

CITY OF NEENAH
PUBLIC SERVICES AND SAFETY COMMITTEE MEETING
Tuesday, July 30, 2019 - 6:30 PM
Hauser Room - City Administration Building

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

AGENDA

1. Approval of Minutes of the July 9, 2019, Regular Meeting (Minutes can be found on the City website)
2. Public Appearances
3. Police Department Statistics and Data: (Attachment)
 - a. Second Quarter Calls for Service (April - June 2019)
 - b. Uniform Crime Report (UCR)/Wisconsin Incident Based Reporting System (WIBRS) Report - (January - June 2019)
 - c. Traffic Arrests, OWI Tests, Traffic Violation Detail - June 2019
 - d. Citation Detail - June 2019
 - e. Warning Detail - June 2019
 - f. Dangerous Animal Report (January 1 - July 12, 2019)
4. Recommendation to Award Contract to Ayres and Associates for the Design and Engineering of the Shattuck Park Fountain (Attachment)
5. Ordinance 2019-18: Amending the City's Official Map by Changing the Name of Peckham Road, Oak Street Road, and Peckham Street to East Peckham Street (Attachment)
6. Ordinance 2019-17: Amending Section 11-100 to Include a Ban on E-Cigarettes (Attachment)
7. Discussion of Extension of Premise for Alcohol Beverage License to Allow for Car Side Alcohol Sales (Attachment)
8. Discussion of Tullar Garage Drop-Off Site Layout and Operations (Attachment)
9. Special Event Permits:
 - a. Bikers Against Trafficking Ride (Attachment)
10. Licenses
 - a. Beverage Operator License Applications (Attachment)
11. Public Works General Construction and Department Activity (Attachment)
12. Announcements / Future Agenda Items
13. Adjournment

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

CITY OF NEENAH
PUBLIC SERVICES AND SAFETY COMMITTEE MEETING MINUTES
Tuesday, July 9, 2019 - 6:30 PM
Hauser Room - City Administration Building

Present: Aldermen Bates, Lang, Lendrum, Spellman and Stevenson

Also Present: Mayor Kaufert, Director of Public Works Kaiser, Traffic Engineer Merten, Assistant Police Chief Sievert, Police Captain Bernice

Minutes: **Motion/Second/Carried Lendrum/Stevenson to approve the minutes of the June 25, 2019, Regular Meeting.** All voting aye.

Public Appearances: Barb Lundrigen, 404 E. Forest Avenue, addressed the Committee regarding the parking recommendation for Forest Avenue abutting her property. She questioned if parking would still be available across the street from her house.

Motion/Second/Carried Lendrum/Spellman to amend the agenda to address items after Item 3, until Traffic Engineer Merten is available. All voting aye.

Potential Amendments to Policy 2018-01 Awarding Class B Licenses: Chairman Bates informed the Committee that the Liquor Licensing Review Subcommittee recommends that Council approve amending Policy 2018-01 to include Section C wording as follows: Code Sec. 4-100(6) *Abandonment of premises.* Any licensee holding a license to sell alcohol beverages under this article that abandons such business shall forfeit any right or preference the licensee may have to the holding of or renewal of such license. Abandonment shall be sufficient grounds for revocation or nonrenewal of any alcohol beverage license. In this section "abandon" and "abandonment" shall mean a continuing refusal or failure of the licensee to use the license for the purpose or purposes for which the Common Council granted the license for a period of six months and Code Sec. 4-97 (a) *As to ownership,* In the event the "Class B" quota has been met and an existing "Class B" licensee goes out of business or relocates out of the City of Neenah, the new owner or tenant holds the right to that regular "Class B" license provided the new owner applies for that license within 60 days. If a new owner or tenant has not applied for said license within 60 days, that license will be added back into the quota for regular "Class B" licenses. Alderman Stevenson stated that the changes were housekeeping to cleanup language in the policy and to provide consistency between the policy and the municipal code.

REPORT

Following discussion, **Motion/Second/Carried Stevenson/Lendrum to recommend Council approve amending Policy 2018-01 to include Section C wording as follows: Code Sec. 4-100(6) Abandonment of Premises and Code Sec. 4-97(a) As to ownership.** All voting aye.

Original Alcohol Beverage Retail License Application: David J. Pyszora, Individual, d/b/a Pappa's Café, 1360 S. Commercial Street, Neenah, WI 54956: Chairman Bates informed the Committee that the applicant informed the city clerk via email that he is withdrawing his application. No Committee action is necessary.

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Beverage Operator License Applications: The Committee reviewed the beverage operator license applications for Corey A. Bass, Joseph B. Bowers, Hannah J. Bratz, Rebecca M. Bucholtz, Rodney L. Crow, Samantha M. Dahlke, John N. Eckrich, Jacob J. Esslinger, Danyelle A. Faulkcon, Lindsey Hartz, Margaret C. Hayes, Victoria E. Jambertz, Jordan A. Jensen, Kristine Laverty, Jennifer L. Lee, Jennifer P. Martin, Graham M. Musial, Amanda R. Rausch, Carmen R. Rosado, Meridith A. Rouse, Lisa M. Schabel, Nathan H. Schmechel, Jessica L. Udelhofen, Cody P. Vaughn, Kayla M. Weiss and Alex B. Wendt.

Following discussion, **Motion/Second/Carried Stevenson/Lendrum to recommend Council approve beverage operator license applications for Corey A. Bass, Joseph B. Bowers, Hannah J. Bratz, Rebecca M. Bucholtz, Rodney L. Crow, Samantha M. Dahlke, John N. Eckrich, Jacob J. Esslinger, Danyelle A. Faulkcon, Lindsey Hartz, Margaret C. Hayes, Victoria E. Jambertz, Jordan A. Jensen, Kristine Laverty, Jennifer L. Lee, Jennifer P. Martin, Graham M. Musial, Amanda R. Rausch, Carmen R. Rosado, Meridith A. Rouse, Lisa M. Schabel, Nathan H. Schmechel, Jessica L. Udelhofen, Cody P. Vaughn, Kayla M. Weiss and Alex B. Wendt.** All voting aye.

Beverage Operator License Application (New) - Denial: The Committee reviewed the beverage operator license application for Cody R. Lichtfuss. The Neenah Police Department had recommended license denial.

Following discussion, **Motion/Second/Carried Lendrum/Stevenson to recommend Council deny the new beverage operator license application for Cody R. Lichtfuss.** All voting aye.

Beverage Operator License Application (New) - Delinquent Payment: The Committee discussed the beverage operator license application for Stephani Malliet.

Following discussion, **Motion/Second/Carried Lendrum/Stevenson to recommend Council approve the beverage operator license application (new) for Stephani Malliet, contingent upon payment of all delinquent City fees.** All voting aye.

Beverage Operator License Application (Renewal) - Delinquent Payment: The Committee discussed the beverage operator license application for Troy Schuppe

Following discussion, **Motion/Second/Carried Lendrum/Stevenson to recommend Council approve the beverage operator license application (renewal) for Troy Schuppe, contingent upon payment of all delinquent City fees.** All voting aye.

Temporary Class "B" (Picnic) Retail License Application: Fox Valley Area Labor Council – Labor Day Celebration: The Committee reviewed the request for a temporary Class "B" (picnic) retail license application from the Fox Valley Area Labor Council for the Labor Day Celebration event to be held on September 2, 2019, at the Labor Temple (157 S. Green Bay Road). Committee discussed security arrangements for the event. Assistant Police Chief Sievert stated that there have been no calls for police service at this event.

C.A.

REPORT

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C.A.

Following discussion, **Motion/Second/Carried Lendrum/SPELLMAN to recommend Council grant a temporary Class "B" (picnic) retail license to the Fox Valley Area Labor Council for the Labor Day Celebration event to be held on September 2, 2019.** All voting aye.

Taxi Cab License Application - Kidz Kab, LLC: Committee reviewed the taxi cab license application for Kidz Kab, LLC, 233 Dodge Street, Kaukauna.

C.A.

Following discussion, **Motion/Second/Carried Stevenson/Lendrum to recommend Council grant a taxi cab license to Kidz Kab, LLC, 233 Dodge Street, Kaukauna.** All voting aye.

Public Works General Construction and Department Activity:

1. Contract 2-18 (Cecil, Adams). A final pay estimate is being prepared. The contractor has been working through the punchlist items.
2. Contract 3-18 (Nature Trails/Eaglecrest) – The trail along Woodenshoe Road has been paved. Warranty work has been done. A final estimate is being prepared.
3. Contract 1-19 (Caroline, Stevens, Fifth)
 - a. Caroline Street – Utility work is complete. Curb/gutter and driveway work will be completed 7/3. Sidewalk repairs and terracing will be done the week of 7/8.
 - b. Stevens Street – Utility work concrete work and finish grading are complete. Paving is scheduled for 7/8. Terracing will follow.
 - c. Fifth Street – Work is complete.
4. Contract 2-19 (Stanley Ct, Stanley St, Thomas)
 - a. Stanley Court – Water main and storm sewer installation is complete. Lateral replacements will be done the week of 7/8.
 - b. Stanley Street – Utility main work is complete. The western section of water main needs to have testing completed. Side street tie-ins are complete for Ames and Bruce.
 - c. Thomas Court – Utility work is complete. Lateral replacements were completed on 7/3.
5. Contract 3-19 (Epoxy Pavement Marking) – Work is complete. A final pay estimate is being taken to the Board of Public Works.
6. Contract 4-19 (Concrete Pavement and Sidewalk Repair) – The Bell Street trail has been poured. Pendleton Road trail and sidewalk have been installed. Backfilling and terracing are scheduled for the week of 7/8. Tullar Road pavement and sidewalk repairs will be started the week of 7/8. Director Kaiser clarified that the proposed 2020 project on Tullar Road is primarily for diamond grinding the concrete pavement.
7. Contract 5-19 (Hot-Mix Asphalt Pavement Repair) – Work has not yet been scheduled.
8. Courtney Court – A pre-construction meeting was held on July 3. The contractor is scheduled to mobilize the week of July 15 and to start work on July 22. Director Kaiser noted that the first piece of work will be installing storm sewer from Green Bay Road to Courtney Court. He stated that this will require that Green Bay Road be closed to traffic on July 22. Committee directed staff to arrange for public notification with the changeable message boards and social media.
9. Pond Fountains – Given repair and electricity costs to maintain and operate pond fountains, staff is evaluating the use of other aeration options. We currently have four fountains out of service with an average repair estimate of \$1,500.

10. Traffic Engineer Merten will be away from the office from July 12 to August 12. If you observe or are made aware of any traffic issues in that time, please contact me.

E. Forest Avenue Parking Change: Engineer Merten reviewed the revised staff proposal to swap the no parking restriction from the south side of E. Forest Avenue to the north side from Third Street to Fourth Street. Parking had been prohibited on the south side of the street in this block. A recent change was made that prohibits parking on the north side of the street and allows it on the south side of the street. Traffic Engineer Merten noted concerns with a partial parking removal on each side of the street. He noted that the restrictions as posted provide more parking in that block than the previous restrictions did. He confirmed that parking would be available on the south side of the street across from 404 E. Forest Avenue. Committee suggested that the situation be monitored for the next year to determine if it had the desired effect. Traffic Engineer Merten confirmed that all of the abutting properties were notified by letter of the Committee meeting. He stated that he was able to speak with several property owners when he delivered the letter. He confirmed that the parking arrangement in this block will match the parking arrangement for the two blocks to the west.

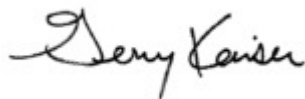
Following further discussion, **Motion/Second/Carried Stevenson/Spellman to recommend Council approve the Official Traffic Maps be amended to remove the “No Parking Anytime” regulation on the south side of E. Forest Avenue from Third Street to Fourth Street and to establish a “No Parking Anytime” regulation on the north side of E. Forest Avenue from Third Street to Fourth Street.** All voting aye.

Announcements/Future Agenda Items: Chairman Bates informed the Committee that a discussion of unpaved driveways and driveway aprons will be part of an upcoming agenda.

Chairman Bates suggested that a Committee of the Whole meeting be held to address the extension of premises issue for click & collect operations and the issue of convenience store alcohol sales. Committee discussed potential COW arrangements. Council President Stevenson stated that he would consider the matter and follow up with the Committee.

Motion/Second/Carried Stevenson/Lendrum to adjourn at 7:10 p.m. All voting aye.

Respectfully submitted,



Gerry Kaiser, PE
Director of Public Works

REPORT



Department of Police
2111 Marathon Avenue, Neenah, WI 54956-4771
Phone: 920-886-6000 Fax: 920-886-6054
website: www.ci.neenah.wi.us
e-mail: police@ci.neenah.wi.us

MEMORANDUM

To: Marge Bates, Chair
Public Services and Safety Committee
Mayor Kaufert

From: Captain Jeffrey Bernice

Re: **Police Statistics & Data**

Date: July 24, 2019

Attached are various statistics and data for the Neenah Police Department.

1. Second Quarter Calls for Service (April – June 2019)
2. Uniform Crime Report (UCR)/Wisconsin Incident Based Reporting System (WIBRS) Report - (January – June 2019)
3. Traffic Arrests, OWI Tests, Traffic Violation Detail – June 2019
4. Citation Detail – June 2019
5. Warning Detail – June 2019
6. Dangerous Animal Report (January 1 – July 12, 2019)

Please contact me if you have any questions or concerns.

2019 Uniform Crime Report

as submitted to the Department of Justice Statistical Analysis Center

Neenah PD Crime Counts by Incident/Arrest Date	Jan-19	19-Feb	19-Mar	19-Apr	19-May	Jun-19	YTD-19
Crime Category	Offenses	Offenses	Offenses	Offenses	Offenses	Offenses	
TOTAL	51	18	0	52	74	63	258
Crimes Against Persons	13	3	0	9	18	13	56
Murder & Non-Negligent Manslaughter	0	0	0	0	0	0	0
Manslaughter by Negligence	0	0	0	0	0	0	0
Sex Offenses	1	1	0	2	0	4	8
Rape	1	0	0	0	0	1	2
Sodomy	0	0	0	0	0	0	0
Sexual Assault w/Object	0	0	0	0	0	0	0
Fondling	0	1	0	2	0	3	6
Sex Offenses - Nonforcible	1	0	0	0	0	0	1
Incest	0	0	0	0	0	0	0
Statutory Rape	1	0	0	0	0	0	1
Assault Offenses	11	2	0	7	18	9	47
Aggravated Assault	1	0	0	1	4	3	9
Simple Assault	10	2	0	6	13	3	34
Intimidation	0	0	0	0	1	3	4
Kidnapping/Abduction	0	0	0	0	0	0	0
Human Trafficking	0	0	0	0	0	0	0
Human Trafficking Commercial Sex Acts	0	0	0	0	0	0	0
Human Trafficking Involuntary Servitude	0	0	0	0	0	0	0
Crimes Against Property	34	14	0	31	42	36	157
Robbery	0	0	0	0	0	0	0
Burglary	2	1	0	0	0	1	4
Theft/Larceny	22	8	0	22	25	23	100
Theft - Pocket-Picking	0	0	0	0	0	0	0
Theft - Purse Snatching	0	0	0	0	0	0	0
Theft - Shoplifting	8	2	0	6	12	10	38
Theft From Building	3	0	0	0	0	1	4
Theft From Coin-Op. Machine	0	0	0	0	0	0	0
Theft From Motor Vehicle	0	0	0	2	0	1	3
Theft of Motor Vehicle Parts	1	0	0	0	0	2	3
Theft - All Other Larceny	10	6	0	14	13	9	52
Motor Vehicle Theft	1	0	0	1	0	3	5
Stolen Property Offenses	0	0	0	1	1	1	3
Arson	1	0	0	0	0	0	1
Counterfeiting/Forgery	1	0	0	1	3	1	6
Fraud Offenses	4	1	0	2	4	2	13
Fraud - False Pretenses	1	0	0	0	1	1	3



TRAFFIC ACCIDENT STATISTICAL BREAKDOWN

JUNE 2019	This Month	Year-to-Date	YTD 2018	YTD 2017	YTD 2016	YTD 2015
Reportable - Property Damage	17	193	195	175	172	179
Reportable - Personal Injury	6	37	47	48	48	54
FATALITIES	0	0	0	0	2	1
INJURIES A	0	3	3	4	2	2
INJURIES B	2	15	16	22	16	22
INJURIES C	1	33	41	56	32	42
Pedestrian Accidents	0	0	1	1	4	4
Bicycle Accidents	1	3	3	3	2	6
Parking Lot Accidents	3	30	79	58	47	54
Roundabout Accidents	3	29	75	52	51	47
Green Bay/Winneconne	4	22	43	37	38	36
Lake/Winneconne	0	1	5	2	2	1
Shopko	0	0	2	2	0	0
Fox Point Plaza	0	0	0	0	2	1
1 st St/EN Water St	0	0	1	4	1	1
Cecil/Green Bay	1	2	4	0	1	1
Tullar/Breezewood	0	0	3	1	0	1
Breezewood/Harrison	1	6	5	4	5	2
Breezewood/NB 41	0	1	8	2	0	1
Breezewood/SB 41	0	0	5	0	1	2
Breezewood/Gillingham	2	2	3	2	1	1
DAYLIGHT ACCIDENTS	28	185	265	251	219	222
DARKNESS ACCIDENTS	4	54	89	54	69	35
TOTALS BY MONTH	32	239	354	305	288	257

TRAFFIC ARRESTS

June 2019	This Month	Year-to Date	YTD 2018	YTD 2017	YTD 2016	YTD 2015
TRAFFIC CITATIONS	146	879	1293	1385	1052	921
WRITTEN WARNINGS	177	1145	1293	923	770	756
TOTALS BY MONTH	323	2024	2586	2308	1822	1677
PARKING TICKETS	644	2651	3658	3260	2099	2788

OWI TESTS

June 2019	This Month	Year-to-Date
INTOXIMETER TESTS	3	26
BLOOD TESTS	4	18
REFUSALS	1	4
REFUSAL FORCED BLOOD	0	6
TOTAL OWI ARRESTS		54

**Neenah Police Department
Citation Detail - 2019**

Group	Jan	Feb	Mar	Apr	May	June	July	Aug	Sept	Oct	Nov	Dec	YTD
Speeding Related	20	20	18	30	22	43							153
Reckless/ Inattentive		6		2	3	6							17
Right of Way	2	7	7	6	3	1							26
Hit and Run/ Failure to Report	4	3	5	1	3	1							17
OWI	9	7	9	12	9	8							54
OAS/OAR/OWL	27	22	33	34	34	28							178
Registration	18	16	28	29	21	18							130
Equipment	8	17	7	19	12	10							73
Seatbelt/Child Restraint	2	2	2	3	7								16
Insurance Violations	15	15	24	28	23	17							122
Misc. Moving Violations	7	3	7	6	7	5							35
Misc. Alcohol/Cont. Substance	7	7	3	8	7	5							37
Stop Sign/Signal	5	2	2	3	2	3							17
Misc. Non-Moving Violations			1	1	1	1							4
Totals	124	127	146	182	154	146							879

Dangerous Animal Report

Time Period: January 1, 2019 to July 12, 2019

**Total bite
scratch
incidents:**

22 (All animal bite and scratch calls have only been tracked since March 2019) *****One case is still under review and has not received a declaration. It is not noted below.*****

Declarations			Notes
	No action	17*	This category has only been tracked since March of 2019.
	Potentially	2	
	Dangerous	1	Animal was euthanized
	Prohibited	1	Moved out of the City of Neenah

Potentially Dangerous Animals

Incident Number	Date	Animal	Animal Owner	Owner's address
19-009092	6/22/2019	Mixed Breed	Valerie J. Spaulding	629 Congress St.
19-001891	2/27/2019	Rottweiler	Sarah L. Schaffler	914 Adams St.

