

****AMENDED****
CITY OF NEENAH
PUBLIC SERVICES AND SAFETY COMMITTEE MEETING
April 9, 2024 @ 6:30 PM
Hauser Room, 211 Walnut Street

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.

A G E N D A

1. Approval of Minutes of the Meeting of March 26, 2024 (Attachment)
2. Public Appearances
3. Authorize Resolution for WI-DNR Grant Application (Attachment)
4. Licenses
 - a. Approve Original "Class B" Combination Intoxicating Liquors and Fermented Malt Retail License for Cozumel Mexican Restaurant (Attachment)
 - b. Approve the Temporary Extension of Licenses Premises Application for Green's Pour House (Attachment)
 - c. Extension of Liquor License Premises, Urban Market (Attachment)**
5. Special Events Permit (Information Only)
6. Public Works General Construction and Department Activity Report (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 **City Clerk Office at (920)886-6101** 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, March 26, 2024

Present: Chairperson Lendrum, Alderperson Borchardt, Hillstrom, Stevenson, and Weber

Excused: None

Also Present: Mayor Lang, Community Development Director Haese, Community Development Deputy Director Schmidt, Public Works Superintendent Radtke, GIS Coordinator Meverden, Traffic Engineer Merten, Parks & Forestry Superintendent Fink, Public Works Office Manager Mroczkowski, Jeff Linski, Bill Pollnow, and Bethanie Gengler

Public Appearance

None

Approval of Minutes of the Meeting of March 12, 2024

Motion/Second/Carried by Hillstrom/Borchardt to approve the minutes of the meeting of March 12, 2024. All voting aye.

Purchase of Zero Turn Mowers

Parks & Forestry Superintendent Fink stated that he is seeking approval to purchase a 72" John Deere zero turn mower and a 60" John Deere zero turn mower from Riesterer and Schnell. He stated that although the low bid for the 60" mower was not John Deere, the consensus from the park technicians and the city mechanics is that the John Deere mowers have a superior cutting performance, durability, ease of maintenance and vendor service.

Report **Following Discussion: Motion/Second/Carried by Hillstrom/Weber to recommend the Common Council approve the purchase of a 72" John Deere Z994 Ztrak mower from Riesterer and Schnell in an amount of \$18,048.03 using Capital Equipment funds.** All voting aye.

Report **Following Discussion: Motion/Second/Carried by Hillstrom/Weber to recommend the Common Council approve the purchase of a 60" John Deere Z994 Ztrak more from Riesterer and Schnell in an amount of \$17,624.53 using Capital Equipment funds.** All voting aye.

Designated Outdoor Refreshment Area (DORA)

Motion/Seconded/Carried by Borchardt/Weber to table the agenda item. All voting aye.

GIS Update

Community Development Deputy Director Schmidt provided a presentation on the use of GIS within city hall.

Aldersperson Stevenson asked if the applications presented are live. Deputy Director Schmidt stated there are some finishing touches that need to be done first and then it will be available to the public and city staff.

Aldersperson Borchardt asked that a tutorial be created for public users.

Fleet #39-Sewer Utility Truck

Public Works Superintendent Radtke stated that this truck is used during sewer cleaning operations. He stated the utility box is rusting out and is in very poor condition.

Report

Following Discussion: Motion/Second/Carried by Stevenson/Borchardt to recommend the Common Council approve the purchase of a 2022 Ford F350 2WD Regular Cab truck from L&S Truck Center in an amount of \$54,415.50, and also approve the purchase of a safety lighting package and two-way radio with a cost not to exceed \$4,000.00 using Capital Equipment funds. All voting aye.

Mastic Machine

Public Works Superintendent Radtke stated staff is seeking approval to purchase the Patcher II Mastic Machine from Sherwin Industries. He stated that the Village of Fox Crossing and City of Menasha have this brand and it is very durable. Public Works Superintendent Radtke stated that the city borrowed the Village of Fox Crossings mastic machine to repair a portion of S. Green Bay Road and it worked very well.

Report

Following Discussion: Motion/Second/Carried by Borchardt/Stevenson to recommend the Common Council approve the purchase the Patcher II Mastic Machine from Sherwin Industries in an amount of \$85,557.00 along with the purchase of various hand tools designed for the mastic application in an amount not to exceed \$3,000.00 using Capital Equipment funds. All voting aye.

Salt Shed Roof Replacement

Public Works Superintendent Radtke stated that during the 2024 salt shed inspection, tears and weaknesses were found in the roof material. He stated that the state inspector stated that repairs to the roof's current material or replacement of the roof is required.

Public Works Superintendent Radtke stated that the shed was built in 2010 by Structures Unlimited. He stated the roof material had a 15-year lifespan. He stated that in 2018, "wear points" were identified and repairs were made with welded patches. Public Works Superintendent Radtke stated that Structures Unlimited quote to repair the

current tears is \$6,600.00, but that the company is recommending the roof be recovered due to the age of the fabric, exposure, and previous repairs. He stated the quote to replace the entire roof is \$22,980.00.

Alderson Stevenson asked what is covered in the warranty of the new roof. Public Works Superintendent Radtke stated that is going to be any major malfunction, but he will check with the company.

Alderson Stevenson stated that continuing to duplicate what has been done already does not make sense, especially with two material failures. He asked if any alternatives have been looked into such as metal or steel. Public Works Superintendent Radtke stated that a wood roof would be very expensive, and he is not sure how the metal would hold up to the salt.

The consensus of the Committee was to direct staff to look into alternative roof coverings for the salt shed.

State-Municipal Agreement for S. Commercial Street Reconstruction-Revision #1

Traffic Engineer Merten reviewed his memo of March 30, 2024. He stated that the City entered into a State-Municipal Agreement (SMA) for the S. Commercial Street reconstruction project in June 2020. He stated with construction costs having significantly increased over the years the Wisconsin Department of Transportation has indicated that an additional \$1,821,565 of funding has been approved for the project. Traffic Engineer Merten stated that the new state appropriation for participating construction costs is \$9,384,816.00 with the city's share being \$1,894,723.00. He stated that the city will also have \$458,871.00 of non-participating costs.

Alderson Stevenson asked what is included in the non-participating costs. Traffic Engineer Merten stated that it is items like colored concrete and tree planters.

Alderson Stevenson stated that he would like to see the full list of the non-participating costs.

Following Discussion: Motion/Second/Carried by Borchardt/Hillstrom to recommend the Common Council approve the State-Municipal Agreement Revision #1 for Project 4993-01-00_01, S. Commercial Street Reconstruction. All voting aye.

Traffic Signal Equipment Purchase

Traffic Engineer Merten reviewed his memo of March 22, 2024 regarding the two traffic projects planned for the intersection of Nicolet/Third/ Commercial streets. He stated that the project will replace the traffic control cabinet at Nicolet and Third and the detection equipment at Commercial and Nicolet.

Alderson Hillstrom stated that even though this is a shared intersection with the City of Menasha, the city does all the work and covers all the costs.

Alderson Borchardt stated asked why we don't split the costs.

Traffic Engineer Merten stated that there is an agreement between the two cities that states the City of Neenah is responsible for maintenance and upgrades of the traffic control devices and any costs related to such maintenance.

Alderson Stevenson asked if there is a formal agreement. Traffic Engineer Merten stated that this agreement has been in place for many years, but is not sure if there is a formal written agreement.

Traffic Engineer Merten noted that proposed detection system is under budget whereas the cabinet is overbudget, however if viewed jointly, both purchases would come just under the combined budget (\$312).

Report

Following Discussion: Motion/Second/Carried by Borchardt/Weber to recommend the Common Council approve the purchase of the McCain ATC traffic signal cabinet in an amount of \$22,863 and the NoTraffic detection system in an amount of \$21,825 from Traffic and Parking Control Co., Inc. (TAPCO). All voting aye.

Public Works General Construction and Department Activity Report

- 1) Contract 7-21 (Harrison Pond): Storm and sanitary sewer work is complete, and the pond is functioning. The meter pedestal for the water feature pumps has been installed. We Energies is scheduling the connection to the meter pedestal and wiring for the pump controller is being arranged. A number of punchlist items remain to be completed – retaining wall staining, overseeding along Harrison Street and trail grading. Trees that have not survived will be replaced this spring.
- 2) Contract 1-23 (Chestnut, Burr, Dieckhoff, Laudan Utility and Street Construction): The top-coat of asphalt will be paved in spring.
- 3) Contract 7-23 (High, River Utility and Street Construction): The top-coat of asphalt will be paved in spring.
- 4) Neenah Creek Bridge: Parapet staining has been done. The remaining work is the east approach grading and curb/gutter installation along with landscaping. Curb/gutter and paving for the west approach will be done with the Jewelers Park Drive project.
- 5) Contract 1-24 (Belmont Ct, Belmont Av, Cedar St, Stevens St- Utilities and Street): Sanitary sewer main has been installed from Quarry Park to Laudan Blvd and is being installed from Winnebago Heights to the north. A second crew is scheduled to mobilize the week of 3/25.
- 6) Contract 2-24 (E. Doty Av - Utilities and Street): A pre-construction meeting was held on 3/21. The contractor is scheduled to mobilize the week of 4/8.

