

It is expected that a Quorum of the Personnel Committee, Administration Committee, and Common Council will be attending this meeting: (Although it is not expected that any official action of any of those bodies will be taken)

CITY OF MENASHA
Board of Public Works
Third Floor Council Chambers, 140 Main Street, Menasha, WI
May 19, 2008

5:50 PM

AGENDA

 + [Back](#)  [Print](#)

1. CALL TO ORDER

A. -

2. ROLL CALL/EXCUSED ABSENCES

A. -

3. MINUTES TO APPROVE-MINUTES & COMMUNICATIONS TO RECEIVE

A. May 5, 2008

4. DISCUSSION

- A. **Street Use Application - Steak Fry for Boaters & Guests; Saturday, June 14, 2008; 4:00 PM - 10:00 PM (City of Menasha Marina)** [Attachments](#)
- B. **Street Use Application - Labor Day Corn Roast for Boaters & Guests; Saturday, August 30, 2008; 4:00 PM - 10:00 PM (City of Menasha Marina)** [Attachments](#)
- C. **Payment - DeGroot, Inc.; City of Menasha Wastewater Collection System Rehabilitation Improvements Project - Phase 3; Contract No. E145-07-01C Sanitary Sewer Replacement; \$179,595.05 (Payment No. 1)** [Attachments](#)
- D. **Payment - Infrastructure Technologies; City of Menasha Wastewater Collection System Rehabilitation Improvements Project - Phase 3; Contract No. E145-07-01D Sanitary Manhole Lining; \$30,495.91 (Payment No. 2)** [Attachments](#)
- E. **Recommendation to Award - Badger Highways, Inc.; Contract Unit No. 2008-01; Lake Park Heights Subdivision, Walker Subdivision, Northridge Manor Subdivision and First Street from DePere Street to Ice Street - New Street Construction - Concrete Curb and Gutter/Asphalt Pavement; Street Reconstruction - Concrete Curb & Gutter/Asphalt Pavement; \$795,137.13** [Attachments](#)
- F. **Request for Street Light at Northridge Court/Highridge Drive and North End of Northridge Court (Held)** [Attachments](#)
- G. **Request to Change Lugano/Tana Trail from 8' Wide Asphalt Trail to 5' Wide Concrete Walk** [Attachments](#)
- H. **0 -7-08 An Ordinance Relating to Construction Site Erosion Control** [Attachments](#)

5. ADJOURNMENT

A. -

"Menasha is committed to its diverse population. Our Non-English speaking population and those with disabilities are invited to contact the Menasha City Clerk at 967-3603 24-hours in advance of the meeting for the City to arrange special accommodations."



STREET USE APPLICATION

Sponsored by: Menasha Marina
 Responsible Person: DIANE Schabach
 Address: 1 Center St.
Menasha
 Phone: 967-5193 or 853-3432

Street Use Date: 6-14-08
 Start Time: 4 or 5 pm
 End Time: 10 pm
 Number of Units: _____

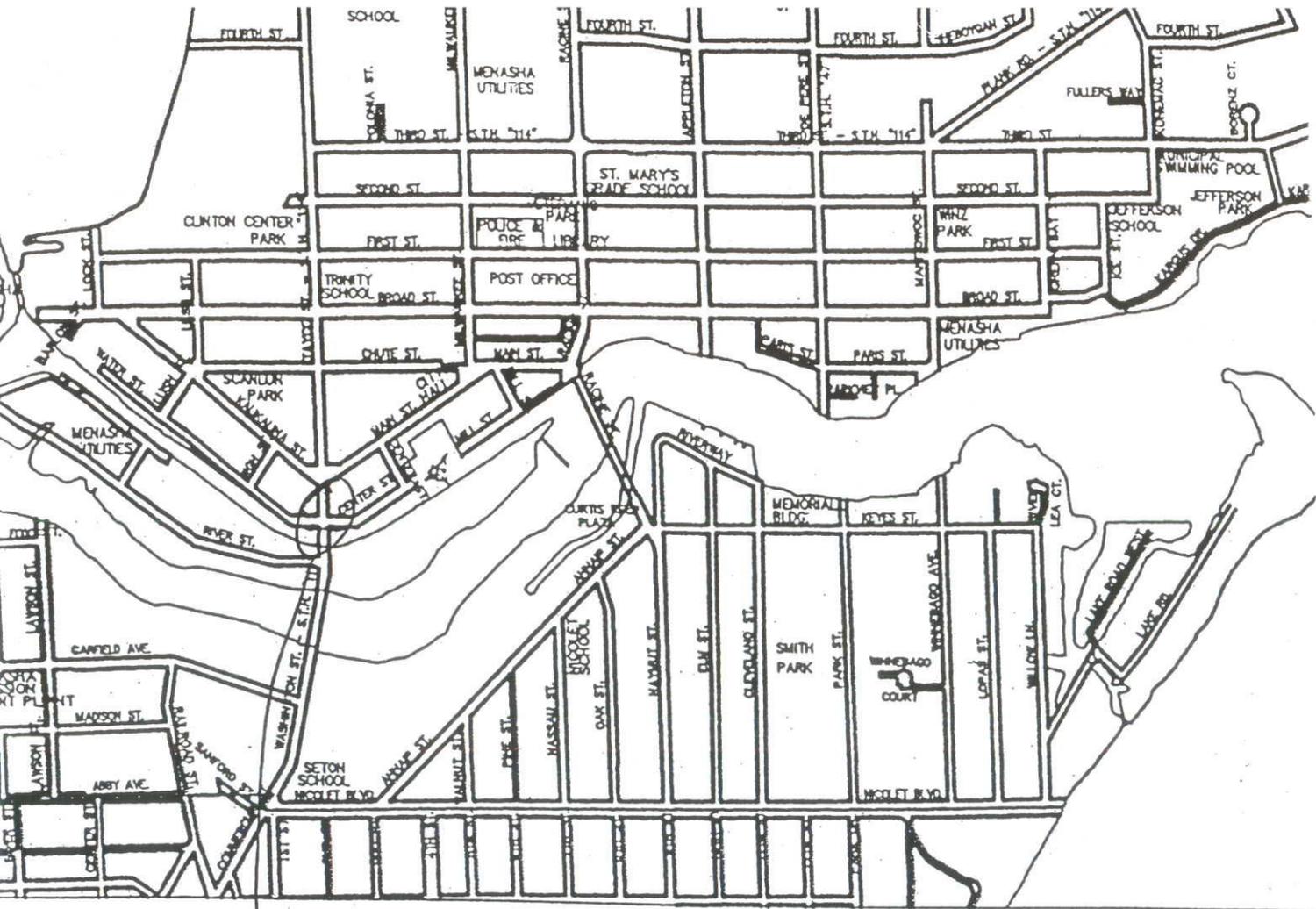
Street Route: (Attach Map) on the corner of South Center Street in
 Description of Use front of the Marina Office. Shut off the street
about 100 ft on either side of the street by
the office
Steak Fry for boaters + guest - approx 200 people

LIABILITY INSURANCE HAS BEEN SECURED IN THE AMOUNT OF \$ 1,000,000. WITH
THE CITY OF MENASHA NAMED AS ADDITIONAL INSURED.
 Insurance Company Scott Unland Services-West Bend Policy No. 0110126819
 (Attached is a copy of the insurance certificate).

DATE: 5-6-08 APPLICANT'S SIGNATURE: Diane Schabach

SCHEDULED COMMON COUNCIL REVIEW DATE: 5/19/08
 APPROVED: _____ DENIED: _____

APPROVAL: AS
 Police Dept. AS Fire Dept. LVW Public Works Dept. MR City Attorney JS3



For:
Steak Fry and Labor Day Picnic
2 grills, picnic tables, table + chairs
to be placed on Centao Street
in front of Marina Office
will use barricades to shut off Street.