Dangerous Animals

Incident Number	Date	Animal	Animal Owner	Owner's address
19-005294	4/16/2019	Pitbull	Anthony A. Woolf	411 Union St.

Prohibited Dangerous Animals:

Incident Number	Date	Animal	Animal Owner	Owner's address
19-002897	2/28/2019	German Shepherd	Tatiana Chersini	314 E. Franklin Ave.



*Department of
Parks & Recreation*

TO: Mayor Kaufert, Chair Bates and members of the Public Safety and Services Committee
FROM: Michael T. Kading, Director of Parks & Recreation
DATE: July 24, 2019
RE: Shattuck Park Fountain - Design and Engineering Proposal

MAL

During its regular meeting of July 18, 2019, the Park and Recreation Commission reviewed a proposal from Ayres and Associates to complete the design and engineering work for the revision of the current Shattuck Park fountain into a splash pad. Moving forward, the Commission recommends the acceptance of this proposal.

Given the working relationship and expertise provided by Ayres and Assoc. during the design, engineering and construction of the splash pad at Washington Park, staff felt that it was important to remain consistent with the systems and design. Therefore, the Commission recommends Ayres and Associates for the Shattuck work.

The renovation project has been approved in the 2020 CIP Budget, and staff is recommending that the City begin construction in March 2020 with completion scheduled for the end of May so that we can facilitate 2020 activities with minimal interference. With that said, staff is recommending the design and engineering work to be completed this fall with an early bid release in early January 2020.

Please further note that Task #2 has been struck from the proposal as this will now be a separate agreement.

Staff recommends using the balance of remaining funds (\$22,342) from the Shattuck Fountain 2019 CIP budget.

Creating Community Through People, Parks & Programs

July 1, 2019

Mike Kading
City of Neenah
Director of Parks and Recreation

Re: Splashpad/Fountain Design

Dear Mike,

Thank you for the opportunity to submit a proposal for professional services of the design of a new splashpad at Shattuck Park. We have completed the feasibility study for this site and understand you wish to proceed with option C (replace existing recirculating fountain with a flow through splashpad). We have toured the site with your staff and we are excited about working on the project. This proposal outlines our proposed scope of services, time schedule, fee, and contract terms and conditions.

Project Description

The project includes development of construction documents, specifications, and opinion of probable construction cost for a new splashpad, then assisting with construction administration.

We understand that you will be providing old plan files with elevations for use as a basemap. We will reach out to the architect of record to try and obtain digital plan files as well. We have an extensive resume of similar aquatic facility projects and will be happy to provide references should you need them.

Scope of Services

Task 1

- Kick-off meeting
- Design development of the preferred concept option C
- Detailed Design/Engineering for new flow through splashpad
- Preparation of bid documents (Plans and Specs)
- Preparation and submittal of pool discharge and erosion control permits to State of Wisconsin (if applicable)
- Two review meetings to review progress set plans

Task 2

- Assist with Public Bidding
- Review RFI and issue addenda as needed
- Perform Construction Administration Services
 - Conduct progress meetings (6 assumed)
 - Review shop drawings, submittals, and pay requests

Proposed by Consultant: Ayres Associates,
Inc

Accepted by: City of Neenah



Name: Blake Theisen
Title: Project Manager
Date: 7/1/19



Name: Bruce Morrow
Title: Group Manager
Date: 7/1/19

Name:
Title:
Date:

Attachments: Contract Terms and Conditions



M E M O R A N D U M

DATE: July 26, 2019
TO: Chair Bates, members of the Public Services and Safety Committee
FROM: City Attorney Jim Godlewski
RE: Amending the City's official map by changing the name of Peckham Road and Oak St Rd to East Peckham Street; Correction Ordinance

At the June 19 Common Council meeting, the Council approved Resolution 2019-13 that attempted to amend the official map by renaming Peckham Road, Oak St Rd and Peckham Street all to East Peckham Street between Commercial Street and South Park Avenue. However, since the Code of Ordinances are adopted by ordinance, only ordinances can amend the code. Ordinance 2019-18 corrects the deficiency in the resolution adopted on June 19. It also gives more detail as to the location of the street that the ordinance amends the name.

An appropriate motion would be to Recommend Council adopt Ord. 2019-18 amending the name of Peckham Road, Oak Street Road and (east) Peckham Street between Commercial Street and South Park Avenue as East Peckham Street.



211 Walnut Street
Neenah, WI 54956

AN ORDINANCE: by Public Services and Safety
Committee
Re: Ratifying Res. 2019-13 that amended the
Official City Map established by Neenah Code
§26-30 to rename Peckham Road in the
Pheasant Run Plat, Oak Street Road in the
Heller Plat, and Peckham Street In The
Whitenack Plat To East Peckham Street

ORDINANCE NO. 2019-18
Introduced: August 7, 2019
Committee/Commission Action:

AN ORDINANCE

WHEREAS, the Common Council adopted Resolution 2019-13 renaming a portion that the street known as Peckham Road to East Peckham Street; and,

WHEREAS, all required steps to amend the Official Map, including the public hearings required by Wis. Stat. §62.23 were accomplished and Resolution 2019-13 was adopted unanimously on June 19, 2019; and,

WHEREAS, because the Official Map was adopted by ordinance, and is part of the Code of Ordinances, changes must likewise be adopted by ordinance which is the intended purpose of thii Ordinance;

NOW THEREFORE, the Common Council of the City of Neenah, Wisconsin, do ordain as follows:

Section 1. That the Official Street Map, as established by §26-30 of the Neenah Municipal Code is hereby amended as follows:

- (a) Peckham Road in the Pheasant Run Plat, located in the SW ¼ of the NE ¼ of §34, T20N, R17E abutting Lots 4-7; 30-52 is hereby changed to East Peckham Street.,
- (b) Oak Street Road in the Heller Plat located in the S ½ of the NW ¼ of §34, T20N, R17E abutting Lots 1-8 of Block 1; and Lots 2-10 of Block 2 is hereby changed to East Peckham Street., and
- (c) Peckham Street in the Whitenack Plat located in the S ½ of the NW ¼ of §34, T20N, R17E abutting Lots 13-15 of Block 1; Lots 10-12 of Block 3; Lots 11-13 of Block 8 and Lots 1-3 of Block 9 is hereby changed to East Peckham Street.

Section 2. The City Clerk is hereby directed to record a certified copy of this ordinance after passage and publication.

Section 3. Severability. In the event any section, subsection, clause, phrase or portion of this ordinance is for any reason held illegal, invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remainder of this ordinance. It is the legislative intent of the Common Council that this ordinance would have been adopted if such illegal provision had not been included or any illegal application had not been made.

Section 4. Repeal and Effective Date. All ordinances or parts of ordinances and resolutions in conflict herewith are hereby repealed. This ordinance shall take effect from and after its passage and publication.

Approved:

Moved by: _____

Dean R. Kaufert, Mayor

Adopted: _____

Attest:

Approved: _____

Published: _____

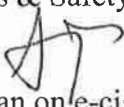
Patricia A. Sturn, City Clerk

THIS INSTRUMENT WAS DRAFTED BY:
City Attorney James G. Godlewski
211 Walnut Street
Neenah, WI 54956
State Bar No. 1005210



Dept. of Legal & Administrative Services
Office of the City Attorney
211 Walnut St. • P.O. Box 426 • Neenah WI 54957-0426
Phone 920-886-6108 • Fax: 920-886-6109
e-mail: avandenheuvel@ci.neenah.wi.us
ADAM JAMES VANDEN HEUVEL
ASSISTANT CITY ATTORNEY

M E M O R A N D U M

DATE: July 30, 2019
TO: Chairwoman Bates, members of the Public Services & Safety Committee
FROM: Assistant City Attorney Adam VandenHeuvel 
RE: Ord. 19-17 amending section 11-100 to include a ban on e-cigarettes

Section 11-100 of the City of Neenah Municipal Code adopts, by reference, the provisions of §101.123 of the Wisconsin Statutes, pertaining to the statewide smoking ban, and establishes the authority to enforce said ban. However, the state statute does not incorporate electronic cigarettes (e-cigarettes) or other similar devices designed to simulate tobacco smoking and deliver nicotine through inhalation of aerosol, mist, or vapor produced by the product. Much research has been done on e-cigarettes and it has demonstrated that the risks associated with secondhand smoke from an e-cigarette are comparable to those from a regular cigarette. Further, the aerosols exhaled by users of e-cigarettes contain heavy metals, volatile organic compounds, and ultrafine particles that can be inhaled deep into the lungs of those surrounding the smoker.

The Surgeon General of the United States has deemed the use of e-cigarettes as a “public health epidemic” among youth, calling upon communities to implement strategies to curb use among young people. Last year the City took a major step when it was one of the first in the state to ban the possession of such devices by minors. This ordinance will be an additional leap forward to create truly smoke-free air policies in the City and discourage smoking of any kind in public.

Practically, all this ordinance does is adds e-cigarettes and similar products to the list included in the state statute to ban their use anywhere traditional smoking is not allowed.

An appropriate motion would be for the Committee to recommend Council approve Ord. 19-17 amending the Smoking Ban to include e-cigarettes.



AN ORDINANCE: By the Public Services and Safety
Committee
Re: Amending Code Sec 11-100. Statewide Smoking
Ban

ORDINANCE NO. 2019-17
Introduced: July 30, 2019
Committee/Commission Action:

AN ORDINANCE

The Common Council of the City of Neenah, Wisconsin, do ordain as follows:

Section 1. Section 11-100 of the Code of Ordinances of the City of Neenah is amended by deleting the stricken language and adding the highlighted language to read as follows:

- (a) *Smoking ban adopted.* The City hereby adopts, by reference, the provisions of Wis. Stats. § 101.123, smoking prohibited, pertaining to the statewide smoking ban.
- (b) *Definitions.* For purposes of enforcing the smoking ban in the City of Neenah, the following definition(s) shall apply instead of the definition found in the state statutes:

“Electronic Delivery Device” shall mean any product containing or delivering nicotine, lobelia, or any other substance intended for human consumption that can be used by a person to simulate smoking in the delivery of nicotine or any other substance through inhalation of aerosol, mist, or vapor from the product. The term includes, but is not limited to, devices manufactured, distributed, marketed, or sold as electronic cigarettes or cigars, electronic pipes, personal vaporizers, electronic nicotine delivery systems, vape pens, or electronic hookahs.

"Enclosed place" shall mean all space between a floor and a ceiling that is bounded by walls, doors, or windows, whether open or closed, covering more than 50 percent of the combined surface area of the vertical planes constituting the perimeter of the area. A wall includes any retractable divider, garage door, or other physical barrier, whether temporary or permanent. An 0.011 gauge screen with an 18 by 16 mesh count is not a wall.

“Smoking” shall mean burning or holding or inhaling or exhaling smoke, mist, or vapor from any of the following items with the ability to contain tobacco or nicotine products.

- (a) A lighted cigar
- (b) A lighted cigarette
- (c) A lighted pipe
- (d) An electronic delivery device
- (e) Any other lighted smoking equipment

- (c) *Inspection and enforcement.* The City Building Inspector and/or Police Department shall have the power to enter any premises subject to the smoking ban under state law to ascertain whether the premises are in compliance with this section and take appropriate enforcement action pursuant to [this section](#). ~~Wis. Stats. § 101.123.~~
- (d) *Exemptions.* Any business that ID's customers at the door and does not allow anyone under 18 on the premises is allowed to sample electronic non-combustible products for the purpose of selling such product.

Section 2. Severability. In the event any section, subsection, clause, phrase or portion of this ordinance is for any reason held illegal, invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remainder of this ordinance. It is the legislative intent of the Common Council that this ordinance would have been adopted if such illegal provision had not been included or any illegal application had not been made.

Section 3. Repeal and Effective Date. All ordinances or parts of ordinances and resolutions in conflict herewith are hereby repealed. This ordinance shall take effect from and after its passage and publication.

Motion: _____

Adopted: _____

Published: _____

Approved:

Dean R. Kaufert, Mayor

Attest:

Patricia Sturn, City Clerk



M E M O R A N D U M

DATE: July 30, 2019
TO: Chairwoman Bates, members of the Public Services & Safety Committee
FROM: Assistant City Attorney Adam VandenHeuvel
RE: Extension of Premise for Alcohol Beverage License to Allow for Car Side Alcohol Sales

The following is a brief timeline of the history of the extension of premises requests that have come before the City, Committee, and Council.

September 26, 2017 – Committee reviewed a request from Wal-Mart to extend their premises to allow alcohol to be ordered online and then picked up in the outdoor pick up area. After discussion, committee voted 3-2 to DENY the permit. During that meeting City Attorney Godlewski advised Wal-Mart that they could reapply in one year. (Exhibit A)

October 4, 2017 – The Council heard the report out of committee and voted to send the application back to committee to get more information. The Council voted 8-1 to send the application back to committee. (Exhibit B)

October 10, 2017 – Committee again took up Wal-Marts application for premises extension. Committee directed City Attorney Godlewski to prepare an ordinance for Committee review regarding online ordering and pick up of alcohol products. (Exhibit C)

November 28, 2017 – City Attorney Godlewski drafted a proposed ordinance (Exhibit D) and presented it to the Committee. After discussion, the ordinance died in committee for lack of a second. A motion was then made to direct the City Attorney to create an ordinance banning drive up alcohol sales. (Exhibit E)

December 12, 2017 – City Attorney Godlewski drafted an ordinance and presented it to Committee banning drive-up alcohol sales. This passed out of Committee 4-1. Committee also voted 4-1 to recommend Council deny Wal-Marts request. (Exhibit F)

December 20, 2017 – The council voted 5-4 to approve the ordinance which bans drive-up liquor sales in the City. At this same meeting the council formally denied Wal-Marts application to extend their premise on a 5-4 vote. (Exhibit G)

December 21, 2017 – City Clerk Sturn sent a letter to Wal-Mart informing them of the Council's decision and advising Wal-Mart that the Council is open to monitoring the operations at other stores and may revisit this issue in the future. (Exhibit H)

November 27, 2018 – Festival Foods applied for an extension of premise to allow for "Click N Go" service at their store to include alcohol sales. The committee complimented all of the procedures Festival established, and expressed preference that the conditions be captured in an ordinance so procedures cannot be changed. At this meeting, the Mayor advised that Pick n Save had also approached the City for an extension but removed their request after finding out Wal-Mart was denied. At this meeting the Committee was reminded that Council had discussed revisiting the issue in a year after the denial of Walmart's extension application. Committee voted to defer any action until they could review the previous ordinance and new information available. (Exhibit I)

That was the last formal action that I could find in relation to extension of premise for drive up alcohol sales.

The City Attorney's Office, along with the Department of Community Development and the Police Department, were asked by several alderpersons to continue this review and research how other communities in North-Eastern Wisconsin have handled requests from grocery stores to allow alcohol sales in their online ordering pick-up locations.

Police Chief Olson reached out to other police chiefs from around the state from communities of greater than 20,000 to inquire as to what their communities do, and if there have been any issues. Of the 15 agencies he reached out to, 11 cities allow curbside alcohol sales and there have been no problems in any of the 11 communities. Three of the cities voted against the practice, and Milwaukee has not had a request. (Exhibit J)

What Chief Olson found was that cities that allow curbside pickup have not had a rise in alcohol related incidents, have not had a rise in OWI's, or a rise in underage drinking/purchasing issues. The cities range from having done it for 8 months to over 2 years. The chart below shows an overview of Chief Olson's findings.