- 7) Contract 3-24 (Bayview Rd, Commercial St Water Crossings, Quarry Ln, Reed St - Utilities and Street): Water main installation on Bayview Road will be completed the week of 3/25. Additional stone for backfill was needed due to extra trench width caused by loose backfill material around the existing main. A sagging catch basin lead was also uncovered and replaced.
- 8) Contract 4-24 (S. Park Avenue Easement – Utilities): A schedule has not been set.
- 9) Contract 5-24 (North St - Utilities and Street): A schedule has not been set.
- 10) Contract 6-24 (Jewelers Park Drive – Street): A schedule has not been set.
- 11) Contract 7-24 (Misc Concrete Pavement/Sidewalk Repair): Bids are scheduled for opening on 3/27/2024.
- 12) Contract 8-24 (Misc Asphalt Pavement/Sidewalk Repair): Bids are scheduled for opening on 3/27/2024.
- 13) Contract 10-24 (Tullar Garage Roof, Phase 2): The contract will be advertised on 3/27.
- 14) Contract 12-24 (Douglas Pond Storm Piping): A schedule has not been set.
- 15) 1st Addition to Freedom Acres: Utility installation has started.
- 16) I-41 Repairs: WisDOT is starting a variety of repairs on I-41 the week of April 1. The project runs from Breezewood Lane to WIS 15. The repairs will require several ramp closures for about two weeks each. The ramps affecting Neenah are the I-41 southbound entrance ramp from WIS 114 (Winneconne Avenue), I-41 northbound exit ramp to WIS 114 (Winneconne Avenue), and I-41 southbound exit ramp to Main Street in Neenah. We do not know the schedule for these closures. The project will also replace the I-41 bridge decks over Green Bay Road (north of CTH II).

Announcements/Future Agenda Items

None

Adjournment

Motion/Second/Carried by Borchardt/Stevenson to adjourn at 7:43 PM. All voting aye.

Respectfully submitted,



Lisa Mroczkowski
Public Works Office Manager



Department of Parks & Recreation

TO: Mayor Lang, Chair Lendrum, and Members of the Common Council

FROM: Michael T. Kading, Director of Parks & Recreation *mk*

DATE: April 2, 2024

RE: Authorizing Resolution for WI-DNR Grant Application

The Parks & Recreation Department / Commission completed a comprehensive shoreline stabilization study for Kimberly Point and Doty Parks in 2024. The purpose of the study was to develop a long-term environmental and economically sustainable shoreline stabilization and improvement plan for the parks. Broad goals for the project were to repair and replace existing infrastructure with hardscape and naturalized shorelines where appropriate, improve public safety and access, while improving aesthetics and habitat. Included in this study is a Construction Cost Estimate for each park and appropriate grants that may help offset the costs of completing the projects for our residents. The Final Report can be found on the City's Park & Recreation Department website at www.ci.neenah.wi.us/wp-content/uploads/2023/10/231024-NSI-Final-Report.pdf.

Pictures of the current conditions as of April 1 at Doty Park are attached.

The department recognizes that the overall cost to stabilize and improve the Doty Park shoreline is substantial and prohibitive to residents of the City of Neenah and that it is imperative to obtain alternative funding for this project. With this in mind, please find attached a resolution authorizing the application for Wisconsin – Department of Natural Resources.

Creating Community Through People, Parks & Programs



CITY OF NEENAH
Resolution No. 2024-02
Resolution Authorizing the Application for
Wisconsin Department of Natural Resources

Knowles-Nelson Stewardship Friends Grants, Stewardship Local Units of Government, Federal Land and Water Conservation Fund, and Recreational Trails Program

WHEREAS, the City of Neenah has conducted a review of the failing shoreline conditions at Doty Park and has determined that the shoreline needs to be stabilized and improved utilizing hardscaping and naturalization methods with the broad goals of improving public safety and access, eliminating erosion, and improving shoreline aesthetics and habitat; and

WHEREAS, the City of Neenah, is interested in obtaining cost share grants funds from the Wisconsin Department of Natural Resources for the purpose of completing Phase 1 Shoreline Improvements at Doty Park; and

WHEREAS, the City of Neenah has budgeted in the 5-year Capital Improvement Plan a sum sufficient to complete the Phase 1 project for Doty Park in 2025; and

WHEREAS, the City of Neenah attests to the validity and veracity of the statements and representations contained in the application; and

HEREBY AUTHROIZES, Michael T. Kading, Director of Parks & Recreation to act on behalf of the City of Neenah to:

- Submit an application to the State of Wisconsin Department of Natural Resources for any financial aid that may be available;
- Submit reimbursement claims along with the necessary supporting documentation within 6 months of project completion date;
- Submit signed documents; and
- Take necessary action to undertake, direct, and complete the approved project.

Be it further resolved that, the City of Neenah will comply with state or federal rules for the programs; may perform force account work; will maintain the completed project in an attractive, inviting and safe manner; will keep the facilities open to the general public during reasonable hours consistent with the type of facility; and will obtain from the State of Wisconsin Department of Natural Resources or the National Park Service approval in writing before any change is made on the use of the project site.

Jane B. Lang
Mayor

Moved: _____

Passed: _____

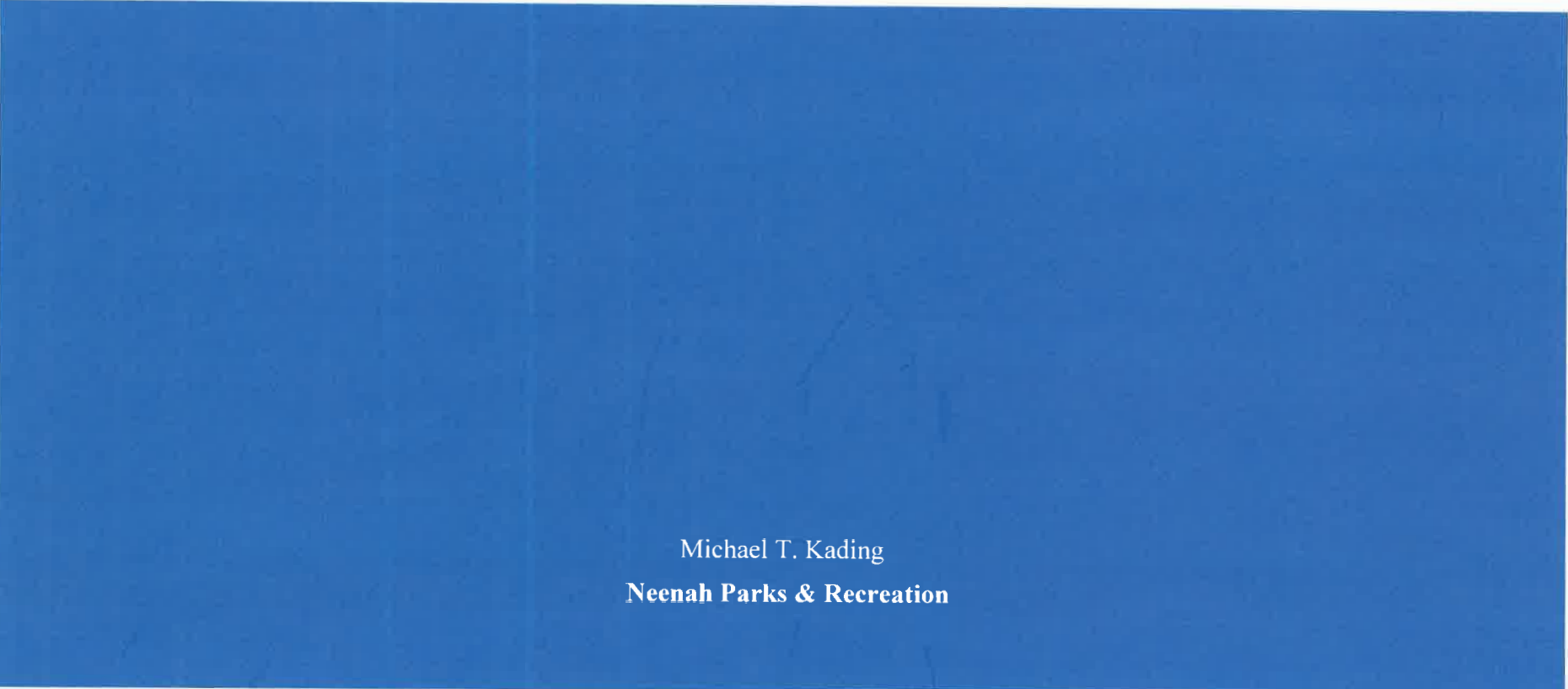
Published: _____

Attest:

Charlotte K. Nagel
Clerk



DOTY PARK SHORELINE



Michael T. Kading
Neeenah Parks & Recreation







Public Services & Safety Committee

April 9, 2024

Original "Class B" Combination Intoxicating Liquors and Fermented Malt Retail License

Applicant	Trade Name	Address	Agent	Class
CMG17, LLC	Cozumel Mexican Restaurant	1111 Westowne Drive	Alejandro Torres	"Class B" Combination Intoxicating Liquors and Fermented Malt Retail

Temporary Extension of Licenses Premises Application

Applicant	Event Contact	Name of Event	Location	Date(s) o	Time of Event
Greene's Pour House	Robert Greene	Block Party	134 W. Wisconsin	5/8/24	9am-10pm

Approved Special Event Permits

Applicant	Name of Event	Class of Event	Location	TDORA	Date(s)	Approved
Neenah-Menasha VFW	Memorial Day Parade	Class A exceeds 200 attendees, travel lane closures	Usual route beginning in Menasha	No	5/27/24	4/5/2024
Future Neenah Inc.	Summer Kick-Off Concert	Class A exceeds 200 attendees, travel lane closures	100 & 200 Blocks of Main Street	Yes	6/12/24	4/5/2024
Future Neenah Inc.	Out to Lunch Series	Class B no travel lane closures	Shattuck Park	No	6/13/24 to 08/29/24	4/5/2024
Future Neenah Inc.	Evening Concert Series	Class B no travel lane closures	Shattuck Park	No	6/9/24 to 8/28/24	4/5/2024
Future Neenah Inc.	Farmers Markets	Class B no travel lane closures	Shattuck Park	No	6/8/24 to 10/12/24	4/5/2024
WI Chapter of Huntington's Disease Society of America	Team Hope Run/Walk Fox Valley	Class A exceeds 200 attendees, travel lane closures	Riverside Park	No	8/11/24	4/5/2024

