motion/Second/Carried Hillstrom/Stevenson to adjourn at 7:27 PM.**
All voting aye. Respectfully submitted,

A handwritten signature in black ink that reads "Lisa Mrozowski". The signature is written in a cursive, flowing style.

Public Works Office Manager



Re: Dangerous Animal Appeal - Zeus RESCHEDULED SEPTEMBER 27, 2022 at 6:30PM

Charlotte K Nagel to: smartin0285

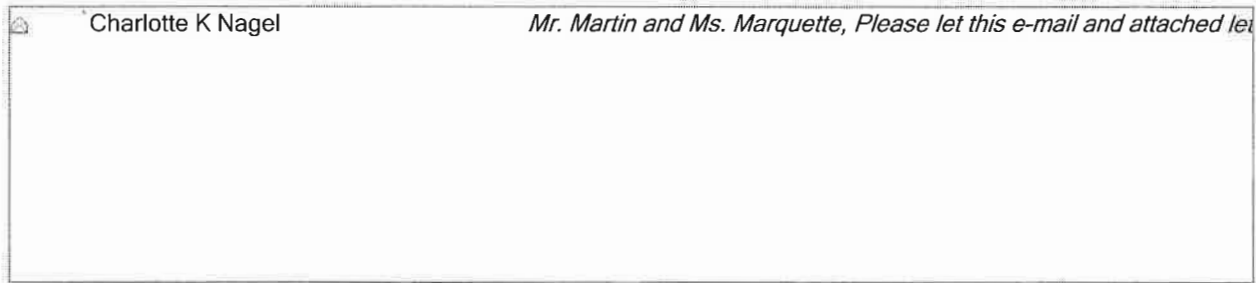
09/14/2022 12:11 PM

Cc: fmar02, David C Rashid, Wes Bone, Lisa M Mroczkowski

From: Charlotte K Nagel/Neenah

To: smartin0285@gmail.com

Cc: fmar02@gmail.com, David C Rashid/Neenah@Neenah, Wes Bone/Neenah@Neenah, Lisa M Mroczkowski/Neenah@Neenah



Zeus Appeal Notice & File 22-09-27.pdf

Mr. Martin and Ms. Marquette,

Please let this e-mail and attached letter serve as notice that Zeus' Dangerous Animal Appeal Hearing has been rescheduled for *Tuesday, September 27, 2022 at 6:30pm* at Neenah City Hall, Council Chambers. The cover letter explains the "court like" process that will take place at the hearing. A paper copy of this transaction will be mailed to you as well.

As always, feel free to reach out with any questions.

Respectfully,

Char

Charlotte K. Nagel, WCMC
Neenah City Clerk
211 Walnut Street
Neenah, WI 54956
920-886-6101 Direct | 920-886-6109 Fax
cnagel@ci.neenah.wi.us
<https://www.ci.neenah.wi.us/>



Charlotte K Nagel Mr. Martin and Ms. Marquette, Please let this e-...

07/21/2022 03:28:17 PM

From: Charlotte K Nagel/Neenah
To: smartin0285@gmail.com

Cc: fmar02@gmail.com
Date: 07/21/2022 03:28 PM
Subject: Re: Dangerous Animal Appeal - Zeus

Mr. Martin and Ms. Marquette,

Please let this e-mail serve as notice that Zeus' Dangerous Animal Appeal Hearing for Tuesday, July 26, 2022 at 6:30 PM has been *cancelled*. We are in the process of rescheduling the hearing, however, currently do not have a specific date or time. We will notify you as soon as possible as to when the hearing will take place. In the meantime, please follow any instructions given by the Police Department,

Please confirm receipt of this e-mail and feel free to reach us with any questions.

Respectfully,

Char

Charlotte K. Nagel, WCMC
Neenah City Clerk
211 Walnut Street
Neenah, WI 54956
920-886-6101 Direct | 920-886-6109 Fax
cnagel@ci.neenah.wi.us
<https://www.ci.neenah.wi.us/>



Charlotte K Nagel

Mr. Martin and Ms. Marquette, Following up on...