Agency	Allowed	Problems
West Bend	Yes	None
Waukesha	Yes	None
De Pere	Yes	None
West Allis	Yes	None
Germantown	Yes	None
Oshkosh	Yes	None
Fondy	Yes	None
Sheboygan	Yes	None
Muskego	Yes	None
Franklin	Yes	None
Beloit	Yes	None
Wausau	No	N/A
Menomonee Falls	No	N/A
Green Bay PD	No	N/A
Milwaukee	N/A	N/A

In addition to the communities that Chief Olson reached out to, I personally called the communities of Appleton, Grand Chute, and Oshkosh and spoke with their police department, their attorney (if they had one), and called the stores that are in the communities. The three communities I spoke with all shared the same experience, that there have been no issues.

Appleton and Grand Chute do not have any ordinance in place to regulate the curbside pickup. They simply have the store apply for a change of description/extension of premise and then all the requirements imposed by the state still apply to those sales. Oshkosh also does not have an additional ordinance but has a form that the applicants must fill out which states the rules and regulations. (Exhibit M). All three of these communities just require an extension of premise to be approved with no additional requirements beyond what all alcohol sales require per state statutes.

In speaking with Chief Olson and the police chiefs of the communities, it appears as though compliance checks are done in about 50% of the cities. Compliance checks for curbside pickup would be where someone under 21 attempts to pick up an online order of alcohol. If the sale happens, the store and the seller are cited. From the chiefs I spoke with there has not been a single violation in their communities. According to the Grand Chute chief, this is for two reasons: first, all people delivering the alcohol to the curbside pickup must have their bartenders license so are better trained, and second, the potential consequences are too great to risk not being thorough as they would lose their license.

Even though many communities that allow for curb side alcohol sales do not create additional ordinances to enforce such sales, there are some that have created greater limitations than what the state already has in place. Included in the materials I have provided is the ordinance from the City of De Pere. (Exhibit K) Some of the additional requirements that they have placed on curbside pickup include:

- a) Payment must be made at the store, not online
- b) The person who ordered must be the person picking up
- c) The sale must allow the purchase of alcohol to be denied without affecting the remainder of the purchase
- d) The transaction must capture and store an image of the vehicle for 30 days
- e) Hours of sale between 8 a.m. and 8 p.m.
- f) There must be at least 4-hours between the order and pick up
- g) Orders placed after 2pm must be picked up the next day
- h) If the person who ordered is not sitting in the driver's seat, the driver must also be over 21
- i) Any purchaser appearing intoxicated must be reported to the manager to approve or deny the sale

This list is not all inclusive, but demonstrates the additional requirements that an ordinance can place on businesses desiring to participate in curbside pickup.

Without any additional ordinance the state law would require:

- a) The sale be face to face at the licensed premises,
- b) The purchaser be 21 or older,
- c) The seller to be a licensed operator, and
- d) No sales to intoxicated persons

Regardless of the method, if the Council approves such extension of premise to allow for alcohol sales, any violations would and could be enforced in the same manner that violations inside the store would be enforced. I have attached an article from the Legal Counsel for the League of Wisconsin Municipalities addressing municipal regulations of these sites. (Exhibit L)

After my research and discussion with Chief Olson and neighboring communities, I do not believe that allowing curbside pickup would create any additional alcohol related issues for police or city attorney's office.

An appropriate action would be for the Committee to direct the City Attorney's Office to draft an ordinance allowing for the extension of premise for alcohol beverage licenses to allow for car side sales.

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Mr. Tonn addressed the Committee to request that someone contact him to help with his fence issue.

Mayor Kaufert asked City Attorney Godlewski if this was an issue that could be changed through direct legislation. City Attorney Godlewski stated that there are exceptions to the application of that method and that he would need to research if it would be allowable. Mr. Defferding was informed that he could speak during the Common Council open forum.

The Committee took no action on Mr. Defferding's request.

Extension of Premise for Retail "Class A" License Application - Walmart: Committee reviewed the Extension of Premise for Retail "Class A" License application for Wal-Mart Stores East, LP, at 1155 W. Winneconne Avenue. Samantha Ozment, representing Walmart Stores, provided the Committee with a revised description of the premises per the request of Clerk Sturn at the prior Committee meeting. She also addressed questions that had been raised at the prior Committee meeting. She stated that at this point there are no plans to scan IDs into the handheld used by the personal shoppers. She stated that the license extensions for the Appleton and Darboy locations were approved without other conditions. She corrected her statement from the prior meeting that the license extension for the Oshkosh store was approved. That one has not been approved but is in process. She stated that cash cannot be used for the pick-up transaction. She updated the Committee on the construction of the pick-up area canopy.

Chairman Bates noted that the last time that Committee had discussed an expansion of alcohol distribution was in January 2016 when the Committee considered a request to allow alcohol sales at convenience stores. She expressed that allowing this request would effectively mean that the Council would need to allow alcohol sales at convenience stores. Ald. Hillstrom noted that Walmart can already sell alcohol. The request is really about how they sell it. Chairman Bates stated that the Council has typically expressed a concern with the connection between alcohol and transportation, which would be the case with the Walmart license extension. Ald. Hillstrom reminded Committee of the time lag between placing an online order and order pick-up.

Jake Lamb, 101 E. Bell Street, addressed the Committee to concur with Chairman Bates' statement that an approval of this extension would eliminate the rationale used to restrict convenience stores from selling alcohol. He noted that he had no concerns with the manner in which the proposed arrangement would limit the possibility of alcohol sales to minors. He indicated that convenience stores will be again requesting a change to City ordinance that restricts their sale of alcohol.

Kristi Branchford, 221 Bond Street, addressed the Committee. She stated that she didn't see much of a difference between the pick-up method and going inside to purchase alcohol. Chairman Bates noted that the concern was the amount of contact that Walmart staff would have with the purchaser and the ability to determine if the purchaser was impaired.

Chief Wilkinson requested information on the hours of operation. Ms. Ozment stated that pick-ups can be done between 8 A.M. and 8 P.M. She noted that online orders made after 1 P.M. cannot be picked up until the following day.

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Committee reviewed the procedures at the store for dealing with intoxicated customers. Ms. Ozment noted the variety of situations that they encounter with that type of customer. Ms. Ozment confirmed that the minimum online order amount is \$30. Chairman Bates expressed a concern that there are no stores with this type of operation to know if there are any issues.

Mayor Kaufert reminded the Committee of the value that a liquor license has for a property and the repercussions that face a business that misuses a license. He stated that he trusted this business to make good policy decisions so that issues don't arise. He noted that his views on the request have changed and that the 4-hour minimum time lag between order and pick-up made him more comfortable with it. He asked if the license extension could be granted on a trial basis. City Attorney Godlewski stated that he would need to check statute to see if there was such a provision.

Committee noted that granting this request could lead to an expansion of alcohol sale points in Neenah. They noted the difficulty of codifying Walmart's policies in a way that would apply to convenience store sales. They also noted that Walmart's policies could change in the future.

City Attorney Godlewski reviewed circumstances under which a seller may have their liquor license revoked. Chief Wilkinson outlined the operations run through the State to test if alcohol sales outlets are checking for underage customers. He noted that Neenah businesses have fared very well in those checks.

Ald. Lendrum stated that she didn't see a pressing need for this type of arrangement. She noted that the City has historically taken a very conservative approach on alcohol issues. She also expressed a concern for the impact that this change could have on local liquor stores.

Committee discussed the possible reaction from Walmart if the license extension were denied. It was noted that their business hasn't been targeted for denial since there are no other operations of this type in the City.

It was determined that the Committee should make a recommendation to Council. It was confirmed that a recommendation to deny would be acted on by the full Council. It was also confirmed by Ms. Ozment that the online sale and pick-up of non-alcohol items could continue if the license extension were denied. City Attorney Godlewski stated that, in the event of a denial, Walmart could reapply for the extension in one year.

REPORT Following discussion, **Motion/Second/Carried Lendrum/Bates to recommend Council deny the Extension of Premise for Retail "Class A" License Application for Wal-Mart Stores East, LP, 1155 W. Winneconne Avenue, Samantha L. Ozment, agent.** Motion passed 3-2 (Ald. Stevenson and Ald. Lang voting No).

Recommend Arrowhead Contract with SEH for a Temporary Grading/Drainage Plan: Director Kading reviewed the proposed agreement to develop a temporary grading/drainage plan for Arrowhead Park for a not to exceed price of \$14,500. The Parks and Recreation Commission has reviewed and recommends the agreement. The work would be funded through the \$75,000 Arrowhead Park planning line item in the 2017 TID #10 budget.

product from the order; the personal shopper will request valid identification and enter the customer's date of birth from the identification into their handheld device; if over 21 the customer can sign for the order and the personal shopper can place the final order into the customer's vehicle; and if the customer is under 21 and/or cannot provide a valid ID, the alcohol beverage products are removed from the customer's order and the customer is not charged for these products.

- II. Samantha Ozment, 51 N. 12th Street, Clintonville, representing Walmart indicated she was present at the meeting to answer any questions from the Council members who are not part of the Committee so they understand how this process works, all the controls they have in place and all the things they are doing to make sure they are keeping everyone safe and at the same time providing excellent customer service to all of their customers who want to use the on-line grocery pickup. She advised that Grand Chute, Appleton and Oshkosh have already approved their premise extension. She indicated the customers from here will just drive there if this does not get approved. She asked the Council to consider this in their discussions.
- III. There being no further appearances, Mayor Kaufert declared the public forum closed at 7:10 pm.

Consent Agenda

- I. **MSCRIP Pollnow/Lendrum to approve the Consent Agenda as follows:**
 - A. **Approve Beverage Operator License Applications for: Kathie A. Boyette, Carolyn J. Cairns, Dominique E. Kuhlow, Kristine K. Lavery, Michael Leon, Amber D. Phipps, Michelle M. Pitzrick, Deanne K. Pleester, Sandra R. Riser, Casey L. Vickman, and Erik L. Williams, contingent upon payment of all outstanding City or Utility fees. (PSSC)**
 - B. **Approve a temporary Class "B" (picnic) beer license to St. Gabriel Parish for their Chili Dinner to be held at 900 Geiger Street on November 4, 2017. (PSSC)**
 - C. **All voting aye.**

Public Services and Safety Committee

- I. Chairman Bates reported the regular meeting of September 26, 2017:
 - A. Committee recommends Council deny the Extension of Premise for Retail "Class A" License Application for Wal-Mart Stores East, LP, 1155 W. Winneconne Avenue, Samantha L. Ozment, agent. **MS Bates/Lendrum.**
 1. Ald. Hillstrom indicated he would like to send this back to committee for further discussion as he feels other businesses will make application to extend their premise so there are a lot of things to figure out. He added that Chief Wilkinson has some input as well. **MS Hillstrom/Lendrum to refer the Extension of Premise for the Retail "Class A" License Application for Walmart back to the October 10th Public Services & Safety Committee.**

2. Mayor Kaufert added that he was contacted today by the convenience store representative indicating they have some questions and would like to be a part of this meeting.
 3. Ald. Pollnow clarified that the handout distributed at this meeting should be included as part of that meeting.
 4. Ald. Kunz expressed concern over sending this back after the committee already made its recommendation. He will vote against this. If we send this back to committee, he hopes we will move forward and request the police department to help to create an enforceable ordinance so the city can dictate the rules.
 5. Ald. Bates concurs with sending this back to committee. She has concern that the policies Walmart has in place are not enforceable. As a city we need to create a policy that we can enforce.
 6. Ald. Hillstrom added that Chief Wilkinson has a set of guidelines he would like the committee to consider. He will make sure Ms. Ozment is sent this list prior to next week's meeting.
 7. Clerk Sturn indicated she would get the email and distribute not only to Ms. Ozment but the Council as well.
 8. Mayor Kaufert added that the store policies could be changed at any given moment. Maybe a little more thought into this is a good idea.
 9. Ald. Stevenson echoed the comments of Mayor Kaufert. He confirmed that the committee discussed some written information regarding Walmart's policy which was also provided at this meeting. This will give Chief Wilkinson time to review their policy prior to the meeting. He favors putting some structure in place that we can control not necessarily basing it on the stores willingness to stay with that policy.
 10. Ald. Bates added that the committee should look at the big picture. Not just Walmart but other businesses such as convenience stores.
 11. **The motion to refer the Extension of Premise for the Retail "Class A" License Application for Walmart back to the October 10th Public Services & Safety Committee carried, by an 8-1 RollCall-Pro System vote, all voting aye, Ald. Kunz voting nay.**
- B. Committee recommends Council approve the proposed agreement with SEH for a Temporary Grading/Drainage Plan for Arrowhead Park in the amount not to exceed \$14,500. **MS Bates/Kunz.**
1. Ald. Pollnow expressed concern over receiving the information late this afternoon and his ability to review it. He questioned the list of requirements to be in compliance with the DNR and the December 31, 2013 deadline. He asked how many were in compliance by that deadline.
 2. Dir. Kading commented that he has only been in this position for the past year and he is not sure how many were in compliance by that deadline. He does know that four of the six are now in compliance. Items 3, 4, 5 & 6 have been addressed. He needs to confirm item 1 however does not believe there is a sign on site indicating "no dumping" but asked for time to confirm that. The only other items that

CITY OF NEENAH
PUBLIC SERVICES AND SAFETY COMMITTEE MEETING MINUTES
Tuesday, October 10, 2017 - 7:00 PM
Hauser Room - City Administration Building

Present: Aldermen Bates, Hillstrom, Lang, Lendrum, and Stevenson

Also Present: Mayor Kaufert, City Attorney Godlewski, Director of Public Works Kaiser, Police Chief Wilkinson, Alderman Pollnow, Alderman Boyette, Samantha Ozment, Autumn Linsmeier, Amritpal Singh, H. Singh, Heidi Keating, Doug Gieryn, Jake Lamb

Minutes: Motion/Second/Carried Hillstrom/Lendrum to approve the minutes of the Regular Meeting of September 26, 2017. All voting aye.

Public Appearances: None.

Council Referral: Extension of Premise for Retail "Class A" License - Walmart: Chairman Bates opened the floor to comments from the public.

Heidi Keating, 525 Riford Road, addressed the Committee to suggest that the City hold off on approving the extension for Walmart in order to see how this operation works in the locations that have already granted these approvals. She encouraged the Committee to see what best practices develop to secure safety for this new type of service before considering the extension. She expressed that she was unclear how this extension approval could require a change to the current ordinance. Chairman Bates clarified that the application being considered doesn't require an ordinance change, just a change to the area covered by the applicant's license.

Ms. Keating reviewed her professional background as a public health nurse involved in alcohol issues in the area. She expressed a concern with any changes that could increase underage drinking and drinking while intoxicated. She stated that she believes it is a false equivalency to connect the approval of the current application to an ordinance change that would allow convenience stores to sell alcohol. She noted that the current ordinance restricts alcohol density while the Walmart application does not. She pointed to research showing that increasing alcohol density leads to increased harm to adults and youth.

Samantha Ozment, representing the applicant, addressed the Committee. She noted that the application does not add a retail liquor license. She noted that the clientele using the service is not the youth demographic of concern. She stated that in Walmart's study of the service demographics, families with two working parents are the most benefited by the service.

Amritpal Singh, owner of Gills Liquor, addressed the Committee. He stated that the Committee's decision must be based on moral values, public health and public safety. He opposed any changes to the current ordinance and felt that the City would be taking a step backward if it loosened controls on the sale of alcohol.

Doug Gieryn, Director of the Winnebago County Health Department, addressed the Committee to express support for the current ordinance. He noted there are still a large number of alcohol outlets even with the current restrictions.

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We concurred that the request from Walmart does not add a license and commended Walmart on the operational policies that they have developed but noted that policies can change. He stated that, if the premise extension is approved, he would prefer to see the City place conditions that could remain in place regardless of store policy. He expressed a concern for other possible alcohol outlet requests including drive-through liquor service and off-premise sales. He asked that the Committee codify the suggestions provided by Police Chief Wilkinson to be prepared for likely future requests.

Mayor Kaufert clarified that off-premise alcohol sales are not allowed per statute.

Autumn Linsmeier, Winnebago County Health Department, addressed the Committee to outline suggested changes to the conditions that Chief Wilkinson had provided. She suggested that the personal shopper check the identification of all of the passengers in the car collecting an order. She also suggested that the expression "valid identification" be defined. She concurred that the issue of allowing alcohol sales at convenience stores is an issue that is separate from the requested premise extension by Walmart.

City Attorney Godlewski clarified that statute defines the expression "valid identification".

Amritpal Singh addressed the Committee to express a concern with the underage individuals potentially being subject to the display of alcohol at convenience stores.

Samantha Ozment addressed the Committee to note that the communities surrounding Neenah have approved similar premise extensions and thirteen communities statewide have done so. She also requested clarification of item 3 from Chief Wilkinson's memo regarding image capture. She asked if he was asking for still or video imagery. Chief Wilkinson indicated that he was fine with either form as long as it was adequate to allow the police department to follow up on complaints.

Jake Lamb, owner of Pump n Munch, addressed the Committee. He stated a disagreement with the contention that this is not an additional outlet since the service will be advertised and discussed. He stated that customers would buy alcohol in the same fashion as they would at a convenience store. He expressed that the ability to sell alcohol should be applied more consistently across the City and not prohibited for one specific type of business. He noted that since he started his ownership of a convenience store, the number of businesses that are allowed to sell alcohol has increased. He expressed that the ability to sell alcohol has been expanded to large businesses but not to small businesses.

Heidi Keating addressed the Committee to suggest that they consider limiting the number of alcohol sale outlets in order to maintain alcohol density.

Samantha Ozment informed the Committee of the current security camera arrangements at the Walmart store. She noted that she is working with management on the determining the type of equipment that would be available to provide the detail that Chief Wilkinson has requested.