Original Alcohol Beverage License Application

FOR CLERKS ONLY	
Municipality	
License Period	

License(s) Requested

- ☐ Class "A" Beer \$ _____
 ☐ "Class A" Liquor \$ _____
- ☒ Class "B" Beer \$ _____
 ☒ "Class B" Liquor \$ _____
- ☐ "Class C" Wine \$ _____
 ☐ "Class A" Liquor (Cider Only) \$ _____
- ☐ Reserve "Class B" Liquor \$ _____
 ☐ "Class B" (Wine Only) Winery \$ _____

License Fees	\$
Publication Fee	\$
Background Check	\$
Total Fees	\$

Part A: Premises/Business Information

1. Legal Business Name (registered entity name or individual's name if sole proprietorship)

2. Trade Name or DBA

Cozumel Mexican Restaurant

3. Premises Address

1111 Westowne Dr Neenah, WI 54956

4. County

Winnebago

5. Municipality

6. Aldermanic District

7. Mailing Address (if different from premises address)

8. FEIN

9. Wisconsin Seller's Permit Number

10. Premises Phone

11. Premises Email

cozumelosh17@gmail.com

12. Entity Type (check one)

- ☐ Sole Proprietor
 ☐ Partnership
 ☒ Limited Liability Company
 ☐ Corporation
 ☐ Nonprofit Organization

13. Premises Description - Describe the building or buildings where alcohol beverages are to be sold and stored. Describe all rooms including living quarters, if used, for the sales, service, consumption, and/or storage of alcohol beverages and records. Alcohol beverages may be sold and stored ONLY on the premises described in this application. Attach additional sheets if necessary.

We will serve alcohol on patio, bar area & entire dining room. Liquor will be stored by bar area or closet that will be locked that is near bar area. If needed, liquor will be stored in the office. Beer kegs will be kept in walk-in-cooler.

Part B: Questions

1. Have the partners, agent, or sole proprietor satisfied the responsible beverage server training requirement for this license period? Submit a copy of Responsible Beverage Server Training Course Certificate ☒ Yes ☐ No
2. Does the applicant business or its partners, officers, directors, managing members, or agent hold a direct or indirect interest in any alcohol beverage wholesaler or producer (e.g., brewer, brewpub, winery, distillery)? ☐ Yes ☒ No
If yes, please explain using the space below. Attach additional sheets if necessary.

Part C: For Corporate/LLC Applicants Only

1. State of Registration WISCONSIN		2. Date of Registration	
3. Is the applicant business owned by another corporation or LLC? If yes, please provide the name and FEIN of the parent company below, include parent company members in Part D, and attach Form AT-103 for all of the parent company's principal members, managers, officers, or directors ☐ Yes ☒ No			
Name of Parent Company		FEIN of Parent Company	
4. Does the parent company or any of its officers, directors, managing members, or agent hold any direct or indirect interest in any other alcohol beverage wholesaler or producer (e.g., brewer, brewpub, winery, distillery)? ☐ Yes ☒ No If yes, please explain using the space below. Attach additional sheets if necessary.			
5. Agent's Last Name TOMES		Agent's First Name Alejandro	
		Phone	

Part D: Individual Information

A Supplemental Questionnaire, Form AT-103, must be completed and attached to this application for each person involved in the applicant business and any parent company as indicated in Part C. Persons in the applicant business include: sole proprietor, all officers, directors, and agent of a corporation or nonprofit organization, all partners of a partnership, and all managing members and agent of a limited liability company.

List the full name, title, and phone number for each person below. Attach additional sheets if necessary.

Last Name	First Name	Title	Phone
TOMES	Alejandro	Owner	

Part E: Attestation

Who must sign this application?

- sole proprietor • one general partner of a partnership • one corporate officer • one managing member of an LLC

READ CAREFULLY BEFORE SIGNING: Under penalty of law, I have answered each of the above questions completely and truthfully. I agree that I am acting solely on behalf of the applicant business and not on behalf of any other individual or entity seeking the license. Further, I agree that the rights and responsibilities conferred by the license(s), if granted, will not be assigned to another individual or entity. I agree to operate this business according to the law, including but not limited to, purchasing alcohol beverages from state authorized wholesalers. I understand that lack of access to any portion of a licensed premises during inspection will be deemed a refusal to allow inspection. Such refusal is a misdemeanor and grounds for revocation of this license. I understand that any license issued contrary to Wis. Stat. Chapter 125 shall be void under penalty of state law. I further understand that I may be prosecuted for submitting false statements and affidavits in connection with this application, and that any person who knowingly provides materially false information on this application may be required to forfeit not more than \$1,000 if convicted.

Signature		Date 12/19/23	
Name (Last, First, M.I.) TOMES, Alejandro			
Title Owner		Email [REDACTED]	
		Phone [REDACTED]	

Part F: For Clerk Use Only

Date application was filed with clerk	Date reported to governing body	Date provisional license issued (if applicable)
Date license granted	License number	Date license issued
Signature of Clerk/Deputy Clerk		

Auxiliary Questionnaire Alcohol Beverage License Application

Submit to municipal clerk.

Individual's Full Name (please print) (last name) Torres		(first name) Alejandro		(middle name)	
Home Address (street/route) 521 Haylett St		Post Office		City Neenah	State WI Zip Code 54956
Home Phone Number		Age	Date of Birth	Place of Birth	

The above named individual provides the following information as a person who is (check one):

- ☒ Applying for an alcohol beverage license as an **individual**.
- ☐ A member of a **partnership** which is making application for an alcohol beverage license.
- ☐ **Alejandro Torres** of **Cozumel Mexican Restaurant**
(Officer / Director / Member / Manager / Agent) (Name of Corporation, Limited Liability Company or Nonprofit Organization)
- which is making application for an alcohol beverage license.

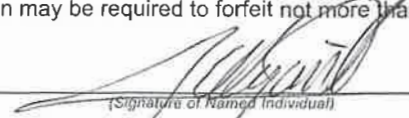
The above named individual provides the following information to the licensing authority:

- How long have you continuously resided in Wisconsin prior to this date? **19 years**
- Have you ever been convicted of any offenses (other than traffic unrelated to alcohol beverages) for violation of any federal laws, any Wisconsin laws, any laws of any other states or ordinances of any county or municipality? ☐ Yes ☒ No
 If yes, give law or ordinance violated, trial court, trial date and penalty imposed, and/or date, description and status of charges pending. (If more room is needed, continue on reverse side of this form.)
- Are charges for any offenses presently pending against you (other than traffic unrelated to alcohol beverages) for violation of any federal laws, any Wisconsin laws, any laws of other states or ordinances of any county or municipality? ☐ Yes ☒ No
 If yes, describe status of charges pending.
- Do you hold, are you making application for or are you an officer, director or agent of a corporation/nonprofit organization or member/manager/agent of a limited liability company holding or applying for any other alcohol beverage license or permit? ☐ Yes ☒ No
 If yes, identify. (Name, Location and Type of License/Permit)
- Do you hold and/or are you an officer, director, stockholder, agent or employee of any person or corporation or member/manager/agent of a limited liability company holding or applying for a wholesale beer permit, brewery/winery permit or wholesale liquor, manufacturer or rectifier permit in the State of Wisconsin? ☐ Yes ☒ No
 If yes, identify. (Name of Wholesale Licensee or Permittee) (Address By City and County)

6. Named individual must list in chronological order last two employers.

Employer's Name Cozumel Mexican Rest.	Employer's Address 2005 Witzel Ave, Oshkosh, WI 54904	Employed From 10/2010	To Present
Employer's Name Cancun Mexican Grill	Employer's Address 805 Hastings Way	Employed From 2007	To 9/2010

READ CAREFULLY BEFORE SIGNING: Under penalty provided by law, the undersigned states that each of the above questions has been truthfully answered to the best of the knowledge of the signer. The signer agrees that he/she is the person named in the foregoing application; that the applicant has read and made a complete answer to each question, and that the answers in each instance are true and correct. The undersigned further understands that any license issued contrary to Chapter 125 of the Wisconsin Statutes shall be void, and under penalty of state law, the applicant may be prosecuted for submitting false statements and affidavits in connection with this application. Any person who knowingly provides materially false information on this application may be required to forfeit not more than \$1,000.


(Signature of Named Individual)

Schedule for Appointment of Agent by Corporation / Nonprofit Organization or Limited Liability Company

Submit to municipal clerk.

All corporations/organizations or limited liability companies applying for a license to sell fermented malt beverages and/or intoxicating liquor must appoint an agent. The following questions must be answered by the agent. The appointment must be signed by an officer of the corporation/organization or one member/manager of a limited liability company and the recommendation made by the proper local official.