STREET USE APPLICATION

Sponsored by: Menasha Manna
 Responsible Person: Diane Schabach
 Address: 1 Center St.
Menasha
 Phone: 967-5193 or 853-3422

Street Use Date: 8-30-08
 Start Time: 4 pm
 End Time: 10 pm
 Number of Units: _____

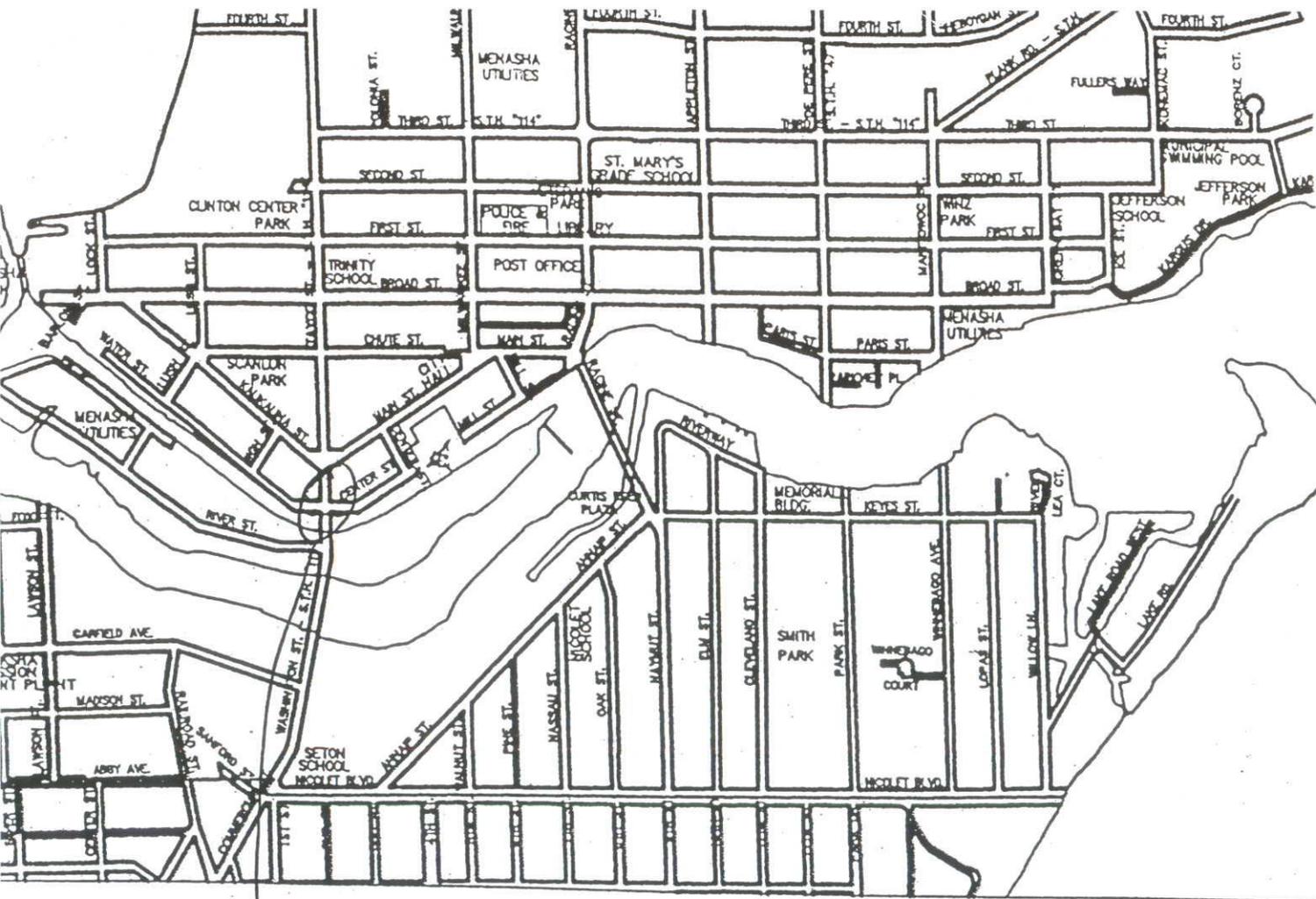
Street Route: (Attach Map) on the corner of the South Center Street in
 Description of Use front of the Manna office. Shut off the
street about 100 ft on either side of the
manna office.
Labor Day Corn Roast - for boaters + guest - approx 200 people

LIABILITY INSURANCE HAS BEEN SECURED IN THE AMOUNT OF \$ 1,100,000. WITH
THE CITY OF MENASHA NAMED AS ADDITIONAL INSURED.
 Insurance Company Scott Humland Service West Bend Policy No. 0110126819
 (Attached is a copy of the insurance certificate).

DATE: 5-6-08 APPLICANT'S SIGNATURE: Diane Schabach

SCHEDULED COMMON COUNCIL REVIEW DATE: 5/19/08
 APPROVED: _____ DENIED: _____

APPROVAL: RS Police Dept. LUW Fire Dept. MR Public Works Dept. JSB City Attorney



For
Steak Fry and Labor Day Picnic
2 grills, picnic tables, table + chairs
to be placed on Center Street
in front of Marina Office
will use barricades to shut off Street.

MONTHLY STATEMENT OF UNIT PRICE CONTRACT AMOUNT

Request for: Partial Payment No. PR-1450701C-01 Date: May 7, 2008
(Partial/Final)

Project: Wastewater Collection System Rehabilitation Improvements, Phase 3

Owner: City of Menasha

Contractor: De Groot, Inc. E145-05.11

Original Contract Amount as Bid:	\$212,233.57
* (ADD) (DEDUCT) by Revised Quantities:	\$0.00
* Amount Added by Change Order:	\$0.00
* Amount Deducted by Change Order:	\$0.00
TOTAL CONTRACT THIS DATE:	\$212,233.57
Value of Work Completed to Date:	\$184,900.89
Less <u>2.5</u> Per Cent Retainable: OF TOTAL CONTRACT THIS DATE	(\$5,305.84)
Net Total:	\$179,595.05

Project on Schedule: X YES NO 87 % Complete

Record of Previous Payments:

1	<u> </u>	6	<u> </u>	11	<u> </u>
2	<u> </u>	7	<u> </u>	12	<u> </u>
3	<u> </u>	8	<u> </u>	13	<u> </u>
4	<u> </u>	9	<u> </u>	14	<u> </u>
5	<u> </u>	10	<u> </u>	15	<u> </u>

Amount Previously Paid: \$0.00

AMOUNT DUE THIS REQUEST: \$179,595.05

This is to certify that, in accordance with the terms of the Contract, the Contractor is entitled to a payment in the amount requested.

Engineer's Approval for Payment

Owner's Approval for Payment

BY: Taryn S. Nall
Taryn S. Nall, P.E.
KAEMPFER & ASSOCIATES, INC.

BY: Mark Radtke
Mark Radtke, P.E., Dir. of Public Works
CITY OF MENASHA

* See Unit Price Contract Spreadsheet

Unit Price Contract
 E145-07-01C Sanitary Sewer Replacement
 May 7, 2008

PROJECT: Wastewater Collection System Rehabilitation Improvements Phase 3
 OWNER: City of Menasha
 CONTRACTOR: De Groot, Inc.