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She stated that she would provide the camera information to City Clerk Sturn for distribution to the Council. She also noted that Walmart's corporate offices are reviewing the conditions recommended by Chief Wilkinson. She stated that the item drawing concern relates to the camera image data. Mayor Kaufert related that there could be privacy and use issues with the stored data.

Alderman Pollnow addressed the Committee to express a concern with the condition requiring the manager to meet with any purchaser who shows signs of alcohol consumption in order to assess sobriety prior to approving or denying a sale. Chief Wilkinson described the process he envisioned for those circumstances. Chief Wilkinson also noted the condition calling for the person who made the order to be the individual making the pickup. Ms. Ozment noted that current policy would allow for a spouse on a joint Walmart account to make the pickup. She also noted circumstances when caregivers pickup orders for senior care residents.

Committee reviewed Walmart's procedure for ordering and pickup. Chief Wilkinson noted that, while State law defines a valid identification, it does not require that the identification be shown when purchasing alcohol. Checking identification is a policy decision on the part of the vendor.

Committee discussed various aspects of the issue including the City's authority to deny a license applicant, the ability to restrict the number of licensed premises, the amount of time before Walmart could re-apply for the premise extension, the potential for legal action if the premise extension is denied, and the amount of time allowed for the Council to act on the application. City Attorney Godlewski stated that there was nothing apparent in state law that forbade a restriction in the number of licensed premises. He reviewed Statute 125.10 and noted that City ordinance cannot contradict State law. He stated that the worst case scenario would require a one-year wait before Walmart could re-apply. He also stated that acting on the premise extension is a discretionary act of the Council and that he was not aware of grounds that Walmart would have for legal action. He also stated that he was not aware of a fixed time requirement for Council to act on the application. Committee noted the potential cost for Walmart to comply with the conditions outlined by Chief Wilkinson and the need to provide them a direction.

Alderman Stevenson suggested preparing an ordinance incorporating Chief Wilkinson's conditions and giving consideration to the spouse/caregiver pickup issue in order to provide a legislative tool for debate. Chairman Bates confirmed that the ordinance would be limited to practices associated with online ordering and collection of alcohol. Alderman Stevenson noted that his request was solely to provide a framework that is built to handle future requests of this type that the City will likely receive. He noted that he didn't see a connection between the Walmart request and the current restriction on convenience store alcohol sales.

Mayor Kaufert expressed a concern that an ordinance not set requirements in a way as to prevent small businesses from complying. Committee discussed the application of this service to other items that require identification prior to purchase. Committee noted that members should provide City Attorney Godlewski with any ideas that could affect the structure of an ordinance.

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City Attorney Godlewski stated that he would research the manner in which other communities approved similar premise extension requests. City Attorney Godlewski informed the Committee that he has received an aldermanic request to draft ordinance relative to allowing convenience stores to sell alcohol. Committee noted that this was a separate issue.

Following discussion, **Motion/Second/Carried Stevenson/Hillstrom to direct City Attorney Godlewski to prepare an ordinance for Committee review regarding the online ordering and pick up of alcohol products, incorporating conditions outlined by Chief Wilkinson and any other conditions that he feels are pertinent.** All voting aye.

Consideration Of and Possible Action On Ord. 2017-15, Amending Special Assessment Rates for Residential Property: City Attorney Godlewski introduced the proposed ordinance. He stated that the ordinance would reduce the residential street assessment rates from 33% to 10%.

Alderman Pollnow addressed the Committee in support of the proposed ordinance. He stated the belief that this change was the best path for the City to take to lessen the difficulty that street assessment charges impose on constituents. He noted that residents should still have some financial stake in a project and that the special assessment process maintains that interaction with residents.

Director Kaiser reviewed the special assessment revenues for street construction from 2015 through 2017. He noted that the difference in revenue between the current assessment method and the proposed method averages about \$150,000 per year.

Mayor Kaufert expressed the belief that there is an increasing need to address the financial impact of street assessments. He stated that the proposed ordinance is an alternative to a transportation fee.

On questioning from the Committee, Ald. Pollnow proposed that the assessment revenue gap be filled by reducing the miscellaneous repair account carry forwards and reducing borrowing for miscellaneous repairs. Director Kaiser noted that there are four miscellaneous repair accounts – sanitary sewer utility, storm sewer utility, streets and sidewalk. He noted the finite funding source that use of carry-forwards provides. He also confirmed that the proposed ordinance will not change the staff time needed to process special assessments. He clarified the special assessment practice for concrete and asphalt street construction.

Alderman Pollnow addressed the Committee to assert the need to monitor fund balances. He also encouraged that past assessment practice be changed.

Mayor Kaufert applauded Alderman Pollnow for trying to come up with a different approach to address the issue. He informed the Committee that he intended to prepare an advisory referendum to see if the voters would like to see a change away from special assessments for street construction. He noted that there are specifics to a transportation fee proposal that need to be developed.



211 Walnut Street
Neenah, WI 54956

AN ORDINANCE: By Public Services & Safety
Committee
Re: Creating Code Section 4-95(e)(2) Conditions
for Drive Up Alcohol Sales

ORDINANCE NO. 2017-17
Introduced: December 6, 2017
Committee/Commission Action:

AN ORDINANCE

The Common Council of the City of Neenah, Wisconsin, do ordain as follows:

Section 1. Section 4-95(e)(2) of the Code of Ordinances of the City of Neenah is created to read as follows:

- (2) Drive-up alcohol sales shall be subject to the following conditions:
- a. Pick-up hours limited to 8 a.m. and 8 p.m.
 - b. Drive-up alcohol sales subject to a minimum 4-hour waiting period between order time and pick-up time.
 - c. Orders placed after 2 p.m. cannot be picked up until the following day.
 - d. Images of the transaction must be captured and retained at least 30 days and must include the purchaser, the ID card used to identify the purchaser, the vehicle used in the transaction, and the vehicle's license plate.
 - e. A manager must meet with any purchaser who shows any signs of alcohol consumption, must assess sobriety, and approve or deny the sale.
 - f. The system must allow the purchase of alcohol to be denied without affecting the remainder of the purchase.
 - g. If the purchaser is not the driver of the vehicle, the employee conducting the sale must verify that the driver is 21 or older. If the driver is less than 21, the alcohol sale must be voided and cannot be completed.
 - h. Payment for drive-up alcohol sales must occur at the licensed premise and after identification has been verified.
 - i. A licensed bartender must perform the sale/delivery in the drive up alcohol sales system.

- j. No alcohol sales are permitted if the purchaser does not have valid photo identification.
- k. Police must be notified when an apparently underage or intoxicated person attempts an alcohol purchase.

Section 2. Severability. In the event any section, subsection, clause, phrase or portion of this ordinance is for any reason held illegal, invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remainder of this ordinance. It is the legislative intent of the Common Council that this ordinance would have been adopted if such illegal provision had not been included or any illegal application had not been made.

Section 3. Repeal and Effective Date. All ordinances or parts of ordinances and resolutions in conflict herewith are hereby repealed. This ordinance shall take effect from and after its passage and publication.

Moved by: _____
Adopted: _____
Approved: _____
Published: _____

Approved:

Dean R. Kaufert, Mayor

Attest:

Patricia A. Sturn, City Clerk

THIS INSTRUMENT WAS DRAFTED BY:
City Attorney James G. Godlewski
211 Walnut Street
Neenah, WI 54956
State Bar No. 1005210

CITY OF NEENAH
PUBLIC SERVICES AND SAFETY COMMITTEE MEETING MINUTES
Tuesday, November 28, 2017 - 7:00 PM
Hauser Room - City Administration Building

Present: Aldermen Bates, Hillstrom, Lang, Lendrum, and Stevenson

Also Present: Mayor Kaufert, City Attorney Godlewski, Director of Public Works Kaiser, Police Chief Wilkinson, Community Liaison Officer Zuehls, Samantha Ozment, Autumn Linsmeier, Tae-In Lee, Heidi Keating, Doug Gieryn, Amritpal Gill

Minutes: **Motion/Second/Carried Hillstrom/Lendrum to approve the minutes of the Special Meeting of October 24, 2017 and the Regular Meeting of October 24, 2017.** All voting aye.

Public Appearances: None.

Ord. 2017-16 Exempting the Police Department's UTV from §11-2(a) Operating Prohibition for Recreational Vehicles on Public Property: City Attorney Godlewski reviewed the proposed ordinance, which would allow the Police Department to operate a Utility Terrain Vehicle (UTV) on City streets and City property. Chief Wilkinson introduced Community Liaison Officer Zuehls who outlined the arrangements made for Department use of the UTV and the planned use for the vehicle. He noted that it will be used primarily in areas such as parks and trails that are difficult to access with standard police vehicles. Committee discussed insurance coverage for the equipment. Chief Wilkinson stated that CVMIC has informed the Department that it would be covered similarly to a patrol vehicle. Committee discussed the use of similar equipment for other events and questioned if the ordinance should be written more broadly to include those uses. Chief Wilkinson noted that Wisconsin Statute already exempts use of this type of equipment on streets if owned by the municipality and operated by municipal staff in the course of their duties.

Following discussion, **Motion/Second/Carried Lendrum/Hillstrom to refer Ord. 2017-16 to the City Attorney's office for revision to incorporate the current use of UTV-like vehicles by other departments or by approved special event sponsors in the course of managing their events.** All voting aye.

Ord. 2017-17 Drive-Up Alcohol Sales Conditions: City Attorney Godlewski reviewed the proposed ordinance which codifies the suggested conditions arising from the previous discussions of drive-up alcohol sales for the Walmart liquor license premise extension. He stated that the conditions are a combination of procedures outlined by Walmart for the pick-up service operation and procedures noted by Chief Wilkinson in an earlier memo on the issue.

Chief Wilkinson outlined his thoughts on the issue. He expressed a concern that the ordinance philosophically moved the City in the wrong direction as it relates to alcohol sales and availability.

Public Services and Safety Committee Meeting Minutes
November 28, 2017
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Chairman Bates noted comments heard at a seminar in regard to the alcohol environment created in a community. She stated that the City of Milton had established restrictions on the number of licensed establishments based on their population.

Ald. Lendrum stated that she opposed the proposed ordinance. She stated that she felt that its passage would be a snub to the convenience store operators that would like to sell beer. She stated a concern that the beverage operators handling the transaction will not be able to adequately determine customer impairment due to the limited contact time that they have with the customers. Chairman Bates stated a concern with the ability to fully see or get clear images of the driver.

Doug Gieryn, Winnebago County Health Director and Neenah resident, addressed the Committee to note that the ordinance is effectively an expansion of alcohol sales in the City. He acknowledged that the conditions outlined in the ordinance are good but encouraged the Committee to reject the ordinance.

Heidi Keating, Winnebago County Health Department and Neenah resident, noted that life expectancy of white males is declining due to self-destructive behaviors of which alcohol is a contributor. She stated that Neenah has been purposeful in making policies that restrict access to alcohol. She agreed that the ordinance was well written but was counter to preventing alcohol abuse in the community.

Amritpal Gill, owner of Gill's Liquor, addressed the Committee to encourage that it reject the proposed ordinance. He stated that nothing should be done that could increase the possibility of minors getting alcohol. He expressed a concern that the Walmart employees will not be able to adequately gauge the age of a purchaser.

Autumn Linsmeier, Winnebago County Health Department, addressed the Committee to concur that the language in the ordinance is reasonable but does potentially expand alcohol access to minors.

Samantha Ozment, Walmart Store manager, addressed the Committee to let them know that she was available to answer questions on their requested premise extension.

Ald. Hillstrom noted that he would be opposing the ordinance. He stated that he was not philosophically opposed to alcohol but was concerned with the impact of alcohol on the community.

City Attorney Godlewski noted that current City ordinance does not prohibit outdoor delivery of alcohol. He stated that, excepting beer gardens, there are no premises that extend to the outdoors. He stated that Committee may wish to address that gap if the proposed ordinance fails.

Public Services and Safety Committee Meeting Minutes
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Page 3

Samantha Ozment noted that currently alcohol is purchased in the store, but may be brought out to a vehicle if the customer requires assistance. City Attorney Godlewski confirmed that this practice is acceptable since the purchase transaction occurs within the licensed premise.

Ald. Lendrum stated that she opposed the proposed ordinance and would like to prohibit drive-up delivery.

Ald. Stevenson reviewed the path by which the proposed ordinance was developed. He stated that Council could reject the premise extension and say no to similar requests from future applicants. The Council could also make these conditions a requirement of any approved extension.

Following discussion, Motion Stevenson to recommend Council adopt Ordinance 2017-17, conditions for drive-up alcohol sales. Motion failed for lack of a second.

Following further discussion, **Motion/Second/Carried Lendrum/Hillstrom to direct City Attorney Godlewski to prepare ordinance prohibiting drive-up alcohol sales.** Motion passed 4-1 (Ald. Stevenson voting No).

Ald. Stevenson inquired as to how the Committee should address the current Walmart premise extension request. City Attorney Godlewski stated that the Committee should take formal action on the request at the next meeting.

Mayor Kaufert informed the Committee that he has been made aware that the State Legislature may act on this matter and pre-empt local decision making.

Samantha Ozment addressed the Committee to inform them that all similar requests have been approved with the exception of Stoughton, which would like to see how this operation works at other locations.

Preliminary Resolution No. 2017-30: Curb, Gutter and Pavement Construction on Cecil Street (Oak to Congress) and Adams Street (Railroad to Church): Following discussion, **Motion/Second/Carried Stevenson/Lang to recommend Council adopt Preliminary Resolution No. 2017-30 for installation of curb, gutter and pavement on Cecil Street (Oak to Congress) and Adams Street (Railroad to Church).** All voting aye.

Preliminary Resolution No. 2017-31: HMA Resurfacing Construction on Andrew Avenue (Geiger to Main), Richard Avenue (Geiger to Main), Geiger Street (Green Bay to Western) and Whiting Court (Tullar): Following discussion, **Motion/Second/Carried Stevenson/Hillstrom to recommend Council adopt Preliminary Resolution No. 2017-31 for HMA resurfacing construction on Andrew Avenue (Geiger to Main), Richard Avenue (Geiger to Main), Geiger Street (Green Bay to Western) and Whiting Court (Tullar).** All voting aye.

RES.

RES.

CITY OF NEENAH
SPECIAL PUBLIC SERVICES AND SAFETY COMMITTEE MEETING MINUTES
Tuesday, December 12, 2017 - 6:00 PM
Hauser Room - City Administration Building

Present: Aldermen Bates, Hillstrom, Lang, Lendrum, and Stevenson

Also Present: Mayor Kaufert, City Attorney Godlewski, Director of Public Works Kaiser, Police Chief Wilkinson, Police Captain Olson, Police Captain Gonzalez, Traffic Engineer Merten, Brian Defferding, Autumn Linsmeier, Chris Theisen, Jenny Theisen, Mannia Tesch

Minutes: Motion/Second/Carried Hillstrom/Lendrum to approve the minutes of the Regular Meeting of November 28, 2017. All voting aye.

Public Appearances: None.

Ordinance No. 2017-17: Prohibiting Drive-Up Alcohol Sales: City Attorney Godlewski reviewed Ordinance 2017-17 prohibiting drive-up alcohol sales. City Attorney Godlewski noted that this ordinance was prepared at the request of Committee. Committee discussed the meaning of the term drive-up and application of the ordinance to cases where a motor vehicle wasn't used.

ORD. Following discussion, **Motion/Second/Carried Hillstrom/Lendrum to recommend Council adopt Ordinance No. 2017-17 prohibiting drive-up alcohol sales.** Motion passed 4-1 (Alderman Stevenson voting No).

Request by Walmart for Extension of Drive-Up Alcohol Sales: Committee discussed the change of premises for alcohol beverage license request by Walmart. Chairman Bates noted that this was a procedural step to bring closure to their application. Mayor Kaufert relayed the desire of Walmart representatives that the City monitor these operations at other stores and be open to revisiting the issue in the future. Chairman Bates expressed that a full discussion of potential impacts beyond this specific application would be appropriate at that time.

REPORT Following further discussion, **Motion/Second/Carried Hillstrom/Lendrum to recommend Council deny the extension of premise application from Walmart #2986, 1155 W. Winneconne Avenue.** Motion passed 4-1 (Alderman Stevenson voting No).

Ordinance 2017-18: Amending the Official Traffic Maps: Traffic Engineer Merten outlined the adjustments and corrections to the official traffic maps. He noted items related to the traffic changes on W. North Water Street near the YMCA. Committee discussed the placement of a No Parking restriction on the north end of N. John Street. Traffic Engineer Merten noted that the restriction was requested by Eggers Industries. He noted that Eggers property fronts both sides of the street in that area.

every right and he support that however to pick out one business would be wrong.

