

**CITY OF NEENAH**  
**PUBLIC SERVICES AND SAFETY COMMITTEE MEETING MINUTES**  
**Tuesday, March 12, 2019 - 6:30 PM**  
**Hauser Room - City Administration Building**

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

**Excused:** Alderman Stevenson

**Also Present:** Mayor Kaufert, City Attorney Godlewski, Director of Public Works Kaiser, Police Chief Olson, Police Captain Bernice, Police Lieutenant Kuffel, Traffic Engineer Merten, Deputy Clerk Goffard, Nicole Brisky

**Minutes:**

**Motion/Second/Carried Hillstrom/Lendrum to approve the minutes of the February 12, 2019, Regular Meeting.** All voting aye.

**Public Appearances:** None.

**Motion/Second/Carried Lendrum/Hillstrom to amend the agenda to address Item 4 – Request to Purchase Two Replacement Tactical Ballistic Shields.** All voting aye.

Request to Purchase Two Replacement Tactical Ballistic Shields: Lieutenant Kuffel reviewed his March 1, 2019, memo regarding the replacement of two tactical ballistic shields to replace two existing Protech Intruder G1 ballistic shields that are over ten years old. Staff is recommending the purchase of Protech Intruder G2 ballistic shields. He noted the increased viewport size in the new model. He described the difference between the Batshield ballistic shields and the Protech shields. He noted that Streicher's-Milwaukee is the only supplier of this shield model. He stated that the department has been very satisfied with the current shields and wished to replace them with the same brand. He stated that the current shields can be used in training or if a situation called for additional shield resources.

Following discussion, **Motion/Second/Carried Lang/Lendrum to recommend purchase of two Protech Intruder G2 ballistic shields with LED lights from Streicher's-Milwaukee for an estimated cost of \$2,150.50 each, for a total of \$4,301 plus shipping, with funds from the 2019 Police Capital Outlay Budget.** All voting aye.

Appeal of New Bartender License Application Denial: Nicole Brisky: City Attorney Godlewski informed that Committee that the discussion on the application denial was an informal hearing, not a due process hearing, because this is an application for a new license. He stated that the denial was based on two misdemeanor convictions arising from the one incident – possession of cocaine and possession of drug paraphernalia. He stated that the incident occurred within the two year timeframe for consideration and therefore satisfied a parameter for denial as defined in Policy 2013-4. Lt. Kuffel stated that Ms. Brisky's probation agent did not have an issue with her receiving a beverage operator's license and working as a bartender. City Attorney Godlewski clarified that the denial parameter is based on convictions not on incidents, therefore multiple conviction arising from one incident can satisfy the parameter.

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Nicole Brisky informed the Committee that she currently works as a customer service representative at Alta Resources. She stated that she is on probation for the convictions that came from the arrest on August 30, 2017. She stated that she is in AODA treatment. She also stated that she is drug/alcohol screened on a regular basis and has not had a failed test. She acknowledged her responsibility for her actions in the case. She stated that she has held a bartenders license in Caledonia/Readfield since June 2018. She stated that she is currently operating under a provisional license that expires on March 16, 2019. She stated that bartending works well as a complement to her job at Alta Resources. She expressed a willingness to adhere to responsible server practices. She stated that she is currently a bartender at C&C Tavern in Neenah.

Committee discussed alternative arrangements that could allow a review of her performance prior to issuing a beverage operator's license. Committee discussed issuing a probationary license until the expiration of the 2-year citation review window. Committee discussed extending the provisional license until the expiration of the 2-year citation review window. City Attorney Godlewski confirmed that the follow-up review would not be a due process hearing but would be an application review.

Committee discussed the bartending arrangements at C&C Tavern. Ms. Brisky stated that there is typically just one licensed bartender on premise.

Following discussion, **Motion/Second/Carried Lendrum/Hillstrom to recommend that Council extend the provisional beverage operator's license for Nicole Brisky through September 2019 and schedule her application for review by the Public Services and Safety committee on September 24, 2019.** All voting aye. (NOTE: Provisional Licenses under state law cannot exceed 60 days, thus the Committee will meet prior to the March 20, 2019 Common Council meeting to consider a stipulated settlement that will accomplish the same end proposed by the Committee.)

Discussion of Ordinance Allowing Temporary Extension of Retail "Class B" Premise Permit and Required Fee: Deputy Clerk Goffard reviewed her March 12, 2019, memo regarding premise extension permits for local "Class B" businesses to hold one-day outdoor events outside of their business and serve alcohol. Committee reviewed the proposed requirements of the permit.

Deputy Clerk Goffard informed the Committee that Community Development and Assessment Director Haese had contacted her about the fencing requirement. He expressed a concern about a possible conflict with the building code if the fencing were to block one of the two required building exit points. Committee directed City Attorney Godlewski to review that item with Director Haese and Chief Building Inspector Walter.