ITEM NO.	DESCRIPTION	UNITS	UNIT PRICE	BID QTY.	BID TOTAL		PREVIOUSLY REQUESTED		CURRENT REQUEST		REVISED * QUANTITY	TOTAL	ADD (+) DEDUCT (-)
					QTY.	TOTAL	QTY.	TOTAL	QTY.	TOTAL			
1C	18-inch PVC sanitary sewer pipeline spot replacement, with granular backfill	LF	\$757.50	2	\$1,515.00				0	\$0.00	0	\$0.00	-\$1,515.00
2C	10-inch PVC sanitary sewer pipeline spot replacement, with granular backfill	LF	\$454.50	3	\$1,363.50				15	\$6,817.50	15	\$6,817.50	\$5,454.00
3C	8-inch PVC sanitary sewer pipeline spot replacement, with granular backfill	LF	\$404.00	17	\$6,868.00				22	\$8,888.00	22	\$8,888.00	\$2,020.00
4C	8-inch PVC sanitary sewer pipeline replacement, with granular backfill	LF	\$56.60	2,107	\$119,256.20				2,103	\$119,029.80	2103	\$119,029.80	-\$226.40
5C	Type 4S manhole up to 8-foot depth including up to 5 feet of interconnecting sewer and connections to existing sanitary sewers	EA	\$2,322.81	5	\$11,614.05				4	\$9,291.24	4	\$9,291.24	-\$2,322.81
6C	Type 4S manhole greater than 8-foot depth	VF	\$101.00	14.00	\$1,414.00				13.05	\$1,318.05	13.05	\$1,318.05	-\$95.95
7C	Type 4L manhole, including up to 5 feet of interconnecting sewer and connections to existing sanitary sewers	EA	\$2,323.00	4	\$9,292.00				5	\$11,615.00	5	\$11,615.00	\$2,323.00
8C	Replacement of cone section	EA	\$1,010.00	1	\$1,010.00				1	\$1,010.00	1	\$1,010.00	\$0.00
9C	Connection of 8-inch SL to SS pipeline	EA	\$858.50	2	\$1,717.00				1	\$858.50	1	\$858.50	-\$858.50
10C	Connection of 6-inch SL to SS pipeline	EA	\$505.00	27	\$13,635.00				41	\$20,705.00	41	\$20,705.00	\$7,070.00
11C	Connection of 4-inch SL to SS pipeline	EA	\$505.00	27	\$13,635.00				3	\$1,515.00	3	\$1,515.00	-\$12,120.00
12C	8-inch SL replacement	LF	\$43.43	20	\$868.60				7	\$304.01	7	\$304.01	-\$564.59
13C	6-inch SL replacement	LF	\$48.65	270	\$13,135.50				46.5	\$2,262.23	46.5	\$2,262.23	-\$10,873.28
14C	4-inch SL replacement	LF	\$48.12	270	\$12,992.40				0.5	\$24.06	0.5	\$24.06	-\$12,968.34
15C	Sewer cleaning and televising	LF	\$1.26	2,107	\$2,654.82				0	\$0.00	0	\$0.00	-\$2,654.82
16C	Abandon-in-place 36 lineal feet of 21-inch SS	EA	\$505.00	1	\$505.00				1	\$505.00	1	\$505.00	\$0.00
17C	Provide concrete pipe plug in Manhole 296	EA	\$252.50	1	\$252.50				1	\$252.50	1	\$252.50	\$0.00
18C	Abandon-in-place 185 lineal feet of 8-inch SS	EA	\$505.00	1	\$505.00				1	\$505.00	1	\$505.00	\$0.00
TOTAL, PART C ITEMS 1C THROUGH 18C					\$212,233.57					\$184,900.89		\$184,900.89	-\$27,332.69

K:\E145\0511\PR\DEGROOT\PR#1

*This estimate based on ____ Estimated Quantity ____ X ____ Field Measured Quantity

MONTHLY STATEMENT OF UNIT PRICE CONTRACT AMOUNT

Request for: Partial Payment No. PR-1450701D-02 Date: May 13, 2008
(Partial/Final)

Project: Wastewater Collection System Rehabilitation Improvements, Phase 3

Owner: City of Menasha

Contractor: Infrastructure Technologies, Inc. E145-05.11

Original Contract Amount as Bid:	\$312,491.00
*(ADD)(DEDUCT) by Revised Quantities:	\$0.00
*Amount Added by Change Order:	\$0.00
*Amount Deducted by Change Order:	(\$5,760.00)
TOTAL CONTRACT THIS DATE:	\$306,731.00
Value of Work Completed to Date:	\$66,820.30
Less <u>5</u> Per Cent Retainable:	(\$3,341.02)
Net Total:	\$63,479.28

Project on Schedule: X YES _____ NO 22 % Complete

Record of Previous Payments:

1	<u>\$32,983.37</u>	<u>1/14/08</u>	6	_____	_____	11	_____	_____
2	_____	_____	7	_____	_____	12	_____	_____
3	_____	_____	8	_____	_____	13	_____	_____
4	_____	_____	9	_____	_____	14	_____	_____
5	_____	_____	10	_____	_____	15	_____	_____

Amount Previously Paid:	\$32,983.37
AMOUNT DUE THIS REQUEST:	\$30,495.91

This is to certify that, in accordance with the terms of the Contract, the Contractor is entitled to a payment in the amount requested.

Engineer's Approval for Payment

Owner's Approval for Payment

BY: Taryn S. Nall
Taryn S. Nall, P.E.
KAEMPFER & ASSOCIATES, INC.

BY: _____
Mark Radtke, P.E., Dir. of Public Works
CITY OF MENASHA

* See Unit Price Contract Spreadsheet



May 15, 2008

Board of Public Works
City of Menasha
Menasha, WI 54952

RE: Recommendation to Award – Contract Unit No. 2008-01;
Badger Highways, Inc.; \$791,241.63

Members of the Board:

Contract Unit No. 2008-01 involves new street construction in Lake Park Heights, Northridge Manor II, and Walker subdivisions as well as street reconstruction of First Street from DePere Street to Ice Street.

Bids were opened for Contract Unit No. 2008-01 on Tuesday, May 13, 2008. Attached is the bid tabulation for the three bids received. The two lowest bids reflect a very competitive bid for this work as only approximately \$6,000 separates the two base bids.

Included in this contract bid proposal are alternate bid items for a Quality Management Program which requires the continuous testing of asphalt pavement materials by the contractor through a certified lab testing company. These alternate bid items add a total of \$5,913.31 to the contract price, but by selecting these alternates, the City reduces some cost by not needing to do its own testing through a testing company and the testing that is done is at a much higher frequency than what we would have done, thus providing a higher assurance for a high quality product.

Also included in this proposal is an alternate bid item for additional pavement pulverizing on streets scheduled for paving by Department of Public Works crews. We normally contract this work out via proposal, but the price represented by the alternate bid is a very significant savings over past proposal prices, so it is my recommendation we accept this alternate bid item as part of this contract.

Based on this information, it is my recommendation Contract Unit No. 2008-01 be awarded to the low bidder, Badger Highways, Inc. in the amount of \$795,137.13, which includes the acceptance of Alternate Bid Items 1A, 2A and 3A.

Sincerely,

Mark Radtke
Director of Public Works

Attachment

City of Menasha Department of Public Works

Itemized Bid Tab
City of Menasha Contract Unit No. 2008-01
Street Construction/Reconstruction