21. Mayor Kaufert indicated an alderman can request an item be put on an agenda at any time.
22. Ald. Bates indicated she would be uncomfortable denying this as we have not checked other applicants. As Chairman of the PSSC, she asked Dir. Easker to contact her regarding the information to request from the County. She will add this discussion to a future agenda.
23. Ald. Kunz indicated we need to prioritize as he can think of at least a dozen other things he would like to discuss that are more important than this.
24. **Motion carried, by an 8-1 RollCall-Pro System vote, all voting aye, Ald. Boyette voting nay.**

B. Committee recommends Council adopt Ordinance No. 2017-17 prohibiting drive-up alcohol sales. **MS Bates/Lendrum.**

1. Ald. Lendrum indicated she likes to have a few drinks but prefers to listen to our Coroner and limit the ability to obtain alcohol. She is proud that Neenah holds strong on this subject and does not allow it just because all the other communities allow it. She is concerned over a cashier coming out to the car and being able to adequately discern an impaired driver. She will vote in favor of the ordinance.
2. Ald. Kunz opposed the ordinance prohibiting drive-up alcohol sales. He feels there are three reasons people want to deny this: it's convenient; reconcile with decisions made at committee level to not allow alcohol sales at convenience/gas stations; and greater prevalence of alcohol being available. He does not find any of these arguments convincing. He does not feel not allowing drive-up alcohol sales will make it more difficult to obtain alcohol. Allowing a grocery store already selling alcohol to sell it in a slightly different way does not create more opportunity to purchase alcohol. We need to recognize that shopping is changing dramatically. If we want to be relevant and keep our grocery stores we need to change with them. He will vote against adopting this ordinance.
3. Ald. Boyette expressed concern over adopting this ordinance then denying the request by Walmart to extend their premise for drive-up alcohol sales. She feels pharmacies selling alcohol beverages is more of an issue than a convenience store/gas station selling alcohol.
4. Ald. Pollnow indicated the ordinance prohibiting alcohol sales in gas stations was adopted in 1977. Since the applicants requesting to sell drive-up alcohol already have license we are not adding another premise.
5. Ald. Bates advised that at a recent League conference she had a session on alcohol and Neenah was mentioned as controlling what's going on. People see Neenah as a family community. She supports denial.

6. Ald. Boyette commented that this ordinance will not change alcohol related issues.
 7. Ald. Hillstrom added that Police Chief Wilkinson was at the Public Services & Safety Committee meeting and he supports denial.
 8. Ald. Pollnow supported moving forward with the discussion on the parameters.
 9. Ald. Lendrum indicated she feels the mom and pop liquor stores will be negatively affected. To allow this to benefit for the bigger box stores and lose a couple mom and pop liquor stores is not okay with her.
 10. **Motion carried, by a 5-4 RollCall-Pro System vote, all voting aye, Ald. Pollnow, Kunz, Stevenson and Boyette voting nay.**
- C. Committee recommends Council deny the extension of premise application from Walmart #2986, 1155 W. Winneconne Avenue. **MS Bates/Lendrum.**
1. Ald. Pollnow questioned if this motion could be amended to approve the permit minus the alcohol.
 2. City Atty. Godlewski advised that there is no need for a permit for other grocery sales. The only action that would be required is to extend the licensed premise to allow on-line alcohol sales. The grocery sales still exists and is currently being done.
 3. Ald. Boyette expressed concern that every other Walmart in the State has been granted this. Originally she supported denying it, then giving them 6 months to re-apply. Given the fact that the ordinance was adopted, we cannot even allow that. She would like to see how the on-line liquor sales is going in these other communities before just denying their request.
 4. Mayor Kaufert advised that ordinance can be changed at any time.
 5. City Atty. Godlewski clarified for Ald. Kunz that the only vote that does not get us sued or cause legal issues is to vote for the denial.
 6. Ald. Pollnow clarified voting this down would not take any action.
 7. Ald. Stevenson asked if we would be in violation of our own ordinance if one alderman change their vote and this was approved.
 8. City Atty. Godlewski further clarified just approving to deny the request does not grant it.
 9. Ald. Stevenson indicated it is troubling to him that we never even vote on this after asking Walmart to jump through hoops to come up with a methodology that we thought would work.
 10. Mayor Kaufert questioned if an amendment could be made to approve the extension.
 11. City Atty. Godlewski responded that would change the character of the motion 180 degrees. That would not be germane and germane is required by Roberts Rules of Order which the Council operates under.
 12. Ald. Bates commended Walmart for providing their rules. They had a lot of good ideas that the Committee discussed. Until we have some history she supports denying their request.

13. Ald. Pollnow questioned what Samantha will convey to her managers at Walmart.
 - a. Samantha Ozment, agent for Walmart, indicated she has communicated with them after every meeting she attended sharing the feedback she was given. They are open to feedback. She advised that one other city in the State of Wisconsin that has denied their request.
 14. Mayor Kaufert asked if she has heard any discussion from the corporate office about legal action.
 - a. Samantha Ozment indicated their legal team was involved in all of their conversations. The other city denied their request a couple months ago and at this point, she has seen nothing. They continue to revisit other options and what they may be able to do.
 15. Ald. Erickson questioned the percentage of sales for alcohol with other stores for the drive-up.
 - a. Samantha Ozment indicated she does not have those numbers. They just started this drive-up service in their Oshkosh, both Appleton and Sheboygan stores in September. They didn't actually roll out any alcohol sales into the State of Wisconsin until October. She will obtain those numbers and email them to the Council.
 16. Mayor Kaufert questioned if Walmart is concerned about losing market share if they do not stay competitive with other stores/communities.
 - a. Samantha Ozment indicated she is not sure.
 - b. Mayor Kaufert indicated he does not want to put any of our businesses at a competitive disadvantage. Krueger's is a perfect example. They were concerned when big box stores came in and had to adapt in order to compete.
 17. **Motion to deny the extension of premise application from Walmart #2986, 1155 W. Winneconne Avenue carried, by a 5-4 RollCall-Pro System vote, all voting aye, Ald. Pollnow, Kunz, Stevenson and Boyette voting nay.**
- D. Committee recommends Council adopt Ordinance 2017-18 amending the official traffic maps. **MSCRП Bates/Lendrum, all voting aye.**
 - E. Committee recommends Council adopt Preliminary Resolution No. 2017-38 Curb, Gutter and Pavement Construction on Whispering Pines Ln., Lone Oak Dr., Pondview Ct., Nature Trail Dr. and Remington Ct. **MSCRП Bates/Lendrum, all voting aye.**
- III. Chairman Bates reported the regular meeting of December 12, 2017: **No report.**

Plan Commission

- I. Council Rep. Lang reported the regular meeting of February 21, 2017:
 - A. Commission recommends Common Council approve the Special Use Permit for the construction of a 105 foot tall telecommunication tower and associated ground equipment located at 512 S. Commercial Street subject to the following conditions: Any future expansion of the fenced



Dept. of Legal & Administrative Services
Office of the City Clerk
211 Walnut St. • P.O. Box 426 • Neenah WI 54957-0426
Phone 920-886-6100 • Fax 920-886-6109
e-mail psturn@ci.neenah.wi.us
PATRICIA A. STURN, WCPC, MMC
CITY CLERK

December 21, 2017

Quarles & Brady
101 East Kennedy Blvd.
Suite 3400
Tampa, FL 33602-5195

Attention: Rebecca A. Diller, Corporate Paralegal

**Re: Walmart #2986 – 1155 W. Winneconne Avenue
Change of Premises for Alcohol Beverage License**

This correspondence is in response to your letter dated August 21, 2017 requesting extension of the premise for the "Class A" Malt & Liquor License for Walmart, 1155 W. Winneconne Avenue. At their December 20, 2017 meeting, the Common Council of the City of Neenah acted on a recommendation from the Public Services & Safety Committee (December 12, 2017 meeting) and denied the extension of premise for Walmart #2986, 1155 W. Winneconne Ave., Neenah. The vote was 5-4. Minutes from those meetings will be available on our website upon completion. The Council is open to monitoring the operations at other stores and may revisit this issue in the future.

If you have any questions, feel free to call me.

Patricia A. Sturn, WCPC, MMC
City Clerk

cc: Walmart #2986
Samantha Ozment, agent

H

CITY OF NEENAH
PUBLIC SERVICES AND SAFETY COMMITTEE MEETING MINUTES
Tuesday, November 27, 2018 - 6:30 PM
Hauser Room - City Administration Building

Present: Aldermen Bates, Hillstrom, Lang, Lendrum and Stevenson

Also Present: Mayor Kaufert, City Attorney Godlewski, Director of Public Works Kaiser, Superintendent of Parks Fink, Kurt Gilhart, Bill Story

Minutes:

Motion/Second/Carried Hillstrom/Lendrum to approve the minutes of the October 29, 2018, Regular Meeting. All voting aye.

Public Appearances: None.

Motion/Second/Carried Hillstrom/Stevenson to amend the agenda to address item 5c Extension of Premise for Alcohol Beverage License - Festival Foods. All voting aye.

Extension of Premise for Alcohol Beverage License - Festival Foods: Kurt Gilhart and Bill Story addressed the Committee representing the applicant. They noted that their store offers a Click N Go service and would like to extend it to include the sale of wine and spirits. They reviewed the ordering and collection process for purchases. They noted the enhanced review involved with purchases that include alcohol and the requirement to check identification. They indicated that there are typically at least four employees that have a beverage operator license on premises to handle order collection if alcoholic beverages are included. They stated that the order and collection procedures that were outlined in their submittal are the same at all of their store locations. They clarified the Customer Pickup: Order Review steps that were included in their submittal.

Committee inquired about the applicant's experience with this service at their other locations. The applicant representatives stated that this is a relatively new service and that there is not a long track record. Committee discussed the requirement for a licensed beverage operator to dispense alcoholic beverages or supervise the person dispensing them. City Attorney Godlewski noted that the person dispensing must be under the supervision of a licensed beverage operator.

Committee complimented the procedures established by the applicant for dispensing wine and spirits. Committee expressed a preference that the conditions be captured in ordinance so that the applicant's procedures couldn't be changed. Committee discussed police notification procedures in the event that the customer is underage or inebriated.

The applicant representatives noted the location of the security camera covering the collection area. They stated that it faces the driver's door. They were not sure if the camera resolution was sufficient to capture a clear picture of the driver's face, but offered to provide the Committee with that information.

Committee discussed an article by the League of Municipalities that discussed these types of services. They noted that a number of suggested conditions in that article were incorporated in the applicant's procedures. Committee noted receipt of the proposed Green Bay ordinance from City Clerk Sturn.

Public Services and Safety Committee Meeting

November 27, 2018

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Mayor Kaufert informed the Committee that Pick n Save had approached the City to apply for an Extension of Premise for a similar service but withdrew the application after learning of the discussion related to Walmart's similar application in 2017. The Committee was reminded that Council had discussed revisiting the issue about a year after the denial of Walmart's extension application.

Chairman Bates noted an email that she had received from Julia Sherman, project coordinator for the Wisconsin Alcohol Policy Project that outlined issues that other communities have run into with these types of services and with regulating them. Chairman Bates indicated that she would forward that information to the Council.

For the benefit of the applicant representatives, Mayor Kaufert reviewed the Council discussions in 2017 when Walmart requested a premise extension. City Attorney Godlewski confirmed that an ordinance covering these requests had been recommended for approval by the Committee but was not approved by Council. Chairman Bates requested that City Attorney Godlewski distribute the 2017 proposed ordinance, check into comparable ordinances that other communities have developed and compare it to the suggestions offered by the League of Municipalities.

Committee discussed the potential application of an ordinance to other businesses city-wide. Ald. Lendrum informed the Committee of her intent to vote against an ordinance that allows these types of services because of the negative impact on small businesses in the City. She also noted the difficulty that employees will have in determining if a buyer is inebriated at the time of collection.

The consensus of the Committee was that it was appropriate to reconsider the ordinance. Committee discussed the appropriate venue for Council discussion. Committee discussed notifications to other applicants, potential applicants or interested parties. City Attorney Godlewski suggested that a public hearing be held on the matter.

Following further discussion, **Motion/Second/Carried Stevenson/Lang to defer action on the application to allow time to review and reconsider the previously presented draft ordinance and new information available.** All voting aye.

Parks and Recreation Lawn Mower LM4 Replacement: Superintendent of Parks Fink reviewed his November 19, 2018, memo requesting replacement of a 2010 John Deere wide area mower. Quotes were received from 3 vendors. The Parks and Recreation Commission recommends purchase of the wide area mower base proposal from Riesterer & Schnell Inc. for the amount not to exceed \$53,500. Superintendent Fink reviewed the use of this equipment. He stated that the mowers are on an 8-year replacement schedule. Committee discussed the cab option that was considered. Superintendent Fink noted that he expected the current mower to have a resale value of about \$5,000.

Following further discussion, **Motion/Second/Carried Stevenson/Hillstrom to recommend Council approve the wide area mower base proposal from Riesterer & Schnell Inc. for the amount not to exceed \$53,500 with funds from the 2018 Capital Equipment Budget.** All voting aye.

REPORT



Fw: On line alcohol sales and curbside pickup
 Aaron L Olson to: Dean R Kaufert
 Cc: Adam J VandenHeuvel, Jim G Godlewski

07/01/2019 10:15 AM

From: Aaron L Olson/Neenah
 To: Dean R Kaufert/Neenah@Neenah
 Cc: Adam J VandenHeuvel/Neenah@Neenah, Jim G Godlewski/Neenah@Neenah

Here is the email I sent to the council a few months ago...

Council,

Some of you asked me to gather data pertaining to what other cities are doing reference to online alcohol sales/curbside pickup. This discussion was born through Walmart and Festival requesting to sell alcohol on line with curbside pickup.

I am still collecting information, but below are 15 police Chiefs who have responded to my group email with the Police Executive Group (PEG). Of those 15 agencies, 11 cities are allowing this practice and to date, none of them have experienced any problems. Three of these cities have voted against this practice and oddly enough, no business has requested this practice in the City of Milwaukee.

Germantown passed an online alcohol sale and curbside pickup two years ago and have three stores participating. They have had zero problems or incidents. The same pertains to West Bend. Beloit allows this and have not had problems, but they do have other potential problems now with business owners trying to start up drive through alcohol stores, which we would obviously never allow (my opinion). Part of the problem is how the ordinance is written.

I have a PEG meeting in two weeks and will obtain more information at that time. For those of you who may not be familiar with PEG, it is a group of Chiefs who work for cities with a population of 20,000 or greater.

See below for more specific details.

Thank you,

Aaron

Agency	Allowed	Problems	Notes
West Bend	Yes	None	See below
Waukesha	Yes	None	None
De Pere	Yes	None	See below
West Allis	Yes	None	None
Germantown	Yes	None	2 Years now,

			3 stores
Oshkosh	Yes	None	None
Fondy	Yes	None	See below
Sheboygan	Yes	None	None
Muskego	Yes	None	None
Franklin	Yes	None	None
Beloit	Yes	None	None
Wausau	No	N/A	See below
Menomonee Falls	No	N/A	Prohibited
Green Bay PD	No	N/A	Prohibited
Milwaukee	N/A	N/A	Hasn't been requested

(The below information has been cut and pasted from emails sent by each respective Chief of police who provided additional information)

West Bend - Aaron, We allow at several stores in West Bend. We have not had any problems. All deliveries to vehicles have to be made by licensed bartender and we require the pick-up area to be in designated spot(s) next to building. We have done a couple compliance checks and have not had any violations.

Wausau - We have not experienced any issues with online sales. However, we did implement an ordinance in November, 2018, prohibiting drive up sales of alcohol in Wausau. Following is the ordinance:

5.64.036 Drive-up Sales. Drive-up alcohol sales are prohibited at any licensed premises in the City. Drive-up alcohol sales are defined as the sale of intoxicating beverages to customers in a vehicle located outside a licensed premise. (Ord. 61-5797 §1, 2018, File No. 18-1104)

De Pere - City of De Pere approved this type of sale a few months ago. Since then we have not experienced any issues. Our ordinance was partly modeled after Madison in which they ensured someone couldn't just call in an order and show up a few minutes later to get beer or liquor. There is a four hour wait time minimum between order and pick up. This nuance eliminated the possibility of drunk driving increases. Our ordinance is:

Online ordering and curbside pickup of alcohol beverages.

(1) No establishment shall allow online purchase of alcohol beverages and curbside delivery of such purchases ("click and collect"), without first obtaining an "extension of

premises" from the De Pere Common Council, upon recommendation of the license committee (LC) to license that portion of the establishment's parking lot that will allow vehicles to park for purposes of picking up their online order.

a. The licensed establishment shall file a detailed operation plan with their "extension of premises" form that clearly details how their "click and collect" operation will function. The operation plan shall include the licensee's protocol for assuring that underage persons and intoxicated persons do not pick up alcohol via the "click and collect" program.

b. Failure of licensee to provide a detailed operation plan with their "extension of premises" application shall result in the City of De Pere Clerk's Office not forwarding the "extension of premises" form to the LC for consideration.

(2) No establishment holding an alcohol beverage license shall allow online purchase and pick-up of alcohol beverages unless the sale is consummated on the licensed premises.

a. Payment for the purchase must be completed on premises and may not be completed until the purchaser is at the licensed premises and has presented valid photo identification that has been verified by a licensed operator employed by the premises.

b. The licensed operator must verify that the person placing the "click and collect" order is the same person picking up the order.

c. The sale and delivery of "click and collect" purchases shall be made only by a licensed operator.

d. No alcohol sales are permitted if the purchaser fails to present valid photo identification.

e. The "click and collect" system must allow the purchase of alcohol to be denied without affecting the remainder of the purchase.

(3) Each "click and collect" transaction must capture and retain an image of the vehicle into which the order is being loaded for 30 days.

(4) Pick-up of "click and collect" orders shall be between the hours of 8:00 a.m. and 8:00 p.m.

(5) There shall be a minimum four-hour waiting period between order time and pick-up time.

(6) Orders placed after 2:00 p.m. cannot be picked up until the following day.

(7) If the "click and collect" purchaser is not the driver of the vehicle into which the order is being loaded, the licensed operator must verify that the driver is 21 years of age or older.

(8) The licensed operator shall report to his or her manager any purchaser who shows signs of alcohol consumption, and in conjunction with the manager, shall assess sobriety for purposes of approving or denying the sale.

(9) The pick-up area for "click and collect" purchases shall be clearly defined with visible markings, signs, and/or barriers and must be within 150 feet from the pick-up door.

