

TOWN OF NEENAH TOWN BOARD
Meeting Agenda

DATE: Monday, June 27, 2022
TIME: 7:00 pm
LOCATION: 1600 Breezewood Lane

The meeting will also be offered virtually via ZOOM.

Meeting ID : 861 3231 5109 Passcode: 015083 Phone (312) 626-6799

Zoom <https://us02web.zoom.us/j/86132315109?pwd=dmQ4dUUwZUZFWliczduV1dwamY1dz09>

TOWN BOARD MEETING

1. CALL TO ORDER TOWN BOARD
2. APPROVE MINUTES June 13, 2022 Town Board Meeting
3. PUBLIC FORUM
4. PUBLIC FORUM FOR RECOGNIZED MUNICIPAL AND COUNTY OFFICIALS
5. CORRESPONDENCES
 - a. Winnebago County Land and Water letter regarding Livestock Waste Management Ordinance
 - b. Winnebago County Solid Waste – May 2022 Tonnage Report
6. DISCUSSION / ACTION
 - a. Approve Vouchers, Payroll and Bank Transactions June 23, 2022.
 - b. Approve Amended and Restated Intergovernmental Agreement Among the City of Neenah, the Town of Neenah, and the Town of Neenah Sanitary District #2 to Provide for Orderly Growth and Development within Agreed -Upon Municipal Boundaries.
 - c. Approve Neenah Area Wastewater Agreement.
 - d. Approve Intergovernmental Cooperative Agreement to Satisfy Eligibility for the Wisconsin Recycling Consolidation Grant for Calendar Year 2023.
 - e. Resolution 2022-09: Town Action for Appeal
Applicant: Lamar Central Outdoor, LLC
Code Reference: Chapter 23.7-251
Explanation: Applicant is appealing a decision made by Winnebago County Planning and Zoning Staff to deny a permit for an off-premise directional sign electronic face replacement.
 - f. Approve Liquor License Applications effective July 1, 2021 – June 30, 2022 for:
 - "Class A" license for Chukka LLC, 1720 North Street, Neenah, WI 54956.
 - "Class B" license for Green Valley Foods, LLC operating as "Peppermint Hippo", 1413 Green Valley Road, Neenah, WI 54956.
 - g. Approve Application for Cigarette and Tobacco Products Retail License effective July 1, 2021 – June 30, 2022 for Chukka LLC, 1720 North Street, Neenah, WI 54956
 - h. Discuss and possible action regarding the status of Woodenshoe Road improvements scheduled for 2022 with LRIP Funds.
 - i. Discuss and possible action regarding Ash Tree removal along Town road right-of-way and in Town of Neenah Parks.
 - j. Discuss and possible action regarding support for the Town of Neenah Fire Department Rolling Parade
7. FUTURE AGENDA TOPICS AND MEETINGS
 - a. Fourth of July – Office Closed, Monday July 4, 2022.
 - b. Parks and Trails Committee Meeting, Tuesday July 5, 2022, 6:00 p.m. at Conservancy Park.
 - c. Fire Department Business Meeting, Wednesday July 6, 2022 at 7:00 p.m.
 - d. Wisconsin Towns Association - Winnebago County Unit Meeting, Thursday July 7, 2022, 6:30 pm at Town of Vinland Town Hall.
 - e. Next Regularly Scheduled Town Board Meeting Monday July 11, 2022 at 7:00 pm.
8. OLD BUSINESS
9. NEW BUSINESS
10. ADJOURN OPEN SESSION
11. CONVENE INTO CLOSED SESSION
The Town Board will convene into closed session pursuant to Wis. Stats § 19.85 (1) (g) Conferring with legal counsel for the governmental body who is rendering oral or written advice concerning strategy to be adopted by the body with respect to litigation in which it is or is likely to become involved. ROLL CALL VOTE
 - a. Nuisance Properties
12. ADJOURN CLOSED SESSION
The Town Board will not reconvene into open session

Closed Session Contemplated: YES

Ellen Skerke, Administrator-Clerk-Treasurer
June 23, 2022

TOWN OF NEENAH TOWN BOARD MEETING

June 13, 2022

Regular Meeting held at Town Hall, 1600 Breezewood Lane, Neenah, WI 54956 and offered via Zoom

Present: Chairman Robert Schmeichel, Supervisor David Bluma, Supervisor Brooke Cardoza, Supervisor James Weiss, and Supervisor Thomas Wilde.

Also in Attendance: Doug David, Assistant Fire Chief Doug Davis, Scott Jurek, Michelle Strauss, The Horton Group, Sheriff Deputy Offices Vue and Petu, Deputy Clerk-Treasurer Vicki Boushele and Administrator-Clerk-Treasurer Ellen Skerke.

Also in Attendance via Zoom:

R. Schmeichel called the meeting to order at 7:00 pm. Pledge of Allegiance was recited.

Approval of Minutes

Motion: J. Weiss / B. Cardoza to approve May 23, 2022 Town Board meeting minutes.

Motion carried 5:0:0

Public Forum

- None.

Public Forum for Recognized Municipal and County Officials

- Patrol Officers and Town Board discussed new three way stop signs at Oakridge Road and Tullar Road.

Correspondences

- Building Permit Report – May 2022

Discussion/Action

Vouchers Payroll and Bank Transactions

Approve Vouchers, Payroll and Bank Transactions June 13, 2022.

Motion: B. Cardoza / T. Wilde to approve

Motion Carried 5:0:0.

Property and General Liability Insurance

Approve General Insurance Policy Renewal through The Horton Group, cost = \$21,678.

- Michelle Strauss reviewed the renewal policy and answered questions about levels of crime coverage and how to best cover the command unit and equipment in the truck and accident and sickness and workers compensation coverage.

Motion: T. Wilde / J. Weiss to approve the General Insurance Policy renewal at \$21,678.

Motion Carried 5:0:0.

Motion: D. Bluma / T. Wilde to approve

- additional crime limit to \$100,000 for an additional premium of \$447
- raise workers compensation limits as suggested for an additional premium of \$75
- change the Chevy Silverado to an Emergency Response vehicle, E. Skerke to provide an agreed value for an estimated increase of \$100 in premium.

Motion Carried 5:0:0.

Easement – Town Owned Property

Consider Easement on Town Owned Property parcel 010-02180603 to allow access to building located at 1565 Oakridge Road.

- General discussion regarding an easement. The Town Board will not consider a perpetual easement and will not agree to tying an easement to the land.
- The Town Board would consider an agreement for short term to allow access to the building on 1565 Oakridge Road.
- The property owner needs to bring an agreement to the Town for consideration, the Town will not incur legal fees to create an agreement.