ITEM	QUANTITY	DESCRIPTION	Badger Highways Co., Inc.		Northeast Asphalt		MCC, Inc.	
			UNIT PRICE	ITEM TOTAL	UNIT PRICE	ITEM TOTAL	UNIT PRICE	ITEM TOTAL
1	26,262	8" Depth Pavement/Base Pulverize/S.Y.	\$ 0.53	\$ 13,918.86	\$ 0.38	\$ 9,979.56	\$ 0.83	\$ 21,797.46
2	2,403	Unclassified Excavation/C.Y. (Lake Park Heights, Morgan Taylor Court, Northridge Manor)	\$ 7.61	\$ 18,286.83	\$ 7.65	\$ 18,382.95	\$ 11.35	\$ 27,274.05
3	3,137	Unclassified Excavation/C.Y. (First Street)	\$ 7.25	\$ 22,743.25	\$ 6.50	\$ 20,390.50	\$ 15.50	\$ 48,623.50
4	32,781	Pulverized Street/Base Fine Grading and Compaction/S.Y.	\$ 0.80	\$ 26,224.80	\$ 0.37	\$ 12,128.97	\$ 1.70	\$ 55,727.70
5	2,840	Crushed Stone Base Course/Ton (3" Gradation)	\$ 9.28	\$ 26,355.20	\$ 9.00	\$ 25,560.00	\$ 12.68	\$ 36,011.20
6	100	Crushed Stone Base Course (3/4" Gradation)/Ton	\$ 1.00	\$ 100.00	\$ 9.00	\$ 900.00	\$ 15.55	\$ 1,555.00
7	808	Placement of Salvaged Pulverized Material/C.Y. (First Street)	\$ 5.83	\$ 4,710.64	\$ 5.60	\$ 4,524.80	\$ 6.70	\$ 5,413.60
8	4,243	2-1/4" Thick Asphaltic Concrete Pavement, Type E-1, 19.0 mm/Ton (Exclude Section 460 of WisDOT SSHSC)	\$ 42.55	\$ 180,539.65	\$ 42.30	\$ 179,478.90	\$ 50.65	\$ 214,907.95
9	3,373	1-3/4" Thick Asphaltic Concrete Pavement, Type E-1, 12.5 mm/Ton (Exclude Section 460 of WisDOT SSHSC)	\$ 46.61	\$ 157,215.53	\$ 46.95	\$ 158,362.35	\$ 55.45	\$ 187,032.85
10	16,265	30" Concrete Curb & Gutter/L.F. (Lake Park Heights, Morgan Taylor Court, Northridge Manor)	\$ 7.42	\$ 120,686.30	\$ 6.90	\$ 112,228.50	\$ 6.90	\$ 112,228.50
11	3,865	30" Concrete Curb and Gutter/L.F. (First Street)	\$ 7.30	\$ 28,214.50	\$ 6.90	\$ 26,668.50	\$ 6.90	\$ 26,668.50
12	534	Asphalt Pavement Full Depth Sawcut/L.F.	\$ 1.50	\$ 801.00	\$ 0.95	\$ 507.30	\$ 1.90	\$ 1,014.60
13	281	Gravel Driveway/Ton (Variable Thickness)	\$ 5.40	\$ 1,517.40	\$ 13.00	\$ 3,653.00	\$ 32.00	\$ 8,992.00
14	13,691	3" Asphalt Driveway - Remove and Replace/S.F.	\$ 1.95	\$ 26,697.45	\$ 1.75	\$ 23,959.25	\$ 2.75	\$ 37,650.25
15	417	4" Concrete Walk - Remove and Replace/S.F.	\$ 3.15	\$ 1,313.55	\$ 3.00	\$ 1,251.00	\$ 3.50	\$ 1,459.50
16	367	4" Concrete Handicap Ramp - Remove and Replace/S.F. (Detectable warning field plates to be supplied by others)	\$ 3.15	\$ 1,156.05	\$ 3.00	\$ 1,101.00	\$ 3.50	\$ 1,284.50
17	6,551	6" Concrete Walk/Driveway - Remove and Replace/S.F.	\$ 2.81	\$ 18,408.31	\$ 3.05	\$ 19,980.55	\$ 3.55	\$ 23,256.05
18	5,538	No. 4 Coated Rebar/Lin. Ft.	\$ 0.65	\$ 3,599.70	\$ 1.00	\$ 5,538.00	\$ 1.00	\$ 5,538.00
19	122	Utility Adjustment/each	\$ 140.00	\$ 17,080.00	\$ 195.00	\$ 23,790.00	\$ 260.00	\$ 31,720.00
20	21	Water Valve Adjustment/each	\$ 110.00	\$ 2,310.00	\$ 90.00	\$ 1,890.00	\$ 75.00	\$ 1,575.00
21	28	Install Internal Manhole Chimney Seal and/or Extension/each	\$ 65.00	\$ 1,820.00	\$ 120.00	\$ 3,360.00	\$ 530.00	\$ 14,840.00

22	18.87	48" Dia. Storm Manhole/V.F. (Casting supplied by others)	\$ 250.00	\$ 4,717.50	\$ 400.00	\$ 7,548.00	\$ 400.00	\$ 7,548.00	\$ 400.00	\$ 7,548.00
23	1,185	4" Perforated Under Pavement Drain Pipe/L.F.	\$ 12.25	\$ 14,516.25	\$ 15.00	\$ 17,775.00	\$ 15.00	\$ 17,775.00	\$ 15.00	\$ 17,775.00
24	224	12" Storm Sewer/L.F.	\$ 22.00	\$ 4,928.00	\$ 35.00	\$ 7,840.00	\$ 35.00	\$ 7,840.00	\$ 35.00	\$ 7,840.00
25	34	12" Class IV RCP/L.F.	\$ 28.00	\$ 952.00	\$ 40.00	\$ 1,360.00	\$ 40.00	\$ 1,360.00	\$ 40.00	\$ 1,360.00
26	9	2' x 3' Inlets/each (Castings supplied by others)	\$ 850.00	\$ 7,650.00	\$ 1,200.00	\$ 10,800.00	\$ 1,200.00	\$ 10,800.00	\$ 1,200.00	\$ 10,800.00
27	3.4	Slurry - Storm Sewer Abandonment/C.Y.	\$ 70.00	\$ 238.00	\$ 200.00	\$ 680.00	\$ 200.00	\$ 680.00	\$ 200.00	\$ 680.00
28	22,877	Lawn Restoration/S.Y.	\$ 3.15	\$ 72,062.55	\$ 3.58	\$ 81,899.66	\$ 3.25	\$ 81,899.66	\$ 3.25	\$ 81,899.66
29	1	Pedestrian/ Bicycle Trail Construction (Includes approximately 296 S.Y. of topsoil stripping minimum 4" depth and placement of salvaged pulverized material minimum 6" thickness; approximately 54 CY Unclassified Excavation; Quantities for Trail Asphalt Surface and Restoration are included in above bid items for such) LUMP SUM	\$ 2,565.00	\$ 2,565.00	\$ 3,400.00	\$ 3,400.00	\$ 2,960.00	\$ 3,400.00	\$ 2,960.00	\$ 2,960.00
30	1	Construction mobilization/demobilization; traffic control; erosion control; project coordination; all incidental utility and misc. roadway work; and all other project work area restoration and clean-up to an equal and/or better preconstruction condition s required and related to the overall project. LUMP SUM	\$ 4,000.00	\$ 4,000.00	\$ 6,500.00	\$ 6,500.00	\$ 15,300.00	\$ 6,500.00	\$ 15,300.00	\$ 15,300.00
		TOTAL CONTRACT BID (ITEMS 1-31)		\$ 785,328.32		\$ 791,437.79		\$ 791,437.79		\$ 1,003,183.46
1A	11,130	Additional 8' Depth Pavement/Base Pulverizing/S.Y. (Eighth Street, Pacific Street, Chute Street, Green Bay Street)	\$ 0.35	\$ 3,895.50	\$ 0.38	\$ 4,229.40	\$ 2.18	\$ 4,229.40	\$ 2.18	\$ 4,229.40
2A	4,243	2-1/4" Thick Asphaltic Concrete Pavement, Type E-1 19.0 mm/Ton (Per Section 460 of WisDOT SSHSC - would replace Bid Item No. 8)	\$ 43.26	\$ 183,552.18	\$ 43.20	\$ 183,297.60	\$ 52.45	\$ 183,297.60	\$ 52.45	\$ 222,545.35
3A	3,373	1-3/4" Thick Asphaltic Concrete Pavement, Type E-1, 12.5 mm/Ton (Per Section 460 of WisDOT SSHSC - would replace Bid Item No. 8)	\$ 47.47	\$ 160,116.31	\$ 47.85	\$ 161,398.05	\$ 57.45	\$ 161,398.05	\$ 57.45	\$ 193,778.85
4A	4,243	2-1/4" Thick Asphaltic Concrete Pavement, Type E-1 19.0 mm/Ton (Per Section 460, excluding 460.2.8 of WisDOT SSHSC - would replace Bid Item No. 8)	\$ 42.55	\$ 180,539.65	\$ 42.30	\$ 179,478.90	\$ 51.86	\$ 179,478.90	\$ 51.86	\$ 220,041.98
5A	3,373	1-3/4" Thick Asphaltic Concrete Pavement, Type E-1, 12.5 mm/Ton (Per Section 460, excluding 460.2.8 of WisDOT SSHSC - would replace Bid Item No. 9)	\$ 46.61	\$ 157,215.53	\$ 46.95	\$ 158,362.35	\$ 56.40	\$ 158,362.35	\$ 56.40	\$ 190,237.20
To Be Completed by Owner (City of Menasha)										
Total Base Bid (Items 1-7, 10-30) + Alternate Bid Items			\$	\$	\$	\$	\$	\$	\$	\$



May 15, 2008

Board of Public Works
City of Menasha
Menasha, WI 54952

RE: Request for Street Light at Northridge Court/Highridge Drive and North End of Northridge Court

Members of the Board:

This item was held at the last Board of Public Works meeting to investigate the possibility of consolidating street light locations as well as evaluate the need for a street light at the north end of Northridge Court. Attached to this report is a map depicting the locations of existing street lights and proposed locations for new street lights.

It is recommended street lights be located at the intersection of streets if at all possible. An option of locating a light between the two Highridge Drive intersections was brought forward at the previous Board of Public Works meeting due to the close proximity of the two intersections. While these intersections are relatively close, I recommend the placement of a street light at both intersections for safety reasons. Also, to split the difference with the placement of a light between the two intersections would result in the light being located in the middle of either one of the lots between the intersections. Normally, street lights are located at the extension of common side lot lines.