07/20/2022 12:37:30 PM

From: Charlotte K Nagel/Neenah
To: smartin0285@gmail.com
Cc: fmar02@gmail.com
Date: 07/20/2022 12:37 PM
Subject: Re: Dangerous Animal Appeal - Zeus



Zeus - Complete File Redacted.pdf

Mr. Martin and Ms. Marquette,

Following up on my previous e-mail regarding Zeus' Dangerous Animal Appeal. Attached is the complete file regarding Zeus' designation for your use in the upcoming appeal. The cover letter explains the "court like" process that will take place on Tuesday, July 26th.

Please feel free to contact me with any questions you may have.

Respectfully,

Char

Charlotte K. Nagel, WCMC
Neenah City Clerk
211 Walnut Street

Neenah, WI 54956
920-886-6101 Direct | 920-886-6109 Fax
cnagel@ci.neenah.wi.us
<https://www.ci.neenah.wi.us/>



Charlotte K Nagel Mr. Martin and Ms. Marquette, Just reaching out... 07/18/2022 02:11:14 PM

From: Charlotte K Nagel/Neenah
To: smartin0285@gmail.com, ffmar02@gmail.com
Date: 07/18/2022 02:11 PM
Subject: Dangerous Animal Appeal - Zeus

Mr. Martin and Ms. Marquette,

Just reaching out to let you know that Zeus' appeal is scheduled for Tuesday, July 26, 2022 at 6:30 PM in front of the Public Services and Safety Committee in Council Chambers at City Hall, 211 Walnut Street. You must appear at this hearing. More information will be forthcoming later this week so that you have all the information. You will receive a copy of the same information that the Committee will have in making their determination.

In the meantime, if you have any questions please feel free to contact me.

Char

Charlotte K. Nagel, WCMC
Neenah City Clerk
211 Walnut Street
Neenah, WI 54956
920-886-6101 Direct | 920-886-6109 Fax
cnagel@ci.neenah.wi.us
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Dept. of Legal & Administrative Services
Office of the City Clerk
211 Walnut St. • P.O. Box 426 • Neenah WI 54957-0426
Phone 920-886-6101 • Fax 920-886-6109
e-mail: cnagel@ci.neenah.wi.us
CHAR NAGEL
CITY CLERK

September 14, 2022

Steven Martin
Farrah Marquette
925 Hunt Avenue
Neenah, WI 54956

Re: Dangerous Animal Designation Appeal – by Steven Martin and Farrah Marquette re: pet dog Zeus
Notice of Hearing: Tuesday, September 27, 2022 at 6:30 p.m.
Neenah Administration Building (City Hall), 1st Floor, Council Chambers
211 Walnut Street, Neenah, WI 56956

Dear Mr. Martin and Ms. Marquette:

Your appeal of the designation of your dog, Zeus, in your possession or control, as a dangerous animal under Neenah Code §3-16 has been scheduled for a hearing before the Public Services & Safety Committee as captioned above. A copy of Patrol Sergeant Wes Bone's dangerous dog designation is enclosed plus additional documentation that will be presented to the committee. You must attend for the hearing to occur. You should be prepared to present evidence and testimony regarding your appeal.

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

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

Should you have questions, please contact me. Thank you.

Sincerely,

Charlotte K. Nagel
City Clerk

cc: Sergeant Wes Bone
Lisa Mroczkowski, PSSC
Attorney David Rashid, City Attorney



Dept. of Legal & Administrative Services
Office of the City Clerk
211 Walnut St. • P.O. Box 426 • Neenah WI 54957-0426
Phone 920-886-6101 • Fax 920-886-6109
e-mail: cnagel@ci.neenah.wi.us
CHAR NAGEL
CITY CLERK

July 19, 2022

Steven Martin
Farrah Marquette
925 Hunt Avenue
Neenah, WI 54956

Re: Dangerous Animal Designation Appeal – by Steven Martin and Farrah Marquette re: pet dog Zeus
Notice of Hearing: Tuesday, July 26, 2022 at 6:30 p.m.
Neenah Administration Building (City Hall), 1st Floor, Council Chambers
211 Walnut Street, Neenah, WI 56956

Dear Mr. Martin and Ms. Marquette:

Your appeal of the designation of your dog, Zeus, in your possession or control, as a dangerous animal under Neenah Code §3-16 has been scheduled for a hearing before the Public Services & Safety Committee as captioned above. A copy of Patrol Sergeant Wes Bone's dangerous dog designation is enclosed plus additional documentation that will be presented to the committee. You must attend for the hearing to occur. You should be prepared to present evidence and testimony regarding your appeal.

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Should you have questions, please contact me. Thank you.

Sincerely,

Charlotte K. Nagel
City Clerk

cc: Sergeant Wes Bone
Lisa Mroczkowski, PSSC

17/07/2022

RECEIVED

JUL 08 2022

CITY OF NEENAH
CLERK'S OFFICE

I am appealing the decision made by the Neenah Police Department on July 2nd 2022, declaring Zeus a Dangerous Animal. On only one occasion, in a state of excitement, has he ever bitten anyone (sons friends mom and on our property). On any of the other occasions Zeus has been at large, he has never bitten or attacked anyone. He does have a lot of pent up energy and tends to run/bolt around the yard and in close proximity to people Zeus does suffer from PTSD, so when he sees people that he doesn't know, he tends to bark at them. Being a pitbull, he does look aggressive due to his deep bark and muscular build, but I can assure you that Zeus is a good dog and is liked by many (including family and close neighbors). We have had Zeus for over six years and is a member of our family. If we are forced to remove him from the city by giving him away, it would be very difficult and emotionally traumatic for the entire family, especially for our four children. If the Dangerous Animal decision is removed, we are willing to muzzle him when he is outside, as well as have a fence installed to ensure that he doesn't get out of our yard again.

Sincerely,

Steven Martin and Farrah Marquette



Neenah Police Department

Sergeant J. Wesley Bone

July 2, 2022

Steven L. Martin
Farrah Marquette
925 Hunt Ave
Neenah WI, 54956

Dear Steven Martin and Farrah Marquette,

Over the past four years the Neenah Police Department has had several incidents involving your dog, Zeus. Zeus is a male Blue Nosed Pit Bull. The following are a list of police encounters with Zeus:

Case #18-016213 - In 2018 Zeus was at large in the 900 block of Hunt Avenue and aggressively advanced on a Neenah Police Officer resulting in that officer using his Electronic Control Device (ECD) to stop the potential threat of being bitten or attacked by Zeus. This resulted in a declaration Potentially Dangerous Animal.

Case #20-000063 - In 2020 Zeus was at large on Hoover Elementary School property and was not registered with the city of Neenah. This resulted in a citation for No Dog/Cat License.

Case #21-010223 - In 2021 Zeus bit a person in your front yard without any provocation. In the report you explain Zeus enjoys car rides and you thought he may have gotten excited, which caused him to bite. As a result of this bit you were issued a citation for No Cat/Dog License and a citation for failing to comply with the Quarantine order.

Case #22-011037 - Zeus was again at large and was displaying aggressive behavior. Zeus's behavior was described as growling, lunging, and charging at them by both citizens and the responding officer. This resulted in a citation for No Dog/Cat License and Animals at Large.

I am very concerned about the aggressive behaviors Zeus has displayed over the past several years. Especially concerning is your home proximity to an elementary school and playground and your past refusal to follow quarantine orders. I have also spoken to people in your neighborhood who have a great deal of fear regarding Zeus's behavior. The totality of the circumstances leaves me no choice but to declare Zeus a Dangerous Animal.

Neenah's animal control ordinance #3-1 defines a dangerous animal as *"any animal that (a) inflicts Substantial Bodily Harm on a human being or domestic animal without provocation on public or private property, (b) engages in, or is found to have been trained to engage in, exhibitions of fighting or (c) has been previously found, within the last 36 months, to be a Potentially Dangerous Animal, the owner having received notice of such and the animal again aggressively bites, attacks, or endangers the safety of humans or domestic animals."*

As a result of that declaration residence of the city of Neenah have four options:

1. You may comply with the dangerous animal control parameters established by ordinance. The following is required within 30 days of this letter:
 - a. Purchase a "dangerous animal" license through the city's finance department and affix it to the animal's collar. To obtain the license, you must:
 - Provide proof of current vaccination and regular animal license
 - Provide proof of completed spaying or neutering

- Provide animal's age, weight, color, breed, and identifying characteristics
 - Provide two 4" x 6" color photographs of the animal
 - Provide proof of microchip implantation from a veterinarian
 - Provide proof of liability insurance in an amount not less than \$1,000,000 for any personal injuries inflicted by the dangerous animal
- b. After the dangerous animal license is obtained, the following rules apply for the animal:
- While off premise of the owner, the animal must wear a basket-type muzzle.
 - While off premise of the owner, the animal must be restrained by a substantial chain or leash no longer than six feet in length and under the direct supervision and control of a competent adult.
 - While indoors, the animal must be securely confined, without access to open windows or other potential exits.
 - When not leashed/muzzled or secured indoors, the animal must be secured in a pen or kennel that consists of a double metal fence separated by at least a two-foot gap, with secure sides and top attached on all sides and a secure bottom or floor (or side walls embedded no less than two feet into the ground), locked with a key or combination lock, and posted with signs declaring, "dangerous animal."

All of the above apply to the option of complying with the city ordinance and keeping the dangerous animal in the city. The other three options are:

2. You may move the dangerous animal outside the city limits, where city ordinance has no applicability. If you choose this option, you should be aware that the animal will be subject to ordinances of the local jurisdiction. Further, you would still be civilly liable for damages, injuries, or death caused by the animal. You will need to provide me with the name and address of the new caretaker for the animal.
3. You may choose to have the animal euthanized. This is a very difficult decision that may affect many family members. Please do not choose this option without careful consideration and input from those who may be affected. Consult with a veterinarian or other animal care professional when considering this option.
4. You may appeal this "dangerous animal" declaration. To invoke an appeal, you must file a written notice with the City Clerk **within five business days** of receiving this letter. Appeals will be heard by the Public Services and Safety Committee. Appeal of the council decision must be sought through circuit court.

I realize this is a lot of information. Still, you must take prompt action in response to this notice, in order to avoid penalties and possible seizure of your dog.

Please let me know how you intend to proceed. You can contact me directly at (920) 886-6000 or wbone@ci.neenah.wi.us.

Sincerely,



J. Wesley Bone
Patrol Sergeant
Neenah Police Department

c: City Clerk
City Attorney

NEENAH'S GUARDIANS
2111 Marathon Avenue, Neenah, Wisconsin 54956

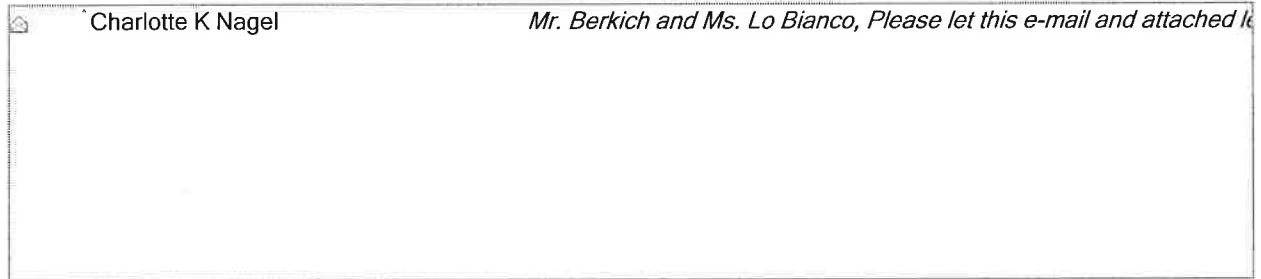


Re: Case no 22-012174 Beau 352 Stanley Ct RESCHEDULED SEPTEMBER 27, 2022

Charlotte K Nagel to: Taylor Berkich
Cc: David C Rashid, Wes Bone, Lisa M Mroczkowski

09/14/2022 12:08 PM

From: Charlotte K Nagel/Neenah
To: "Taylor Berkich" <taberkich@gmail.com>
Cc: David C Rashid/Neenah@Neenah, Wes Bone/Neenah@Neenah, Lisa M Mroczkowski/Neenah@Neenah



Beau Appeal Notice & File 22-09-27.pdf

Mr. Berkich and Ms. Lo Bianco,

Please let this e-mail and attached letter serve as notice that Beau's Dangerous Animal Appeal Hearing has been rescheduled for *Tuesday, September 27, 2022 at 6:30pm* at Neenah City Hall, Council Chambers. The cover letter explains the "court like" process that will take place at the hearing. A paper copy of this transaction will be mailed to you as well.

As always, feel free to reach out with any questions.

Respectfully,

Char

Charlotte K. Nagel, WCMC
Neenah City Clerk
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cnagel@ci.neenah.wi.us
<https://www.ci.neenah.wi.us/>



Charlotte K Nagel Mr. Berkich and Ms. Lo Bianco, Please let this e-...

07/21/2022 03:25:15 PM

From: Charlotte K Nagel/Neenah
To: "Taylor Berkich" <taberkich@gmail.com>

Date: 07/21/2022 03:25 PM
Subject: Re: Case no 22-012174 Beau 352 Stanley Ct

Mr. Berkich and Ms. Lo Bianco,

Please let this e-mail serve as notice that Beau's Prohibited Dangerous Animal Appeal Hearing for Tuesday, July 26, 2022 at 6:30 PM has been *cancelled*. We are in the process of rescheduling the hearing, however, currently do not have a specific date or time. We will notify you as soon as possible as to when the hearing will take place. In the meantime, please follow any instructions given by the Police Department,

Please confirm receipt of this e-mail and feel free to reach us with any questions.

Respectfully,

Char

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<https://www.ci.neenah.wi.us/>



Charlotte K Nagel	Mr. Berkich and Ms. Lo Bianco, Following up on...	07/20/2022 12:43:35 PM
Charlotte K Nagel	Hi Taylor, Just reaching out to let you know that...	07/18/2022 02:06:28 PM
"Taylor Berkich"	Or are you looking for this?? On Wed, Jul 13, 20...	07/14/2022 07:39:27 AM



Dept. of Legal & Administrative Services
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e-mail: cnagel@ci.neenah.wi.us
CHAR NAGEL
CITY CLERK

September 14, 2022

Lauren Lo Bianco
Taylor Berkich
352 Stanley Ct. Apt. D
Neenah, WI 54956

Re: Prohibited Dangerous Animal Designation Appeal – by Lauren Lo Bianco and
Tylor Berkich re: pet dog Beau
Notice of Hearing: Tuesday, September 27, 2022 at 6:30 p.m.
Neenah Administration Building (City Hall), 1st Floor, Council Chambers
211 Walnut Street, Neenah, WI 56956

Dear Ms. Lo Bianco and Mr. Berkich:

Your appeal of the designation of your dog, Beau, in your possession or control, as a dangerous animal under Neenah Code §3-16 has been scheduled for a hearing before the Public Services & Safety Committee as captioned above. A copy of Patrol Sergeant Wes Bone's dangerous dog designation is enclosed plus additional documentation that will be presented to the committee. You must attend for the hearing to occur. You should be prepared to present evidence and testimony regarding your appeal.

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

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

Should you have questions, please contact me. Thank you.

Sincerely,

Charlotte K. Nagel
City Clerk

cc: Sergeant Wes Bone
Lisa Mroczkowsi, PSSC
Attorney David Rashid, City Attorney



Dept. of Legal & Administrative Services
Office of the City Clerk
211 Walnut St. • P.O. Box 426 • Neenah WI 54957-0426
Phone 920-886-6101 • Fax 920-886-6109
e-mail: cnagel@ci.neenah.wi.us
CHAR NAGEL
CITY CLERK

July 19, 2022

Lauren Lo Bianco
Taylor Berkich
352 Stanley Ct. Apt. D
Neenah, WI 54956

Re: Prohibited Dangerous Animal Designation Appeal – by Lauren Lo Bianco and
Tylor Berkich re: pet dog Beau
Notice of Hearing: Tuesday, July 26, 2022 at 6:30 p.m.
Neenah Administration Building (City Hall), 1st Floor, Council Chambers
211 Walnut Street, Neenah, WI 56956

Dear Ms. Lo Bianco and Mr. Berkich:

Your appeal of the designation of your dog, Beau, in your possession or control, as a dangerous animal under Neenah Code §3-16 has been scheduled for a hearing before the Public Services & Safety Committee as captioned above. A copy of Patrol Sergeant Wes Bone's dangerous dog designation is enclosed plus additional documentation that will be presented to the committee. You must attend for the hearing to occur. You should be prepared to present evidence and testimony regarding your appeal.

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

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

Should you have questions, please contact me. Thank you.

Sincerely,

Charlotte K. Nagel
City Clerk

cc: Sergeant Wes Bone
Lisa Mroczkowski, PSSC

To whom it may concern,

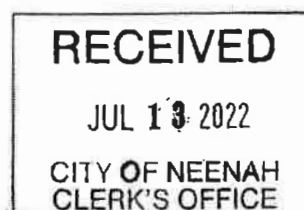
We would like to request an appeal for Beau—case number 22-012174.

Given Beau has no history of biting any human or animal, I hope you consider this request. Going forward, we intend to change the way we handle Beau in ways that minimize risk. We have scheduled one on one training for the first weekend in August with a positive reinforcement trainer. All walks and play time will be done with a basket muzzle on to ensure safety. He will never be off leash while outside. We are also looking to buy a house with a fenced backyard to increase his sense of safety and boundaries.

Please consider this request in order to correct his behavior.

Regards,

Taylor Berkich & Lauren Lo Bianco





Neenah Police Department

Sergeant J. Wesley Bone

July 10, 2022

Lauren B. Lo Bianco
352 Stanley Ct.
Neenah, WI 54956

Dear Ms. Lo Bianco,

I have reviewed case number 22-012174 involving your dog, Beau.

- Beau— 6 year old, male, black and brown German Shepherd.

The police report indicates Beau bit the victim, in the hand, without provocation. This injury caused substantial damage to the victim that may require surgery to correct.

Neenah's animal control ordinance §3-16 defines a Prohibited Dangerous Animal as *"any animal that without provocation has killed a pet animal or human being; or any animal that without provocation inflicts serious bodily harm on a pet animal or human being; or any animal which has on two or more reported occasions bitten or attacked a pet animal or human being, without provocation, on either public or private property."*

Based on the information available to me, I am declaring Beau a **Prohibited Dangerous Animal**. As a result of that declaration, you have two options:

1. Within five (5) days you may move the prohibited dangerous animal outside the city limits, where city ordinance has no applicability. If you choose this option, you should be aware that although the animal will not be subject to Neenah's ordinances, it may be subject to ordinances of the local jurisdiction. Further, you may still be civilly liable for damages, injuries, or death caused by the animal in the future.
2. You may choose to have the prohibited dangerous animal euthanized. This is a very difficult decision that may affect many family members. Please do not choose this option without careful consideration and input from those who may be affected. Consult with a veterinarian or other animal care professional when considering this option.

If you wish to dispute my declaration of Beau as a Prohibited Dangerous Animal, you may file a request for an appeal by delivering a written request to the City Clerk within 5 days of your receipt of this letter.

If I can be of any assistance or answer any questions for you, please contact me at (920) 886-6000.

Sincerely,



J. Wesley Bone
Patrol Sergeant
Neenah Police Department

c: City Clerk
City Attorney

Sheriff
John F. Matz

Chief Deputy
Todd A. Christopherson



Winnebago County Sheriff

www.co.winnebago.wi.us



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ADMINISTRATION FAX (920) 236-7333
RECORDS FAX (920) 236-7302

August 22, 2022

To All Winnebago County E911 Users:

Enclosed is the **JOINT POWERS AGREEMENT** which is required by State Statute 256.35(9). The Statute requires an annual renewal of the Agreement. Space is provided for signing by your City Mayor and Clerk, Town/Village Chairman and Clerk or other designee.

Please do the following:

1. Sign, date, and return the **Original** to me no later than **November 11, 2022** in the enclosed self-addressed envelope.

Please remember to put **postage** on your envelope before mailing it back.
Please Do Not fax the document as we need to have the **original** copy.
Please Do Not staple the document.

2. Please make a copy of the agreement for your records.

Your assistance in this matter is greatly appreciated. Thank you.

Sincerely,

A handwritten signature in black ink that reads "John F. Matz".

Sheriff John F. Matz

JFM/kkd

enc.

**JOINT POWERS AGREEMENT
WINNEBAGO COUNTY 911 EMERGENCY SYSTEM**

WHEREAS, Winnebago County and the municipalities located within the boundaries of Winnebago County have implemented an Emergency 911 System for the purposes of providing emergency services to residents and visitors of these municipalities, including fire fighting, law enforcement, ambulance, medical and other emergency services; and

WHEREAS, Sec. 256.35(9), Wis. Stats. "Joint Powers Agreement", requires that in implementing a 911 system as has been done in Winnebago County, municipalities shall annually enter into a Joint Powers Agreement, which Agreement shall be applicable on a daily basis and which shall provide that if an emergency services vehicle is dispatched in response to a request through the Winnebago County 911 System, such vehicle shall render its services to the persons needing the services, regardless of whether the vehicle is operating outside the vehicle's normal jurisdictional boundaries.

THEREFORE, in consideration of the mutual promises, agreements, and conditions contained herein, it is hereby jointly agreed between Winnebago County and the City of Neenah, municipality", as follows:

1. That effective **December 1, 2022**, this Agreement shall, thereafter, be applicable on a daily basis from said date through **November 30, 2023**.
2. That if an emergency services vehicle operated by the municipality, or operated by an agency with which the municipality contracts for that particular emergency service, is dispatched in response to a request through the Winnebago County Emergency 911 System, such vehicle (whether owned and operated by the municipality or by the agency) shall render its services to the persons needing the services, regardless of whether the vehicle is operating outside the vehicle's normal jurisdictional (or as defined by contract) boundaries.
3. That a Winnebago County Communications and Information System Advisory Committee shall be established to develop and recommend policy and procedures for emergency services communications and public safety records management issues in Winnebago County. A User's Guide that was developed in 1994 has been updated as necessary, and includes directives and guidelines for the proper use of E911 communication devices (which may include, but not be limited to, radios, computers, mobile data devices and pagers). Violation of User Guide directives could result in disciplinary action being imposed by the employing agency. The committee will be charged to effectively recommend equipment/software purchases and resource allocation with the authority to develop sub-committees as needed to accomplish that task. The committee may develop special ad-hoc, advisory task forces to research regional communication

network(s) with neighboring public safety departments or other County E911 Systems. The Advisory Committee will report to the County Executive and service that position in an advisory nature. Membership on the Advisory Committee shall consist of 9 representatives (appointed by the County Executive) from the following:

4 – Police Agency (separate departments) Representatives (normally the Police Chief or his/her designee).

4 – Fire Agency (separate departments) Representatives (normally the Fire Chief or his/her designee).

1 – Emergency Government Representative.


The Advisory Committee shall elect one Chair and Vice-Chair each year commencing in January.

4. That a copy of this Agreement shall be filed with the State Department of Justice, as required by Sec. 256.35 (9)(c), Wis. Stats.

WINNEBAGO COUNTY

By: 
Winnebago County Executive
Jon Doemel

Date: 8-16-2022

By: 
County Clerk
Susan T. Ertmer

Date: 8-14-2022

CITY OF NEENAH

By: _____
Mayor

Date: _____

By: _____
City Clerk

Date: _____



M E M O R A N D U M

DATE: September 23, 2022
TO: Mayor Lang and Members of the Public Services and Safety Committee
FROM: Gerry Kaiser, Director of Public Works
RE: Public Works General Activity

- 1) Contract 7-21 (Harrison Pond): Pond excavation is complete. The retaining wall is in place and staining is nearly complete. Work has started on the steps and sidewalk along the wall.
- 2) Contract 8-21 (Jewelers Park Drive Trail): Work is complete. A final pay request is being prepared.
- 3) Contract 2-22 (Utility and Street Construction on Grove and Dieckhoff): The mainline street paving is complete. Work on driveway and sidewalk replacement started on 9/23.
- 4) Contract 3-22 (Street Construction in Fredrick Drive area, Fresh Air Pk, Southview Pk): Work on Fresh Air Park, Shootingstar/Armstrong and the Southview Park basketball court is complete. Concrete repairs in the Fredrick Drive area are complete. Landscaping is 60% complete. Fine-grading is nearly complete. Paving is scheduled for the first week of October.
- 5) Contract 4-22 (S. Commercial Utility Construction): There are some small pieces of asphalt paving still left to do.
- 6) Contract 6-22 (Epoxy Pavement Marking): Some spot markings will be done this year. The remainder of the work identified for 2022 will be rolled into 2023 work.
- 7) Contract 7-22 (Winneconne Ave Overpass Repairs): Repairs to the south column are complete. Patches on the westbound lanes have been poured. Replacement of the north half of the expansion joints is ongoing.
- 8) Contract 8-22 (Miscellaneous Asphalt Repairs): This contract was awarded to Northeast Asphalt. Work has not been scheduled but typically takes place in October.
- 9) Contract 11-22A (Lead service line replacement – Zemlock/Reddin): The contract was awarded to Donald Hietpas & Sons Construction. A schedule has not been set.
- 10) Contract 11-22B (Lead service line replacement – Hunt/Madison/Nicolet): The contract was awarded to Carl Bowers & Sons Construction. A schedule has not been set.
- 11) CB/JJ Roundabout: The roundabout project is scheduled to open the week of September 26.
- 12) Ponds in New Subdivisions: We are working through the steps with the developer of the Integrity Acres Subdivision to take over ownership of the retention pond in that development per the conditions of the development agreement. Minor work remains to be done on the two ponds in the Freedom Acres development before we begin the ownership transfer process.
- 13) Recycling Audit: Winnebago County pulled a random recycling truck load on 8/31/2022 and our contamination rate of a sample came in at 11.55%. This is about average for their system and in line with the other audits that they've done. The contaminant materials found were actual trash, styrofoam, textiles, yard waste, construction materials, wrappers/napkins/packaging, recyclable film plastics, scrap metal, rigid plastics and other non-recyclable plastics. Several of these items have alternative recycling opportunities. We are preparing information to post on our website and social media to inform the public of these contaminants.