Liquor / Operator's Licenses

Approve Operator's License for Stephanie Boomfield, Andrew Schneider and Dallas Tidwell effective through June 30, 2023.

Motion: B. Cardoza/ J. Weiss to approve.

Motion Carried 5:0:0.

Appointments

Appoint Brooke Cardoza to Parks and Trails Committee for three-year term effective June 13, 2022 and expiring April 30, 2025

R. Schmeichel tabled this item

Ordinance

Approve Ordinance 2022-01: An Ordinance to establish official posting locations for Town of Neenah Notices, altering existing Municipal Code Chapter 2 Section 2.02(3)(a) Posting of Official Public Notice.

Motion: J. Weiss / D. Bluma to approve.

Motion Carried 5:0:0.

Future Agenda Topics and Meetings

- Town of Neenah Sanitary District #2 Meeting Tuesday June 14, 2022 at 7:00 pm.
- Special Town Board Meeting , Monday June 20, 2022 at 7:00 p.m.
- Next Regularly Scheduled Town Board Meeting Monday June 27, 2022 at 7:00 pm.

Unfinished Business

- R. Schmeichel stated that the contractor reports that clean-up at Ferdinand Avenue is completed.

New Business

- None

Adjourn Meeting

Motion: J. Weiss / T. Wilde to adjourn. Motion carried.

Meeting adjourned at 8:40 p.m.

Respectfully submitted,



Ellen Skerke
Administrator-Clerk-Treasurer

Approved: DRAFT – Pending Approval

Voucher List Authorization - June 27, 2022

Bank Transfer (Transaction List)

<u>Date</u>	<u>From</u>	<u>To</u>	<u>Amount</u>	<u>Reason</u>
6/28/2022	General MM	Checking	\$ 60,000.00	Vouchers 6-28/2022

Check Details:

Accounts Payable: \$ 57,356.90

Notification of New Vendors

Modern Office Conference Room Furniture

Payroll		\$	-
	Payroll	\$	-
	Expense Reimburse	\$	-
	Net Payroll	\$	-

Deposit Detail

<u>Date</u>	<u>Where</u>	<u>Amount</u>
-------------	--------------	---------------

Paid via Bank Transfer:

Nationwide:	\$	-
Wisconsin Retirement:	\$	-
Federal Tax/Medicare:	\$	-
State Taxes:	\$	-
Wisconsin Health Insurance	\$	-

Account Balances as of June 28, 2022 - after requested transfers per this Voucher List

Checking	\$	5,977
General MM	\$	1,096,532
General CD - CFCU	\$	403,300
Taxes Collected	\$	3,960
Impact Fee	\$	6,011
Tullar Rd Fund	\$	30,540
Storm Water	\$	920,813

_____ Schmeichel _____ Bluma _____ Cardoza _____ Weiss _____ Wilde

1:06 PM
06/24/22

Town of Neenah
Check Detail
June 27 - 28, 2022

Accounts Payable
\$ 57,536.90

Type	Date	Num	Name	Memo	Account	Paid Amount
Bill P...	06/28/20	27731	CliftonLarsonAl...		11010-0 · Checking Accou...	
Bill	06/27/20	3290...			51510-0 · Auditor	-3,045.00
TOTAL						-3,045.00
Bill P...	06/28/20	27732	Cowling Proper...		11010-0 · Checking Accou...	
Bill	06/27/20	3629		Spring cleanup, hydrang...	55200-3 · Parks - Supplies &...	-3,607.75
TOTAL						-3,607.75
Bill P...	06/28/20	27733	General Code		11010-0 · Checking Accou...	
Bill	06/27/20	GC 0...		Annual Maint.	51111-1 · Codification	-995.00
TOTAL						-995.00
Bill P...	06/28/20	27734	Harters Fox Vall...		11010-0 · Checking Accou...	
Bill	06/27/20	1469...			55200-6 · Parks - Harter's - ...	-241.63
Bill	06/27/20	1469...			53634-0 · Garbage Collectio...	-12,481.56
				fuel surcharge	53634-0 · Garbage Collectio...	-1,647.57
				fuel surcharge	53635-0 · Recycling	-3,910.53
					53635-0 · Recycling	-516.19
TOTAL						-18,797.48
Bill P...	06/28/20	27735	Jeff's Water Co...		11010-0 · Checking Accou...	
Bill	06/27/20	62437		repair water softener Ma...	55200-3 · Parks - Supplies &...	-572.50
TOTAL						-572.50
Bill P...	06/28/20	27736	K and C Pest C...		11010-0 · Checking Accou...	
Bill	06/27/20	1519...		Franzoi	55200-3 · Parks - Supplies &...	-26.00
Bill	06/27/20	1519...		Mahler	55200-3 · Parks - Supplies &...	-26.00
TOTAL						-52.00
Bill P...	06/28/20	27737	McMahon Asso...		11010-0 · Checking Accou...	
Bill	06/27/20	9268...		Conservancy Pond	6-54100 · SW - Conservancy...	-538.20
				Conservancy Park	55200-8 · Conservancy Park...	-578.30
				Oakridge Rd STP	53314-1 · Oakridge Rd Reco...	-2,364.90
Bill	06/27/20	9268...		Topo survey	53314-2 · Larsen Road Reco...	-1,955.75
				CTH O pond prairie seed	6-59200 · Stormwater - Engi...	-139.50
				Jensen ditch CTH JJ	6-59200 · Stormwater - Engi...	-517.00
TOTAL						-6,093.65
Bill P...	06/28/20	27738	Modern Office		11010-0 · Checking Accou...	
Bill	06/27/20	2006...		conf room table, chairs	51610-1 · Maintenance & Op...	-4,566.00
TOTAL						-4,566.00