In reviewing the existing street light locations, one can see there is a short distance between the light at the intersection of Highridge Drive and Highridge Terrace and the first light to the south. I recommend the light south of the intersection be relocated to the intersection of Highridge Drive and Northridge Court. I also recommend the placement of an additional street light at the north end of Northridge Court. The estimated cost for Menasha Utilities to relocate and install these lights is \$1,600. In addition, the charge for each light is approximately \$7.25/month for a 100 watt lamp, or \$8.25/month for a 150 watt lamp.

I stand by my previous recommendation to consider waiting to install these lights until the cost for such can be accommodated in the 2009 Budget.

Sincerely,

Mark Radtke
Director of Public Works

Attachment

IT WORKS FOR MENASHA 05/15/08 (1)



April 30, 2008

Board of Public Works
City of Menasha
Menasha, WI 54952

RE: Request for Street Light at Northridge Court/Highridge Drive

Members of the Board:

We have received a request from a resident to add a street light at the intersection of Highridge Drive and Northridge Court. The nearest existing street light is located at the intersection of Highridge Drive and Highridge Terrace, approximately 120 feet east of the proposed location for the requested street light. I believe there should be a street light at every public street intersection in the City for traffic safety reasons.

In my discussions with Menasha Utilities, there would be an installation cost of approximately \$800 to extend power via buried cable and install a pole for the street light. There is no cost to the City for the street light fixture itself; however, there would be a monthly charge of approximately \$7.25/month for a 100 watt lamp and approximately \$8.25/month for a 150 watt lamp.

As you know, we exceeded our 2007 budget for street lighting by a significant amount, due mainly to adding street lights in newly developed areas of Calumet County. It is my recommendation the City authorize the installation of a 100 watt high pressure sodium street light at the intersection of Highridge Drive and Northridge Court, but consider waiting until the cost for such can be accommodated in the 2009 Budget. I further recommend the City identify the 100 watt HPS light fixture as the standard street light for low volume residential streets.

Sincerely,

Mark Radtke
Director of Public Works

C: Mayor Merkes
Lonnie Pichler, Menasha Utilities

M:\word\BPW letter re Northridge street light request 4-30-08.doc



May 15, 2008

Board of Public Works
City of Menasha
Menasha, WI 54952

RE: Request to Change Lugano/Tana Trail from 8' Wide Asphalt Trail to 5' Wide Concrete Walk

Members of the Board:

The Mayor recently received an email from a resident in Lake Park Heights Subdivision requesting consideration to change a proposed asphalt trail to a concrete walk. The proposed trail links Tana Lane to Lugano Street and is within a twenty foot easement centered along the common side yard lot lines of four properties.

There are several issues to consider regarding this request. Based on recently received bid prices, the cost for installing a 5' wide concrete walk will be approximately \$3,225 more than the cost of the proposed 8' wide asphalt trail. This cost would be distributed among all the subdivision property owners per the assessment schedule (based on street frontage).

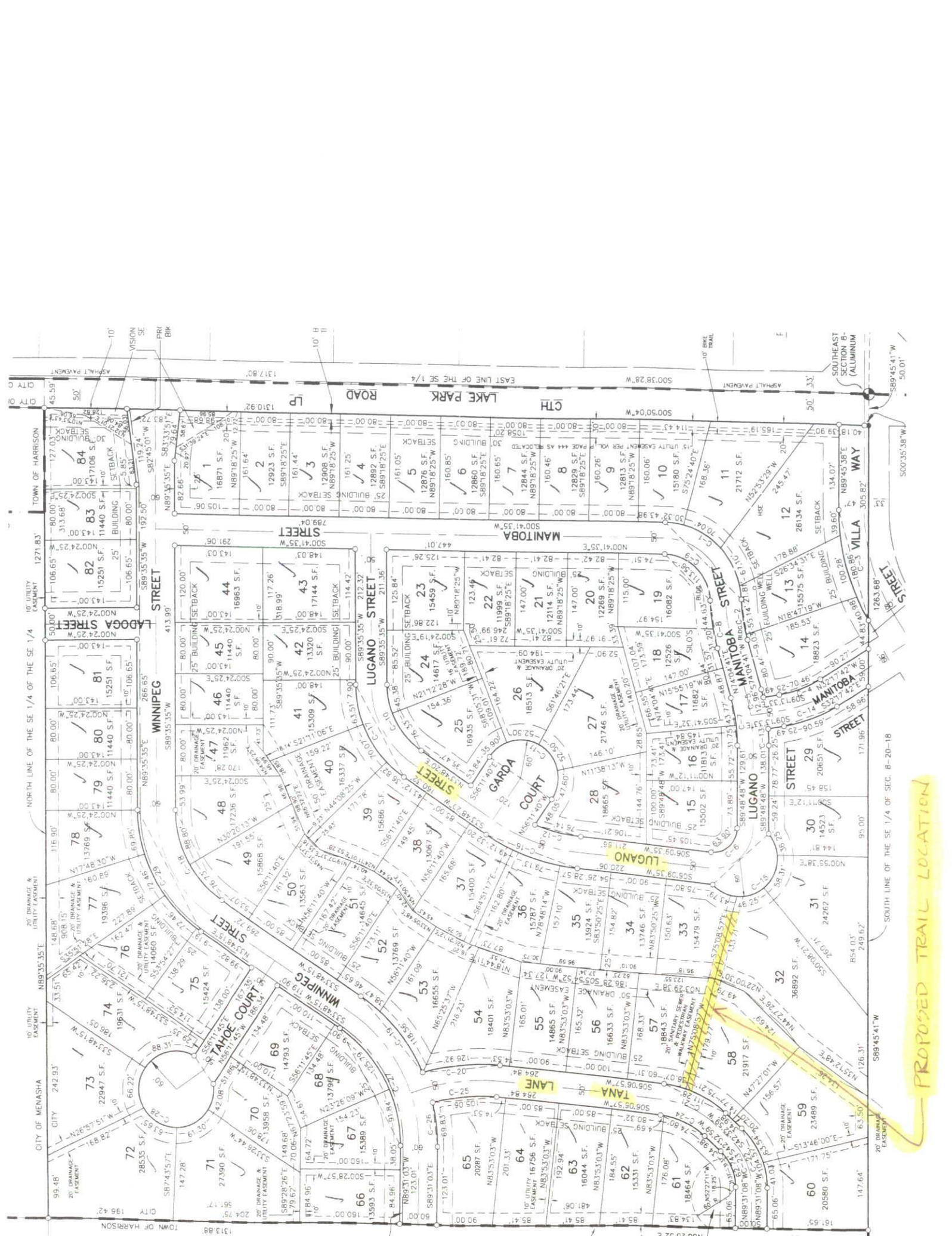
There is a distinction made between trails and walks regarding snow removal regulations. Currently the Municipal Code section regarding removal of snow is applied to and enforced only for walks. The removal of snow from trails has not been required although the City has removed snow on some trails if it were deemed cost effective based on frequency of trail use. If this pedestrian way were to be a 5' wide concrete walk, the abutting property owners would be responsible to maintain a minimum four foot clear width through the winter season. If the segment remains as currently proposed, an 8' wide asphalt trail, the City would have the option of plowing it, or not plowing it, based on demand and available resources.

