

A REGULAR MONTHLY MEETING OF THE COMMON COUNCIL OF THE CITY OF NEKOOSA WAS HELD IN THE COUNCIL CHAMBERS ON TUESDAY, APRIL 13, 2010 AT 7:00 P.M.

The Meeting was called to order by Mayor Gordon G. Freeman

Ken Hartje	Robert Schultz	Brad Hamilton
August Woiak	Donald Nelson	Dan Carlson

Larry Krubsack-Absent

Moved by Woiak seconded by Nelson to dispense with the reading of the minutes of the previous meeting. **Carried**

**TREASURER'S FINANCIAL REPORT**  
**GENERAL FUND**  
**MARCH 31, 2010**

**BOAT LAUNCH PERMITS**

Annual	3,945.00	
Daily	<u>1,260.00</u>	5,205.00

**BUILDING PERMITS**

25.00

**CEMETERY LOTS, PURCHASE OF**

Krubsack, Larry	600.00	
Stratton, Robert	<u>1,000.00</u>	1,600.00

**CHARLES & JOANN LESTER LIBRARY**

Fine Money	473.28	
Juneau, County of	<u>4,131.00</u>	4,604.28

**CITATION PAYMENTS**

6,311.81

**CITY OF NEKOOSA – WATER UTILITY**

Payroll		20,741.75
---------	--	-----------

**CFSWC**

Distribution-Community Center		58,198.62
-------------------------------	--	-----------

**DOG LICENSES**

84.00

**FORFEITURES**

Clerk of Circuit Court		137.22
------------------------	--	--------

**GRAVES, CEMETERY OPENINGS**

Bucholz, Everett	450.00	
Stelzer	200.00	
Thorne, Oliver	<u>200.00</u>	850.00

**LIFEQUEST**

Ambulance Invoices		26,715.43
--------------------	--	-----------

**MOBILE HOME TAXES**

Zurfluh Enterprises		242.12
---------------------	--	--------

**NEKOOSA FIRE DEPT**

Batteries, Sale of	200.00	
Donation	500.00	
Photocopies	<u>40.00</u>	740.00

**NEKOOSA POLICE DEPT**

Donation-Juv Fund		
Forfeitures	170.00	
Photocopies	<u>3.25</u>	173.25

**NEKOOSA PORT EDWARDS STATE BANK**

Interest earned on NOW Acct		809.93
-----------------------------	--	--------

**OPERATORS LICENSE**

Cattanach, Nicole	10.00	
Stewart, Hannah	<u>10.00</u>	20.00

**PERSONAL PROPERTY TAXES**

Bagnowski, Corey	100.00	
Paula's Place	<u>868.67</u>	968.67

**RESTITUTION**

Wood Co Clerk of Courts-PW		150.00
----------------------------	--	--------

**RIVERSIDE PARK RESERVATIONS**

50.00

**ROCK OIL REFINING**

Purchase Used Oil		137.50
-------------------	--	--------

**ROME, TOWN OF**

Epi Pen Purchase (ambulance)		496.08
------------------------------	--	--------

**SALES TAX**

.10

**TOTAL RECEIPTS**

**128,260.76**

**GENERAL**

TOTAL RECEIPTS 3-31-2010	128,260.76
BOOK BALANCE 2-28-2010	<u>1,215,868.52</u>
	1,344,129.28
DISBURSEMENTS 3-31-2010	<u>251,408.72</u>
BOOK BALANCE 3-31-2010	1,092,720.56
OUTSTANDING CHECKS 3-31-2010	<u>10,541.45</u>
	1,103,262.01
OUTSTANDING DEPOSIT 3-11-2010	<u>.45</u>
BANK BALANCE 3-31-2010	1,103,261.56

**WATER**

TOTAL RECEIPTS 3-31-2010	169,462.08
BOOK BALANCE 2-28-2010	<u>185,890.60</u>
	355,352.68
DISBURSEMENTS 3-31-2010	<u>81,422.16</u>
BOOK BALANCE 3-31-2010	273,930.52
OUTSTANDING CHECKS 3-31-2010	<u>18.72</u>
BANK BALANCE 3-31-2010	273,949.24

**TEMPORARY INVESTMENTS – WATER UTILITY**

*MBIA Asset Management Group*

Acct. #WI-01-0067-0002, Balance to Date – \$462,090.72

**CITY OF NEKOOSA – GENERAL FUND**

*MBIA Asset Management Group*

Acct #WI-01-0067, Balance to Date - \$895,664.64

*Nekoosa Port Edwards State Bank*

CD #40532, Maturity 12 Months - \$18,714.49

Owned jointly with Town of PE for the landfill closing.

Respectfully submitted,

Sheila Grosskreutz  
Treasurer, City of Nekoosa

Moved by Carlson seconded by Woiak to accept the Treasurer’s Financial Report as written.

**Carried**

Kim Potter and members of the Nekoosa Girl Scout Troop, who were earning a Bronze Award for Recycling Projects, were in attendance to present \$200.00 to the city for purchasing Recycling Bins for the city’s recycling program.

**Ways & Means**

To the Honorable Mayor and Members of the Nekoosa Common Council:

A Ways & Means meeting was held on Tuesday, April 13, 2010, at 6:15 p.m. in the Nekoosa Council Chambers.

Members present were Dan Carlson, Chairperson, August Woiak, Secretary, Don Nelson, Ken Hartje. Also in attendance were: Mayor Gordon Freeman and Brad Hamilton.

- 1. Audited all bills.

Respectfully submitted

Moved by Carlson Seconded by Woiak that the Ways & Means Committee Report of April 13, 2010, be accepted as written. Carried

**Ordinance No. 550**

**AN ORDINANCE TO REPEAL AND RECREATE MUNICIPAL CODE CHAPTER 14**

**Chapter 14  
Building Code**

**SEC 14.01 Building Code Established**

**SEC 14.02 Building Permits and Inspections**

**SEC 14.03 State Uniform Dwelling Code Adopted**

**SEC 14.04 Severability**

**SEC 14.05 Construction Standards; Codes Adopted**

**SEC 14.06 New Methods and Materials**

**SEC 14.07 Unsafe Buildings**

**SEC 14.08 Disclaimer on Inspections**

**SEC 14.09 Garages**

**SEC 14.10 Regulations and Permit for Razing Buildings**

**SEC 14.10.5 Regulations for Moving Buildings**

**SEC 14.11 Basements**

**SEC 14.12 Discharge of Clear Waters**

**SEC 14.13 Knox-Box Rapid Entry Key Lock Box System**

**SEC 14.13.5 Duplex Service Connections**

**SEC 14.14 Penalties and Violations**

SEC 14.01 BUILDING CODE ESTABLISHED

a. TITLE. This Chapter shall be known as the “Building Code of the City of Nekoosa and will be referred to in this Chapter as “this Code” or “this Chapter.”

b. PURPOSE. This Chapter provides certain minimum standards, provisions and requirements for safe and stable design, methods of construction and uses of materials in buildings and/or structures hereafter erected, constructed, enlarged, altered, repaired, moved, converted to other uses or demolished, and regulates the equipment, maintenance, use and occupancy of all such buildings and/or structures. Its purpose is to protect and foster the health, safety and well-being of persons occupying or using such buildings and the general public.

c. SCOPE. New buildings hereafter erected in, or any building hereafter moved within or into the City of Nekoosa shall conform to all the requirements of this Code except as they are herein specifically exempted from part or all of its provisions. Any alteration, enlargement or demolition of an existing building and any installation therein of electrical, gas, heating, plumbing or ventilating equipment which affects the health or safety of the users thereof or any other persons is a “new building” to the extent of such change. Any existing building shall be considered a “new building” for the purposes of this Code whenever it is used for dwelling, commercial or industrial purposes unless it was being used for such purpose at the time this Code was enacted. The provisions of this Chapter supplement the laws of the State of Wisconsin pertaining to construction and use and the Zoning Code of the City of Nekoosa and amendments thereto to the date this Chapter was adopted and in no way supersede or nullify such laws and the said Zoning Code.

SEC. 14.02 BUILDING PERMITS AND INSPECTIONS

a. PERMIT REQUIRED. No building of any kind shall be moved within or into the City of Nekoosa and no new building or structure, or any part thereof, shall hereafter be erected, or ground broken for the same, or enlarged, altered, moved, demolished, razed or used within the City of Nekoosa, except as herein provided, until a permit therefore shall first have been obtained by the owner or his authorized agent from the Building Inspector.

b. APPLICATION. Application for a building permit shall be made in writing upon a form furnished by the Building Inspector and shall state the name and address of the owner of the land and also the owner of the building if different, the legal description of the land upon which the building is to be located, the name and address of the designer, the use to which said building is to be put, and such other information as the Building Inspector may require.

c. DEDICATED STREET AND APPROVED SUBDIVISION REQUIRED. No building permit shall be issued unless the property on which the building is proposed to be built abuts a street that has been dedicated for street purposes. No building permits shall be issued until the subdivision and required improvements are accepted by the Nekoosa Common Council upon the recommendation of the Zoning Administrator.

d. UTILITIES REQUIRED.

1. Residential Buildings. No building permit shall be issued for the construction of any residential building until sewer, water, grading and graveling are installed in the streets necessary to service the property for which the permit is required and a receipt for payment of electrical hookup is presented to the office of the Building Inspector.

2. Non-Residential Buildings. No building permit shall be issued for the construction of any building other than residential until contracts have been set for the installation of sewer, water, grading and graveling in the streets necessary to service the property for which the permit is requested.

3. Occupancy. No person shall occupy any building until sewer, water, grading and graveling are installed in the streets necessary to service the property and a certificate of occupancy shall not be issued until such utilities are available to service the property.

e. PLANS. With such application there shall be submitted a complete set of plans and specifications, including a plot plan showing the location of the proposed building with respect to

adjoining roads, highways, streets, alleys, lot lines and buildings. Additionally, the plot plan shall include existing and proposed grade elevations at the parcel corners, the highest curb elevation and the proposed top foundation elevation for the principal structure. Plans for the buildings involving the State Building Code shall bear the stamp of approval of the State Department of Industry, Labor and Human Relations. One plan shall be submitted which shall remain on file in the office of the Building Inspector. All plans and specifications shall be signed by the designer. Plans for all new one and two family dwellings shall comply with the provisions of Comm. 20.09(4), Wis. Adm. Code.

f. **WAIVER OF PLANS.** If the Building Inspector finds that the character of the work is sufficiently described in the application, he may waive the filing of plans for alterations, repairs or moving.

g. **APPROVAL OF PLANS.**

1. If the Building Inspector determines that the building will comply in every respect with all ordinances and orders of the City of Nekoosa and all applicable laws and orders of the State of Wisconsin, he shall issue a building permit which shall state the use to which said building is to be put, which shall be kept and displayed at the site of the proposed building. After being approved, the plans and specifications shall not be altered in any respect which involves any of the above mentioned ordinances, laws or orders, or which involves the safety of the building or the occupants, except with the written consent of the Building Inspector.

2. In case adequate plans are presented for part of the building only, the Building Inspector, at his discretion, may issue a permit for that part of the building before receiving the plans and specifications for the entire building.

3. No work is to be started unless a proper grade has been reviewed by the Street Department, including the grade for sidewalk, curb and gutter, driveways and general construction.

4. Upon placement of forms for construction of a foundation or footings of a new principal structure in which the location of said foundation or footings lies within two (2) feet of the required setbacks or at the request of the Building Inspector, a registered land surveyor shall prepare a site plan or survey of the property to verify that the location of the structure on the property complies with all applicable setback requirements. Said survey or site plan shall be provided to the Building Inspector no later than the foundation inspection. Failure to provide said survey will result in the suspension of building permit. Failure to comply with applicable setback requirements will result in issuance of order of correction by the Building Inspector.

h. **FEES.** The building permit fee schedule shall be adopted by resolution by the Nekoosa Common Council and incorporated herein by reference, a copy of which is on file with the office of the Building Inspector.

i. **INSPECTION OF WORK.** The builder shall notify the Building Inspector when ready for inspections and the Building Inspector shall inspect within forty-eight (48) hours notice all buildings at the following stages of construction.

1. Footings and foundation;
2. General framing, rough electrical, plumbing and heating;
3. Insulation; and
4. Final.

If he finds that the work conforms to the provisions of this Chapter, he shall issue a certificate of occupancy which shall contain the date and the results of such inspection, a duplicate of which shall be filed in the office of the Building Inspector.

j. **ISSUANCE AND REVOCATION OF PERMIT.** No new building shall be occupied or otherwise used prior to the issuance of an occupancy permit. The permit may be revoked at the discretion of the Building Inspector upon thirty (30) days notice to the user or occupant of the building.

k. **PERMIT LAPSES.** A building permit shall lapse and be void unless building operations are commenced within six (6) months or if construction has not been completed within two (2) year from the date of issuance thereof.

l. REVOCATION. If the Building Inspector shall find at any time that applicable ordinances, laws, orders, plans and specifications are not being complied with, and that the holder of the permit refused to conform after written warnings or instruction has been issued to him, he shall revoke the building, electrical or plumbing permit by written notice posted at the site of the work. When any such permit is revoked, it shall be unlawful to do any further work thereunder until the permit is reissued, except such work as the Building Inspector may order to be done as a condition precedent to the reissuance of the permit or as he may require for the preservation of human life and safety.

m. REPORT OF VIOLATIONS. The police or other officers shall report to the Building Inspector any building which is being carried on without a permit as required by this Chapter.

#### SEC. 14.03 STATE UNIFORM DWELLING CODE ADOPTED

a. STATE CODE ADOPTED. The administrative code provisions describing and defining regulations with respect to one and two family dwellings in Chapters Comm. 20-25 of the Wisconsin Administrative Code are hereby adopted and by reference made a part of this Chapter as if fully set forth herein. Any act required to be performed or prohibited by an administrative code provision incorporated herein by reference is required or prohibited by this Chapter. Any future amendments, revisions or modifications of the administrative code provisions incorporated herein are intended to be made part of this Chapter to secure uniform statewide regulation of one and two family dwellings in the State of Wisconsin. A copy of these administrative code provisions and any future amendments shall be kept on file in the Zoning Administrator's Office.

b. DEFINITIONS.

1. Addition. "Addition" means new construction performed on a dwelling which increases the outside dimensions of the dwelling.

2. Alteration. "Alteration" means a substantial change or modification other than an addition or minor repair to a dwelling or to systems involved within a dwelling.

3. Department. "Department" means the Department of Industry, Labor and Human Relations.

4. Dwelling. "Dwelling" means:

a. any building, the initial construction of which is commenced on or after the effective date of this Chapter, which contains one or two dwelling units, or

b. an existing structure, or that part of an existing structure, which is used or intended to be used as a one or two family dwelling.

5. Minor Repair. "Minor Repair" means repair performed for maintenance or replacement purposes on any existing one or two family dwelling which does not affect room arrangement, light and ventilation, access to or efficiency of any exit stairways or exits, fire protection, or exterior aesthetic appearance, and which does not increase a given occupancy and use. No building permit is required for work to be performed which is deemed minor repair. No building permits are required for the following projects:

a. Satellite dishes

b. Furnace replacement

c. Built-in appliances

d. Shingles for roof if no extension of roof to change size

e. Window and door replacement as long as size stays the same

f. Driveways. Must conform with secs. 8.12 and 17.27(3) of the Nekoosa City Ordinances

g. Sidewalks. Public sidewalks must conform with sec 8.10(5) of the Nekoosa City Ordinances

h. TV Towers. Must conform with sec 17.30(1)(d) of the Nekoosa City Ordinances

i. Carpet replacement

j. Underground sprinkling systems

6. One or Two Family Dwelling. "A one or two family dwelling" means a building structure which contains one or separate households intended to be used as a home, residence or sleeping place by an individual or by two or more individuals maintaining a common household, to the exclusion of all others.

7. Person. "Person" means an individual, partnership, firm or corporation.

8. Uniform Dwelling Code. “Uniform Dwelling Code” means those administrative code provisions, and any future amendments, revisions or modifications thereto, contained in the following chapters of the Wisconsin Administrative Code:

- a. Wis. Adm. Code Chapter Comm. 20 – Administration and Enforcement
- b. Wis. Adm. Code Chapter Comm. 21 – Construction Standards
- c. Wis. Adm. Code Chapter Comm. 22 – Energy Conservation Standards
- d. Wis. Adm. Code Chapter Comm. 23 – Heating, Ventilating and Air Conditioning Standards
- e. Wis. Adm. Code Chapter Comm. 24 – Electrical Standards
- f. Wis. Adm. Code Chapter Comm. 25 – Plumbing and Potable Water Standards

c. METHOD OF ENFORCEMENT.

1. Building Inspector to Enforce. The Building Inspector and his delegated representatives are hereby authorized and directed to administer and enforce all of the provisions of the Uniform Dwelling Code. The Building Inspector shall be certified for inspection purposes by the Department in each of the categories specified under Sec. Comm. 26.06, Wisconsin Administrative Code, and by the Department of Health and Social Services in the category of plumbing.

2. Subordinates. The Building Inspector may appoint, as necessary, subordinates, which appointments shall be subject to confirmation by the Board. Any subordinate hired to inspect buildings shall be certified under Ch. Comm. 26, Wisconsin Adm. Code, by the Department.

3. Duties. The Building Inspector shall administer and enforce all provisions of this Chapter and the Uniform Dwelling Code.

4. Inspection Powers. The Building Inspector or an authorized certified agent may at all reasonable hours enter upon any public or private premises for inspection purposes and may require the production of the permit for any building, plumbing, electrical or heating work. No person shall interfere with or refuse to permit access to any such premises to the Building Inspector or his/her agent while in performance of his/her duties.

5. Records. The Building Inspector shall perform all administrative tasks required by the Department under the Uniform Dwelling Code. In addition, the Inspector shall keep a record of all applications for building permits in a book for such purpose and shall regularly number each permit in the order of its issue. Also, a record showing the number, description and size of all buildings erected indicating the kind of materials used and the cost of each building and aggregate cost of all one and two family dwellings shall be kept.

SEC. 14-04 SEVERABILITY

If any section, clause, provision or portion of this Chapter or Chapters Comm 20, 21, 22, 23, 24 and 25, Wis. Adm. Code, is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remaining provisions shall not be affected.

SEC. 14.05 CONSTRUCTION STANDARDS; CODES ADOPTED

a. WISCONSIN COMMERCIAL BUILDING CODE ADOPTED. Chapters Comm. 61-65 Wisconsin Commercial Building Code, Chapters Comm. 75-79 Existing Buildings Code, and Chapter Comm. 70 Historic Building Code are hereby adopted and made a part of this Chapter with respect to those classes of building to which the Building Code specifically applies. Any future amendments, revisions and modifications of said Chapters incorporated herein are intended to be made a part of this Code.

b. CONFLICTS. If, in the opinion of the Building Inspector and the Nekoosa Common Council, the provisions of the State Building Code adopted by Subsection (a) of this Section shall conflict with the provisions of the Federal Housing Administration standards in their application to any proposed building structure, the Inspector and/or City of Nekoosa shall apply the most stringent provisions in determining whether or not the proposed building meets the requirements of this Section.

SEC. 14.06 NEW METHODS AND MATERIALS

a. All materials, methods of construction and devices designed for use in buildings or structures covered by this section and not specifically mentioned in or permitted by this section shall not be so used until approved in writing by the State Department of Industry, Labor and Human

Relations for use in buildings or structures covered by the Wisconsin State Building Code, except sanitary appliances, which shall be approved in accordance with the State Plumbing Code.

b. Such materials, methods of construction and devices, when approved, must be installed or used in strict compliance with the manufacturer's specifications and any rules or conditions of use established by the State Department of Industry, Labor and Human Relations. The data, tests and other evidence necessary to prove the merits of such material, method of construction or device shall be determined by the State Department of Industry, Labor and Human Relations.

#### SEC. 14.07 UNSAFE BUILDINGS

Whenever the Building Inspector and Nekoosa Common Council find any building or part hereof within the City of Nekoosa to be in their judgment so old, dilapidated or out of repair as to be dangerous, unsafe, unsanitary or otherwise unfit for human occupancy or use, and so that it would be unreasonable to repair the same, they shall order the owner to raze and remove such building or part thereof, or if it can be made safe by repairs, to repair and make safe and sanitary or to raze and remove at the owner's option. Such order and proceedings shall be as provided in Sec. 66.0413 Wis. Stats.

#### SEC. 14.08 DISCLAIMER ON INSPECITONS

The purpose of the inspections under this Chapter is to improve the quality of housing in the City of Nekoosa. The inspections and the reports and findings issued after the inspections are not intended as, nor are they to be construed as, a guarantee. In order to so advise owners and other interested persons, a disclaimer shall be included in each inspection report as follows:

“The findings of inspection contained herein are intended to report conditions of noncompliance with code standards that are readily apparent at the time of inspection. The inspection does not involve a detailed examination of the mechanical systems or the closed structural and non structural elements of the building and premises. Nor warranty of the operation, use or durability of equipment and materials not specifically cited herein is expressed or implied.”

#### SEC. 14.09 GARAGES

Private garages shall be built in accordance with the general construction standards established in the Wisconsin Uniform Dwelling Code.

#### SEC. 14.10 REGULATION AND PERMIT FOR RAZING BUILDINGS

a. No building within the City of Nekoosa shall be razed without a permit from the City of Nekoosa's Building Inspector. A snow fence or other approved barricade shall be provided as soon as any portion of the building is removed and shall remain during razing operations. After all razing operations have been completed, the foundation shall be filled at least one (1) foot above the adjacent grade, the property raked clean, and all debris hauled away. Razing permits shall lapse and be void unless the work authorized thereby is commenced within six (6) months from the date thereof of completed within thirty (30) days from the date of commencement of said work. Any unfinished portion of work remaining beyond the required thirty (30) days must have special approval from the City of Nekoosa's Building Inspector.

b. All debris must be hauled away at the end of each day for the work that was done on that day. No combustible material shall be used for backfill, but shall be hauled away. There shall not be any burning of materials on the site of the razed building. If any razing or removal operation under this Section results in, or would likely result in, an excessive amount of dust particles in the air creating a nuisance in the vicinity thereof, the permittee shall take all necessary steps, by use of water spraying or other appropriate means, to eliminate such a nuisance. The permittee shall take all necessary steps, prior to the razing of a building, through the employment of a qualified person in the field of pest control or by other appropriate means, to treat the building as to prevent the spread and migration of rodents and insects therefrom during and after the razing operations.

#### SEC 14.10.5 REGULATIONS FOR MOVING BUILDINGS

##### a. GENERAL REQUIREMENTS.

1. No person shall move any building or structure upon any of the public ways without first obtaining a permit therefore from the Building Inspector and upon the payment of the required fee. Every such permit issued by the Building Inspector for the moving of a building shall

designate the route to be taken, the conditions to be complied with and shall limit the time during which said moving operations shall be continued.

2. A report shall be made by Municipal employees with regard to possible damage to trees. The estimated cost of trimming, removal and replacement of public trees, as determined by the Municipality, shall be paid to the Building Inspector prior to issuance of the moving permit.

3. Issuance of moving permit shall further be conditioned on approval of the moving route by the Municipality.

b. **CONTINUOUS MOVEMENT.** The movement of buildings shall be a continuous operation during all the hours of the day and at night, until such movement is fully completed. All such operations shall be performed with the least possible obstruction to thoroughfares. No building shall be allowed to remain overnight upon any street crossing or intersection or so near thereto as to prevent easy access to any fire hydrant or any other public facility. Lights shall be kept in conspicuous places at each end of the building during the night.

c. **STREET REPAIR.** Every person receiving a permit to move a building shall, within one (1) day after said building reaches its destination, report that fact to the Building Inspector, inspect the streets, highways and curbs and gutters over which said building has been moved and ascertain their condition. If the removal of said building has caused any damage to any street or highway, the person to whom the permit was issued shall forthwith place them in as good repair as they were before the permit was granted. On the failure of the said permittee to do so within ten (10) days thereafter to the satisfaction of the Municipality, the Municipality shall repair the damage done to such streets and hold the person obtaining such permit and the sureties on his bond responsible for the payment of same.

d. **CONFORMANCE WITH CODE.** No permit shall be issued to move a building within or into the Municipality and to establish it upon a location within the said Municipality until the Building Inspector has made an investigation of such building at the location from which it is to be moved and is satisfied from such investigation that said building is in a sound and stable condition and of such construction that it will meet the requirements of this Building Code in all respects. A complete plan of all further repairs, improvements and remodeling with reference to such building shall be submitted to the Building Inspector, and he shall make a finding of fact to the effect that all such repairs, improvements and remodeling are in conformity with the requirements of this Building Code. In the event a building is to be moved from the Municipality to some point outside the boundaries thereof, the provisions with respect to the furnishing of plans and specifications for proposed alterations to such building may be disregarded.

e. **BOND.**

1. Before a permit is issued to move any building over any public way in the Municipality, the party applying therefore shall give a bond to the Municipality in a sum to be fixed by the Municipality and which shall not be less than Five Thousand Dollars (\$5,000.00), said bond to be executed by a corporate surety or two (2) personal sureties to be approved by the Municipality or designated agent conditioned upon, among other things, the indemnification to the Municipality for any costs or expenses incurred by it in connection with any claims for damages to any persons or property, and the payment of any judgment together with the costs and expenses incurred by the Municipality in connection therewith arising out of the removal of the building for which the permit is issued.

2. Unless the Building Inspector, upon investigation, shall find it to be a fact that the excavation exposed by the removal of such building from its foundation shall not be so close to a public thoroughfare as to permit the accidental falling therein of travelers or the location, nature and physical characteristics of the premises and the exposed excavation, such as to make intrusion upon the premises and the falling into such excavation of children under twelve (12) years of age unlikely, the bond required above shall be further conditioned upon the permittee erecting adequate barriers and within forty-eight (48) hours, filling in such excavation or adopting and employing such other means, devices or methods approved by the Building Inspector and reasonably adopted or calculated to prevent the occurrences set forth herein.

f. **INSURANCE.** The Municipality shall require, in addition to said bond above indicated, public liability insurance covering injury to one (1) person in the sum of not less than One Hundred Thousand Dollars (\$100,000.00) and for one (1) accident in a sum not less than Two Hundred Thousand Dollars (\$200,000.00), together with property damage insurance in a sum not less than Fifty Thousand Dollars (\$50,000.00), or such other coverage as deemed necessary.

#### SEC. 14.11 BASEMENTS

First floor subflooring shall be completed within sixty (60) days after the basement is excavated.

#### SEC. 14.12 DISCHARGE OF CLEAR WATERS

a. **DISCHARGE.** No person shall cause, allow or permit any roof drain, surface drain, subsoil drain, drain from any mechanical device, gutter, ditch, pipe, conduit, sump pump, or any other object or thing used for the purposes of collecting, conducting, transporting, diverting, draining or discharging clear water from any part of any private premises owned or occupied by said person to discharge into a sanitary sewer.

b. **NUISANCE.** The discharge into a sanitary sewer from any roof drain, surface drain, subsoil drain, drain from any mechanical device, gutter, ditch, pipe, conduit, sump pump or any other object or thing used for the purposes of collecting, conducting, transporting, diverting, draining or discharging clear water from any part of any private premises is hereby declared to be a public nuisance and a hazard to the health, safety and well-being of the residents of the City of Nekoosa and to the protection of property.

c. **GROUNDWATER.** Where deemed necessary by the Building Inspector, every house shall have a sump pump installed for the purpose of discharging clear waters from foundation drains and ground infiltration and where the building is not serviced by a storm sewer shall either discharge into an underground conduit leading to a drainage ditch, gutter, dry well, or shall discharge into the ground surface in such other manner as will not constitute a nuisance as defined herein.

d. **STORM WATER.** All roof drains, surface drains, drains from any mechanical device, gutters, pipe, conduits or any other objects or things used for the purpose of collecting, conducting, transporting, diverting, draining or discharging storm waters shall be discharged either to a storm sewer, a dry well, an underground conduit leading to a drainage ditch or onto the ground surface in such other manner as will not constitute a nuisance as defined herein.

e. **STORM SEWER LATERAL.** Where municipal storm sewers are provided and it is deemed necessary by the property owner and/or the City of Nekoosa to discharge clear waters from a parcel of land, a storm sewer lateral shall be installed and connected to the storm sewer main at the expense of the owner.

f. **CONDUCTING TESTS.** If the Building Inspector or his designated agent suspects an illegal clear water discharge, as defined by this Code or by any other applicable provision of the Wisconsin Administrative Code as it may from time to time be amended, he may, upon reasonable notice and at all reasonable times, enter the private premises where such illegal clear water discharge is suspected and conduct appropriate tests to determine whether such suspected illegal clear water discharge actually exists.

g. **COMPLIANCE AND PENALTY.** Any person determined to be in violation of any provision of this Section shall be given a written notice stating the nature of such violation and providing a reasonable time limit for the satisfactory correction thereof. Any person who shall continue any violation beyond the foregoing time limits shall, upon conviction thereof, be subject to the penalties of Sec. 25.04 of the Nekoosa City Ordinances.

#### SEC. 14.13 KNOX-BOX RAPID ENTRY KEY LOCK BOX SYSTEM

a. **STRUCTURES.** The following structures shall be equipped with a knox-box rapid entry key lock box at an accessible location near the main entrance of the structure or at such location approved by the fire chief:

1. All new commercial and industrial buildings, and all new multi-family residential structures, including senior citizen apartments/condo complexes that have restricted access through locked doors and have a common corridor for access to the living units.

2. All commercial and industrial buildings, and all multi-family residential structures, including senior citizen apartments/condo complexes, that have restricted access through locked doors and have a common corridor for access to other units, in which there is a change of ownership of the property subsequent to the effective date of this ordinance.

2. Exception: any building or structure having on-site 24-hour security personnel may be exempt from the requirements of this section at the discretion of the fire chief.

b. NEW CONSTRUCTION. All new construction subject to this section shall have the rapid entry key lock box installed and operational prior to the issuance of a certificate of occupancy.

c. OTHER STRUCTURES. All other structures in existence on the effective date of this section and subject to this section shall have three (3) months from the recording date on the instrument of conveyance or the date of actual occupancy, whichever occurs first, to have the rapid entry key lock box installed and operational.

d. AUTHORIZATION. The fire chief shall be authorized to implement rules and regulations for the use of the rapid entry key lock box system.

e. OWNERS/OPERATORS. The owner or operator of a structure required to have a rapid entry key lock box shall, at all times, keep keys for the following:

1. The main entrance door. Mixed occupancies and strip shopping center keys shall be provided only for occupancies where system control valves or fire alarm system panels exist.

2. Alarm room (if one exists).

3. Mechanical rooms and sprinkler control rooms.

4. Fire alarm control panel.

5. Electrical rooms.

6. Special keys to rest pull-stations or other fire protection devices.

7. Elevator keys, if required (four stories or more).

8. All other rooms as specified during the plans review process.

These keys are to be marked and identified in a manner approved by the fire chief.

f. SEVERABILITY. If any provision of this ordinance is adjudged invalid by any court of competent jurisdiction, such judgment shall not affect or impair the validity of the remainder of this ordinance.

#### SEC. 14.13.5 DUPLEX SERVICE CONNECTIONS.

Each unit of a duplex shall have separate water and sewer services.

#### SEC. 14.14 PENALTIES AND VIOLATIONS

Any building or structure hereafter erected, enlarged, altered or repaired, or any use hereafter established, in violation of the provisions of this Chapter shall be deemed an unlawful building, structure or use. The Building Inspector shall promptly report all such violations to the City Attorney, who shall bring an action to enjoin the erection, enlargement, alteration, repair or moving of such building or structure or the establishment of such use, or to cause such building, structure or use to be removed. Any person who shall violate any provision of this Chapter shall be subject to penalty as provided in Sec. 25.04 of the Nekoosa City Ordinances. In any such action, the fact that a permit was issued shall not constitute a defense, nor shall any error, oversight or dereliction of duty on the part of the Building Inspector constitute a defense. Compliance with the Provisions of this Chapter may also be enforced by injunctive order at the suit of the owner or owners of any real estate within the jurisdiction of this Chapter.

Passed this 13th day of April, 2010.

---

Gordon G. Freeman, Mayor

---

Joseph M. Rusch II, City Clerk

### **Public Works**

To the Honorable Mayor and Members of the Nekoosa Common Council

A Public Works Committee meeting was held Monday, March 22, 2010 at 2:30 p.m. in the Nekoosa Council Chambers.

Members present were Ken Hartje, *Chairman*; Brad Hamilton, *Secretary*; August Woiak and Robert Schultz. Also in attendance were Mayor Gordon Freeman, Don Nelson, Bill Kaberle-DPW, Jim Quinn, City Attorney., and Joe Rusch II, City Clerk.

1. Update on the Building Ordinance, no action required at this time.

2. Motion by Hamilton, seconded by Woiak, to go into CLOSED SESSION pursuant to Wisconsin Statutes 19.85(1) (e) regarding Ho-Chunk Nation contribution to the Wastewater Treatment plant upgrade. Hartje; yes, Hamilton; yes, Woiak; yes, Schultz; yes. Motion Carried.
3. Motion by Woiak, seconded by Schultz to go into OPEN SESSION pursuant to Wisconsin Statutes 19.85(2) to make possible recommendations on matters discussed in Closed Session. Hartje; yes, Hamilton; yes, Woiak; yes, Schultz; yes. Motion Carried.
4. Recommend City Attorney contact Sheila D. Corbine about her letter of March 5, 2010, and to bring the results back to the Committee.

Respectfully submitted

### **Public Works**

To the Honorable Mayor and Members of the Nekoosa Common Council:

A Public Works meeting was held on Thursday, April 8, 2010, at 1:00 p.m. in the Nekoosa Council Chambers.

Members present were Ken Hartje-*Chairperson*, Larry Krubsack, *Secretary*, Robert Schultz, August Woiak. Also in attendance were: Mayor Gordon Freeman, Don Nelson, John Dolan-Arc Central, Attorney Jim Quinn, Dan Greve-MSA, John Richman-MSA, Bill Kaberle-DPW

1. Update on Senior/Community Center Project.
2. Wastewater Treatment Plant easements should be complete by Tuesday April 13, 2010.
3. Update on Water Tower and Alley rebuild-tentative removal date of old tower is around April 19, 2010.
4. Update on Wisconsin Community Development Block Grant Contract. Recommend Mayor sign CDBG application.
5. Update on Mike Zurfluh's questions on garbage tax. Recommend his bill stay as is.
6. Recommend adopting Building Code Ordinance 550 and have Mayor sign new Contracts with Building Inspector from General Engineering Co.
7. Update on Recycling Program donation from Girl Scouts fundraiser.
8. Recommend hiring R&R Waste System Cleaning Inc. to clean City Sewer Pipes. See attached letter for pricing.
9. Update on Water meter and inspections for Cross Ties.
10. Update on garbage truck-delivery expected in Mid-May.
11. Update on Tree Ordinance. Recommend we follow per ordinance.
12. Update on equipment and training. Recommend Mayor and DPW Director attend symposium in Wausau per ordinance and agreement.

Respectfully submitted

Moved by Hartje Seconded by Woiak that the Public Works Committee Reports of March 22, 2010 and April 8, 2010, be accepted as written. Carried

Moved by Hartje Seconded by Carlson that Items 4,6,8, 12 of the Public Works Committee Report of April 8, 2010 be adopted for action.

Roll Call Vote: 6 Ayes, 0 Nays. Carried.

### **RESOLUTION**

BE IT RESOLVED: That pursuant to Municipal Code 3.05 of the City of Nekoosa, Wood County, Wisconsin the Nekoosa Common Council authorizes the following Budget Transfer:

Transfer **\$ 41,592.06** Budget Savings (Under Budget) in Fund 100 into Fund 250 for 2009

Dated this 13th Day of April, 2010.

---

Gordon G. Freeman, Mayor

---

Joseph M. Rusch II, City Clerk

### **Public Safety**

To the Honorable Mayor and Members of the Nekoosa Common Council:

A Public Safety meeting was held on Tuesday, April 6, 2010, at 6:15 p.m. in the Nekoosa Council Chambers.

Members present were Larry Krubsack, Chairperson, Dan Carlson, Secretary, August Woiak, Don Nelson. Also in attendance were: Mayor Gordon Freeman, Police Chief John Reimer, Asst. Police Chief Shawn Woods, Fire Chief Mike Hartje, Asst. Fire Chief Dave Rheinschmidt, Ambulance Chief Don Harnisch, Asst. Ambulance Chief Ken Moody, John Gethers, Tim Halverson.

1. Recommend Police Dept purchase ammunition.
2. Discussed adopting State Statue on Smoking in Public Places.
3. Discussed adopting State Statute requiring Motor Vehicles Insurance
4. Recommend installing Security Camera in Safety Center for approximately \$4,250.00.
5. Recommend increasing School Resource Officer's Hours pending availability.
6. Recommend signing Computer Service Agreement with PCS.
7. Recommend Tim Halverson perform Quality Assurance Program on Ambulance Run Reports for six month trial period.
8. Recommend Fire Chief and Asst. Fire Chief attend Fire Chiefs Conference June 24-27, 2010 in LaCrosse, WI per ordinance.
9. Recommend signing Resolution for Budget Transfer to Fire Dept.

Respectfully submitted

Moved by Woiak Seconded by Nelson that the Public Safety Committee Report of April 6, 2010, be accepted as written. Carried

Moved by Woiak Seconded by Carlson that Items 1,4-9 of the Public Safety Committee Report of April 6, 2010, be adopted for action.

Roll Call Vote: 6 Ayes, 0 Nays. Carried.

### **Property Recreation & Human Affairs**

To the Honorable Mayor and Members of the Nekoosa Common Council:

A Property Recreation & Human Affairs meeting was held on Tuesday, April 6, 2010 at 5:30 p.m. in the Nekoosa Council Chambers.

Members present were Bob Schultz, Chairperson, Larry Krubsack, Secretary, August Woiak, Don Nelson. Also in attendance were: Mayor Gordon Freeman, Bill Kaberle-DPW, Todd Forcier.

1. Recommend donation to Walleye Days Committee of \$500.00 to come from Boat Landing Fund.
2. Recommend waiving boat landing fee Musky Challenge participants and putting sign up at Nekoosa Boat Landing for Jim Freeman.
3. Discussed DNR Grant Information.
4. Discussed Community Garden.
5. Discussed update from Pool Committee.
6. Discussed Government Seminar in Wausau. Recommend mileage paid for one vehicle for those interested in attending.

Respectfully submitted

Moved by Schultz Seconded by Nelson that the Property Recreation & Human Affairs Committee Report of April 6, 2010, be accepted as written. Carried

Moved by Schultz Seconded by Woiak that Items 1-2, 6 of the Property Recreation & Human Affairs Committee Report of April 6, 2010 be adopted for action.

Roll Call Vote: 6 Ayes, 0 Nays. Carried/Defeated

Moved by Woiak Seconded by Nelson to accept the Police Chief's monthly report as written. Carried

Moved by Woiak Seconded by Nelson to accept the Public Works Department's monthly report as written. Carried

Moved by Woiak Seconded by Nelson to accept the Ambulance Department's monthly report as written. Carried

Moved by Woiak Seconded by Nelson to accept the Fire Department's monthly report as written. Carried

### **BILLS TO BE READ**

**APRIL 13, 2010**

#### **GENERAL**

5 ALARM FIRE & SAFETY

63.04

ACE HARDWARE	13.98
ADVANCE JANITORIAL SERVICE	296.85
AIRGAS NORTH CENTRAL	16.12
ALLIANT ENERGY/WP&L	1,454.41
ALLIANT ENERGY/WP&L	2,944.56
ALLTEL	150.98
ASPIRUS OCCUPATIONAL HEALTH	226.50
B A PAULS & ASSOCIATES	775.00
BEAVERS VARIETY #236	1.98
BENDLIN FIRE EQUIPMENT	402.00
BILL KABERLE	130.00
BP	208.95
BRUCE MUNICIPAL EQUIPMENT INC	73.88
BURBACH AQUATICS INC	316.23
CHARTER COMMUNICATIONS	99.99
DIVISION OF UNEMPLOYMENT INS	981.81
DOORWORKS INC	210.00
EO JOHNSON	343.00
FAIVRE IMPLEMENT INC	278.91
FLEET SERVICES	509.68
GALLS	185.72
GANNETT WI MEDIA	143.49
GANNETT WI MEDIA	391.35
G&K SERVICES	698.59
GOODFELLAS PIZZA	120.00
GOTTA GO RENTALS	225.00
HADLEYS OFFICE PRODUCTS	24.77
HERMAN STEINERT	15.00
HORST DISTRIBUTING INC	141.68
ITU INC	444.04
JEFFERSON FIRE & SAFETY	670.00
LABOR ASSOCIATION OF WI	70.00
MADA	282.50
MEDPRO MIDWEST GROUP	704.32
MID AMERICAN RESEARCH CHEMICAL	233.32
MIKE HARTJE	120.00
MIKE OR JENNIFER DUCHROW	89.40
MINNESOTA LIFE INS CO	294.20
MISSISSIPPI WELDERS SUPPLY	238.20
MOBILE LOCK & SECURITY	11.55
NAPA AUTO PARTS	84.57
NEKOOSA CORP	4.06
NEUMARK STENSBERG	514.00
NORTHERN SAFETY CO INC	88.97
NORTHWAY COMMUNICATIONS	391.67
OFFICE SUPPLIES 2 U	121.05
PMI	447.00
PRECISION GRADING & UTILITIES	221.00
RAPIDS RENTAL & SUPPLY CO	15.50
SCHIERL	896.52
SECURITY HEALTH PLAN	30,608.62
STAPLES ADVANTAGE	184.66
STATE CONTROLLERS OFFICE CMO	1,650.60
SUPERIOR CHEMICAL CORP	203.71
TERRYS AMOCO	25.00
TERRYS AMOCO	3,612.76
THE PRINT SHOP	143.00
THE UNIFORM SHOPPE	20.00
THE UNIFORM SHOPPE	29.95
TIM HALVERSON	36.90
TRUTEST DRUG & ALCOHOL	70.00
UNIFORMS PLUS	136.40
U S CELLULAR	203.46
USA BLUEBOOK	27.90
VEOLIA ENVIRONMENTAL SERVICES	5,143.79
VEOLIA ES SOLID WASTE MIDWEST	2,544.60
VIETNAM VETERANS OF AMERICA	100.00