(10) No events other than the delivery of "click and collect" orders shall be allowed on the expanded premises.

(11) Penalty. Any licensee or person who violates any provision of this subsection shall be subject to forfeiture as determined by resolution of the common council.

Fond du Lac - The system must allow the purchase of alcohol or tobacco to be denied without affecting the remainder of the purchase

- If the purchaser is not the driver of the vehicle, the Agent/Licensed Employee must ensure the driver is 21 or older SS 346.93 (1)).
- Payment cannot be consummated until the purchaser is at the licensed premise and identification has been verified (state law)
- A licensed bartender/Operator must perform the sale/delivery (state law)
- No alcohol sales are permitted if the purchaser does not have valid photo identification
- The name on the order must match the name on the ID when purchasing alcohol or tobacco products.
- Tasting events are prohibited in the parking lot.
- Minimum 4-hour waiting period between order time and pick-up time for alcohol and tobacco

Green Bay - The drafted ordinance for drive-up liquor sales was defeated at council. It passed the first reading, then there was a 6-6 vote after the second reading, and the Mayor voted against the ordinance as the tie-breaker. It was not sent back to P&P; it was defeated. There is no state statute on-point regarding drive-up liquor sales, and the City has the authority to regulate or pass some kind of ordinance to govern how drive-up liquor sales will operate in Green Bay. With the defeat of the drafted ordinance, we currently do not have a mechanism in place to regulate drive-up liquor sales. Some other ordinance could be proposed, but it would have to start fresh in the drafting process.

Milwaukee - No drive up liquor stores in Milwaukee. Not sure if online sales/pick up is on the radar yet.

Oshkosh - We have not had any issues

Germantown - We have Walmart and two other grocery stores who have had this service for about two years now. We have not had any issues.

Beloit - Aaron-unfortunately our council was unable to implement an ordinance because prior councils had allowed for two drive-through type alcohol stores to function in Beloit.

So when Walmart came in with their request they felt compelled to honor it. Our Walmart has been doing this for about eight months. I am unaware of any issues specific to that but share the same concerns that many of you do on this issue. Also, since that time we have had other small stores that want to open up Drive-through liquor stores. Including one that used to be in oil change business that now allows people to drive through and select food and down the road probably alcohol. If you can get in front of it was an ordinance I would try to do everything that you could to do so. Once it starts it gets a little crazy.

Sec. 7-11. - Limitations on class "A" licenses.

- (a) Except as provided herein, no "class A" intoxicating liquor license may be granted to any premises where any business other than the sale of alcohol beverages is conducted. This prohibition shall not apply to retail establishments which meet the following requirements:
- (1) Intoxicating liquor is displayed in a separate area of the establishment which is constructed with four solid walls and is capable of being locked and inaccessible to customers during those hours in which sales of intoxicating liquor are not permitted by law; and
 - (2) The establishment has a 24-hour surveillance camera system for the entire establishment, including the area in which intoxicating liquor is displayed. Such recordings shall be kept for not less than 30 days and shall be made available to law enforcement at their request; and
 - (3) Signage is installed both within the area in which intoxicating liquor is displayed and at points of sale within the establishment, that customers must be at least 21 years of age to purchase alcohol beverages.
 - (4) Wine as defined in Wis. Stats. § 125.02 may be stored and displayed in unsecured areas of the licensed premises.
- (b) Notwithstanding Wis. Stats. § 125.32(3) no premises for which only a class "A" fermented malt beverage license is issued shall be permitted to sell fermented malt beverages between the hours of 9:00 p.m. and 8:00 a.m.
- (c) The sale or delivery of intoxicating liquor or fermented malt beverage from or through drive-up or walk-up service windows is prohibited. All sales of intoxicating liquor and fermented malt beverage must be entirely consumed within the premises described in the license application.
- (d) *Online ordering and curbside pickup of alcohol beverages.*
- (1) No establishment shall allow online purchase of alcohol beverages and curbside delivery of such purchases ("click and collect"), without first obtaining an "extension of premises" from the De Pere Common Council, upon recommendation of the license committee (LC) to license that portion of the establishment's parking lot that will allow vehicles to park for purposes of picking up their online order.
 - a. The licensed establishment shall file a detailed operation plan with their "extension of premises" form that clearly details how their "click and collect" operation will function. The operation plan shall include the licensee's protocol for assuring that underage persons and intoxicated persons do not pick up alcohol via the "click and collect" program.
 - b. Failure of licensee to provide a detailed operation plan with their "extension of premises" application shall result in the City of De Pere Clerk's Office not

- forwarding the "extension of premises" form to the LC for consideration.
- (2) No establishment holding an alcohol beverage license shall allow online purchase and pick-up of alcohol beverages unless the sale is consummated on the licensed premises.
 - a. Payment for the purchase must be completed on premises and may not be completed until the purchaser is at the licensed premises and has presented valid photo identification that has been verified by a licensed operator employed by the premises.
 - b. The licensed operator must verify that the person placing the "click and collect" order is the same person picking up the order.
 - c. The sale and delivery of "click and collect" purchases shall be made only by a licensed operator.
 - d. No alcohol sales are permitted if the purchaser fails to present valid photo identification.
 - e. The "click and collect" system must allow the purchase of alcohol to be denied without affecting the remainder of the purchase.
 - (3) Each "click and collect" transaction must capture and retain an image of the vehicle into which the order is being loaded for 30 days.
 - (4) Pick-up of "click and collect" orders shall be between the hours of 8:00 a.m. and 8:00 p.m.
 - (5) There shall be a minimum four-hour waiting period between order time and pick-up time.
 - (6) Orders placed after 2:00 p.m. cannot be picked up until the following day.
 - (7) If the "click and collect" purchaser is not the driver of the vehicle into which the order is being loaded, the licensed operator must verify that the driver is 21 years of age or older.
 - (8) The licensed operator shall report to his or her manager any purchaser who shows signs of alcohol consumption, and in conjunction with the manager, shall assess sobriety for purposes of approving or denying the sale.
 - (9) The pick-up area for "click and collect" purchases shall be clearly defined with visible markings, signs, and/or barriers and must be within 150 feet from the pick-up door.
 - (10) No events other than the delivery of "click and collect" orders shall be allowed on the expanded premises.
 - (11) Penalty. Any licensee or person who violates any provision of this subsection shall be subject to forfeiture as determined by resolution of the common council.

(Code 1974, § 35.14; Ord. No. 01-05, § 1, 3-20-2001; Ord. No. 04-01, §§ 1, 2, 1-20-2004; Ord. No. 06-12, § 1, 6-6-2006; Ord. No. 07-15, § 1, 8-7-2007; Ord. No. 09-30, § 1, 12-15-2009; Ord. No. 13-23, § 1, 11-5-2013; Ord. No. 16-17, § 1, 9-6-2016; Ord. No. 18-18, § 1, 9-4-2018)



Municipal Regulation of “Click and Collect” Alcohol Sales¹

Claire Silverman, Legal Counsel, League of Wisconsin Municipalities

“Click and Collect” describes a practice where consumers order online from a retailer’s website and then pick up their orders at a local store. The use of Click and Collect has become increasingly popular as retailers in competitive markets look for innovative ways to serve customers, and customers have become accustomed to the comfort and convenience of ordering online.

Notably, many grocery stores and other similar retailers have begun offering Click and Collect and, for a small fee or free with a minimum order, will assemble the grocery order and deliver it curbside when the customer arrives to pick it up. It’s not hard to imagine the convenience factor as being off the charts for, among others, persons with busy work schedules, persons with small children in tow, and those with limited mobility.

While Click and Collect sales do not typically require municipal oversight or approval, oversight and/or approval may be desirable and/or necessary when the online sale includes alcohol beverages and, in particular, when the sale involves curbside delivery. Recently, some retailers with alcohol licenses have sought municipal approval to expand the description of their premises to include designated parking stalls used for the Click and Collect deliveries. This is

necessary since state law requires the licensed premises to be “particularly described” and include all areas where alcohol is stored or sold.²

To amend described premises during the license year, the licensee must file a written request with the municipality. The governing body has discretion to approve or disapprove the change.³ Municipalities can impose conditions in connection with allowing amendment of the premises but are limited in imposing conditions once the request to amend the premises description has been granted.⁴

This legal comment briefly summarizes state law requirements that come into play when Click and Collect involves the sale of alcohol beverages.

Wisconsin law requires the following for alcohol sales:

1. Face-to-face sales to consumers at the licensed premises.⁵
2. Purchaser must be of legal drinking age (21 or older).
3. Seller must be a licensed operator or under the immediate supervision of a licensed operator.
4. No sales can be made to intoxicated persons.

In order to satisfy the requirement that the sale be face-to-face and that it take place on the licensed premises, an online order for alcohol beverages should not be consummated when the order is placed but, rather, when the order is picked up by the customer with the customer signing the credit card or paying at the retailer’s licensed premises. If the customer is picking up curbside, those parking spaces must be included in the licensee’s described premises since that is where the sale is taking place.

The requirement that all persons selling alcohol possess an operator’s license or be under the immediate supervision of someone with an operator’s license effectively means that those delivering alcohol curbside should have an operator’s license. “Immediate supervision” has been interpreted to mean that the person supervising must be able to see those being supervised at all times.⁶

Municipalities that receive requests to amend premise descriptions to allow Click and Collect with curbside delivery of alcohol must decide whether such sales should be allowed and, if so, what conditions are appropriately imposed to ensure that any such sales are done lawfully.

► p.16

1. This article was inspired by a Nov. 7, 2017 memo on Click and Collect Alcohol Sales written by Julia Sherman at the Wisconsin Alcohol Policy Project.

2. Wis. Stat. §§ 125.25(3), 125.26(3), 125.28(3), 125.51(2)(c) and 125.51(3)(d).

3. *Alberti v. City of Whitewater*, 109 Wis.2d 592, 327 N.W.2d 150 (1982). See also Wis. Stat. sec. 125.04(3)(h).

4. *Wisconsin Dolls, LLC v. Town of Dell Prairie*, 2012 WI 76. The Wisconsin Alcohol Policy Project’s Nov. 7, 2017 memo on Click and Collect Alcohol Sales mentioned a variety of conditions that municipalities were considering or had adopted.

5. Wis. Stat. §§ 125.272 and 125.51(6).

6. OAG 9-10-62 (informal opinion).

Municipalities should review a retailer's policies for the Click and Collect operation before granting an expansion of the licensed premises and may want to include those policies as license conditions. Municipalities that want to allow Click and Collect alcohol sales may want to also adopt an ordinance governing such sales. A Wisconsin Alcohol Policy Project memo on Click and Collect⁷ suggests that municipalities inquire about the following before granting an expansion of the licensed premises to allow Click and Collect alcohol sales:

- What hours will alcohol orders be allowed?
- How is an alcohol order assembled?
- Who assembles the entire order? Is an itemized tape prepared?
- When is the credit card charged for the order?
- Is the individual who delivers the order a licensed operator?
- What equipment is provided to staff (e.g., is ambient light sufficient or is a flashlight needed to read the ID, a scanner to record the credit card sale or ID)?

- Is the newly licensed area under video surveillance?
- When is the ID checked?
- Does the seller determine that the name on the order is the same name on the ID?

The memo notes that in addition to provisions relating to the above factors, some municipalities have adopted or considered the following provisions:

- A requirement that the system allow the purchase of alcohol to be denied without affecting the remainder of the purchase.
- Notification of police when an apparently underage person or intoxicated person attempts an alcohol purchase.
- Imposing a minimum waiting period between order time and pick-up time for alcohol and tobacco.
- Requiring that images of the transaction (purchaser, ID card, vehicle, license plate) be captured and retained for a minimum period of time.
- Prohibiting tasting events in the parking lot.

Although municipalities may differ regarding whether Click and Collect alcohol sales should be permitted, those municipalities that wish to allow it should take measures to ensure that such sales are in compliance with state law.

Intoxicating Liquors 955

About the author:

Claire Silverman is Legal Counsel for the League. Her responsibilities include supervising the legal services provided by the League, answering questions of a general nature for officials and employees of member municipalities, writing legal articles for the League's magazine and amicus briefs in appellate cases involving issues of statewide concern to municipalities, organizing an annual institute for municipal attorneys, and educating local officials on a variety of topics pertaining to their duties. In addition, she coordinates legal material for the League's web page. Claire joined the League staff in 1992. Contact Claire at cms@lwm-info.org

7. See footnote 1.

Editor's Note:

If you are generally interested in municipal responsibility/authority for handling local health matters, please request the Legal Comment "Health 65," authored by Claire Silverman, League Legal Counsel, and published in the June 1999 *The Municipality*.



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SUPPLEMENTAL FORM TO AMEND LICENSE DESCRIPTION FOR DRIVE UP PURCHASES

Business Name _____

Business Address _____

Agent Name _____ Agent Phone _____

Premises Description: Describe building or buildings where alcohol beverages are to be sold & stored. Rooms used for the sale of, service, consumption, and/or storage of alcohol beverages and records. (Alcohol beverages may be sold and stored only on the premises described)

A detailed layout/map of the pickup area must be attached to this application.

Conditions for Drive up Liquor Purchases

- The pick-up area shall be described on the license application and shall be accompanied by a site plan showing pick-up/parking locations; secure areas for storage of orders containing alcohol beverages; entrances and exits and lighting
- Pick-up areas shall have adequate lighting to allow checking of Identification without the need for flashlights or other additional illumination
- Pick up of orders must occur within the designated licensed area
- Alcohol pickup purchases shall be permitted only between the hours of 8 am and 8:30 pm
- Orders containing alcohol beverage products shall be labelled in a conspicuous manner to indicate that they contain alcohol beverages; the method of labelling shall be identified with the application and are subject to the approval of the Chief of Police or his/her designee; and any changes to the method of labelling must be approved by the Chief of Police or his/her designee prior to implementation
- Orders containing alcohol beverages shall be kept in a secure area not accessible to the public, or attended by an employee prior to pick up
- Purchase/Payment may not be completed until the purchaser is at the licensed premises and valid identification has been presented and verified
- No alcohol sales are permitted if the purchaser does not have a valid photo identification
- The photo identification presented at the time of purchase/delivery must be the same individual who paid for the order
- The purchaser and driver (if they are not the same person) must be 21 years of age or older §346.93 Wis. Stats.

- Purchasing systems must allow the purchase of alcohol or tobacco to be denied/deleted without affecting the remainder of the purchase
- There shall be no tasting or open intoxicants permitted within the pick-up area or parking lot.

I hereby accept the following conditions and assume full responsibility for the conduct of all business relative to alcohol beverages conducted on the premises and understand the license will be amended upon Police review and Council approval.

Agent's Signature

Date

FOR OFFICE USE ONLY

Council Date: ____/____/____

Police Approval: _____



M E M O R A N D U M

TO: Mayor Kaufert and Members of the Common Council
FROM: Gerry Kaiser, Director
 Greg Radtke, Superintendent
DATE: July 25, 2019
RE: Tullar Garage Drop-off Site

The Tullar Garage drop-off site continues to be a popular and heavily used service. The level of this service meets or exceeds the level of service provided by neighboring communities at no direct cost to the user (Table 1). In preparation for budgeting and to address several ongoing concerns with the use of the site, staff have been evaluating the layout and operation of the drop-off. This memo outlines several site and program changes that we are interested in pursuing.

Table 1: Drop-off Community Comparison

Items	Neenah		Menasha		Appleton		Oshkosh		Fond du Lac	
		cost		cost		cost		cost		cost
Yard Waste	Y	\$0	Y		y	0	Y	permit - see #1 below	Y	0
Brush/Branches	Y	\$0	Y		Y	0	Y	permit - up to 6' by 6"	Y	0
Grass	N	XXXXX	N	xxxxx	Y	\$4 or \$40 card	Y	permit	Y	0
Leaves	Y	\$0	y		y	0	y	permit	Y	0
Dirt/Sod	y	\$0	N	xxxxx	N	-	N	xxxxx	N	0
Concrete,stone,bricks	Y	\$0	N	xxxxx	N	xxxxx	N	xxxxx	N	xxxxx
Bulky Items (couch,mattress,etc)	Y	\$0	N	See # 2	Y	See # 3	N	xxxxx	Y	See # 4
Metal	Y	\$0	N	xxxxx	Y	See # 3	N	xxxxx	N	xxxxx
Household Garbage	Y	\$0	N	xxxxx	Y	See # 3	N	xxxxx	N	xxxxx
Recyclables	Y	\$0	Y	\$ -	N	xxxxx	N	xxxxx	y	See #5
Construction Materials	Y	\$0	N	xxxxx	Y	See # 3	N	xxxxx	Y	see #4
Tires	N	XXXXX	N	xxxxx	Y	\$5 each	N	xxxxx	Y	\$2 each and up

1. Permit for residents \$25 per year / Non-residents \$125, permits are tied to the license plate on a vehicle, non-transferable.
 If permit is lost or customer uses a different vehicle they must purchase another permit. New one issued if you bring in the old one.
2. Residents are provided 5 bulky/overflow stickers per year. Additional stickers may be purchased for \$1 a bag or \$15 for a bulky item.
3. Garbage - 1 vehicle \$15 (minimum) / 1 vehicle & Trailer \$35 (minimum).
4. \$20 for a single use pass / Ten pass punch card for \$175.
5. Metal only, Cardboard/Paper daily fee.

Layout

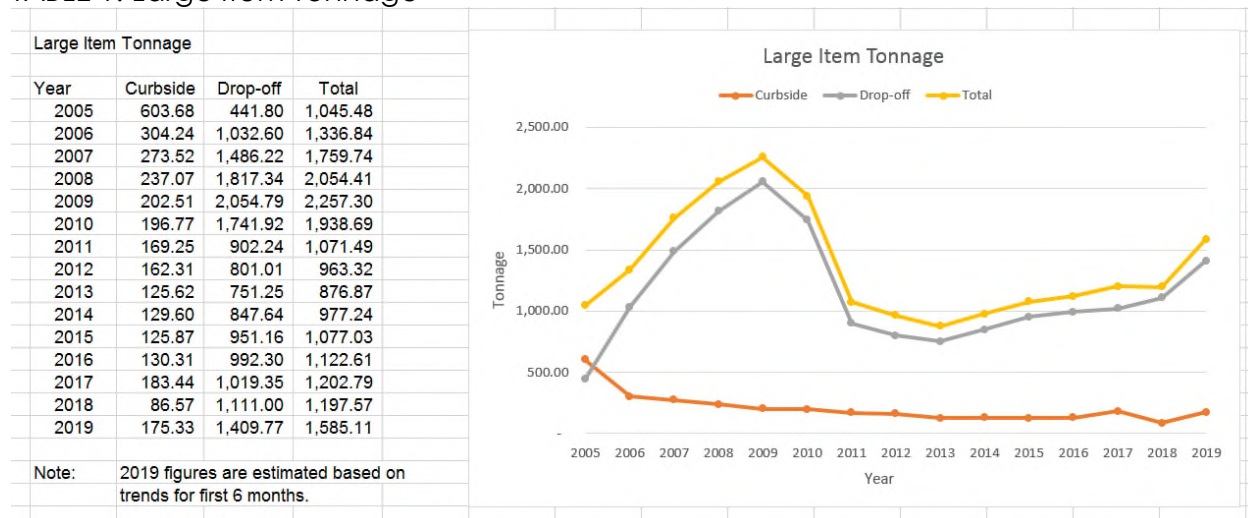
Figures 1 and 2 shows the current layout of the drop-off site. There have been concern expressed over the years about the interaction of public vehicular traffic and City equipment traffic. The routing into the drop-off site includes several conflict points – locations where the path of City equipment crosses paths with the general public. A second concern has been for site security. By inviting the public into the garage site to use the drop-off, the entire property is open to them. Thirdly, while the creation of the exit lane has generally been a benefit to the operation, we have had residents bypass the attendant and drive into the site through the exit.

To address these concerns and to provide better oversight of the drop-off traffic for the attendants, the revised layout shown in Figure 3 has been developed. The 2020 capital improvement program includes a request of \$95,000 for drop-off site modifications to implement this layout. The layout addresses the concerns listed. By completely fencing the site, it can be operated independently of the hours of operation of the Tullar Garage. Access to the site involves only one point of conflict – in the Tullar Road cul de sac. The entry and exit to the site flank the attendants hut so they are able to track all entering and exiting traffic. This also provides a good location to place a camera to monitor activities.

Drop-off Site Use

As was noted earlier, use of the drop-off site continues to be heavy. The major cost center of the drop-off site are the large item dumpsters. Table 1 shows the tonnage of large item collected both curbside and at the drop-off site. We pay a pull charge whenever our contractor takes a dumpster to the landfill. We also pay the tipping charge for the tonnage in the dumpster. The tipping charges have generally seen an increase of \$1 per year over the past 5-6 years. In addition to the charge increase, The SWMB made another change this year that increased our costs. Clean wood, which had previously been charged at the Yard Waste/Brush rate is now charged at the Construction/Demolition rate, which is the same as the standard tipping charge. This nearly doubled our charge to dispose of wood. Our attendants have been instructed to direct clean wood to our brush piles.

TABLE 1: Large Item Tonnage



Because of the impact of large item drop-off on the site use, concerns with abuse of that service and, to a degree, confusion as to who the intended customer is, staff has discussed options to better gain control over its use. This is not a new issue for this committee. If the trends shown in Figure 1 continue, we will soon reach tonnages that are close to the tonnages that spurred the hiring of drop-off attendants.

There are a variety of circumstances that contribute to the abuse. We have had multiple landlords abusing because of the no charge rule. Some have properties in other cities and bring all of their tenant cleanout refuse here. City residents accompany or unload items from non-resident friends or family. Contractors bring material that comes from a job outside of the city.

To establish this control, staff would like to implement a punch card system for drop-off users. We understand that it will not eliminate abuse but it should reduce the abuse. While there are a number of issues to address with this type of approach, here is the general outline.

1. Provide each residential property owner with a punch card to be included with their property tax bill (see Figure 4).
2. Limit the recipients to residential property owners with 4 or fewer units.
3. The card will work as an access pass to the center (proof of tax paying City of Neenah Resident). It will be punched only for garbage dumpster use. Recycling, Metal, Yard Waste, Brush, etc. would still need to show their card, but it would not be counted as a use.
4. Once their card is used 5 times, the resident must go to City Hall and purchase another for \$25. The city garage is not staffed during all open drop-off hours, nor are we set up to handle monies.
5. We are suggesting that there be a volume restriction placed on each individual visit. In our opinion there are quantities of material that do not belong here but should be taken to the landfill.

Some additional considerations to system like this:

- Without a punch card, the service cannot be used. This gives us some leverage for those users that either abuse the privilege or abuse the attendants.
- All property owners would receive a card for each property (multiple duplexes = multiple cards)
- How the owner decides to use their card is up to them – they can give it to their tenants for use or keep it for their own property maintenance needs.
- This system would prevent the Neenah Postal Code confusion about who can “legally” use the drop-off center.
- The permit system currently in place for special circumstances could stay in place. Permit would work the same way, five uses them they would do the same, must purchase a card.
- New residents that stop in would be given a one day pass but would then need to go to city hall to get a card.

FIGURE 1: TULLAR GARAGE OVERVIEW



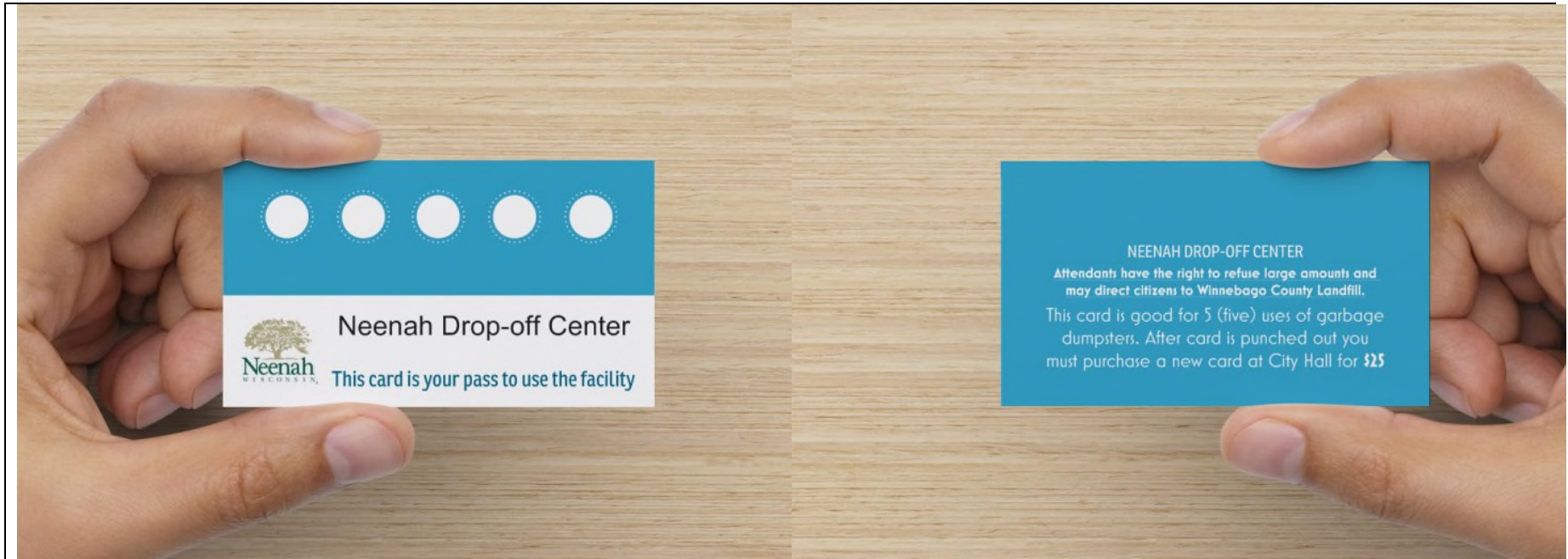
FIGURE 2: TULLAR DROP-OFF CLOSEUP



FIGURE 3: TULLAR DROP-OFF – MODIFIED LAYOUT



FIGURE 4: PUNCH CARD EXAMPLE





Neenah Special Event Permit Application

Event

Name Bikers Against Trafficking - Ride Breaking The Chains
Webpage www.bikersagainstrafficking.org

Description

- Festival/Concert/Exhibition Parade/March
 Tournament Competitive Race
 Assembly/Rally Non-Competitive Run/Walk

Other:

Driving through town

List the event activities to take place (or attach brochure):

Driving through town

Schedule

Date(s)	Setup Time	Start Time	End Time	Cleanup Time
<u>8/17/19</u>	<u>—</u>	<u>4:40</u>	<u>4:50</u>	<u>—</u>

Attendance

List estimated quantities:

Participants 50-100

Spectators 0

List any entry fees:

0

Location

Park/Public Property:

Public Street/Sidewalk/Trail:

Private Property/Other:

Applicant

Name Kelly M Olson - Vice Pres. Daytime Phone —

Email kelly@damascusradproject.org Cell Phone 920-585-5088

Organization

Name Becky Jacobsen - President Tax Exempt No.

Email bikersagainstrafficking@gmail.com Phone

Address 1331 Meadow Lane

City Neenah State WI Zip Code 54956

The organization shall incur all City service and equipment costs associated with the event. 501(c) organizations with a valid tax exempt certificate receive reduced rates for services/equipment provided by the City. See Municipal Code §14-129(g) for details.



Neenah Special Event Permit Application

Police Department

Contact: Lieutenant Jon Kuffel

Phone: +1 (920) 886-6018

Address: 2111 Marathon Ave. Neenah, WI 54956

Email: jkuffel@ci.neenah.wi.us

1. Will you be using the Emergency Response Protocol supplied by the city? (See supplement.) Yes No

The protocol is a set of procedures to be used for various crises including inclement weather, medical emergencies, and disorderly conduct scenarios. It establishes responsibilities and expectations between the event organizer and emergency services in the event of a crisis. If you choose not follow the protocol provided by the city, attach a crisis management plan to this application. All plans must be approved by Neenah Police and Neenah-Menasha Fire Rescue.

2. List at least two Event Coordinator contacts who will be on-site during the event to address issues that might arise.

Event Coordinators are responsible for executing the Emergency Response Protocol.

Name _____ Phone _____

Name _____ Phone _____

3. Will there be security/crowd control services on-site? If so, please list contractor: Yes No

Name N/A Phone _____

4. Will there be first aid/emergency responders on site? If so, please list contractor: Yes No

Name N/A Phone _____

5. Describe the communication method/equipment that will be used to notify event staff/volunteers of emergencies:

N/A

6. Describe the communication method/equipment that will be used to notify event attendees of emergencies:

N/A

7. Identify the locations of the following (be specific):

Locations may instead be located on a map submitted with this permit. If a service is not provided or is not applicable, write in "N/A".

Loudspeaker/PA System N/A

Lost Child Recovery Site N/A

Severe Weather Shelter(s) N/A

First Aid Station(s) N/A

Enclosed/Fenced Area(s) N/A

Enclosed areas are required for alcohol consumption. Entrances and exits must be numbered and labeled for any enclosed/fenced areas.



Neenah
W I S C O N S I N

Special Event Permit Application

Neenah-Menasha Fire Rescue

Contact: Assistant Chief Vernon Green

Phone: +1 (920) 886-6201

Address: 125 E. Columbian Ave. Neenah, WI 54956

Email: vgreen@nmfire.org

8. Will there be any pyrotechnics or open burning?

Yes No

A [Fireworks/Open Burning Permit](#) is required. Applications should be filed separately with Neenah-Menasha Fire Rescue.

9. Will there be any generators used?

Yes No

10. Will there be any cooking operations?

Yes No

11. Will there be any tents or canopies?

Yes No

12. Will there be any use of drones?

Yes No

Winnebago County Health Department

Contact: Env. Health Specialist Jennifer Bonzelet

Phone: +1 (920) 232-3000

Address: 112 Otter St. Oshkosh, WI 54901

Email: jbonzet@co.winnebago.wi.us

13. Will there be any food or beverages prepared or served?

Yes No

If yes, contact the Winnebago County Health Department.

14. Will there be any portable toilets and/or wash stations?

Yes No

15. Will there be any water activities (ie. dunk tanks, water slides)?

Yes No

16. Will there be any animals?

Yes No

Clerk's Office

Contact: City Clerk Patty Sturn

Phone: +1 (920) 886-6100

Address: 211 Walnut St. Neenah, WI 54956

Email: psturn@ci.neenah.wi.us

17. Will there be amplified music or announcements used for the event?

Yes No

18. Will amplified sound be within 7 am - 10 pm on weekdays & 10 am - 11 pm on weekends/holidays?

Yes No

If not, a special exemption must be requested and approved as part of this application. List the intended hours of amplified sound (per day, if applicable):

Start Time _____

End Time _____

N/A

19. Will there be any alcohol served?

Yes No

A [Temporary Class B Picnic License](#) is required. Applications should be filed separately with the Clerk's Office.

20. Will there be any vendors/concessions? If so, please list:

Yes No

Vendors will need to have a [Solicitor Permit](#) filed with the Clerk's Office.

N/A



Neenah Special Event Permit Application

Parks & Recreation Department

Contact: Parks & Recreation Office
Address: 211 Walnut St. Neenah, WI 54956
Phone: +1 (920) 886-6060
Email: parkrec@ci.neenah.wi.us

Public Works Department

Contact: Traffic Engineer James Merten
Address: 211 Walnut St. Neenah, WI 54956
Phone: +1 (920) 886-6243
Email: jmerten@ci.neenah.wi.us

28. Will there be any equipment requiring ground anchoring (ie. tents, fences)? If so, please list locations: Yes No

- Public Park/Property: _____
- Public Street/Trail: _____
- Other: _____

Any stakes or ground anchoring systems proposed on public property must be approved for their locations. Diggers Hotline (Website: www.diggershotline.com, Phone: 811) must be contacted a minimum of 4 working days before any ground anchors are placed.

29. If there are any portable toilets or wash stations (Question #14), identify proposed locations:

- Public Park/Property: _____
- Public Street/Trail: _____
- Other: _____

30. Have the park shelters been pre-reserved with the Park & Recreation Department? Yes No
Park reservations must be completed before submittal of this application.

31. Are you requesting any street sweeping services to be provided by the city? Yes No

32. Will there be any dumpsters and/or portable trash receptacles provided? Yes No

32. Will the event utilize environmentally conscious practices and/or provide recycling receptacles? Yes No

33. What tasks will be conducted to ensure the event site remains clean throughout (and after) the event?

34. Please list any additional equipment or services requested to be provided by the city:



Neenah Special Event Permit Application

Checklist

Required to process application:

- Application filed with the Mayor's Office within 45 days prior to the event (or 10 days, if there is no full/partial street closure).**
Special exceptions must be approved by the Special Events Task Force and the Mayor.
- \$75 application fee. (Not applicable if there is no full/partial street closure.) Receipt No: _____**
Payment can be made at the Department of Legal & Administrative Services, 211 Walnut Street Neenah, WI 54956.
- Reservation of park facilities.**
Reservations may be made at the Parks & Recreation Office, 211 Walnut Street Neenah, WI 54956. See Question #30.
- Supplemental permits filed.**
See Questions #8 (Fireworks/Open Burning Permit), #13 (Food Vending Permit), #19 (Temporary Class B Picnic License), and #20 (Vendor/Solicitor License).
- A detailed map of the event site/route.**
A map identifying the event footprint and layout must be submitted with this application.
- A crisis management plan.**
Required when not following the Emergency Response Protocol that is provided by the City. See Question #1.

Required to approve application:

- Liability insurance certificate.**
Policy must include \$1,000,000 of general liability per occurrence (no exclusions) naming the City of Neenah, its officers, council members, agents, employees, and authorized volunteers as additional insured(s).
- Street closure notification letter.**
Required when properties adjacent to or are enclosed within a closed street or street network. Letters must be pre-approved by the City and must be delivered 5 days working days before the event start date.
- Participant waiver forms.**
Any waivers of liability signed by participants of the event must also include the City of Neenah (using the same language as for the liability insurance certificate).
- Traffic control plan.**
Required when a contractor is providing traffic control services. Traffic control plans must be approved by the Traffic Department.
- Follow through with any contingencies required for approval of this permit application.**
Contingencies are determined upon approval of the permit application. The City reserves the right to revoke a permit if any contingency is not met.

Provisions & Terms

This permit is intended to clarify the working relationship between the Applicant of the special event and the City of Neenah. The Applicant agrees to abide by the terms of this permit and all existing policies governing use of City facilities unless specifically noted in the permit. Regulations in Municipal Code §14-125 through §14-132 shall apply to this permit.

Once filed with the Department of Legal & Administrative Services, this permit will be reviewed by the Special Events Task Force. Upon task force recommendation for approval, per Municipal Code §14-129(b)(1), Class B permit applications are approved by the Public Works Director or designee and Class C permit applications are approved by the Public Services & Safety Committee and the City Council. A copy of an approved application will be sent to the Applicant as confirmation of the approved permit. The Applicant is responsible for complying with any contingencies applied to this permit. Failure to do so shall void this permit.