To the governing body of: ☐ Town ☐ Village ☒ City of Neenah County of Winnebago

The undersigned duly authorized officer/member/manager of _____
(Registered Name of Corporation / Organization or Limited Liability Company)

a corporation/organization or limited liability company making application for an alcohol beverage license for a premises known as
Cozumel Mexican Restaurant
(Trade Name)

located at 1111 Westowne Dr., Neenah, WI 54956

appoints Alejandro Torres
(Name of Appointed Agent)
521 Haylett St Neenah, WI 54956
(Home Address of Appointed Agent)

to act for the corporation/organization/limited liability company with full authority and control of the premises and of all business relative to alcohol beverages conducted therein. Is applicant agent presently acting in that capacity or requesting approval for any corporation/organization/limited liability company having or applying for a beer and/or liquor license for any other location in Wisconsin?

☐ Yes ☐ No If so, indicate the corporate name(s)/limited liability company(ies) and municipality(ies).

Is applicant agent subject to completion of the responsible beverage server training course? ☒ Yes ☐ No

How long immediately prior to making this application has the applicant agent resided continuously in Wisconsin? _____

Place of residence last year 521 Haylett St Neenah, WI 54956

For: Cozumel Mexican Restaurant
(Name of Corporation / Organization / Limited Liability Company)

By: [Signature]
(Signature of Officer / Member / Manager)

Any person who knowingly provides materially false information in an application for a license may be required to forfeit not more than \$1,000.

ACCEPTANCE BY AGENT

I, Alejandro Torres, hereby accept this appointment as agent for the
(Print / Type Agent's Name)

corporation/organization/limited liability company and assume full responsibility for the conduct of all business relative to alcohol beverages conducted on the premises for the corporation/organization/limited liability company.

[Signature] 12/19/23
(Signature of Agent) (Date)
521 Haylett St Neenah, WI 54956
(Home Address of Agent)

Agent's age [Redacted]
Date of birth [Redacted]

APPROVAL OF AGENT BY MUNICIPAL AUTHORITY (Clerk cannot sign on behalf of Municipal Official)

I hereby certify that I have checked municipal and state criminal records. To the best of my knowledge, with the available information, the character, record and reputation are satisfactory and I have no objection to the agent appointed.

Approved on _____ by _____ Title _____
(Date) (Signature of Proper Local Official) (Town Chair, Village President, Police Chief)



Plan of Operation for Alcohol Beverage License Application

OFFICE OF THE CITY CLERK
211 Walnut Street • Neenah, WI 54956
(920) 886-6100

Your application will be returned for failure to fill out this form completely, correctly, and submit the required Detailed Floor Plan as outlined.

Business Name: Cozumel Mexican Restaurant		
Address of Premises: 1111 Westowne Dr Neenah WI 54956		Business Telephone Number:
Business Mailing Address – if different from address of premises :		
Business Internet/E-mail Address:		Business Fax Number:
Owner's Name: Alejandro Tames		Owner's Phone Number: [REDACTED]
Owner's Address include city, state, zip code: 521 Haylett St Neenah WI 54956		
Will the agent, a partner of the individual licensee be conducting the day-to-day operations of the business: ☒ Yes ☐ No If no, list name and address of person who will:		
Class B Applicants: If the agent, a partner or the individual licensee will not be conducting the day-to-day operations of the business, the person listed above must obtain a Class B Manager's license.		
Does anyone else have money invested or any other interest in this business? ☐ Yes ☒ No If yes, explain:		
What types of business do you or will you conduct at this location? (Check all that apply): (Other licenses/permits may be required to operate your business.) ☒ Full Service Restaurant ☐ Café/Coffee Shop ☐ Bed & Breakfast ☐ Grocery Store ☐ Convenience Market ☐ Hotel ☐ Liquor Store ☐ Indoor Golf Facility ☐ Private Sports Club ☐ Theater ☐ Wine Tasting Room ☐ Veterans Club ☐ Brew Pub ☐ Tavern ☐ Fraternal Club ☐ Volleyball Court (Permanent Extension of Premises required) ☐ Catering (sales only allowed on the premises issued and alcohol beverage licensed) ☐ Video Game Center-6 or more games ☒ Bar & Grill ☐ Night club ☐ Bowling Center ☐ Comedy Club ☐ Recreational Paint Studio ☐ Billiard Center		
Briefly detail the type of business you plan to operate, if granted a license:		
Full Service Mexican Restaurant		
What other types of licenses or permits will you or do you hold at this location? :		
☐ Tavern Entertainment	☐ Cigarette	☐ Amusement Devices
☐ Dance Hall	☐ Food (though Health Dept.)	☐ Other(s)

If applying for a Class B or C license, what type of food service will you have? (check all that apply):

☐ None	☐ Prepackaged Foods	☐ Snacks
☐ Appetizers	☐ Catered Events	☐ Full Meals

What percentage of your total sales will be from the sales of alcohol beverages? _____ %

Is there at least 300 feet between the building and any church, school or hospital? ☒ Yes ☐ No

How many alcohol serving premises are within a 4 block radius of your business? _____

Do you have any future plans for other businesses, licenses or permits at this location? ☐ Yes ☒ No

If yes, explain: _____

Is this premise under construction? ☐ Yes ☒ No If yes, list estimated completion date: _____

Is this a franchise? ☐ Yes ☒ No

What was the previous name & nature of the business operating at this location, if applicable?
Applebees Bar & Grill

Is this premises currently or ever been licensed? ☒ Yes ☐ No If yes, list type of license: _____

Is the current licensee operating? ☐ Yes ☒ No If no, list date closed: _____

If alcohol sales are a new use in this building, please contact the Neenah Police Department at (920) 886-6000 to meet with Chief of Police to review regulations/ordinances.

What is the zoning classification for this premise? _____

HOURS OF OPERATION FOR ALCOHOL BEVERAGE SALES/SERVICE ONLY		
Day of the Week	Proposed Hours of Operation:	
	Open	Close
Sunday	11 am	9 pm
Monday	11 am	10 pm
Tuesday	11 am	10 pm
Wednesday	11 am	10 pm
Thursday	11 am	10 pm
Friday	11 am	10 pm
Saturday	11 am	10 pm

PROHIBITED HOURS OF OPERATION:
 Class A: 9:00 PM to 8:00 AM; Class B/C: Monday thru Friday 2:00 AM - 6:00 AM;
 Class B/C: Saturday thru Sunday 2:30 AM - 6:00 AM

Legal Capacity/Occupancy of Premises: Inside _____ Outside _____ (does not include Class A) Call (920) 886-6130 if you have questions.	Number of Parking Spaces on the premises, not including street parking: _____
--	--

LITTER/GARBAGE:
What are your plans to keep the grounds clean (check all that apply):
☒ Sweep ☒ Pressure Wash ☒ Pick Up Litter ☒ Hire Maintenance ☒ Garbage Cans Outside
 Other: _____

Who is responsible to keep the grounds clean? Licensee ☒ Building Owner ☐ Employees
 Hire Maintenance Other: _____

NOISE: How will issues be addressed? (check all the apply): Security ☒ Manager approaches customer(s) Call police ☒ Signs posted Other: _____

DETAILED FLOOR PLAN

Please read all instructions before preparing the floor plan.

- A detailed floor plan must be submitted with this application.
- Even if the premises has been previously licensed and a floor plan submitted, a new floor plan must be submitted with this application.
- The floor plan must be filed on 8 1/2 x 11 inch sized paper. Plans do not need to be architectural drawings and need not be to scale. Handwritten plans are acceptable.
- A separate sheet of paper should be filed for each floor where alcohol will be stored, displayed, sold, given away and/or consumed.

The floor plan must include all of the following items:

1. Dimensions and total square feet of the premises (length x width = square feet)
2. Label all entrances and exits
3. Label and provide dimensions (length & width) of all alcohol storage areas (coolers, stock room, basement, etc.)
4. Label and provide dimensions (length x width) of all alcohol display areas (behind the bar, shelves, etc)
5. Class B & C Applicants only: Label and provide dimensions (length x width) of all outdoor areas used for the sale or service of alcohol beverages (for example, patios, beer gardens, sidewalk cafes)
6. Class B & C Applicants only: Label all seating areas, bars, and food preparation areas (kitchen)
7. Label and provide dimensions (length x width) for the first floor showing the relation of all parking areas on the premises to the building, not including street parking.
8. On each page mark the following: North ↑, Date, Business name & address

ALL NEW & TRANSFER APPLICANTS:

Submit Proof of Ownership, Lease or Offer to Purchase the Building with this application.

A Lease or Offer to Purchase must:

1. Be in the same legal entity names as those applying for the license
2. Reflect the same address as the premises address on this application
3. Reflect current dates and
4. Be signed by the lessor/seller and lessee/buyer

Lease or Offer to Purchase may be contingent upon the license being granted.

Do you own or lease the building? Check one: ☒ Own ☐ Lease

Who owns the fixtures (i.e. Coolers, etc.)? owner

Subscribed and sworn to before me

this 1st day of March, 2024

Notary Public, State of Wisconsin

My Commission expires: Charlotte K. Hazel

Notary Seal must be affixed

[Signature]
Signature of Individual/Partner/Officer

Signature of Partner/Officer

Warning: Penalty provided for submitting false statements and affidavits with this application.

Your application will be returned for failure to fill out this form completely and correctly, and submit a detailed floor plan as indicated.

Serving Alcohol

is proud to present this certificate to

Alejandro Torres Martinez

for successful completion of the online course



Wisconsin Alcohol Seller/Server Course

PERSONS COMPLETING THIS COURSE HAVE AGREED TO EXECUTE THE FOLLOWING POLICIES TO THE BEST OF THEIR ABILITIES.

- * CARD ANY PERSON 35 YEARS OF AGE OR YOUNGER
- * OBSERVE AND REPORT ANY CUSTOMER SHOWING SIGNS OF POSSIBLE IMPAIRED BEHAVIOR TO MANAGEMENT
- * RESPOND IMMEDIATELY TO ANY POSSIBLE PROBLEM SITUATION
- * DETERMINE THE PEOPLE ENTERING THE PREMISES TO CONSUME ALCOHOL ARE OF LEGAL ALCOHOL DRINKING AGE AND RECORD THEM IF THERE IS ANY QUESTION ABOUT THEIR AGE
- * ENSURE A PERSON MATCHES THEIR VALID LEGAL IDENTIFICATION

This is a Wisconsin Department of Revenue approved Responsible Beverage Server Training Course in compliance with Sec. 125.17 (6), 134.66 (2m), and 125.04 (5) (a) 5. Wis. Stats.

Verify online at

servingalcohol.com

Verification Code

vkFmrcSwtt

Date Issued

May 4th, 2023

VALID FOR 2 YEARS

This is not a Wisconsin operators/bartenders license.

This certificate will be requested to obtain a Wisconsin operators/bartenders license from the Wisconsin city clerk's office in the municipality where you are working.

Find your city clerk's office here: <https://elections.wi.gov/clerks/directory>

Wisconsin Alcohol Seller/Server Course

Name: Alejandro Torres Martinez

Certification Date: May 4th, 2023

Certificate Code: vkFmrcSwtt

Verify Online: servingalcohol.com

125.17(6), 134.66 (2m), 125.04(5)(a)5 Wis. Stats.

SERVING ALCOHOL INC

VALID FOR 2 YEARS

Learn more about this wallet card at <http://servingalcohol.com/wallet-card>



TEMPORARY EXTENSION OF LICENSED PREMISES APPLICATION

Office of the City Clerk, 211 Walnut Street, Neenah, WI 54956

(920)886-6110

clerk@ci.neenah.wi.us

www.ci.neenah.wi.us

For Office Use Only

Code: LL

Cost: \$10/day up to 3 days

Receipt No:

Paid:

Date filed:

Deadline:

Map included:

25 days prior to event

Section 1: License Information

Licensee (Name of Sole Proprietor, All Partners or Agent of Corporation or LLC):

Greene's Pour-House

Contact Phone #

920-216-3279

Corporation or LLC Name: (if applicable)

Kichtergruene LLC

Business/Trade Name:

Business Address:

134 W. Wisconsin Ave

Section 2: Event Information

Name of Event:

Greene's Pour-House Block Party

List Dates & Times (Include a.m. or p.m.): Dates **MUST** be consecutive. If not, separate applications must be filed. Cannot exceed (3) days.

May 18th 9:00 AM - 10pm

Section 3: Extension of Premise

Check all areas you wish to extend and indicate the relationship of each area to the licensed premise.

Example: Parking lot at north side of the premise. The area **MUST** be contiguous to the current licensed premise.

☒ Sidewalk at the Church St of premise

☐ Parking lot at the _____ of premise.

☒ Street of the Church St of premise

☐ Parking lot at the _____ of premise.

☐ Other: _____

Check all that apply for the area(s) on the premise where the event will take place.

☐ I own

☒ I will obtain a special event permit (see information sheet for details)

☐ I lease

☐ I have permission from a special event organization

Section 4: Other:

Describe proposed change(s): **Include a map on the reserve side of this application**

Section 5: Acknowledgement and Signature

APPLICANTS FILING AFTER THE DEADLINE:

I am filing this application after the filing deadline established for the date(s) of the event for which the permit is being sought, and therefore:



I affirm my understanding that any decision made by the Council is final and not subject to appeal; and

I understand that there is a possibility that my permit may not be approved due to the untimely filing of my application.

ALL APPLICANTS:



I understand that the filing of an application does not constitute authorization to hold any event, the event for which the permit is sought cannot be held unless a valid Temporary Extension of Licensed Premise Permit has been issued, and that the permit cannot be issued unless and until the fee has been paid and the application approved.



I understand the permit must be posted in a conspicuous place next to your retail license for the duration of the event.

Signature of Sole Proprietor, Partner or Agent

Wisconsin

garden

GPH

Church St.

Aley

beer

Stage

Doty



M E M O R A N D U M

DATE: April 9, 2024
TO: Mayor Lang and Members of Public Services and Safety Committee
FROM: Brad Schmidt, Deputy Director of Community Development
RE: Extension of Liquor License Premises, Urban Market, 207 W. Wisconsin Avenue

Background

The Clerk's Office has received a request from Spencer Anvelink (Urban Market Neenah, LLC) for Site Plan Approval to allow for a Sidewalk Cafe to serve Urban Market patrons along Wisconsin Avenue. The subject site is located on the northwest corner of W. Wisconsin Avenue and Church Street.

Consideration

The owners propose a sidewalk café to place four tables, each approximately 4' by 6' in size, adjacent to the 207 W. Wisconsin Avenue building. The attached site plan identifies the planned locations for the seating areas. The sidewalk width in the proposed seating location is 16 feet and will allow over 6 feet of sidewalk width for safe pedestrian passage, exceeding the minimums set by ordinance. The furniture will not block any pedestrian access. The proposed sidewalk café meets all locational requirements as set forth in the ordinance and must adhere to all other requirements of the City's Sidewalk Cafe Ordinance (i.e., maintenance, advertising, signage, insurance).

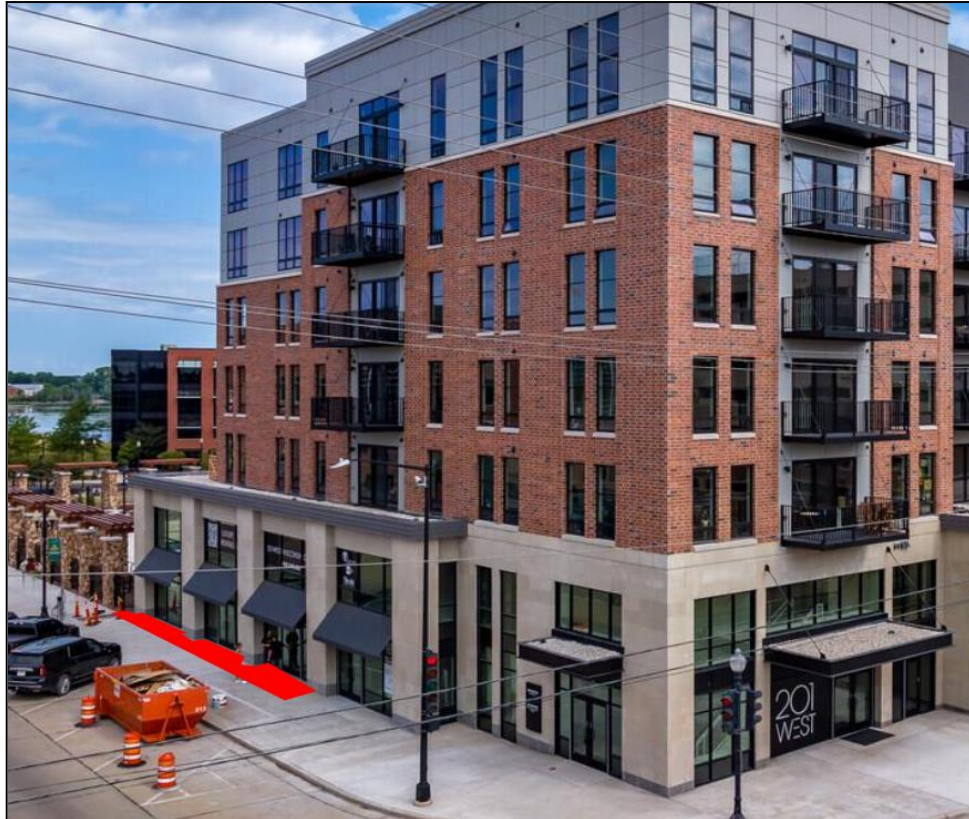
In addition, the applicant is proposing to place two tables in the alley between Urban Market and The Plaza. This is not a public right-of-way or a public alley, so the area is treated as an outdoor premises per the Outdoor Service/beer garden ordinance. The location and placement of tables meets the locational requirements of the ordinance.

The Public Services and Safety Committee is responsible for providing Common Council a recommendation on the request to extend the property's liquor license premises to include the area outside of the building along the Wisconsin Avenue sidewalk and the area west of the building. The Plan Commission is responsible for reviewing the site plan which includes the location of tables relative to the requirements in the ordinance.

Recommendation

Appropriate action at this time is to recommend Common Council approve the extension of the liquor license premises to include a portion of the Wisconsin Avenue sidewalk and a portion of land west of the building for Urban Market Neenah, LLC, 207 W. Wisconsin Avenue subject to the conditions of the site plan review letter.

April 8, 2024 – Page 2



April 8, 2024 – Page 3

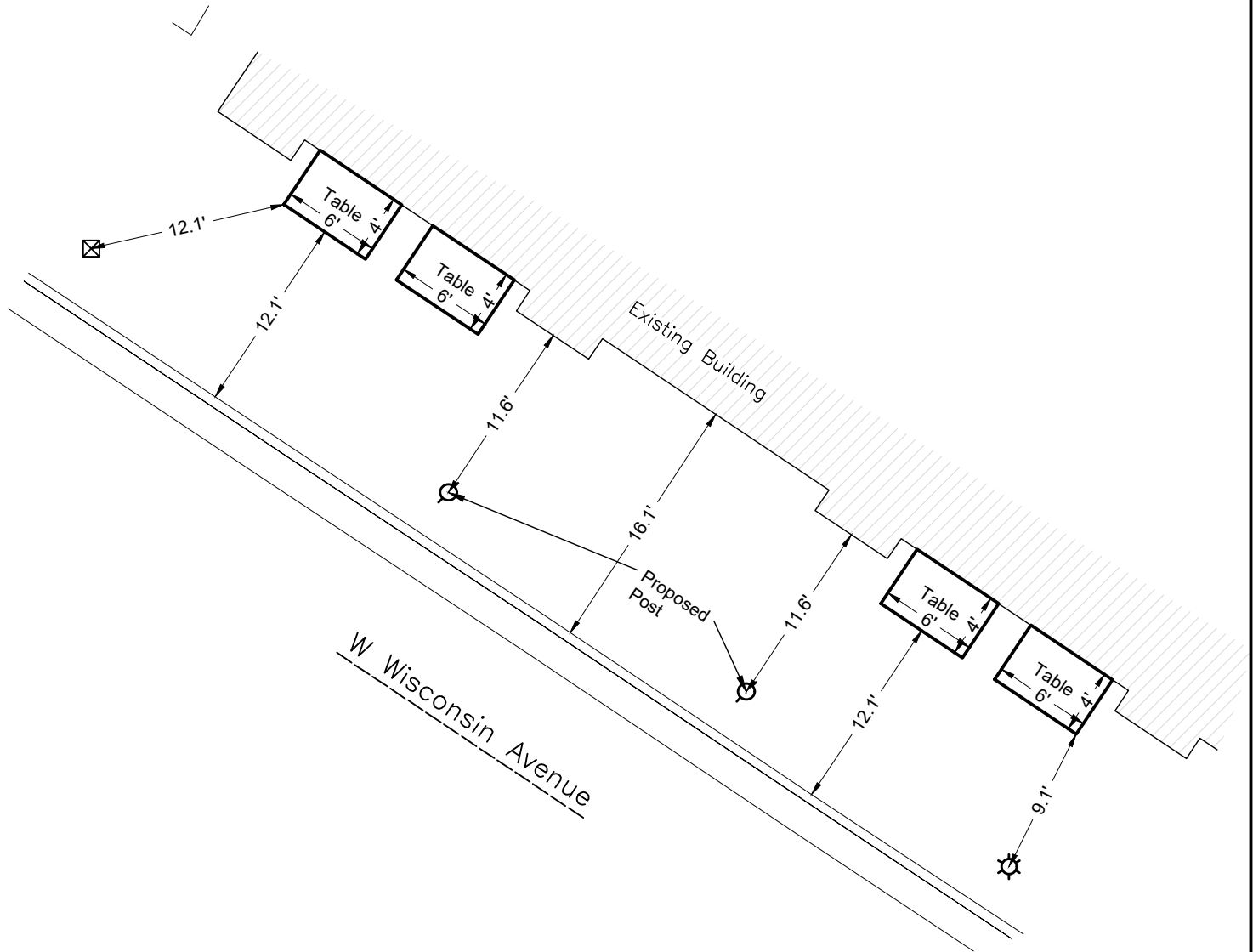


Exhibit

207 W. Wisconsin Avenue

City of Neenah, Winnebago County, WI

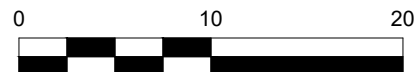
For: Urban Market Neenah



**DAVEL ENGINEERING &
ENVIRONMENTAL, INC.**

Civil Engineers and Land Surveyors

1164 Province Terrace, Menasha, WI 54952
Ph: 920-991-1866 Fax: 920-441-0804
www.davel.pro



INSURANCE AGREEMENT - SIDEWALK CAFÉ

This Agreement is between Urban Market Neenah LLC, Spencer Anvelink "Operator" and the City of Neenah "City" dated 9/28/2023.

WHEREAS, Operator has applied for an extension of premises to operate a Sidewalk Café pursuant to §4.106, Neenah Code (the "Ordinance") at the property located at 207 W Wisconsin Ave Neenah WI 54956 (the "Café"); and,

WHEREAS, the Ordinance requires the Operator to provide certain insurance coverage naming the City as additional insured; and,

WHEREAS, the terms and requirements of the insurance coverage as outlined in this agreement are intended to comply with the provisions of the Ordinance;

NOW THEREFORE, in consideration of the permit granted to the Operator to operate the Café by City under the Ordinance, the parties agree as follows:

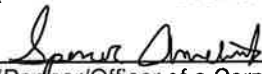
- I. Notwithstanding any terms, conditions or provisions, in any other writing between the parties, the Operator hereby agrees to effectuate the naming of the City as an unrestricted additional insured on the Operator's insurance policies covering the premises where the Café is located, with the exception of workers' compensation. If the Operator is self-insured, evidence of its status as a self-insured entity shall be provided to the City. If requested by the City, the Operator must describe its financial condition and the self-insured funding mechanism.
- II. The policy naming City as an additional insured shall:
 - Be an insurance policy from an A.M. Best rated "secured" State of Wisconsin licensed insurer.
 - Contain a 30-day notice of cancellation.
 - State that the organization's coverage shall be primary coverage for the City, its Board, employees and volunteers.
 - The City shall be listed as an additional insured by using endorsement CG 2026 or broader. The certificate must state that this endorsement is being used. If another endorsement is used, a copy shall be included with the certificate of insurance and is subject to prior approval of the City Attorney for the City.
- III. The Operator agrees to indemnify the City for any applicable deductibles under the policies.
- IV. Required Insurance:
 - Commercial General Liability Insurance:
\$1,000,000 per occurrence/\$2,000,000 aggregate, including Liquor Liability endorsement.

Lighting: Lighting of the area must be shielded and not be of intensity or brilliance to create glare which is distracting to adjoining property owners or can become a hazard or danger to vehicular traffic.

Closing Hours: All service in the outdoor premises (beverage and food) shall stop no later than bar closing as set by §125.32(3) and 125.68(4): Mon-Fri 2 a.m. and Sat-Sun 2:30 a.m.

READ CAREFULLY BEFORE SIGNING: Under penalty provided for by law, the undersigned states that each of the above questions has been truthfully answered to the best of his/her/their knowledge. Applicant acknowledges receiving a copy of Ordinance No. 2011-08 and agrees to comply with its terms and conditions should this application be approved. (Individual applicants, each member of a partnership, officers of a corporation and members of an LLC must sign)


(Partner/Individual/Officer of a Corporation, Member of an LLC)


(Partner/Officer of a Corporation/Member of an LLC)

(Additional Partner/Officer of a Corporation/Member of an LLC)



SUBSCRIBED AND SWORN TO BEFORE ME THIS 29th
DAY OF September, 2023.
Charlotte K. Nagel
Clerk/Notary Public
My Commission Expires: 10-18-2027

TO BE COMPLETED BY CLERK

Date Received: _____

Clerk Signature: _____

Date \$125 Site Plan Fee Paid: _____ Account No. 010-0000-534-11-00

Receipt No: _____

Date to Plan Commission: _____

☐ Granted ☐ Denied

Date to Public Services & Safety Committee: _____

☐ Granted ☐ Denied

Date to Council: _____

☐ Granted ☐ Denied

Resolution No: _____

Date Adopted: _____

License No. Issued: _____ Date: _____

Note: License will not be issued until final inspections are complete. New June 2012:
Sidewalk Café/Outdoor Extension of Class B Premise are done by Resolution.

- V. Operator acknowledges that failure to obtain such insurance on behalf of the City constitutes a material breach of contract and will cause the Sidewalk Cafe permit granted to the Operator under the Ordinance to be void. The Operator is to provide the City with a certificate of insurance, evidencing the above requirements has been met, prior to the commencement of the construction and/or operation of the Café contemplated by the Operator's permit obtained under the Ordinance. The failure of the City to object to the contents of the certificate or the absence of it shall not be deemed a waiver of any and all rights held by the City.
- VI. The Operator shall notify the City Clerk for the City within 10 days of any change in the Operator's insurance required under this Agreement and provide the City with an updated Certificate of Insurance within 30 days of any change to the policy obtained under this Agreement.
- VII. The City is a member/owner of the Cities & Villages Mutual Insurance Company (CVMIC). The contractor further acknowledges that the procurement of such insurance as required herein is intended to benefit not only the City but also CVMIC, as the City's insurer.

