

CITY OF NEENAH
PUBLIC SERVICES AND SAFETY COMMITTEE MEETING MINUTES
Tuesday, August 8, 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, Police Captain Olson, Superintendent of Parks/City Forester Fink, Traffic Engineer Merten, Alderman Pollnow, Kasie Kamps, Ned Hughes

Minutes: **Motion/Second/Carried Hillstrom/Lendrum to approve the minutes of the Regular Meeting of July 25, 2017.** All voting aye.

Public Appearances: None.

Appeal of Denial for New Bartender License Application: Kasie Kamps: City Attorney Godlewski informed the Committee that Kasie Kamps was present to appeal a denial of a beverage operator license application. The denial was based on two convictions stemming from a single incident. The convictions were for Possession of THC and for Possession of Drug Paraphernalia. He noted that this was not a due process hearing since this is a new license application.

Kasie Kamps addressed the Committee. She acknowledged responsibility for the incident and related the impact that it has had on her personal life. She stated that she is seeking counseling to keep it from happening again. She requested consideration of a middle ground that would allow her to have a license on a probationary basis. She noted the other jobs that she has and stated that she is working hard to correct her mistake.

Chief Wilkinson noted that the Committee's job is to determine if there is a risk in granting a license to Ms. Kamps. He questioned Ms. Kamps about the incident. She stated that she and her sister were outside of the Apple Pub when she was attacked. On receiving permission, the police officer that responded to the scene checked her purse, which contained marijuana and drug paraphernalia. She confirmed that the disorderly conduct charge that came out of the incident was subsequently dropped after police reviewed the security recording. On questioning from Chief Wilkinson, she confirmed that she had paid a fine for a disorderly conduct citation received at the same establishment in an incident the year prior. She stated that she no longer goes to that establishment.

Chief Wilkinson stated the opinion that this was a close call. He confirmed that the statements that Ms. Kamps made matched the record.

Committee discussed the arrangement for a probationary license. City Attorney Godlewski stated that it would involve a stipulated agreement in which the applicant would consent to having her license revoked if she were convicted of an associated offense within a certain

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period of time. Committee questioned Ms. Kamps. She stated that she doesn't drink when bartending and is confident that she can maintain control of an establishment where she is tending. She noted that she had previously held beverage operator's licenses in Menasha and Appleton but hadn't held those in at least a year. She stated that she had dropped the licenses because she stopped bartending not because of disciplinary reasons.

City Attorney Godlewski reviewed the Committee and Council role in the appeal. He outlined the alternative motions that the Committee could make. He stated that a recommendation to approve the license would require Council approval. Committee noted that Ms. Kamps could still work as a bartender if there is a licensed bartender on the premise. Committee discussed the possible length of the probationary period and how it would align with the license period. City Attorney Godlewski stated that the probationary period would start at the time of license issuance and run for the specified time with the remaining time of the two-year license being non-probationary. He stated that he would provide Council with the stipulated agreement prior to action on the license.

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Following discussion, **Motion/Second/Carried Lendrum/Hillstrom to approve the beverage operator license for Kasie Kamps with the condition that there be a one-year probationary period and direct City Attorney Godlewski to prepare a stipulated agreement defining the license conditions.**

Motion/Second/Carried Hillstrom/Lang to address the Street Use Permit for the St. Joe's 5K Run. All voting aye.

Street Use Permit – St. Joe's 5K Run/Walk: Committee reviewed the Street Use Permit for the 24th Annual St. Joe's 5K Run/Walk to be held on Saturday, October 14, 2017. This is the third year for the event at this location. Traffic Engineer Merten noted that Cecil Street is closed for about one and a half hours during the event. He stated that traffic control changes made last year appeared to address problems that were experienced in the first year. Cecil Street traffic is routed around the event using Green Bay Road, Winneconne Avenue and Reddin Avenue. He noted that he was not aware of any complaints related to the 2016 event. Committee asked event representative Ned Hughes several questions about the event costs, the proceeds to the event's beneficiary, and participation. Mr. Hughes stated that, even though this is a volunteer run event, there are about \$12,000 to \$14,000 in expenses depending on the number of participants. All proceeds after these expenses go to the St. Joe's Food Pantry, which typically comes to around \$5,000. The event has averaged about 600 participants over the past five years and the entry fee starts at \$20 for early entrants and increases to \$35 for later entries. Alderman Stevenson expressed a concern with closing Cecil Street for the event. He suggested several options to be considered to provide the distance needed while keeping the event south of Cecil Street including using Cameron Circle or extending the portion of the run on the golf course. Mr. Hughes provided an explanation of the course selection and the process to certify the course through USA Track & Field. He reviewed the resident notification steps that will take place

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prior to the event. Mayor Kaufert noted that he did not receive any complaints about the event last year and had received a couple of positive comments.

C.A.

Following discussion, **Motion/Second/Carried Hillstrom/Lendrum to recommend the Chairman of the Public Services and Safety Committee sign and the Council approve the Street Use Permit for the 24th Annual St. Joe's 5K Run/Walk, sponsored by Pacesetters Running Club, Inc., Ned Hughes, P.O. Box 681, Menasha to be held on October 14, 2017.** Motion passed 4-1 (Ald. Stevenson voting no).

Police Department Monthly Reports: Chief Wilkinson reviewed the Police Department monthly reports starting with the Traffic Accident Statistical Breakdown. He noted that the Green Bay/Winneconne roundabout continues to be an active location. He stated that the primary incident location has trended from the northeast quadrant to the southwest quadrant. He noted that citations overall are up and parking ticket issuance is at a 3-year high. Committee discussed the enforcement of overnight parking restrictions.

Chief Wilkinson reviewed the Potentially Dangerous Animal Summary, discussing recent incidents and follow-up from past cases. He noted that Lucy has been euthanized since the report was prepared. He also said that Fritz's owner is going through the steps to get a dangerous animal license, which would be the first in the city. He informed the Committee that the owner of Blaze will be appealing the dangerous animal declaration. He also stated that another animal has been declared dangerous since the report was prepared. Ald. Pollnow addressed the Committee to question how an owner would be cited for bringing a banned animal into the city. City Attorney Godlewski stated that this would be a violation of the dangerous animal ordinance.

Chief Wilkinson reviewed the Uniform Crime Report. He stated that violent crime remains low. He reviewed the legal distinctions between burglary, robbery and theft. He reviewed the Year-to-Date Incident Totals noting administrative changes made to more accurately log Building Security, Crime Prevention and Truancy activity. He highlighted several categories that show increases including Animal Calls, Assists, Damage to Property and Drug Offenses. Chief Wilkinson reviewed the procedure for dispatching EMS calls and described activities included in the Traffic Safety category.

Chief Wilkinson described the department's role in follow up or placement of sex offenders. He noted the range of offenders included in the sex offender registry. He stated that for serious offenders, police staff consult with probation and parole personnel and the original investigating agency to learn about the offender. He stated that police department has an officer that monitors the offender registry. Police staff also check up on offenders annually prior to Halloween.

Chief Wilkinson informed the Committee that a company has offered to provide a dog for the police station. The company would also donate food for the dog. He noted the calming

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presence that a dog can have in the station environment. Captain Olson stated that department personnel would pay for equipment and veterinary bills. Chief Wilkinson noted that this would fall within the donations policy threshold that requires mayoral approval. Mayor Kaufert expressed support for the donation.

Following discussion, **Motion/Second/Carried Stevenson/Hillstrom to accept the Traffic Accident Statistical Breakdown Report, the Dangerous Animal Summary, the Potentially Dangerous Animal Summary, the Uniform Crime Report and the Year-To-Date Incident Totals Report.** All voting aye.

Lucky Dog’z Stipulation Settling Violations: City Attorney Godlewski reviewed the draft stipulated settlement with Lucky Dog’z to address a liquor license violation. He noted several recent changes made to the agreement to reflect the agent’s wish to not incriminate himself should formal charges arise from the incident of May 14, 2017. He noted that the agent has begun implementing terms of the settlement including employee training, posting the required signs at several locations in the establishment and posting a notice on Facebook. He expressed the belief that the agent was making a sincere effort to remedy the situation. Committee asked Chief Wilkinson if he had any concerns with the settlement. He stated that he was generally fine with the agreement but suggested that clause 3, Disqualified Persons, be revised to extend the ban for those patrons to the end of the year.

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Following discussion, **Motion/Second/Carried Stevenson/Lendrum to recommend Council approve the stipulated settlement with Lucky Dog’z with a change to clause 3 to extend the ban date to December 31, 2017.** All voting aye.

We Energies Utility Easement Update - Memorial Park: Superintendent Fink reviewed We Energies updated information for placing the proposed VFI cabinet and related easement by the maintenance building at Memorial Park. He noted that the change will now require two easements – a 25-foot by 50-foot easement at the southeast corner of Pendleton Road / Gay Drive and a 50-foot by 40-foot easement near the maintenance building. The VFI will be near the maintenance building. The easement at Pendleton Road / Gay Drive is needed for We Energies to avoid storm sewer structures while boring their conduit. No aboveground structure would be placed in that easement. Superintendent Fink noted that, if approved by the Committee, the revised easement request will be taken to the next Parks and Recreation Commission meeting for review and approval.

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Following discussion, **Motion/Second/Carried Stevenson/Lang to approve We Energies request for easements to place a VFI cabinet near the maintenance building for Memorial Park.** All voting aye.

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Sidewalk Ordinance Revisions: Committee reviewed Director Kaiser's August 3, 2017, memo. Director Kaiser presented three options for Committee action on the sidewalk ordinance – do nothing but informally acknowledge the use of the sidewalk placement prioritization criteria for making budget requests, modify the ordinance to reflect the use of the sidewalk placement criteria, or make more significant changes to the ordinance to bring it up to date. He cautioned against incorporating the criteria into the ordinance until we have had more experience with its application. Committee discussed options for making the sidewalk criteria publicly available for review. Committee discussed the recommended removal of paragraph 5 of the current ordinance. Director Kaiser stated that he has not located a WisDOT warrant criteria that directly requires sidewalk installation under certain traffic or pedestrian volume conditions. He noted the complete streets approach that WisDOT takes starting with the basic premise that there are few areas within a city where it is not appropriate to include sidewalks. Following discussion, the consensus of the Committee was that Director Kaiser should present a formal package of ordinance adjustments for Committee review.

Traffic Truck Replacement: Director Kaiser reviewed the crash involving the traffic truck at the intersection of Commercial Street and Cecil Street. He informed the Committee that the truck is considered totaled. An insurance payment of \$26,908 will be issued to the City. City Attorney Godlewski updated the Committee on the status of the crash investigation. Director Kaiser requested permission to begin the process to purchase a replacement truck. City Attorney Godlewski clarified that the Committee could authorize the request but that the actual purchase would need to be approved by Committee and Council. Committee discussed the use of the insurance proceeds in the purchase and options for framing the specifications for the replacement.

Following discussion, **Motion/Second/Carried Lang/Hillstom to authorize staff to begin the purchase process for a new traffic truck utilizing the insurance settlement received for the totaled vehicle.** All voting aye.

Parking Option on E. Bell Street: Traffic Engineer Merten reviewed options for including parking on E. Bell Street, specifically on the south side near the condominiums by S. Park Avenue. To provide this parking, the existing bike lanes could be changed to a parking lane and new bike lanes could be striped utilizing the excess width from the drive lanes. Chairman Bates informed the Committee that she had asked staff to evaluate this due to a request received from a resident of those condominiums who found the off-street parking arrangements insufficient for social occasions. Committee discussed the S-curve road alignment through the area and the impact on driver sight distance. Committee also noted other concerns with the proposal including the limited number of parking spaces that could be provided along the south side of the street given driveway size and spacing, the increased difficulty in entering Bell Street from those driveways if parking is allowed and the possibility

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of creating unsafe biking conditions by allowing parking. The consensus of the Committee was to maintain the pavement marking layout as-is.