No changes may be made by the Applicant, regarding items included in this agreement, unless written permission is attached to this document. When questions regarding this agreement arise, they should be directed to the appropriate Department. If questions arise during the event and the Department representative is unavailable, the decision of City Staff on duty shall prevail.

Staff and equipment needed to run the event are the responsibility of the Applicant. City services and equipment may be provided at the discretion of the appropriate Department. The Applicant shall be responsible for the City's reasonable service and/or equipment cost associated with the event. The charges are determined from actual cost as outlined in Municipal Code §14-129(g). An invoice detailing charges for City services and/or damages will be sent to the sponsoring organization following the event. Payment is due within 30 days of the date of the invoice.



Neenah Special Event Permit Application

Legal Notice

I, as an authorized member of the organization sponsoring this event, verify that the information contained in this application is true, correct, and complete to the best of my knowledge. I agree to all provisions and terms of this agreement and acknowledge that no changes may be made to this agreement, unless authorized written permission is granted.

I understand the filing of this application does not ensure the issuance of this permit. I also understand that all event organizers, staff, volunteers, participants, and spectators must comply with all applicable city ordinances, traffic rules, park rules, state health laws, fire codes, and liquor licensing regulations. Fees for park facilities, food sales permits, tent, and fireworks permits are in addition to the fees submitted for the Special Event Permit Application. I further understand that an incomplete application may be cause for denial of the event.

Hold harmless indemnification and defense.

For good and valuable consideration the applicant and/or the organization agrees to indemnify, defend and hold harmless the City of Neenah and its officers, officials, employees and agents from and against any and all liability, loss, damage, expenses, costs, including attorney fees arising out of the activities performed as described herein, caused in whole or in part by any negligent act or omission of the applicant/organization, anyone directly or indirectly employed by any of them or anyone whose acts any of them may be liable, except where caused by the sole negligence or willful misconduct of the City.

Signature Kellyn Olson Date 7/23/19

Completed applications should be filed with the Department of Legal & Administrative Services, Neenah City Hall, 211 Walnut Street Neenah, WI 54956. For any questions regarding this application or the permitting process, contact Joni Heinz: Phone: +1 (920) 886-6104 Email: jheinz@ci.neenah.wi.us

OFFICE USE ONLY

Cost Estimate

Parks & Recreation

Public Works/Traffic

Police

NM Fire

Total

Total Cost

Sponsor Cost

Approvals

Special Events Task Force

Signature

Date

Class B: Director of Public Works or Designee

Class C: Public Services & Safety Committee / City Council

Signature

Date

Contingencies of Permit

AGAINST TRAFFICKING - WI 2ND ANNUAL

DE AGAINST N TRAFFICKING

aturday, August 17

\$20 BIKE / \$15 PASSENGER

Proceeds benefit local trafficking survivors.





BIKERS

R

HUMAN

S

DEPARTS FROM

SIDELINES
SPORTS PUB & GRILLE

W6278 Greenville Drive
Greenville, WI

Register 9:30-10:45

Bike Blessing 10:45

Kickstands Up 11:00



POST RIDE PARTY

HEADLINERS

BAR & GRILL

Silent Auction * Food * Music

Roadguard services by:

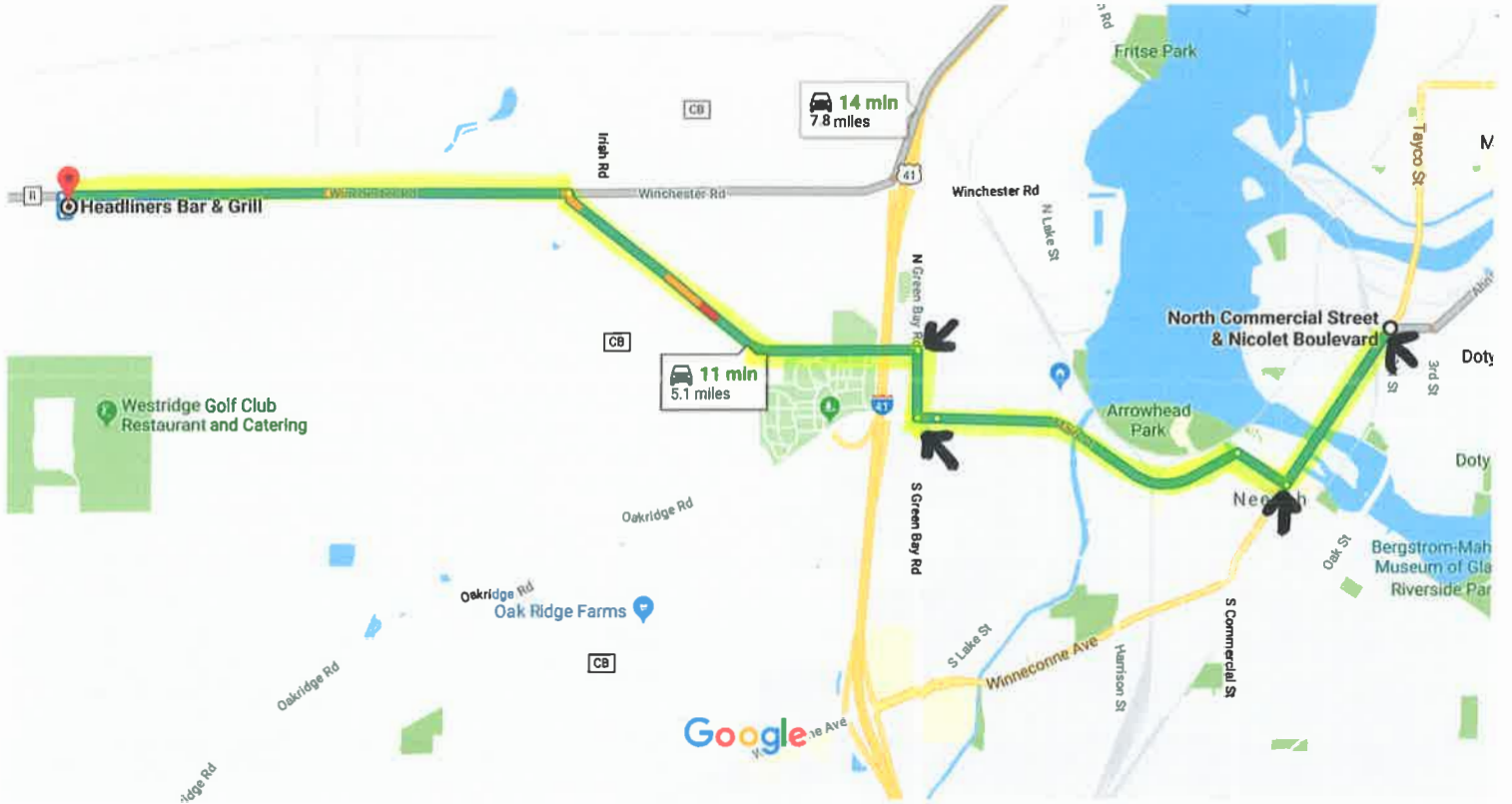


Neenah

Google Maps

North Commercial Street & Nicolet Boulevard to
Headliners Bar & Grill

Drive 5.1 miles, 11 min



14 min
7.8 miles

11 min
5.1 miles

Public Services & Safety Committee July 30, 2019

BEVERAGE OPERATOR LICENSE APPLICATIONS:

New or Renewal	Last Name, First, M.I.	Municipality	Place of Business
Renewal	Ewald, Taegen A.	Neenah	Applebee's Bar & Grill
New	Kenny, Grace	Neenah	Ground Round
New	Krieg, Daniel	Neenah	Cranky Pat's
New	Lemke, Jennifer L	Neenah	The Office
New	Palasz, Kara, L	Neenah	Sherrytown Station
New	Ressler, Dean A	Neenah	Bridgewood
New	Strzyzewski, Jodi A.	Neenah	Walgreens
New	Tesch, Haley I.	Neenah	Kwik Trip
New			
New			

BEVERAGE OPERATOR LICENSE APPLICATIONS – DELINQUENT PAYMENTS:

New or Renewal	Last Name, First, M.I.	Municipality	Place of Business	Delinquent Payment Type
New	Raegan, Heidi	Neenah	Walgreen's	Court fine
Renewal	Wintrow, Melissa C.	Neenah		Water

TEMPORARY EXTENSION OF LICENSED PREMISES APPLICATION:

Applicant	Event Contact:	Name of Event	Location	Date(s) of Event	Time of Event:
Fire Lite, Inc.	Laura Nelson	Cornhole Tournament	Lawn Space Behind the Current Outdoor Beer Garden	Saturday August 17, 2019	11 am - end of tournament (before 10 pm)



TEMPORARY EXTENSION OF LICENSED PREMISES APPLICATION

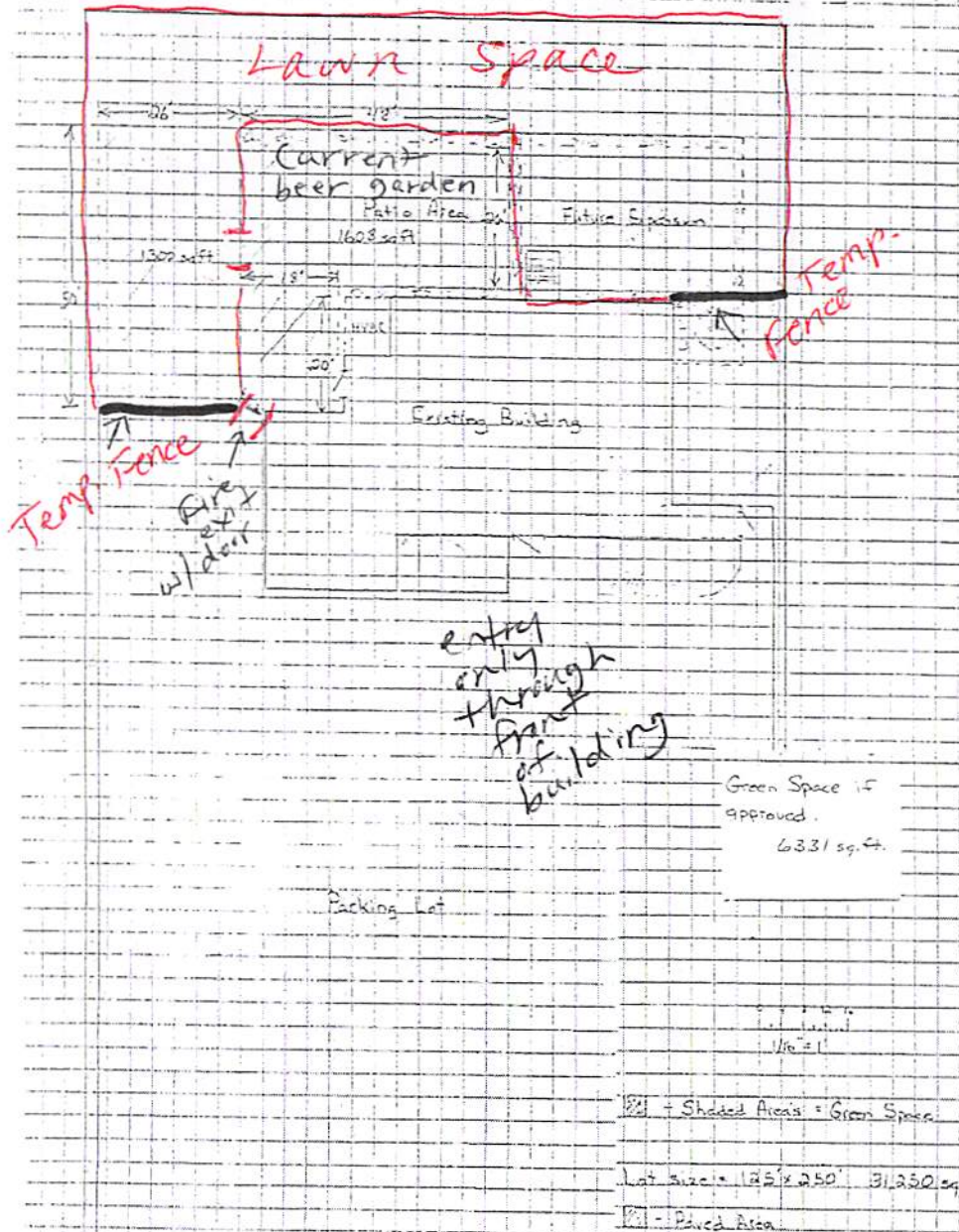
Office of the City Clerk, 211 Walnut Street, Neenah, WI 54956

(920)886-6110 clerk@ci.neenah.wi.us www.ci.neenah.wi.us

Code: LL
\$10.00
#44441

Date of Request: <u>7/15/19</u> (Deadline for applications is 25 days prior to event - See Section 5)	
Section 1: License Information	
Licensee (Name of Sole Proprietor, All Partners or Agent of Corporation or LLC): <u>Laura Nelson</u>	Contact Phone # <u>920-810-2922</u>
Corporation or LLC Name: (if applicable) <u>Firelite, Inc.</u>	Business/Trade Name: <u>Firelite</u>
Business Address: <u>1171 Gillingham Road</u>	
Section 2: Event Information	
Name of Event: <u>Cornhole tournament (Beer bags)</u>	
List Dates & Times (include a.m. or p.m.): <i>Dates MUST be consecutive. If not, separate applications must be filed. Cannot exceed (3) days.</i> <u>Sat., Aug. 17 - 11:00 am until end of tourney</u> before 10 pm	
Section 3: Extension of Premise	
Check all areas you wish to extend and indicate the relationship of each area to the licensed premise. Example: Parking lot at north side of the premise. The area MUST be contiguous to the current licensed premise.	
<input type="checkbox"/> Sidewalk at the _____ of premise	<input type="checkbox"/> Parking lot at the _____ of premise.
<input type="checkbox"/> Street of the _____ of premise	<input type="checkbox"/> Parking lot at the _____ of premise.
<input checked="" type="checkbox"/> Other: <u>Side Concrete area</u> <u>backyard beyond beer garden (green space)</u> lawn	
Check all that apply for the area(s) on the premise where the event will take place.	
<input checked="" type="checkbox"/> I own	<input checked="" type="checkbox"/> I will obtain a special event permit (see information sheet for details) <u>N/A</u>
<input type="checkbox"/> I lease	<input type="checkbox"/> I have permission from a special event organization
Section 4: Other:	
Describe proposed change(s): <i>Include a map on the reverse side of this application</i> <u>There will be temp. fencing on south & north ends of building so entry will only be through bar to get to back beer garden & extended area in backyard.</u>	
Section 5: Acknowledgement and Signature	
APPLICANTS FILING AFTER THE DEADLINE: I am filing this application after the filing deadline established for the date(s) of the event for which the permit is being sought, and therefore:	
<input type="checkbox"/> I affirm my understanding that any decision made by the Council is final and not subject to appeal; and	
<input type="checkbox"/> I understand that there is a possibility that my permit may not be approved due to the untimely filing of my application.	
ALL APPLICANTS:	
<input checked="" type="checkbox"/> I understand that the filing of an application does not constitute authorization to hold any event, the event for which the permit is sought cannot be held unless a valid Temporary Extension of Licensed Premise Permit has been issued, and that the permit cannot be issued unless and until the fee has been paid and the application approved.	
<input checked="" type="checkbox"/> I understand the permit must be posted in a conspicuous place next to your retail license for the duration of the event.	
<u>Laura J. Nelson</u> Signature of Sole Proprietor, Partner or Agent	

Fire Lite





M E M O R A N D U M

DATE: July 25, 2019
TO: Mayor Kaufert, and Members of the Public Services and Safety Committee
FROM: Gerry Kaiser, Director of Public Works
RE: Public Works General Activity

- 1) Contract 1-18 (Andrew, Richard, Geiger, Whiting) – Subsequent to our issuing final payment for this work, we were notified that a subcontractor had found an error in the final quantities. We will be issuing a correction payment to resolve this.
- 2) Contract 2-18 (Cecil, Adams). Staff met with the contractor to review final quantities. A final pay estimate is being prepared.
- 3) Contract 3-18 (Nature Trails/Eaglecrest) – Work is complete. The contractor has been contacted about providing an estimate to grade and pave the Shootingstar Drive connection.
- 4) Contract 1-19 (Caroline, Stevens, Fifth) – Work is complete. Final quantity measurements are being made.
- 5) Contract 2-19 (Stanley Ct, Stanley St, Thomas)
 - a) Stanley Court – Utility work is complete. The street is in the rest period.
 - b) Stanley Street – The western section of water main needs to have testing completed. Service work can be completed when the testing is complete.
 - c) Thomas Court – The contractor is scheduled to start road removal the week of August 5.
- 6) Contract 4-19 (Concrete Pavement and Sidewalk Repair) – Tullar Road pavement and sidewalk repairs are ongoing. Pavement repairs in the southbound travel lane and sidewalk repairs on the west side need to be done. Following that, pavement repairs around the centerline manholes will be done.
- 7) Contract 5-19 (Hot-Mix Asphalt Pavement Repair) – Work has started.
- 8) Courtney Court – Construction started the week of June 22. Sanitary sewer main installation should be complete the week of July 29.
- 9) Storm Damage – Extra yard waste pick-up was done due to damage resulting from the July 20 storms.
- 10) Harrison Street Pond – Staff have been reviewing concepts for the Harrison Street Pond (on the former Neenah Foundry property). In the review of the project, we have begun evaluating the potential of retaining the warehouse on the property. The benefit that would be gained by its removal is reduced due to the presence of sanitary and water utilities that extend through the site and are planned to remain.
- 11) Quiet Zone – We received notice from the Federal Railroad Administration that our railroad quiet zone is still compliant.