Committee discussed the need for a licensed bartender to be on premise during the event. They clarified that the licensed bartender needed to be in the extension area during the event.

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Committee discussed the use of wristbands at some recent events as oppose to fencing. City Attorney Godlewski noted that those events were normally permitted with a Temporary Class B (Picnic) License. Committee discussed some issues that were observed at the Bazaar After Dark event.

Committee discussed the application of the noise ordinance for these events. Mayor Kaufert commended the work of police staff in following up on these types of complaints. Chief Olson confirmed that they typically do not have noise issues with bars. Committee confirmed that the starting time for allowable amplified sound or music would coincide with the allowable starting time for a "Class B" extension at 8:00 a.m.

Committee discussed several issues that were not listed in the requirements. City Attorney Godlewski noted that the question of setback from property lines for the extension and the use of outdoor lighting for an extension could be considered on a case-by-case basis since surrounding land use could play a role in that determination. Committee questioned how to handle a request from a business operating under a State brewer's license. City Attorney Godlewski stated that staff would need to follow-up with the State regarding that license type.

Following discussion, **Motion/Second/Carried Lendrum/Hillstrom to recommend City Attorney draft an ordinance to incorporate changes to allow a temporary extension of retail "Class B" premise using guidelines discussed by Committee and draft a resolution to incorporate the fee for Committee review at their April 9 meeting.** All voting aye.

Final Resolution No. 2019-10: Sanitary Sewer Lateral Construction (Caroline Street, Stevens Street, 5th Street): Director Kaiser confirmed that the resolution should only include Caroline Street, Stevens Street, and Fifth Street. He stated that an updated resolution will be prepared for the Council meeting.

Following discussion, **Motion/Second/Carried Lendrum/Lang to recommend Council adopt Final Resolution No. 2019-10 for installation of sanitary sewer laterals for properties served by sanitary sewers on Caroline Street (Union to Van), Stevens Street (Congress to Doty), 5th Street (Clark to Lincoln).** All voting aye.

Street Use Permits - Informational:

Traffic Engineer Merten informed the Committee of the Special Event Tracking menu item on the intranet that will allow them to stay apprised of special event information as applications are received and processed. He discussed the function of the staff group that reviews special event applications and conducts post-event briefings.

Run Away to the Bay: Committee reviewed the Street Use Permit for the Run Away to the Bay to be held on April 13, 2019. Alderman Hillstrom noted that tax exempt information is needed from the organizer.

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Street Use Permits - Request for Approval:

Neenah Duathlon: Committee reviewed the Street Use Permit for the Neenah Duathlon to be held on May 11, 2019. Traffic Engineer Merten stated that the only change for the event this year is that the running portion will be done in Mahler Park instead of Riverside Park. Alderman Hillstrom noted that the tax exempt number provided by Dutrirun is for a 509(a)(2) organization. Traffic Engineer Merten stated that ordinance provides the cost exemption for 501(c) organizations. Committee determined that the organization did not fall under the designation required by ordinance and therefore was not exempt from full event costs.

C.A.

Following discussion, **Motion/Second/Carried Lendrum/Hillstrom to recommend the Chairman of the Public Services and Safety Committee sign and the Council approve the Street Use Permit for the Neenah Duathlon, sponsored by Dutrirun, Ben West, 920 S. Keller Park Drive, Appleton, to be held on May 11, 2019.** All voting aye.

Memorial Day Parade: Committee reviewed the Street Use Permit for the Memorial Day Parade to be held on May 27, 2019.

C.A.

Following discussion, **Motion/Second/Carried Hillstrom/Lang to recommend the Chairman of the Public Services and Safety Committee sign and the Council approve the Street Use Permit for the Memorial Day Parade sponsored by the Twin City Veterans, Michael E. Taylor, 545 Broad Street, Menasha, to be held on May 27, 2019.** All voting aye.

CommunityFest 2019: Committee reviewed the Street Use Permit for CommunityFest-2019 to be held on July 3-4, 2019.

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 CommunityFest-2019, sponsored by the City of Neenah, Mike Kading, 211 Walnut Street, to be held on July 3-4, 2019.** All voting aye.

Community First Fox Cities Marathon Presented By Miron Construction: Committee reviewed the Street Use Permit for the Community First Fox Cities Marathon to be held September 20-22, 2019. Traffic Engineer Merten noted that there were no proposed changes from the 2019 event.

C.A.

Following discussion, **Motion/Second/Carried Hillstrom/Lang to recommend that the Chairman of the Public Services and Safety Committee sign and the Council approve the Street Use Permit for the Community First Fox Cities Marathon, sponsored by the Community First Fox Cities Marathon, Laurie Butz, 2616 S. Oneida Street, Appleton, to be held September 20-22, 2019.** All voting aye.