VISION SERVICE PLAN	238.23
WE ENERGIES	1,663.27
WINZER CORP	120.00
WI DEPT OF JUSTICE – TIME	223.50
WOOD COUNTY TREASURER	833.40
ADVANCE JANITORIAL	229.35
ALLIANT ENERGY	726.41
AMAZON.COM	781.13
BAKER & TAYLOR	158.57
DEMCO	122.10
E O JOHNSON CO	116.00
EO JOHNSON	12.77
FIRE PRO INC	35.00
GALE GROUP	63.85
NEKOOSA FLORAL & GIFTS	18.17
ROSEN PUBLISHING	289.05
SOUTH CENTRAL LIBRARY SYSTEM	68.00
UPSTART	87.40
WE ENERGIES	181.00
UPS	23.33
AIRGAS NORTH CENTRAL	142.51
BILL KABERLE	225.00
BP	601.70
CARQUEST AUTO PARTS STORES	260.04
ASPEN PUBLISHERS INC	203.65
DEMCO	113.09
MARK SCHRAEDER	60.00
ROBERT R MC CARTY	35.00
JOHN REIMER	17.05
NEKOOSA CREDIT UNION	300.00
NORTH SHORE BANK FSB	1,360.00
PAPER CITY SAVINGS	655.00
PITNEY BOWES	369.00
POWER COMPUTING SOLUTIONS	350.00
UPS	32.65
WI DNR-OPERATOR CERTIFICATION	75.00
AFLAC	838.60
ANTHEM BLUE CROSS BLUE SHIELD	2,390.55
PENFLEX INC	538.00
WI SCTF	68.00
WI SCTF	96.92
WI SCTF	323.07
ALLTEL	392.82
NEKOOSA CREDIT UNION	98.85
NEKOOSA CREDIT UNION	223.74
NEKOOSA CREDIT UNION	792.39
STAPLES CREDIT PLAN	390.56
UPS	16.16
WALMART COMMUNITY/GEMB	210.92
LABOR ASSOCIATION OF WI	486.00
NEKOOSA CREDIT UNION	300.00
NORTH SHORE BANK FSB	1,360.00
PAPER CITY SAVINGS	655.00
WI SCTF	323.07
WI SCTF	96.92
WI SCTF	<u>97.92</u>
	82,616.40

**PAYROLL**

GENERAL	2,020.76
LIBRARY	1,034.55
GENERAL	8,094.57
LIBRARY	1,492.74
SUNDRY	11,704.34
GENERAL	142.42
GENERAL	406.34
GENERAL	13,122.37

SUNDRY	11,585.37
GENERAL	1,950.29
LIBRARY	1,025.29
GENERAL	7,534.77
LIBRARY	1,384.83
GENERAL	405.95
GENERAL	1,131.79
GENERAL	1,791.72
GENERAL	277.05
SUNDRY	11,647.06
GENERAL	1,996.73
LIBRARY	1,034.55
GENERAL	8,573.44
LIBRARY	1,462.92
GENERAL	123.75
GENERAL	162.52
GENERAL	13,578.82
COMMON COUNCIL/MAYOR	<u>1,728.57</u>
	105,413.51

**WATER**

ALLIANT ENERGY/WP&L	4,305.43
BYTEC RESOURCE MANAGEMENT	4,062.50
CHARTER COMMUNICATIONS	126.59
COMMERCIAL TESTING LAB INC	1,226.40
FERRELLGAS	691.01
GANNETT WI MEDIA	7.67
HAWKINS INC	8,091.30
MARTELLE WATER TREATMENT	292.40
R&R WASTE SYSTEMS CLEANING INC	887.00
SMITH LUMBER	29.28
TOMS PAINT & DECORATING	46.00
USA BLUEBOOK	110.12
WE ENERGIES	1,763.39
CHARTER COMMUNICATIONS	126.59
MENARDS PLOVER	264.31
UPS	32.64
PITNEY BOWES	264.00
CITY OF NEKOOSA GF	4,549.24
CITY OF NEKOOSA GF	1,667.34
UPS	16.16
CITY OF NEKOOSA GF	3,474.82
CITY OF NEKOOSA GF	1,667.34
	33,701.53

**BILLS TO BE READ OVER \$1,000.00(NON-MONTHLY):**

**GENERAL**

ARC CENTRAL	2,940.00
CARQUEST AUTO PARTS STORES	2,016.41
CRACK FILLING SERVICE CORP	5,000.00
EMERGENCY MEDICAL PRODUCTS	1,042.19
GIBSON & BARNES FLIGHT SUITS	1,982.84
IMAGE TREND INC	1,200.00
MID STATE TECHNICAL COLLEGE	3,537.38
MSA PROFESSIONAL SERVICES	11,910.39
RIVERVIEW HOSPITAL	1,425.77
SCHENCK SC	5,300.00
SMITH LUMBER	1,034.66
WI CARTRIDGE CORP	1,600.00
WOOD COUNTY	1,507.13
NORTHWAY COMMUNICATIONS	2,907.20
LIBERTY MUTUAL INS CO	10,718.41
KELLER CONSTRUCTION	2,325.00
	56,447.38

**WATER**

HD SUPPLY WATERWORKS	9,900.00
MSA PROFESSIONAL SERVICES	1,623.31
SCHENCK SC	5,800.00
DIGITAL ALLY	1,000.00
NEKOOSA CREDIT UNION	1,014.29
	19,337.60

Moved by Hartje Seconded by Woiak to pay all bills as written and read.

Roll Call Vote: 6 Ayes, 0 Nays. Carried

Moved by Woiak Seconded by Nelson to adjourn. Carried

Respectfully Submitted

Joseph M. Rusch II  
City Clerk