Town of Neenah
Check Detail
 June 27 - 28, 2022

Type	Date	Num	Name	Memo	Account	Paid Amount
Bill P...	06/28/20:	27739	Secure Fire and...		11010-0 · Checking Accou...	
Bill	06/27/20:	32183		Annual inspect alarm sys	51420-8 · MB Utilities	-399.00
TOTAL						-399.00
Bill P...	06/28/20:	27740	Suburban Wildl...		11010-0 · Checking Accou...	
Bill	06/27/20:	7027			6-54100 · SW - Conservancy... 6-55200 · SW - CTH "O" Po...	-250.00 -1,571.00
TOTAL						-1,821.00
Bill P...	06/28/20:	27741	The Horton Gro...	51938-0	11010-0 · Checking Accou...	
Bill	06/27/20:	92836		Fidelity Bond 7/1/2022 Commercial Package 7/... Accident and Sickness 7...	51938-0 · Insurance 51938-0 · Insurance 51938-0 · Insurance	-340.00 -13,730.00 -1,787.00
TOTAL						-15,857.00
Bill P...	06/28/20:	27742	Vansistene Ho...		11010-0 · Checking Accou...	
Bill	06/27/20:	2178		120 Wenban Ave	44310-0 · Building Permits	-300.00
TOTAL						-300.00
Bill P...	06/28/20:	27743	Winnebago Cty...		11010-0 · Checking Accou...	
Bill	06/27/20:	2022		MFL 20%	41115-0 · Managed Forest L...	-2.11
Bill	06/27/20:	22596			53311-2 · Hwy Exp - Mainten...	-1,073.41
TOTAL						-1,075.52
Bill P...	06/28/20:	27744	Winnebago Liq...	51610-1	11010-0 · Checking Accou...	
Bill	06/27/20:	95738		pump holding tank	51420-8 · MB Utilities	-75.00
Bill	06/27/20:	11401		Keating	55200-5 · Parks - Winnebag...	-90.00
TOTAL						-165.00
Bill P...	06/28/20:	27745	Wisconsin Dep...		11010-0 · Checking Accou...	
Bill	06/27/20:	2022		Business tax renewal	51420-4 · Office Expenses	-10.00
TOTAL						-10.00

JOHN M. RABE, P.E.
Director

www.co.winnebago.wi.us
solidwaste@co.winnebago.wi.us



LANDFILL/ADMINISTRATION
100 W. COUNTY RD. Y
OSHKOSH, WI 54901

PHONE (920) 232-1800
FAX (920) 424-1189

Winnebago County

Solid Waste Management Board

The Wave of the Future

DATE: June 22, 2022

TO: Contracted Responsible Units

FROM: Jessica Hanson – Communications & Program Development Specialist

RE: WDNR Recycling Consolidation Grant 2023 Cooperative Agreement

Enclosed you will find the **Intergovernmental Agreement to Satisfy Eligibility for the Wisconsin Recycling Consolidation Grant for Calendar Year 2023**. Winnebago County Solid Waste will develop and provide your office with copies of the 2022 Waste and Recycling Guide later this year so that you may qualify for the WDNR Recycling Consolidation Grant Funds. Additionally, as a partner of Tri-County Recycling, Winnebago County will also continue to co-fund and promote the Waste Wizard material search engine, along with distributing "Is that REALLY recyclable?" promotional magnets and stickers for this educational tool. New this year, we will soon be launching access to a recycling education app (Betterbin), which allows users to scan barcodes and receive direct recyclability feedback on any item. The Waste Wizard is a database detailing disposal instruction for hundreds of different waste *and* recyclable items, while Betterbin will be a real-time, easy-access tool for recycling guidelines only. Residents can access the Waste Wizard from www.recyclomoretricity.org/waste-wizard/ or www.winnebago-county-solid-waste.com. Instructions for downloading and utilizing the Betterbin app will be available soon.

Please route the enclosed document for approval/signature and return via email or mail to me by August 15, 2022. If you would like a Word document version instead of PDF, please email me.

Note: The City of Neenah and City of Oshkosh pre-qualify for this grant due to population and are not included in this consolidation agreement.

Feel free to contact me at 920-232-1802 or email jhanson@co.winnebago.wi.us if you have questions.

Thank you,

Jessica Hanson, Communications & Program Development Specialist
Kathy Hutter, Operations Manager
John Rabe, Director

Intergovernmental Cooperative Agreement to Satisfy Eligibility for the Wisconsin Recycling Consolidation Grant for Calendar Year 2023

This agreement is made by and between the Cities of Menasha and Omro, the Villages of Fox Crossing and Winneconne, and Towns of Algoma, Black Wolf, Clayton, Neenah, Nekimi, Omro, Vinland, Winchester, Winneconne, and Wolf River, each of which is a municipal corporation, and each of which is a Responsible Unit as defined in Section 287.01(9) of the Wisconsin Statutes (collectively referred to as the "Responsible Units" or "RUs") for purposes of implementing efficiencies related to operating an effective recycling program in accordance with ss. 287.11 and 287.24, Wis. Stats., and ch. NR 542, Wis. Admin. Code. This agreement is intended to qualify for the 2023 Wisconsin Recycling Consolidation Grant.

WHEREAS the RUs believe that, by working together in this cooperative agreement, they can more effectively and efficiently provide for the recycling education needs of their citizens; and

WHEREAS the RUs desire to collaborate in an effort to educate about recycling; and

WHEREAS the RUs recognize the importance of educating residents about recycling and their RU responsibility to do so; and

WHEREAS Winnebago County produced the 2022 Winnebago County Waste & Recycling Guide; and

WHEREAS Winnebago County partnered with Brown and Outagamie Counties, collectively known as Tri-County Recycling, to fund, host, and promote a new smartphone recycling app developed by Betterbin; and

WHEREAS Tri-County Recycling will continue to fund, host, and promote the Waste Wizard Material Search Engine tool; and

WHEREAS the Winnebago County Waste & Recycling Guide, the Betterbin smartphone app, and the Waste Wizard Material Search Engine provide comprehensive information on single-stream recycling guidelines, recycling plastic bags, proper medical sharps disposal, electronics recycling, universal waste recycling, household hazardous waste programs, pharmaceutical drop boxes and waste reduction tips; and

WHEREAS Section 66.0301(2) of the Wisconsin Statutes authorizes cooperation between municipalities and allows municipalities to contract with each other for the receipt or furnishing of services or the joint exercise of any power or duty required or authorized by law; and

WHEREAS each participating RU will maintain a copy of the other above listed RUs' cooperative agreements on file, given that not all cooperating RUs will be able to sign a single document;

IT IS THEREFORE AGREED THAT the above listed RUs have and will make available to its residents the 2022 Winnebago County Waste & Recycling Guide, Tri-County Recycling's Betterbin smartphone app and Waste Wizard Material Search Engine, recognizing additional and consistent education will reduce contamination and improve recycling, thereby enabling the processing and marketing of these recyclables in the most efficient and cost-effective manner possible.

SIGNATURE

TITLE

MUNICIPALITY

DATE

MEMORANDUM

To: Town Board
From: Ellen Skerke, Administrator-Clerk-Treasurer
Date: June 22, 2022
Memo: Resolution 2022-09

Resolution 2022-09 is for Town Board Action for County Zoning Appeal.

Winnebago County Zoning Administrator Cary Rowe made a decision to deny a Zoning Permit Application to replace a static face of a sign with a digital face of a sign. The applicant filed an appeal asserting that Cary Rowe misinterpreted Winnebago County Code.

