

**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.

## **Public Services and Safety Committee Meeting Minutes**

**October 10, 2017**

**Page 2**

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.

## **Public Services and Safety Committee Meeting Minutes**

**October 10, 2017**

**Page 3**

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.

## Public Services and Safety Committee Meeting Minutes

October 10, 2017

Page 4

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.

## Public Services and Safety Committee Meeting Minutes

October 10, 2017

Page 5

He outlined the time involved in working through the special assessment process and the potential impact of the proposed ordinance on future debt service. He expressed the belief that the City is falling behind on street repairs and outlined the difference in general transportation aids between Neenah and Menasha.

Committee discussed the transition from current assessment methods to a transportation fee. Ald. Lendrum indicated that she received a special assessment for work in 2016 and would not object to moving to a transportation fee.

In response to questioning from Committee, Director Kaiser stated that annually there is sufficient work to fully use the sidewalk repair and pavement repair budgets. Ald. Hillstrom reminded the Committee that the last circuit of the City for sidewalk repair took over 20 years.

Alderman Pollnow addressed the Committee to disagree with the statement that the City is falling behind in street repairs. He noted previous information provided by Director Kaiser that indicated a streets expenditure need of \$1.5 million annually and an actual expenditure average of \$1.4 million annually. He stressed that a referendum is an abdication of Council responsibility to a decision on this matter.

Committee noted that the proposed ordinance would effectively raise property taxes in order to cover the revenue gap. They expressed a desire to better understand the offsetting revenue proposal prior to a vote on the proposed ordinance. Ald. Stevenson agreed that the time has come to consider a change but that all methodologies should be considered. Ald. Lendrum expressed support for the proposed ordinance as a stop-gap measure until a full review and development of a fee can be completed. Director Kaiser noted the survey being taken by the City of Oak Creek about special assessment practices.

Following discussion, Motion Lendrum to recommend Council approve Ordinance 2017-15, Amending Special Assessment Rates for Residential Property. Motion failed for lack of a Second.

Sidewalk Criteria Scores: Director Kaiser reviewed the sidewalk scoring using the criteria developed through the Council Committee of the Whole discussions as applied to streets on the Off-Street Sidewalk/Trails Map. He outlined several weaknesses in the application of the criteria including the manner in which proximity to pedestrian generators is measured, the absence or difficulty in developing data for several of the criteria, and the weight that the Proximity to Parks criteria has on the overall scores. He reviewed the top five scoring street segments and noted that he intends to have other staff score the streets independently to make sure that the criteria can be applied consistently. Committee discussed several aspects of the proposed scoring.

Ald. Pollnow addressed the Committee to express a concern with possible confusion caused by using the WisDOT guidelines calling for sidewalk on both sides of Minor Arterials but using the City developed criteria for other streets.

**Public Services and Safety Committee Meeting Minutes**  
**October 10, 2017**  
**Page 6**

Committee discussed the manner in which developers fund sidewalk installation in new subdivisions. Director Kaiser noted that both escrow and letter of credit methods have been used. Ald. Pollnow addressed the Committee to express a concern with the use of a letter of credit because of the possible risk that it places on the City should a developer become insolvent.

Committee directed Director Kaiser to modify the analysis based on the issues that he observed.

**Licenses:**

Beverage Operator License Applications: The Committee reviewed the beverage operator license applications for Denise Hairl, Alyssa A. Harris, Justun J. Hart, Courtney R. Leisch, Morgan D. Meyer, Mellissa A. Pongratz and Keaton D. Reissmann.

Following discussion, **Motion/Second/Carried Lendrum/Stevenson to recommend Council approve beverage operator license applications for Denise Hairl, Alyssa A. Harris, Justun J. Hart, Courtney R. Leisch, Morgan D. Meyer, Mellissa A. Pongratz and Keaton D. Reissmann.** All voting aye.

C.A.

Public Works General Construction and Department Activity:

1. Contract 1-17 (Cecil St, Higgins Av) Work is complete.
2. Contract 2-17 (Edward, Helen, Cleveland) Work is complete. A final estimate is being prepared.
3. Contract 3-17 (Main Street Lot, Bergstrom Rd Trail, Temple Lot, Whippoorwill, Yorkshire, Cameron, Bridgewood Trail) All work is complete. A final estimate is being prepared.
4. Contract 4-17 (Industrial Drive Pavement Repair) – Work is complete. A final estimate is being prepared.
5. Contract 5-17 (Cecil Street Overpass Approaches) – Work is complete. A final estimate is being prepared.
6. Contract 6-17 (Concrete Pavement/Sidewalk Repair) – The contractor has started work.
7. Contract 7-17 (Hot-Mix Asphalt Pavement Repair) – The contractor will start work in the Woodside Green estates subdivision the week of October 9. Once the temporary asphalt mat is placed there, the contractor will begin miscellaneous patch work.
8. The e-waste event is scheduled for October 14. Cellcom is sponsoring the event and will cover the cost for two charged items per car.
9. Staff has been meeting with consultants interested in the downtown traffic study.

Announcements/Future Agenda Items:

Ald. Lendrum informed Director Kaiser that water is ponding on the newly built ice rink area at Washington Park. Director Kaiser noted that he would relay the information to Park and Recreation Director Kading.

Ald. Hillstrom inquired about a wheelchair ramp replacement at Shattuck Park. Director Kaiser indicated that the repair is on the list for this fall.

**Public Services and Safety Committee Meeting Minutes**  
**October 10, 2017**  
**Page 7**

Ald. Hillstrom inquired about the street lighting project on Bergstrom Road. Director Kaiser noted that the extension of the lighting to CTH G was still in design by We Energies.

Chairman Bates noted the playground builds taking place at Castle Oak Park and on the Pendleton Road site.

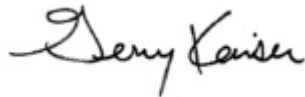
Mayor Kaufert informed the Committee of the passing of FNI's downtown custodian. He noted that City staff may need to assist them for a short time.

Mayor Kaufert informed the Committee of a proposal by the Neenah Rotary clubs to plant a tree for every member. He stated that there are about 105 members.

Ald. Pollnow addressed the Committee to inquire about the status of sanitation employee staffing. Mayor Kaufert informed the Committee that there would be a proposal in the 2018 budget addressing that matter.

**Motion/Second/Carried Hillstrom/Stevenson to adjourn at 10:00 p.m.** All voting aye.

Respectfully submitted,



Gerry Kaiser  
Director of Public Works