Sincerely,

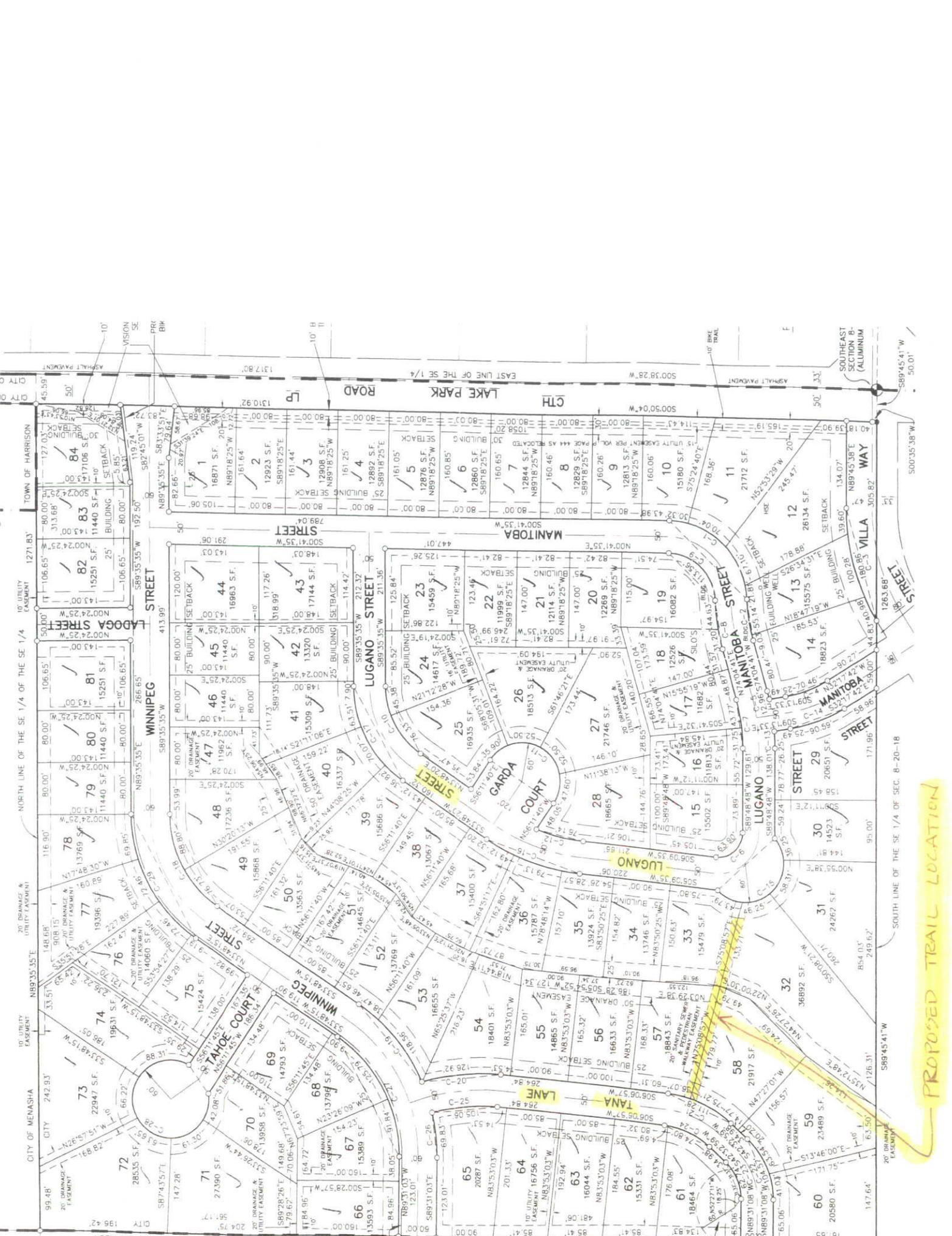
Mark Radtke
Director of Public Works

Attachment

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PROPOSED TRAIL LOCATION



AN ORDINANCE RELATING TO CONSTRUCTION SITE EROSION CONTROL

Introduced by Alderman Pack

The Common Council of the City of Menasha does ordain as follows:

SECTION 1: Title 6, Chapter 6 is created as follows:

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CHAPTER 6

CONSTRUCTION SITE EROSION CONTROL

6-6-1 AUTHORITY.

- (1) This ordinance is adopted under the authority granted by s. 62.234, Wis. Stats.. This ordinance supersedes all provisions of an ordinance previously enacted under s. 62.23, Wis. Stats., that relate to construction site erosion control. Except as otherwise specified in s. 62.234 Wis. Stats., s. 62.23 Wisconsin Statute applies to this ordinance and to any amendments to this ordinance.
- (2) The provisions of this ordinance are deemed not to limit any other lawful regulatory powers of the same governing body.
- (3) The Common Council of the City of Menasha hereby designates the Department of Public Works to administer and enforce the provisions of this ordinance.
- (4) The requirements of this ordinance do not pre-empt more stringent erosion and sediment control requirements that may be imposed by any of the following:
 - (a) Wisconsin Department of Natural Resources administrative rules, permits or approvals including those authorized under ss. 281.16 and 283.33, Wis. Stats.
 - (b) Targeted non-agricultural performance standards promulgated in rules by the Wisconsin Department of Natural Resources under s. NR 151.004, Wis. Adm. Code.

6-6-2 FINDINGS OF FACT.

The Common Council of the City of Menasha finds that runoff from land disturbing construction activity carries a significant amount of sediment and other pollutants to the waters of the state in the City of Menasha.

6-6-3 PURPOSE.

It is the purpose of this ordinance to further the maintenance of safe and healthful conditions; prevent and control water pollution; prevent and control soil erosion; protect spawning grounds, fish and aquatic life; control building sites, placement of structures and land uses; preserve ground cover and scenic beauty; and promote sound economic growth, by minimizing the amount of sediment and other pollutants carried

by runoff or discharged from land disturbing construction activity to waters of the state in the City of Menasha.

6-6-4 APPLICABILITY AND JURISDICTION.

(1) APPLICABILITY.

(a) This ordinance applies to the following land disturbing construction activities except as provided under sub. (b):

1. A construction site, which has 4,000 square feet or greater of land disturbing construction activity.
2. A construction site, which has 100 cubic yards or greater of excavation volume, filling volume, or some combination of excavation and filling volume.
3. A construction site, which has 100 linear feet or greater of land disturbance to a highway, street, driveway, swale, ditch, waters of the state, wetland, protective area, or other non-agricultural drainage facility which conveys concentrated flow. Wetlands shall be delineated in accordance with s. NR 103.08(1m).

(b) This ordinance does not apply to the following:

1. Land disturbing construction activity that includes the construction of 1- and 2-family residential dwellings that are not part of a larger common plan of development or sale and that result in less than 1 acre of disturbance. These construction sites are regulated by the Wisconsin Department of Commerce under s. COMM 21.125 Wis. Adm. Code and must adhere to the provisions of Title 15, Chapter 2 of the Menasha Code of Ordinances.
2. A construction project that is exempted by federal statutes or regulations from the requirement to have a national pollutant discharge elimination system permit issued under chapter 40, Code of Federal Regulations, part 122, for land disturbing construction activity.
3. Nonpoint discharges from agricultural activity areas.
4. Nonpoint discharges from silviculture activities.
5. Mill and crush operations.

(c) Notwithstanding the applicability requirements in paragraph (a), this ordinance applies to construction sites of any size that, in the opinion of the Department of Public Works, are likely to result in runoff that exceeds the safe capacity of the existing drainage facilities or receiving body of water, that causes undue channel erosion, that increases water

pollution by scouring or the transportation of particulate matter or that endangers property or public safety.

(2) JURISDICTION.

This ordinance applies to land disturbing construction activity on construction sites located within the boundaries and jurisdiction of the City of Menasha.

(3) EXCLUSIONS.

This ordinance is not applicable to activities conducted by a state agency, as defined under s. 227.01 (1), Wis. Stats., but also including the office of district attorney, which is subject to the state plan promulgated or a memorandum of understanding entered into under s. 281.33 (2), Wis. Stats.

6-6-5 DEFINITIONS.

(1) “Administering authority” means a governmental employee, or a regional planning commission empowered under s. 62.234 Wis. Stats., that is designated by the Common Council of the City of Menasha to administer this ordinance.

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

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

(4) “Average annual rainfall” means a calendar year of precipitation, excluding snow, which is considered typical. For purposes of this ordinance, average annual rainfall means measured precipitation in Green Bay, Wisconsin between March 29 and November 25, 1969.

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

(6) “Business day” means a day the office of the Department of Public Works is routinely and customarily open for business.