I followed up with Cary Rowe, and have this additional information

- County Code Chapter 23 – Section 6 23.6-13 addresses the Appeals process. Notice of an Administrative Appeal is sent to all towns subject to Chapter 23.
- This is similar to a Text Amendment, the County gives towns an opportunity for input, although it is not required. In the case of an Administrative Appeal, the Board of Adjustment (BOA) will make the final decision. If the BOA determines that Cary Rowe misinterpreted the code in Chapter 23 and made a wrong decision in denying the permit request, they can overturn his decision, I presume that the permit would then be issued. If the BOA determines that Cary Rowe interpreted the code correctly, they will uphold his decision to deny the permit and the applicant can take the appeal to circuit court for a judge's decision.
- Per the attached Resolution, if the Town Board checks Approval, they are agreeing with the applicant that Cary Rowe misinterpreted the County Code and made a wrong decision in denying the permit. If the Town Board checks denial, the Town Board is disagreeing with the applicant and is saying that Cary Rowe interpreted the code correctly and he was correct in denying the permit.
- As I stated above, the Town may take action but is not required to do so. Regardless of the Town taking action or not, the County Board of Adjustment will have a Public Hearing on June 28th and follow up with a BOA meeting in early July to render a decision.

Resolution 2022-09

FOR TOWN USE ONLY

TOWN ACTION FOR APPEAL
TOWNS OF ALGOMA, BLACK WOLF, CLAYTON, NEENAH, NEKIMI,
NEPEUSKUN, OMRO, OSHKOSH, POYGAN, RUSHFORD, UTICA,
VINLAND, WINCHESTER, WINNECONNE & WOLF RIVER
WINNEBAGO COUNTY, WISCONSIN

APPLICANT: LAMAR CENTRAL OUTDOOR, LLC

Agent: TRAVIS SCHREURS – MENN LAW FIRM LTD

Parcel No.: 012-0248

Location of Premises Affected: SOUTH OF 1498 BLACK OAK SCHOOL RD (IN ROAD RIGHT-OF-WAY)

Legal Description: Being a part of the NW 1/4 of the SW 1/4 of Section 15, all in Township 17 North, Range 16 East, Town of Nekimi, Winnebago County, Wisconsin.

Current Zoning: N/A

Code Reference: Chapter 23.7-251

Explanation: Applicant is appealing a decision made by Winnebago County Planning & Zoning Staff to deny a permit for an off-premise directional sign electronic face replacement.

For the above requested Conditional Use, the Town of _____ is recommending:

Approval

Approval with Conditions

Denial

TOWN FINDINGS:

TOWN CONDITIONS:

Signed: _____ Date: _____

Winnebago County Planning and Zoning Department

NOTICE OF PUBLIC HEARING

BOARD OF ADJUSTMENT

June 28, 2022

TO WHOM IT MAY CONCERN:

The applicant(s) listed below has filed a Notice Of Appeal which is regulated by one or more of the following ordinances: Chapter 23, the Town/County Zoning Code, Chapter 26, the Floodplain Zoning Code, and Chapter 27, the Shoreland Zoning Code.

The Winnebago County Board of Adjustment will be holding a public hearing on June 28, 2022 at 5:30 PM in Conference Room 120 of the County Administration Building located at 112 Otter Ave, Oshkosh, WI.

All interested persons wishing to be heard at the public hearing may appear in person or via Zoom using the meeting information below. A direct link to the Zoom Meeting is available on the Winnebago County Meetings and Agenda calendar on the above indicated date.

Zoom Meeting Information Link: <https://www.co.winnebago.wi.us/planning-and-zoning/boa-meeting-links>

Additional Instructions can be found at: <https://www.co.winnebago.wi.us/planning-and-zoning>.

For further detailed information concerning this notice, contact the Town Clerk or the Winnebago County Zoning office, where the application is available for viewing.

INFORMATION ON APPEAL REQUEST

Application No.: 22-AP-01

Applicant: LAMAR CENTRAL OUTDOOR, LLC

Agent: TRAVIS SCHREURS – MENN LAW FIRM LTD

Location of Premises: SOUTH OF 1498 BLACK OAK SCHOOL RD (IN ROAD RIGHT-OF-WAY)

Tax Parcel No.: 012-0248

Legal Description: Being a part of the NW 1/4 of the SW 1/4 of Section 15, all in Township 17 North, Range 16 East, Town of Nekimi, Winnebago County, Wisconsin.

Explanation: Applicant is appealing a decision made by Winnebago County Planning & Zoning Staff to deny a permit for an off-premise directional sign electronic face replacement.

DESCRIPTION:	CODE REFERENCE:	REQUIRED:	PROPOSED:
Recognizing that there may be situations where a property owner or another party believes that the zoning administrator made an error in administering a zoning code, the state legislature established a mechanism to allow a review of the alleged error by the board of adjustment. This division describes the requirements and procedures for reviewing an alleged administrative error.	23.7-251	NA	NA

INITIAL STAFF REPORT

Sanitation: None

Overlays: None

Current Zoning: N/A

Surrounding Zoning: North: N/A; South: N/A; East: N/A West: N/A;

SECTION REFERENCE AND BASIS OF DECISION

Basis of Decision: Town/County Zoning Code: 23.7-254

(a) Generally. The Board of Adjustment shall determine if the zoning administrator made an error in judgment as applied to the instance being appealed.



MENN
LAW FIRM LTD.

480 Pilgrim Way, Suite 1200
P.O. Box 10597
Green Bay, WI 54307-0597
p 920.435.4391
f 920.435.0730

Attorney Travis T. Schreurs
Travis-Schreurs@mennlaw.com
Direct Phone: 920-857-2719

April 1, 2022

Ms. Sue Ertmer
County Clerk
112 Otter Avenue
Oshkosh, WI 54901

Winnebago County Board of Adjustment
112 Otter Ave 3rd Floor
PO Box 2808
Oshkosh, WI 54901

Mr. Cary Rowe
112 Otter Ave 3rd Floor
PO Box 2808
Oshkosh, WI 54901

RE: Lamar Central Outdoor, LLC appeal

To Whom It May Concern:

Enclosed is a Notice of Appeal and accompanying exhibits as referenced in my email of March 31, 2022.

If you have any questions, please do not hesitate to contact me.

Sincerely,

MENN LAW FIRM, LTD.

Travis T. Schreurs

TTS/ml
Enclosures

NOTICE OF APPEAL

To: Ms. Sue Ertmer
County Clerk
112 Otter Avenue
Oshkosh, WI 54901

Winnebago County Board of Adjustment
112 Otter Ave 3rd Floor
PO Box 2808
Oshkosh, WI 54901

Mr. Cary Rowe
Zoning Administrator
112 Otter Ave 3rd Floor
PO Box 2808
Oshkosh, WI 54901

Subject Property: Tax Parcel No. 0120248 – Town of Nekimi

Applicant: Lamar Central Outdoor, LLC d/b/a Lamar Advertising ("Lamar")

On February 23, 2022, Lamar submitted a Zoning Permit Application identifying its upcoming project to replace one static face of a sign located at the above-described property (the "Sign") with a digital face (see Exhibit "A," attached hereto and incorporated herein by reference). On March 15, 2022, the Winnebago County Zoning Administrator, Mr. Cary Rowe, documented his decision denying the building Zoning Permit Application (the "Denial") (see Exhibit "B," attached hereto and incorporated herein by reference) citing Ordinance Secs. 23.12-12, 23.12-17 and 23.13-8 and further stating that:

"Sign is non-conforming since its an off premise directional sign (Sec 23.12-12) that exceeds size and height standards. Permit is denied since the proposal does not meet the requirements of Sec. 23.13-8(b) of the Winnebago County Town/County Zoning Code."

Lamar asserts that Mr. Rowe's Denial was an error in judgment and misinterprets the Winnebago County Ordinances. Therefore, pursuant to Ordinance Secs. 23.7-252, 23.7-253 and 23.7-277, Lamar submits this Notice of Appeal to the Board of Adjustment.


As a basis for its appeal, Lamar argues that:

1. The Sign is not necessarily an Off-Premise Directional Sign as that term is defined in Ordinance Sec. 23.3-1(b)(197). Therefore, the "size and height standards" of Ordinance Sec. 23.12-12 cited in the Denial are inapplicable.
2. The Denial states, in error "Sign is non-conforming since it is an off premise directional sign."
3. Rather, the Sign is a nonconforming sign under Ordinance Sec. 23.12-17 and therefore "subject to the provisions of article 13 of [Chapter 13] relating to nonconformities." Article 13 allows for the reconstruction of nonconforming structures.
4. Ordinance Sec. 23.13-8 requires an improper content-based distinction as it conditions the approval of a Zoning Permit Application for off-premise signs that seek to install an electronic message display upon the removal of five existing nonconforming off-premise signs, and does not require the same action for any other signs.

Lamar hereby requests that a hearing on this appeal be scheduled before the Winnebago County Board of Adjustment.

MENN LAW FIRM, LTD.

By:


Cynthia Caine Treleven
Attorney for Applicant

By:


Travis T. Schreurs
Attorney for Applicant

P.O. Box 10597
Green Bay, WI 54307
Phone: (920) 435-4391
Fax: (920) 435-0730
Cynthia-Treleven@mennlaw.com
Travis-Schreurs@mennlaw.com

EXHIBIT "A"
WINNEBAGO COUNTY

112 Otter Ave, 3rd Floor
Oshkosh, WI 54901
920-232-3344

Review fee: \$165.00
Complete & sign only this side of application

ZONING PERMIT APPLICATION

<p>Town of: <u>Nekimi</u> Tax Parcel No.: <u>0120248</u> <small>(STOP - If this property does not have an address assigned by OUR office, submit an on-line Address Request Application prior to submitting any permit applications)</small> Address of affected property: <u>No site address found</u> Postal City: <u>Oshkosh</u> Zip <u>54902</u> Property Owner of Record: <u>Bradley Egg Farm, Inc.</u> Applicant/Builder: <u>Lamar Advertising</u> <small>(We can fill in the information below if you're not sure)</small> Plat name/CSM: _____ Block _____ Lot # _____ Contact information below is for: <input type="radio"/> Owner <input checked="" type="radio"/> Applicant/Builder Contact Name: <u>Lamar Advertising / Attn: Renee St. Laurent</u> Mailing Address: <u>PO Box 5846</u> City: <u>De Pere</u> ST <u>WI</u> Zip <u>54115</u> Contact Phone: <u>(920) 347-1765</u> Cell Phone: _____ E-mail Address: <u>rstlaurent@lamar.com</u> I would like to receive my permit by: <input checked="" type="checkbox"/> E-Mail <input type="checkbox"/> Mail</p>	<p>Proposed start date: <u>6/1/2022</u> Estimated Cost: <u>\$ 150,000.00</u> Type of Construction: <input type="checkbox"/> New <input type="checkbox"/> Addition <input type="checkbox"/> Alteration <input checked="" type="checkbox"/> Other: <u>Change one face to digital</u> Existing Use: <input checked="" type="checkbox"/> Vacant <input type="checkbox"/> Single Family Dwelling <input type="checkbox"/> Other: _____ Existing Structures: <input type="checkbox"/> Vacant <input type="checkbox"/> House <input type="checkbox"/> Attached Garage <input type="checkbox"/> Detached Garage Other/Additional Structures: <u>existing billboard</u> Describe your building/project (structure type, size, material, etc.): <u>Keep existing structure and replace one face with a digital face.</u> _____ _____ All single and multi-family dwelling zoning permit applications MUST include first floor blueprints Is there a walk-out basement?: <input type="radio"/> Yes <input type="radio"/> No 1st Floor 2nd Floor Garage Other Wall Hgt: _____ Sq. Ft: _____ Peak Height: _____ Mid-Peak Height: _____</p>
<p>Applicant must read and sign:</p> <ol style="list-style-type: none"> 1. In accordance with Wisconsin State Statute 59.691, the information provided herein is to give you notice regarding potential wetlands. You are responsible for complying with state and federal laws concerning construction near or on wetlands, lakes, and streams. Wetlands that are not associated with open waters can be difficult to identify. Failure to comply may result in removal or modification of construction that violates the law or other penalties or costs. For more information, visit the Department of Natural Resources Wetland Identification web page http://dnr.wi.gov/topic/surfacewater/swdv or contact your local DNR office. 2. As the applicant, I hereby acknowledge notice of this wetland information. 3. As the applicant I hereby grant permission for County Zoning Staff to enter the property for inspection purposes. 4. As the applicant I hereby acknowledge that this permit is null & void if issued in error or if any facts are misrepresented. <p>Signature: <u>Renee St. Laurent</u> Date: <u>6-23-22</u></p>	

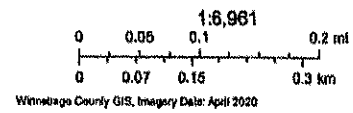
Submit application to our office with the **ORIGINAL INK** signature along with a complete site plan and the fee by mail or in person. **DO NOT E-MAIL**

Site Map

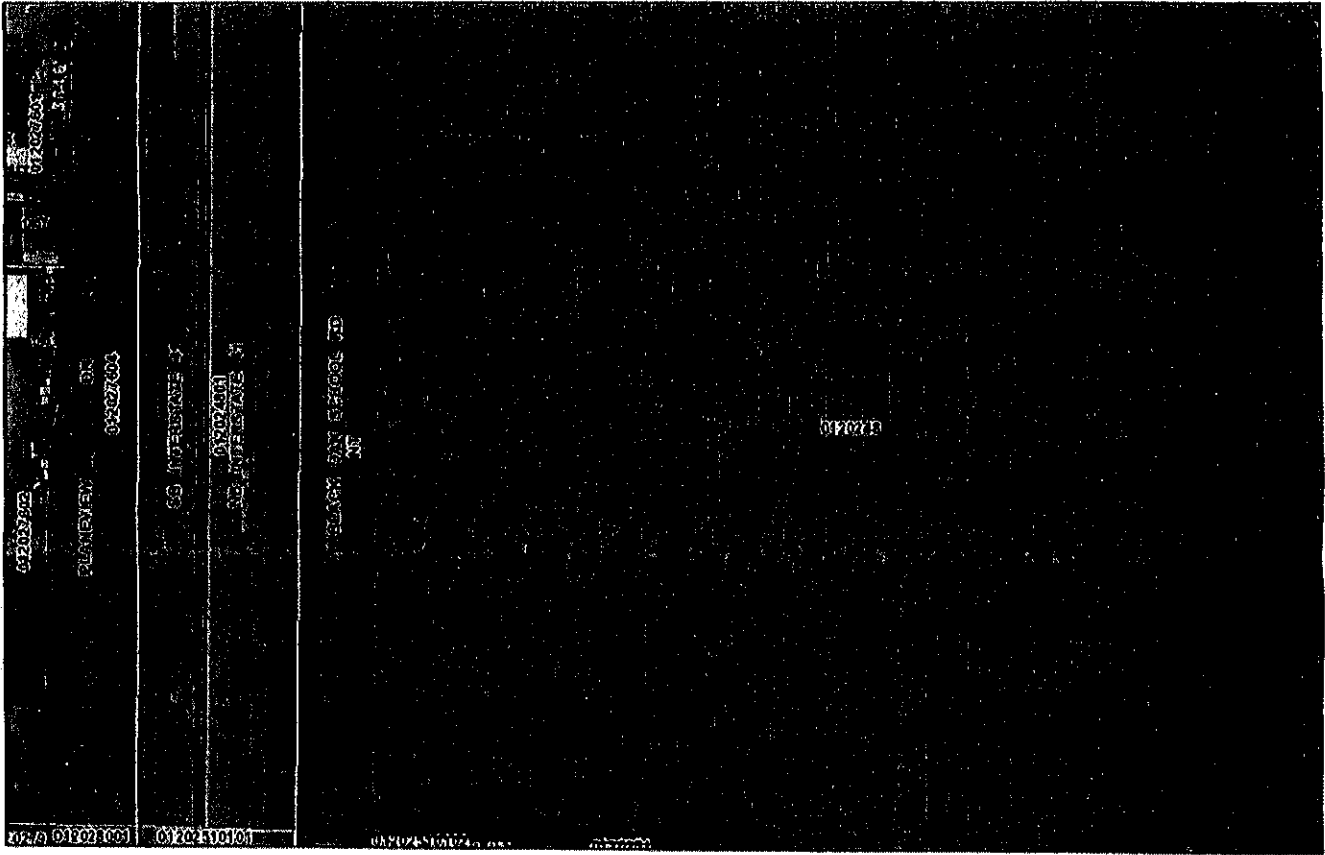


2/22/2022, 2:44:13 PM

- Adjacent Counties
- Lakes, Ponds and Rivers
- Navigable Waterways
 - Navigable - Permanent (unchecked)
 - Navigable - Intermittent (unchecked)
 - Navigable - Stream (unchecked)
 - Navigable - Permanent (checked)
 - Navigable - Intermittent (checked)

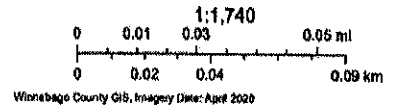


Site Map



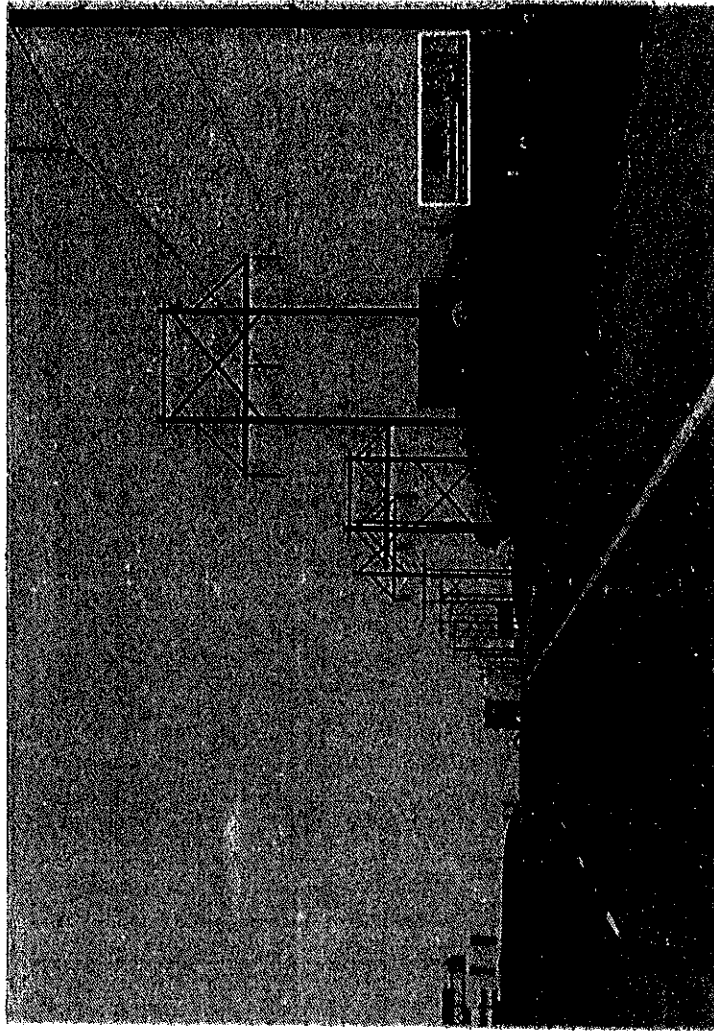
2/22/2022, 2:38:18 PM

Adjacent Counties	Navigable Waterways	Navigable - Stream (unchecked)
Lakes, Ponds and Rivers	Navigable - Permanent (unchecked)	Navigable - Permanent (checked)
	Navigable - Intermittent (unchecked)	Navigable - Intermittent (checked)



PANEL #40183

INTERSTATE 41 0.5 MI S/O HWY 26 ES



LOCATION #1

ADVERTISING STRENGTHS: Highly visible Interstate 41 poster location, situated just south of Oskosh, WI. Will be visible to northbound traffic travelling into Oshkosh and the Fox Cities. Location is just south of buffer strip along the EB&B grounds. It will also reach consumers travelling north for recreational purposes.

WEEKLY IMPRESSIONS: 181,245*

MEDIA TYPE/STYLE: Permanent Bulletin - Regular

LAT/LONG: 43.82331, -88.55241

MARKET: OSHKOSH

GEOGRAPHIC ID: 30705627

PANEL SIZE: 14' 0" x 48' 0" Vinyl Signage

VINYL SIZE: 15' 0" x 48' 0"

FACING/READ: South / Right

ILLUMINATED: YES

SHIPPING ADDRESS: 1800 Schaeving Road De Pere, WI 54115

Black Oak School Rd

Impact Elite Athletics



Map data ©2022

EXHIBIT "B"

STAFF REVIEW ONLY

Zoning and Overlays:			Fee Received: _____
Current Zoning <u>A-2</u>	SL <u>No</u>	WL <u>No</u>	<div style="border: 1px solid black; width: 100px; height: 100px; margin: auto;"></div>
Pot. WL <u>1</u>	FP <u>No</u>	AIR <u>No</u>	
SWDD _____			
Special Standards Section: <u>23.12-17, 23.13-8</u>			
Access Controlled? <u>No</u>			
Site Plan? <u>Yes</u>	Plan of Operation? <u>No</u>		Notes/Conditions:
Parking? <u>No</u>	Landscaping/Buffer Yards? <u>No</u>		* Sign is non-confirming since it's an off premise directional sign (Sec 23.12-12) that exceeds size and height standards.
Sanitary Facilities:			* Permit is denied since the proposal does not meet the requirements of sec. 23.13-8(b) of the Winnebago County Town/County Zoning Code.
<input checked="" type="checkbox"/> N/A			
Sewer: Sanitary District: _____			
Private: Permit No.: <u>1</u> Date: _____			
Erosion Control/Storm Water:			
<input checked="" type="checkbox"/> N/A			
<input type="checkbox"/> Y Permit No.: _____ Date Issued: _____			
Setbacks:			
Principal			
Street <u>1</u>	Rear <u>1</u>	Shore <u>1</u>	
Side <u>1</u>	Side <u>1</u>	Other <u>1</u>	
Accessory			
Street <u>10' 10'</u>	Rear <u>1</u>	Shore <u>1</u>	
Side <u>1</u>	Side <u>1</u>	Other <u>1</u>	
Issued by: <u>Crystal Howe - Zoning Administrator</u> Date: <u>3-15-22</u>			
Permit #: <u>N/A</u> Census #: _____			