2017 Pavement Marking Contract Update: Traffic Engineer Merten explained the delay in preparation of the 2017 pavement marking contract. Given the time of year, requests for bids for pavement marking work would result in higher pricing and an installation date late in the year. Staff experience has been that pavement markings placed late in the year have resulted in poor performance. Engineer Merten informed the Committee that he intends to ask that Director Kaiser request that the balance in the 2017 Traffic Control - Outside Services account be carried forward to 2018. A larger pavement marking contract would be bid in 2018 using the 2017 carry forward and any budgeted 2018 operating funds. On questioning from the Committee, Director Kaiser reviewed the history of the City's use of epoxy pavement marking. Traffic Engineer Merten outlined the types of markings that are bid out for epoxy paint. Mayor Kaufert requested that markings near school zones be evaluated and refreshed as necessary prior to the start of school.

Street Use Permit - Informational: Traffic Engineer Merten informed the Committee of the staff-approved street use permit for the Cranked Bike Studio's Annual Bike Show and Swap to be held on August 26, 2017, at the Presbyterian Church parking lot.

Licenses:

Beverage Operator License Applications: The Committee reviewed the beverage operator license applications for Cindy L. Hobbs, Jennifer M. Kane, Kathleen J. Kofnetka, Tanna J. Mayer, Leah M. McPheron, Kimberly A. Mosbacher, Robert A. Nelson, Keanan A.N. Nys, Nicholas D. Starosta, Shelly L. Van Patter, and Simplicia D. Rodriguez.

Following discussion, **Motion/Second/Carried Lang/Hillstrom to recommend Council approve beverage operator license applications for Cindy L. Hobbs, Jennifer M. Kane, Kathleen J. Kofnetka, Tanna J. Mayer, Leah M. McPheron, Kimberly A. Mosbacher, Robert A. Nelson, Keanan A.N. Nys, Nicholas D. Starosta, Shelly L. Van Patter and Simplicia D. Rodriguez contingent upon payment of any outstanding City or Utility fees.** All voting aye.

C.A.

Public Works General Construction and Department Activity:

1. Contract 1-17 (Cecil St, Higgins Av) The road is open. Minor punchlist items are being finished.
2. Contract 2-17 (Edward, Helen, Cleveland) All work is complete.
3. Contract 3-17 (Main Street Lot, Bergstrom Rd Trail, Temple Lot, Whippoorwill, Yorkshire)
 - a. Main Street Parking Lot – Work is complete. Landscaping is separate from this contract.

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- b. Bergstrom Road Trail – About 70% of the trail has been paved. Excavating is ongoing for the remainder.
 - c. Temple Lot (Yellow Lot) – The lot has been surfaced. Pavement marking and landscaping are complete. Traffic Engineer Merten informed the Committee that these spaces are intended for Alta Resources permit holders.
 - d. Whippoorwill, Yorkshire, Cameron – Work has not yet been scheduled. Residents have been notified that work will be start within the month
4. Contract 4-17 (Industrial Drive Pavement Repair) Patching work and diamond grinding are complete. Landscaping and asphalt patching is ongoing.
 5. Contract 5-17 (Cecil Street Overpass Approaches) Work is complete.
 6. Forest Manor Street Lighting – Light fixtures are being installed. Chairman Bates expressed a concern with the fixture being susceptible to bird nesting.
 7. Contract 6-17 (Concrete Pavement/Sidewalk Repair) Bids are opened on Wednesday, August 9.
 8. Contract 7-17 (Hot-Mix Asphalt Pavement Repair) Bids are opened on Wednesday, August 9.
 9. The 2017 Pavement Surface Evaluation and Ratings (PASER) have been completed and entered into the Wisconsin Information System for Local Roads (WISLR).
 10. Director Kaiser informed the Committee of an incident that resulted in significant damage to a refuse/recycling truck. The incident occurred on Belmont Avenue when the truck's hopper struck a manhole frame that was raised above the pavement. The driver was not injured and no other vehicles were involved in the incident. The amount of damage to the truck is being evaluated.

Announcements/Future Agenda Items: None

Motion/Second/Carried Stevenson/Lendrum to adjourn at 9:40 p.m. All voting aye.

Respectfully submitted,



Gerry Kaiser
Director of Public Works