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

(8) “Common plan of development or sale” means a development or sale where multiple separate

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

- (9) "Construction site" means an area upon which one or more land disturbing construction activities occur, including areas that are part of a larger common plan of development.
- (10) "Development" means residential, commercial, industrial, institutional, or other land uses and associated roads.
- (11) "Division of land" means the division of a lot, tract, or parcel of land into two or more lots, plats, sites, or other divisions of land for the purpose, whether immediate or future of sale or building development.
- (12) "Erosion" means the process by which the land's surface is worn away by the action of wind, water, ice or gravity.
- (13) "Erosion and sediment control plan" means a comprehensive plan developed to address pollution caused by erosion and sedimentation of soil particles or rock fragments during construction.
- (14) "Extraterritorial" means the unincorporated area within 3 miles of the corporate limits of a first, second, or third class city, or within 1.5 miles of a fourth class city or village.
- (15) "Final stabilization" means that all land disturbing construction activities at the construction site have been completed and that a uniform perennial vegetative cover has been established, with a density of at least 70 percent of the cover, for the unpaved areas and areas not covered by permanent structures, or that employ equivalent permanent stabilization measures.
- (16) "Governing body" means city council, village board of trustees or village council.
- (17) "Land disturbing construction activity" (or "disturbance") means any man-made alteration of the land surface resulting in a change in the topography or existing vegetative or non-vegetative soil cover, that may result in runoff and lead to an increase in soil erosion and movement of sediment into waters of the state or off-site. Land disturbing construction activity includes clearing and grubbing, demolition, excavating, pit trench dewatering, filling and grading activities, and soil stockpiling.
- (18) "MEP" or "maximum extent practicable" means a level of implementing best management practices in order to achieve a performance standard specified in this chapter which takes into account the best available technology, cost effectiveness and other competing issues such as human safety and welfare, endangered and threatened resources, historic properties and geographic features. MEP allows flexibility in the way to meet the performance standards and may vary based on the performance standard and site conditions.
- (19) "Performance standard" means a narrative or measurable number specifying the minimum acceptable outcome for a facility or practice.
- (20) "Permit" means a written authorization made by the Department of Public Works to the applicant

to conduct land disturbing construction activity or to discharge post-construction runoff to waters of the state.

- (21) "Pollutant" has the meaning given in s. 283.01 (13), Wis. Stats.
- (22) "Pollution" has the meaning given in s. 281.01 (10), Wis. Stats.
- (23) "Protective area" has the meaning given in Section 6-6-7(3)(d) of the City of Menasha Post-Construction Storm Water Management Ordinance.
- (24) "Responsible party" means any entity holding fee title to the property or performing services to meet the performance standards of this ordinance through a contract or other agreement.
- (25) "Runoff" means storm water or precipitation including rain, snow or ice melt or similar water that moves on the land surface via sheet or channelized flow.
- (26) "Sediment" means settleable solid material that is transported by runoff, suspended within runoff or deposited by runoff away from its original location.
- (27) "Separate storm sewer" means a conveyance or system of conveyances including roads with drainage systems, streets, catch basins, curbs, gutters, ditches, constructed channels or storm drains, which meets all of the following criteria:
 - (a) Is designed or used for collecting water or conveying runoff.
 - (b) Is not part of a combined sewer system.
 - (c) Is not draining to a storm water treatment device or system.
 - (d) Discharges directly or indirectly to waters of the state.
- (28) "Site" means the entire area included in the legal description of the land on which the land disturbing construction activity is proposed in the permit application.
- (29) "Stop work order" means an order issued by the City of Menasha which requires that all construction activity on the site be stopped.
- (30) "Technical standard" means a document that specifies design, predicted performance and operation and maintenance specifications for a material, device or method.
- (31) "Waters of the state" has the meaning given in s. 281.01 (18), Wis. Stats.

6-6-6 TECHNICAL STANDARDS.

- (1) DESIGN CRITERIA, STANDARDS AND SPECIFICATIONS. All BMPs required to comply with this ordinance shall meet the design criteria, standards and specifications based on any of the following:
 - (a) Design guidance and technical standards identified or developed by the Wisconsin Department of Natural Resources under subchapter V of chapter NR 151, Wis. Adm. Code.
 - (b) Technical standards and other guidance identified within the City of Menasha Storm Water Reference Guide.

(c) For this ordinance, average annual basis is calculated using the appropriate annual rainfall or runoff factor, also referred to as the R factor, or an equivalent design storm using a type II distribution, with consideration given to the geographic location of the site and the period of disturbance.

(2) OTHER STANDARDS. Other technical standards not identified or developed in sub. (1), may be used provided that the methods have been approved by the Department of Public Works.

6-6-7 PERFORMANCE STANDARDS.

(1) RESPONSIBLE PARTY. The responsible party shall implement an erosion and sediment control plan, developed in accordance with Section 6-6-9 that incorporates the requirements of this section.

(2) PLAN. A written erosion and sediment control plan shall be developed in accordance with Section 6-6-9 and implemented for each construction site.

(3) REQUIREMENTS. The erosion and sediment control plan shall meet the following minimum requirements to the maximum extent practicable:

(a) BMPs shall be designed, installed and maintained to control total suspended solids carried in runoff from the construction site as follows.

1. For construction sites with 1 acre or greater of land disturbing construction activity, reduce the total suspended solids load by 80%, on an average annual basis, as compared with no sediment or erosion controls until the construction site has undergone final stabilization. No person shall be required to exceed an 80% sediment reduction to meet the requirements of this paragraph. Erosion and sediment control BMPs may be used alone or in combination to meet the requirements of this paragraph. Credit toward meeting the sediment reduction shall be given for limiting the duration or area, or both, of land disturbing construction activity, or other appropriate mechanism.
2. For construction sites with less than 1 acre of land disturbing construction activity, reduce the total suspended solids load using BMPs from the City of Menasha Storm Water Reference Guide. These sites are not required to satisfy a numeric performance standard.

- (b) Notwithstanding par. (a), if BMPs cannot be designed and implemented to reduce the sediment load by 80%, on an average annual basis, the plan shall include a written and site-specific explanation as to why the 80% reduction goal is not attainable and the administering authority will review and approve to the maximum extent possible.
- (c) Where appropriate, the plan shall include sediment controls to do all of the following to the maximum extent practicable:
 - 1. Prevent tracking of sediment from the construction site onto roads and other paved surfaces.
 - 2. Prevent the discharge of sediment as part of site de-watering.
 - 3. Protect the separate storm drain inlet structure from receiving sediment.
- (d) The use, storage and disposal of building materials, chemicals, cement, concrete truck washout, litter, sanitary waste, and other compounds and materials used on the construction site shall be managed during the construction period, to prevent their entrance into storm sewers and waters of the state. However, projects that require the placement of these materials in waters of the state, such as constructing bridge footings or BMP installations, are not prohibited by this paragraph.

- (4) LOCATION. The BMPs used to comply with this section shall be located prior to runoff entering waters of the state.
- (5) ALTERNATE REQUIREMENTS. The Department of Public Works may establish requirements more stringent than those set forth in this section if the Department of Public Works determines that an added level of protection is needed for sensitive resources.

6-6-8 PERMITTING REQUIREMENTS, PROCEDURES AND FEES.

- (1) PERMIT REQUIRED. No responsible party may commence a land disturbing construction activity subject to this ordinance without receiving prior approval of an erosion and sediment control plan for the site and a permit from the Department of Public Works.
- (2) PERMIT APPLICATION AND FEES. At least one responsible party desiring to undertake a land disturbing construction activity subject to this ordinance shall submit an application for a permit and an erosion and sediment control plan that meets the requirements of Section 6-6-9 and shall pay an application fee as established by the Department of Public Works. By submitting an application, the applicant is authorizing the Department of Public Works to enter the site to obtain information required for the review of the erosion and sediment control plan.