OPERATOR

CITY OF NEENAH

Spencer Anvelink

CITY OF NEENAH
Application for Outdoor Extension of Retail "Class B", Class "B"
and/or "Class C" License

☐ Individual ☐ Partnership ☐ Corporation ☒ Limited Liability Company

Name: Urban Market Neenah LLC
(Individuals/Partners/Registered Name of Corporation/LLC)

If Partnership, Corporation or LLC, list names and addresses of all members:

Richard Van Sistine, 1430 Freedom CT Neenah WI 54956

Spencer Anvelink 312 11th ST Neenah WI 54956

Address of premise for which this outdoor extension is being applied for: 207 W Wisconsin Ave Neenah
WI 54956

Trade Name: _____

Business Phone: 920-915-2722

**Is the Outdoor Area sought to be included within the description of your
"Class B", Class "B" and/or "Class C" premise:**

- Within a C-1 General Commercial, C-2 Central Business, PDD Planned Development and I-1 Planned Business Center zoning district? ☒ Yes ☐ No
(If no, the premise does not qualify for an outdoor extension)
- Located within 150 feet of a property zoned R-1 or R-2 for residential use? ☐ Yes ☒ No
If no, skip to the next question.
If yes, does the property provide a 20-foot buffer between Outdoor Premises and the adjoining lot containing the residential use? ☐ Yes ☐ No
If yes, is there a privacy fence six feet in height separating the commercial property from the residential property? ☐ Yes ☐ No
(If either of the above questions are no, then the premise does not qualify for an outdoor extension)
- If the property does not adjoin property for residential purposes and is located other than in the front yard, is it completely surrounded by an attractive wall, fence, or barrier at least four feet in height?
☒ Yes ☐ No ☐ N/A (If no, the premise does not qualify for an outdoor extension)
- If the outdoor premise is located in the front yard, is it completely surrounded by an attractive wall or fence with a minimum height of three (3) feet and approved by the City of Neenah Community Development Department.
☒ Yes ☐ No ☐ N/A (If no, the premise does not qualify for an outdoor extension)

- Does any opening where persons may pass from the outdoor area to an unlicensed area contain signs indicating that open intoxicants are prohibited beyond the licensed premises?
☒ Yes ☐ No
(If no, the premise does not qualify for an outdoor extension)
Are signs posted towards the area outside of the licensed outdoor area indicating that persons under age 21 are not permitted without legal guardian at least 21 years of age?
☒ Yes ☐ No *(If no, the premise does not qualify for an outdoor extension)*
- Is the extension obstructing the public right-of-way? (i.e. sidewalk) ☒ Yes ☐ No
(If yes, an application for a sidewalk café must be filed concurrently with this application. (Approval of this application and the sidewalk café application are contingent upon one another)
- Does this application include a site plan for the outdoor area sought to be included within the description of the licensed premise? ☒ Yes ☐ No
Has the \$125 Site Plan Review Fee been paid? ☒ Yes ☐ No
(If no, the premise does not qualify for an outdoor extension)

Approval by the Common Council under Section 11.12(18) of the Code of Ordinances of the City of Neenah shall result in the outdoor area becoming a part of the description of the Premises, with said outdoor area also being subject to all State and City laws, rules, regulations, and lawful orders governing "Class B", Class "B" and/or "Class C" Premises.

What type of activity is planned for the outdoor area? Eating and drinking

Outdoor Area Uses: The outdoor premises shall only be used for serving food & alcohol and for smoking purposes. No part of said area shall be used for recreational activities, including, but not limited to, volleyball, horseshoes, darts, and softball. Service in the outdoor premises shall be limited to persons seated at tables. Number of Tables: 10-12

Temporary Wind Break: Between December 1 and March 31, windbreaks consisting of a minimum 3/16 inch thick clear acrylic material meeting all local and state codes and referenced standards may be installed on the perimeter of the outdoor premises. The Temporary Wind Break shall comply with the requirements of Wis. Stat. §101.123 so that the outdoor premise does not become an enclosed place as defined in Wis. Stat. §101.123(1)(ak) when the Temporary Wind Break is installed. No obstructions of any kind may be posted on the clear acrylic material.

Music Prohibited: Amplified sound from any source is prohibited within 150' of residential property.

Sound: Sound from any source that is emitted from the outdoor area and measured at any border of the real property on which the licensed premises is located shall not exceed 75 db from 7 a.m. to 9 p.m. and 65 db from 9 p.m. until closing. Three or more noise complaints filed against the owner of an Outdoor Premise during a license period (July 1 to June 30), and verified by the Neenah Police Department, shall constitute sufficient grounds to revoke the Outdoor Premises Permit granted under this section, subject to a hearing requirement under section 4-96 of the Municipal Code.



City of Neenah Community Development
211 Walnut Street
Neenah WI 54956
Ph 920.886.6130

April 08, 2024

RICH VAN SISTINE
VAN SISTINE HOMES, LLC
1430 FREEDOM CT
NEENAH, WI 54956

**RE: Site Plan (Sidewalk Cafe) - 207 W Wisconsin Avenue - Urban Market Site Plan - Minor Review () Status
Approved**

Dear RICH VAN SISTINE:

We have completed our review of the plan identified above. The plan was approved per attached comments, if any. This letter is not to be construed as a zoning compliance, grading, building permit, certificate of occupancy, or a substitute for any permit or certificate required by any state or federal government entity.

Sincerely,

Brad Schmidt
Deputy Director of Community Development and Assessment
bschmidt@neenahwi.gov
920-886-6126

Planning - Brad Schmidt -
bschmidt@neenahwi.gov

Approved

Review Comments:

Sidewalk Cafe

1. Service in the sidewalk cafés shall be limited to persons seated at tables or at a bar. Appropriate signage must be affixed to each table notifying customers that alcoholic beverages may only be in possession while seated within the approved sidewalk café.
2. Each sidewalk café serving alcohol beverages shall be responsible for policing the area of the sidewalk café to be sure that customers are of the legal drinking age and that alcohol beverages are not removed from the premises, or left unattended.
3. In order to reduce or eliminate unsightly items, sidewalk café 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.
4. Liability insurance naming the City as an unrestricted additional insured on the sidewalk café owner's insurance policy for the licensed sidewalk café site will be required, including insurance to cover liquor liability, to the extent specified by and on forms approved by the City Attorney's Office.
5. Advertising on sidewalk café furniture is prohibited, except for the placement of the permittee's business name in an unobtrusive or incidental manner, not to exceed two inches in height by eight inches in width (three inches in height by eight inches in width on umbrellas), with a limit of one per piece of sidewalk café furniture; incidental logos that are affixed by the manufacturer and do not advertise the permittee's business.
6. Umbrellas, flags, heaters and such tall equipment/furniture shall not interfere with pedestrians below a height of seven feet on a sidewalk.

Outdoor Premises (beer garden)

1. Openings in the outdoor area shall not require installation of gates, but in any opening where persons may pass from the outdoor area to an unlicensed area shall contain signs indicating that open intoxicants are prohibited beyond the licensed premises. In addition, signs shall be posted towards the area outside of the licensed outdoor area indicating that persons under age 21 are not permitted without legal guardian at least 21 years of age.
2. Service in the outdoor premises shall be limited to persons seated at tables or at a bar.
3. The outdoor premises shall only be used for serving food and alcohol and no part of said area shall be used for recreational activities, including, but not limited to, volleyball, horseshoes, darts, and softball.
4. Lighting of the area must be shielded and not be of intensity or brilliance to create glare which is distracting to adjoining property owners or can become a hazard or danger to vehicular traffic.
5. Sound from any source that is emitted from the outdoor area and measured at any border of the real property on which the licensed premises is located shall not exceed 75 dB(A) from 7:00 a.m. to 9:00 p.m. and 65 dB(A) from 9:00 p.m. until closing.



M E M O R A N D U M

TO: Mayor Lang and Members of the Common Council
FROM: Gerry Kaiser, Director
DATE: April 8, 2024
RE: Revocable Occupancy Permit – Urban Market, 207 W. Wisconsin Avenue

The owner of Urban Market, 207 W. Wisconsin Avenue, is requesting permission to place two poles within Wisconsin Avenue right-of-way for purposes of stringing lights over the sidewalk café area adjacent to the business. The poles would be placed in line with the existing street light poles along Wisconsin Avenue. In addition, the requestor intends to use two city street light poles to support the light strings. They will be responsible for the installation and maintenance of these poles and light strings.

The revocable occupancy permit that allows these occupancies is attached.

Staff recommends Council approval of the Revocable Occupancy Permit to Urban Market, 207 W. Wisconsin Avenue for installation of two poles for sidewalk café lighting.

**REVOCABLE
OCCUPANCY PERMIT**

RE6035 90 Ch. 84 Wis. Stats.

Document No.

Exempt from fees: s 77.25(2r)

Occupant Name and Address:

Urban Market Neenah, LLC
207 W. Wisconsin Avenue
Neenah, WI 54956
10-0701-01-01

Agency Name and Address:

City of Neenah
211 Walnut Street
Neenah, WI 54956

Highway:

W. Wisconsin Avenue

County:

Winnebago

City:

Neenah

This space reserved for recording data.

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

Encroachment Location: That portion of W. Wisconsin Avenue described as being part of the Southwest ¼ of the Southwest ¼ of Section 22, Township 20 North, Range 17 East, being part of the dedicated right-of-way for W. Wisconsin Avenue, City of Neenah, Winnebago County, Wisconsin, contained in the following:

Commencing at the westerly corner of Lot 1, Certified Survey Map 7639;

Thence, southeasterly along the north line of Wisconsin Avenue, a distance of 6 feet, to the POINT OF BEGINNING;

Thence, continuing southeasterly along the north line of Wisconsin Avenue, a distance of 70 feet;

Thence, southwesterly along a line perpendicular to the north line of Wisconsin Avenue, a distance of 14 feet;

Thence, northwesterly along a line parallel to the north line of Wisconsin Avenue a distance of 70 feet;

Thence, northeasterly along a line perpendicular to the north line of Wisconsin Avenue, a distance of 14 feet to the north line of Wisconsin Avenue and the POINT OF BEGINNING.

Encroachment Description: Two poles for hanging lights over sidewalk café area. Light strings attached to these poles and to two adjacent city streetlight poles.