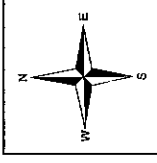
Denied

Application #22-AP-01

Date of Hearing:
June 28, 2022

Owner(s):
BRADLEY EGG FARM INC

Subject Parcel(s):
0120248



Winnebago County
WINGS Project

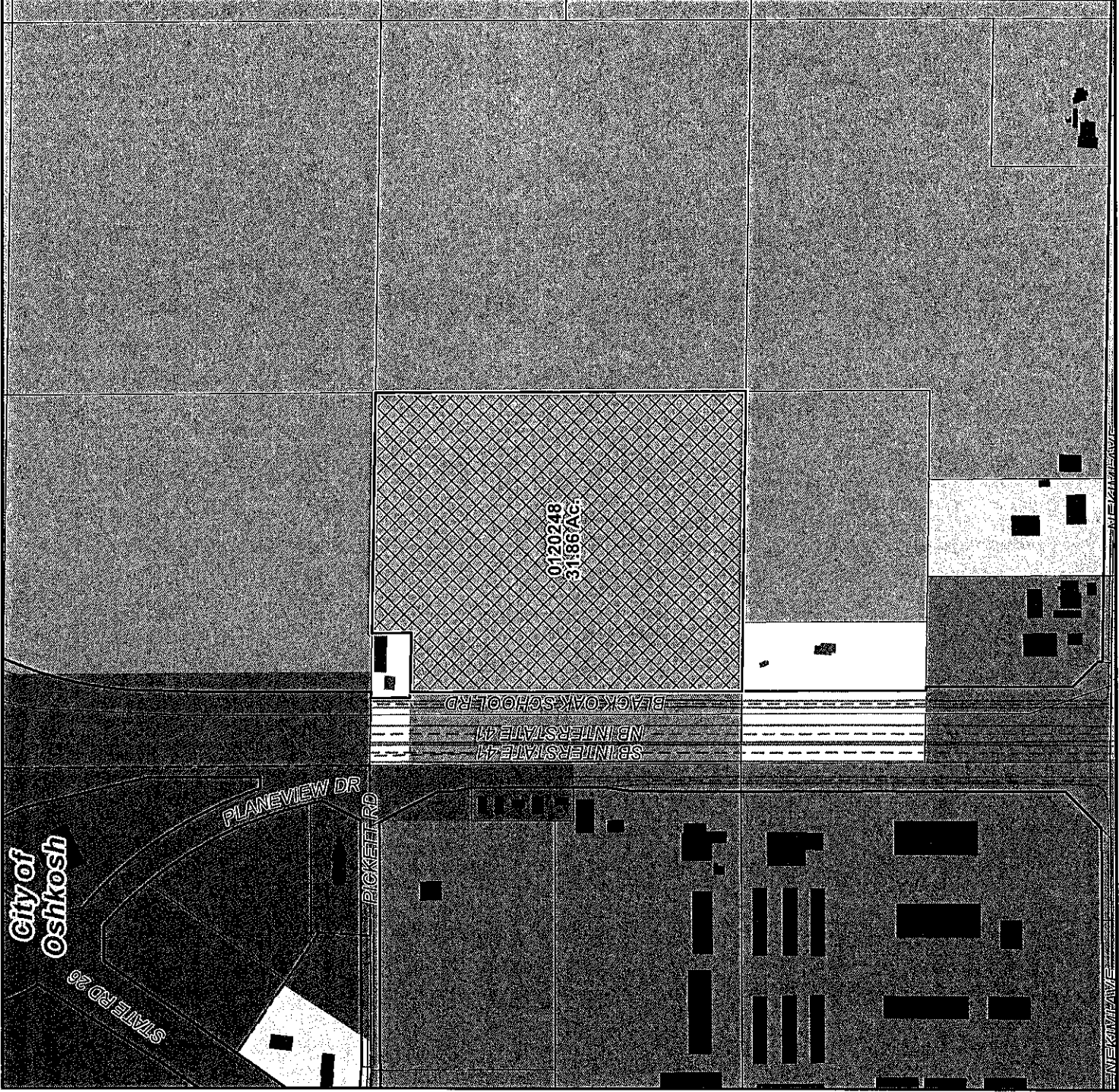
Scale
1 inch : 500 feet

County Zoning Districts

R-1	[Solid Black]	B-1
R-2	A-1	B-2
R-3	A-2	B-3
R-4	I-1	M-1
R-8	I-2	Town Zoning

City of Oshkosh Extraterritorial
Zoning Jurisdiction

INCORPORATED AREA

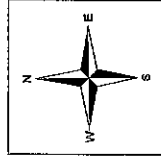


Application #22-AP-01

Date of Hearing:
June 28, 2022

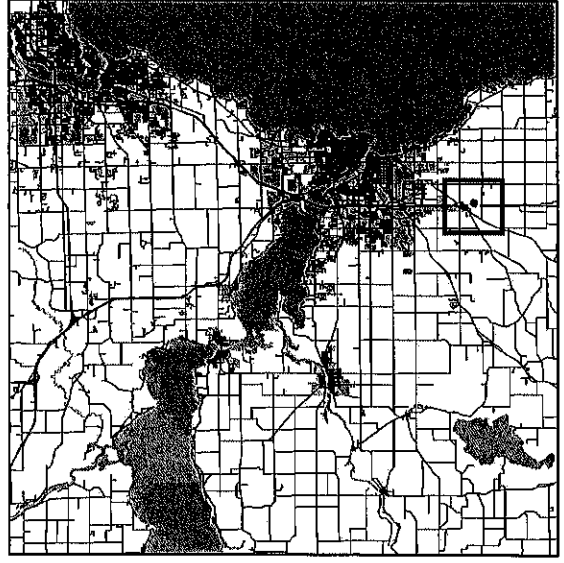
Owner(s):
BRADLEY EGG FARM INC

Subject Parcel(s):
0120248



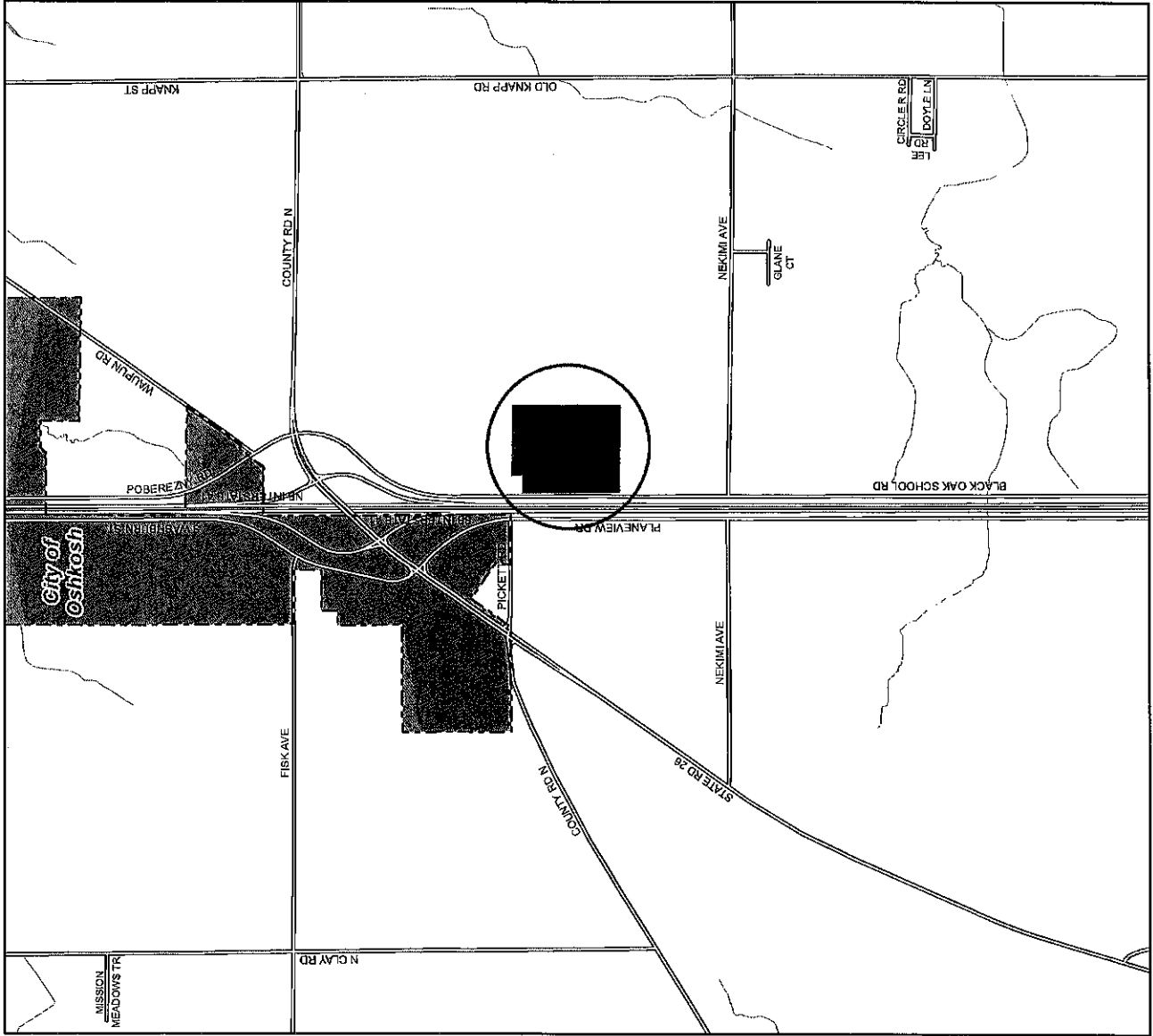
*Winnebago County
WINGS Project*

● = SITE



WINNEBAGO COUNTY

○ = SITE



1 inch : 2,000 feet