WI Streetball Neenah 3 on 3: Committee reviewed the Street Use Permit for the WI Streetball Neenah 3 on 3 event to be held on June 8-9, 2019. Traffic Engineer Merten noted that the 2018 event had issues with refuse clean-up and an insufficient number of port-a-potties.

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He stated that the organizer is being told how many port-a-potties the event must provide for the 2019 based on industry standards. Mayor Kaufert noted that, if necessary, city staff will clean up the streets after the event and charge the organizer. He confirmed that the organizer is required to contact affected property owners. Committee discussed the varied perspectives on the impact to the downtown of having an outside organization operate the event.

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 WI Streetball Neenah 3 on 3 to be held on June 8-9, 2019, in downtown Neenah, sponsored by Mission Basketball Academy Inc., Adam Maulick, 1835 E. Edgewood Drive, Suite 1058, PO Box 8 Appleton.** All voting aye.

**Licenses:**

Beverage Operator License Applications: The Committee reviewed the beverage operator license applications for Eric J. Balza, Laurie L. Behnke, Brandy L. Brockman, Jacob M. Driessen, Jayda M. Ekholm, Janine L. Heid, Megan M. Morse, Alex R. Ransone and Johann C. Schattenforst.

C.A.

Following discussion, **Motion/Second/Carried Lendrum/Hillstrom to recommend Council approve beverage operator license applications for Eric J. Balza, Laurie L. Behnke, Brandy L. Brockman, Jacob M. Driessen, Jayda M. Ekholm, Janine L. Heid, Megan M. Morse, Alex R. Ransone and Johann C. Schattenforst.** All voting aye.

Temporary Class "B" (Picnic) Beer License Application - Future Neenah: The Committee reviewed the Temporary Class "B" (Picnic) Beer License Application for Future Neenah for their Bike to Boogie event to be held on June 12, 2019.

Following discussion, **Motion/Second/Carried Lendrum/Hillstrom to table action on the application until the Bike to Boogie Special Event Permit is brought to Committee for review.** All voting aye.

Temporary "Class B" (Picnic) Beer & Wine License Application -St. Margaret Mary Parish: The Committee reviewed the Temporary "Class B" (Picnic) Beer & Wine License Application for St. Margaret Mary Parish for their Game Night event to be held on April 6, 2019.

C.A.

Following discussion, **Motion/Second/Carried Lendrum/Hillstrom to recommend Council approve the Temporary "Class B" (Picnic) Beer & License Application for St. Margaret Mary Parish, 620 Division Street, for their Game Night event to be held on April 6, 2019.** All voting aye.

Public Works General Construction and Department Activity:

1. Contract 1-18 (Andrew, Richard, Geiger, Whiting) – Work is complete. Subsequent to our issuing final payment for this work, we were notified that a subcontractor had found an error in the final quantities. We are working with the contractor to resolve this.

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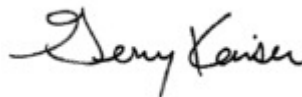
2. Contract 2-18 (Cecil, Adams)  
Adams St – Work is complete.  
Cecil St – Final topsoil and seeded will be done when weather permits.
3. Contract 3-18 (Nature Trails/Eaglecrest) – The only work remaining under this contract is completion of the Liberty Heights trail along Woodenshoe Road. The contract will remain open so that this work can be done early next year.  
Quantities on the Nature Trail/Eaglecrest work have been finalized with the contractor. Special assessment billings will be sent in September 2019.
4. Contract 1-19 (Caroline, Stevens, Fifth) – An award recommendation is being taken to the Board of Public Works on 3/12/2019.
5. Contract 2-19 (Stanley Ct, Stanley St, Thomas) – An award recommendation is being taken to the Board of Public Works on 3/12/2019.
6. Contract 3-19 (Epoxy Pavement Marking) – An award recommendation is being taken to the Board of Public Works on 3/12/2019.
7. Kevin Prost starts with the department on March 11 as the Engineering Technician.
8. We still have salt available. We also have salt remaining in our reserve, but have been told that delivery of the reserve couldn't occur for several weeks. As of Sunday, March 3, we have reached our overtime budget for snow/ice removal for 2019.
9. Director Kaiser informed the Committee that two of the automated collection trucks had been out-of-service – one for an electrical issue and the other due to an accident at the Tullar Garage that damaged the lifting arm. Both should be back in service early next week.

Announcements/Future Agenda Items:

Chief Olson informed the Committee that the Department will not have use of a UTV this year. He stated that the Department had used one in 2018 under an arrangement with Team Winnebagoland. Given the benefit that the Department saw from the use of that vehicle, he indicated that a budget request to purchase a UTV would be forthcoming.

**Motion/Second/Carried Hillstrom/Lang to adjourn at 8:20 p.m.** All voting aye.

Respectfully submitted,



Gerry Kaiser, PE  
Director of Public Works