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

1. This permit only authorizes the described encroachment to remain temporarily within the W. Wisconsin Avenue right-of-way.
2. In the event that the City deems it necessary to revoke this permit on the basis of a need to expand capacity or improve safety, the City reserves the right to give notice regarding the removal of the described encroachment. The Agency may terminate this permit upon sixty (60) days written notice to the Occupant. The Occupant shall remove the described encroachment maintained under this permit within the time specified in the notice and restore the existing surface to the specifications of the Agency.
3. If the City determines that the installation or use of the described encroachment authorized under this permit increases the difficulty of highway maintenance, creates conditions adverse to the best interests of the highway users, the general public, or presents a threat to highway safety, then the Occupant, upon notification by the City shall promptly remove the encroachment from the highway right of way. The Occupant shall remove the described encroachment maintained under this permit within the time specified in the notice and restore the existing surface to the specifications of the City.
4. Occupant shall provide the City with a Certificate of Liability Insurance naming the City of Neenah its officers, council members, agents, employees, and authorized volunteers as additional insured(s) with no exclusions in the form of General Commercial Liability Insurance. The Occupant agrees to indemnify the City for any applicable deductibles under the policy.
5. Occupant is responsible for all maintenance of the encroachment. Failure to maintain the occupancy will be grounds to require its removal.
6. The City shall approve the connection method used to attach the string lights to the City's streetlight poles. Should the City's streetlight poles show excess wear due the attached string lights, the City may require removal of those attachments.
7. Electrical work required for the installation of the encroachment shall comply with the latest revision of the National Electric Code.
8. Issuance of this permit shall not be construed as a waiver of the Occupant's obligation to comply with any more restrictive requirements imposed by local ordinance.

9. Traffic control required for installation of the encroachment shall be done in compliance with the Federal Highway Administration's Manual on Uniform Traffic Control Devices.
10. Failure by the Occupant to comply with the provisions of this permit is cause for the City to terminate this permit and to require the Occupant to take immediate action to clear the right of way to a safe condition.

Approved for the City of Neenah

(Signature) (Date)

Jane Lang

(Print or Type Name)

Mayor

(Title)

Attest

(Signature) (Date)

Charlotte Nagel

(Print or Type Name)

City Clerk

(Title)

STATE OF WISCONSIN)
) ss.
COUNTY OF WINNEBAGO) _____

(Date)

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

(Signature, Notary Public, State of Wisconsin)

(Print or Type Name, Notary Public, State of Wisconsin)

(Date Commission Expires)

Approved for Occupant

(Signature) (Date)

(Print or Type Name)

(Title)

STATE OF WISCONSIN)
) ss.
COUNTY OF WINNEBAGO) _____

(Date)

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

(Signature, Notary Public, State of Wisconsin)

(Print or Type Name, Notary Public, State of Wisconsin)

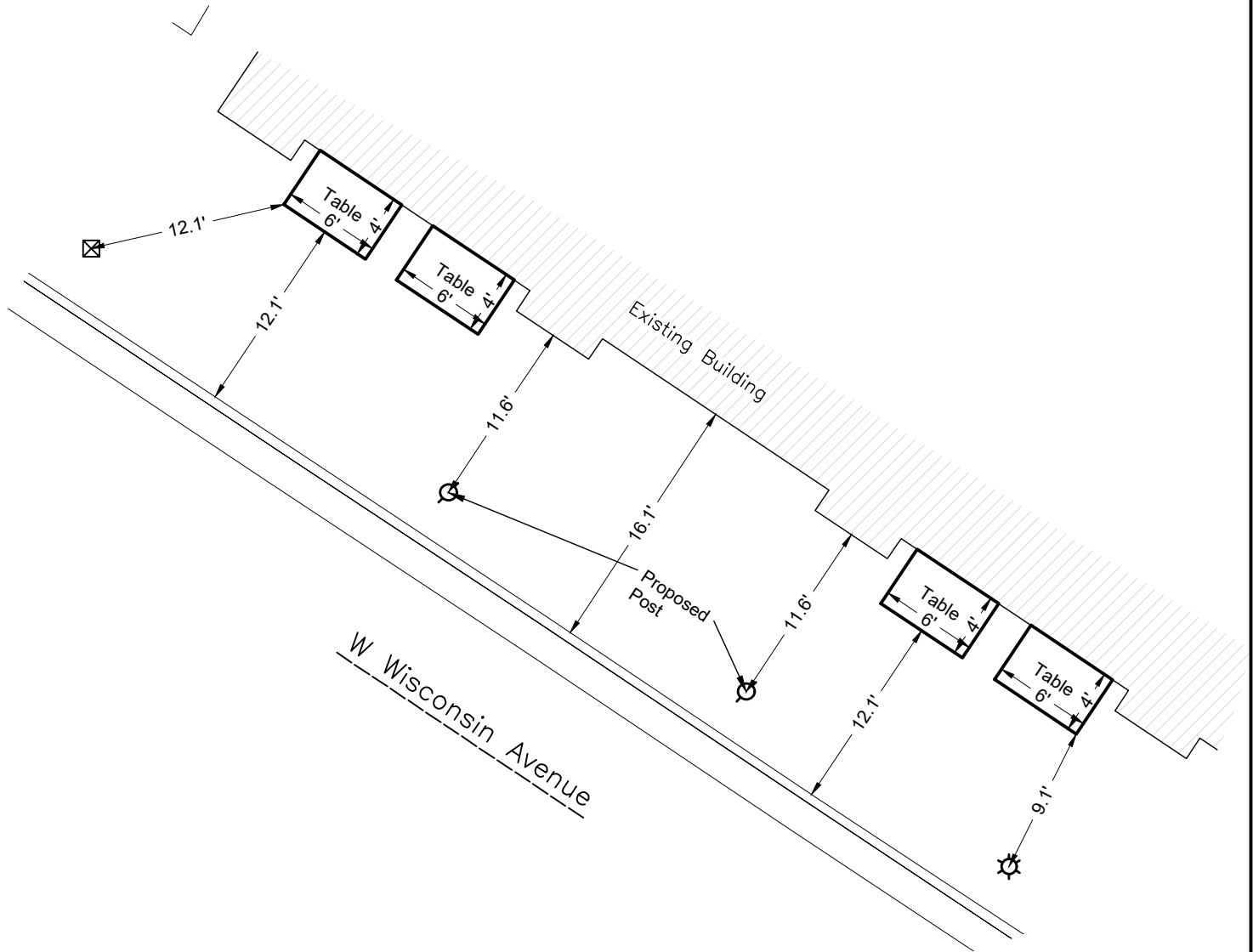
(Date Commission Expires)

Exhibit

207 W. Wisconsin Avenue

City of Neenah, Winnebago County, WI

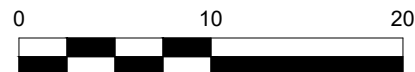
For: Urban Market Neenah



**DAVEL ENGINEERING &
ENVIRONMENTAL, INC.**

Civil Engineers and Land Surveyors

1164 Province Terrace, Menasha, WI 54952
Ph: 920-991-1866 Fax: 920-441-0804
www.davel.pro





Department of Public Works
211 Walnut St. • P.O. Box 426 • Neenah WI 54957-0426
Phone 920-886-6241 • e-mail: gkaiser@ci.neenah.wi.us
GERRY KAISER, P.E.
DIRECTOR OF PUBLIC WORKS

M E M O R A N D U M

DATE: April 5, 2024
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): Storm and sanitary sewer work is complete, and the pond is functioning. The meter pedestal for the water feature pumps has been installed. We Energies is scheduling the connection to the meter pedestal and wiring for the pump controller is being arranged. A number of punchlist items remain to be completed – retaining wall staining, overseeding along Harrison Street and trail grading. Trees that have not survived will be replaced this spring.
- 2) Contract 1-23 (Chestnut, Burr, Dieckhoff, Laudan Utility and Street Construction): The top-coat of asphalt will be paved in spring.
- 3) Contract 7-23 (High, River Utility and Street Construction): The top-coat of asphalt will be paved in spring.
- 4) Neenah Creek Bridge: Curb/gutter installation on the east approach has been done. The remaining work is the east approach grading. Paving will be done with the developer's project. Curb/gutter and paving for the west approach will be done with the Jewelers Park Drive project.
- 5) Contract 1-24 (Belmont Ct, Belmont Av, Cedar St, Stevens St- Utilities and Street): Sanitary sewer main has been installed on Cedar from Winnebago Heights to Fairview. Sanitary sewer work is ongoing on Belmont Av and Belmont Ct.
- 6) Contract 2-24 (E. Doty Av - Utilities and Street): The contractor mobilized and work in the 100 block started on 4/1.
- 7) Contract 3-24 (Bayview Rd, Commercial St Water Crossings, Quarry Ln, Reed St - Utilities and Street): Utility work on Bayview is complete. The contractor is starting utility construction on Quarry.
- 8) Contract 4-24 (S. Park Avenue Easement – Utilities): A schedule has not been set.
- 9) Contract 5-24 (North St - Utilities and Street): A schedule has not been set.
- 10) Contract 6-24 (Jewelers Park Drive – Street): A schedule has not been set.
- 11) Contract 7-24 (Misc Concrete Pavement/Sidewalk Repair): This contract was awarded to Jim Fischer Construction. A schedule has not been set.
- 12) Contract 8-24 (Misc Asphalt Pavement/Sidewalk Repair): This contract was awarded to MCC, Inc. A schedule has not been set.
- 13) Contract 10-24 (Tullar Garage Roof, Phase 2): Bids are due on 4/10.
- 14) Contract 12-24 (Douglas Pond Storm Piping): The contractor will mobilize the week of 4/8. S. Commercial Street just south of Division will need to be closed for about 3 days to complete the pipe crossings. This is currently scheduled to begin the week of 4/15. The contractor is coordinating this with Galloway Company.
- 15) 1st Addition to Freedom Acres: Utility installation has started.
- 16) Storm Water Report: The annual storm water report was submitted to WDNR.
- 17) Larsen Road Plans: We received the 90% planset for the reconstruction of Larsen Road from STH 76 to CTH CB for our review. This is scheduled for 2025 construction. The City is not a party to this project.