- (3) REVIEW AND APPROVAL OF PERMIT APPLICATION. The Department of Public Works shall review any permit application that is submitted with erosion and sediment control plan, and the required fee. The following approval procedure shall be used:
- (a) Within 10 business days of the receipt of a complete permit application, as required by sub. (2), the Department of Public Works shall inform the applicant whether the application and plan are approved or not approved based on the requirements of this ordinance.
 - (b) If the permit application and plan are approved, the Department of Public Works shall issue the permit.
 - (c) If the permit application or plan is not approved, the Department of Public Works shall state in writing the reasons for not approving.
 - (d) The Department of Public Works may request additional information from the applicant. If additional information is submitted, the Department of Public Works shall have 10 business days from the date the additional information is received to inform the applicant that the plan is either approved or disapproved.
 - (e) Failure by the Department of Public Works to inform the permit applicant of a decision within 10 business days of a required submittal shall be deemed to mean approval of the submittal and the applicant may proceed as if a permit had been issued.
- (4) SURETY BOND. As a condition of approval and issuance of the permit, the Department of Public Works will require the applicant to deposit a surety bond, cash escrow, or irrevocable letter of credit to guarantee a good faith execution of the approved erosion control plan and any permit conditions. The Department of Public Works shall release the portion of the financial guarantee established under this section, less any cost incurred by the Department of Public Works to implement erosion control measures, following the final site stabilization and verification of said stabilization by the Department of Public Works.
- (5) PERMIT REQUIREMENTS. All permits shall require the responsible party to:
- (a) Notify the Department of Public Works within 48 hours of commencing any land disturbing construction activity.
 - (b) Notify the Department of Public Works of completion of any BMPs within 10 business days after their installation.
 - (c) Obtain permission in writing from the Department of Public Works prior to any modification pursuant to Section 6-6-8(3) of the erosion and sediment control plan.
 - (d) Install all BMPs as identified in the approved erosion and sediment control plan.
 - (e) Maintain all road drainage systems, stormwater drainage systems, BMPs and other facilities identified in the erosion and sediment control plan.

- (f) Repair any siltation or erosion damage to adjoining surfaces and drainage ways resulting from land disturbing construction activities and document repairs in weekly inspection reports.
 - (g) Conduct construction site inspections at least once per week and within 24 hours after a precipitation event of 0.5 inches or greater. Repair or replace erosion and sediment control BMPs as necessary within 24 hours of an inspection or notification that repair or replacement is needed. Maintain, at the construction site, weekly written reports of all inspections. Weekly inspection reports shall include all of the following: date, time and location of the construction site inspection; the name of individual who performed the inspection; an assessment of the condition of erosion and sediment controls; a description of any erosion and sediment control BMP implementation and maintenance performed; and a description of the present phase of land disturbing construction activity at the construction site.
 - (h) Allow the Department of Public Works to enter the site for the purpose of inspecting compliance with the erosion and sediment control plan or for performing any work necessary to bring the site into compliance with the control plan. Keep a copy of the erosion and sediment control plan, storm water management plan, amendments, weekly inspection reports, and permit at the construction site until permit coverage is terminated.
 - (i) The permit applicant shall post the "Certificate of Permit Coverage" in a conspicuous location at the construction site.
- (6) PERMIT CONDITIONS. Permits issued under this section may include conditions established by Department of Public Works in addition to the requirements set forth in sub. (5), where needed to assure compliance with the performance standards in Section 6-6-7.
- (7) PERMIT DURATION. Permits issued under this section shall be valid for a period of 180 days, or the length of the building permit or other construction authorizations, whichever is longer, from the date of issuance. The Department of Public Works may extend the period one or more times for up to an additional 180 days. The Department of Public Works may require additional BMPs as a condition of the extension if they are necessary to meet the requirements of this ordinance.
- (8) MAINTENANCE. The responsible party throughout the duration of the construction activities shall maintain all BMPs necessary to meet the requirements of this ordinance until the site has undergone final stabilization.

6-6-9 EROSION AND SEDIMENT CONTROL PLAN, STATEMENT, AND AMENDMENTS.

- (1) **PLAN REQUIREMENTS.** The erosion and sediment control plan required under Section 6-6-7(2) shall comply with the City of Menasha Storm Water Reference Guide and contain at a minimum the following information:
 - (a) Name, address, and telephone number of the landowner and responsible parties.
 - (b) A legal description of the property proposed to be developed.
 - (c) A site map with property lines, disturbed limits, and drainage patterns.
 - (d) Total area of the site and total area of the construction site that is expected to be disturbed by construction activities.
 - (e) Performance standards applicable to site.
 - (f) Proposed best management practices.

- (2) **EROSION AND SEDIMENT CONTROL PLAN STATEMENT.** For each construction site identified under Section 6-6-4(1)(c), an erosion and sediment control plan statement shall be prepared. This statement shall be submitted to the Department of Public Works. The control plan statement shall briefly describe the site, including a site map. Further, it shall also include the best management practices that will be used to meet the requirements of the ordinance, including the site development schedule.

- (3) **AMENDMENTS.** The applicant shall amend the plan if any of the following occur:
 - (a) There is a change in design, construction, operation or maintenance at the site which has the reasonable potential for the discharge of pollutants to waters of the state and which has not otherwise been addressed in the plan.
 - (b) The actions required by the plan fail to reduce the impacts of pollutants carried by construction site runoff.
 - (c) The Department of Public Works notifies the applicant of changes needed in the plan.

- (4) **ALTERNATE REQUIREMENTS.** The Department of Public Works may prescribe requirements less stringent for applicants seeking a permit for a construction site with less than 1 acre of disturbance.

6-6-10 FEE SCHEDULE.

The fees referred to in other sections of this ordinance shall be established by the Common Council of the City of Menasha. A schedule of the fees established by the Common Council of the City of Menasha shall be available for review in the Building Inspection Department.

6-6-11 INSPECTION.

- (1) The responsible party shall submit inspection reports as outlined in the Construction Site Erosion Control Guide.
- (2) If land disturbing construction activities are being carried out without a permit required by this ordinance, the Department of Public Works may enter the land pursuant to the provisions of ss. 66.0119(1), (2), and (3), Wis. Stats.

6-6-12 ENFORCEMENT.

- (1) The Department of Public Works may post a stop-work order if any of the following occurs:
 - (a) Any land disturbing construction activity regulated under this ordinance is being undertaken without a permit.
 - (b) The erosion and sediment control plan is not being implemented.
 - (c) The conditions of the permit are not being met.
- (2) If the responsible party does not cease activity as required in a stop-work order posted under this section or fails to comply with the erosion and sediment control plan or permit conditions, the Department of Public Works may revoke the permit.
- (3) If the responsible party, where no permit has been issued, does not cease the activity after being notified by the Department of Public Works, or if a responsible party violates a stop-work order posted under sub. (1), the Department of Public Works may request the city attorney to obtain a cease and desist order in any court with jurisdiction.
- (4) The Department of Public Works, or the Board of Appeals may retract the stop-work order issued under sub. (1) or the permit revocation under sub. (2).
- (5) After posting a stop-work order under sub. (1), the Department of Public Works may issue a notice of intent to the responsible party of its intent to perform work necessary to comply with this ordinance. The Department of Public Works may go on the land and commence the work after issuing the notice of intent. The costs of the work performed under this subsection by the

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

- (6) Any person violating any of the provisions of this ordinance shall be subject to a forfeiture in accordance with Section 1-1-7 and the costs of prosecution for each violation. Each day a violation exists shall constitute a separate offense.
- (7) Compliance with the provisions of this ordinance may also be enforced by injunction in any court with jurisdiction. It shall not be necessary to prosecute for forfeiture or a cease and desist order before resorting to injunctive proceedings.

6-6-13 APPEALS.

- (1) **BOARD OF PUBLIC WORKS.** The Board of Public Works created pursuant to section 2-2-5 of the city's ordinance pursuant to s.62.23(7)(e), Wis. Stats.:
 - (a) Shall hear and decide appeals where it is alleged that there is error in any order, decision or determination made by the Department of Public Works in administering this ordinance except for cease and desist orders obtained under Section 6-6-12(3).
 - (b) Upon appeal, may authorize variances from the provisions of this ordinance which are not contrary to the public interest and where owing to special conditions a literal enforcement of the provisions of the ordinance will result in unnecessary hardship; and
 - (c) Shall use the rules, procedures, duties and powers authorized by statute in hearing and deciding appeals and authorizing variances.
- (2) **WHO MAY APPEAL.** Appeals to the Board of Appeals may be taken by any aggrieved person or by any office, department, board, or bureau of the City of Menasha affected by any decision of the Department of Public Works.

6-6-14 SEVERABILITY.

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

6-6-15 EFFECTIVE DATE.

This ordinance shall be in force and effect from and after its adoption and publication. The above and foregoing ordinance was duly adopted by the Common Council of the City of Menasha on the [number] day of [month], 2008.

SECTION 2: This Ordinance shall become effective upon its passage and publication as provided by law.

Passed and approved this _____ day of _____, 2008.

Donald Merkes, Mayor

ATTEST:

Deborah A. Galeazzi, City Clerk

ATTORNEY'S NOTE: