### CITY OF NEENAH PUBLIC SERVICES AND SAFETY COMMITTEE MEETING January 24, 2023 @ 6:30 PM City Hall, 211 Walnut Street Council Chambers

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 Meetings of January 10, 2023 (Attachment)
- 2. Public Appearances
- 3. Proposal for Kimberly and Doty Parks Shoreline Conceptual Design (Attachment)
- 4. Police request for 3 vehicle replacement (Attachment)
- 5. Fleet #52 (2022 Rear Load Refuse Truck) (Attachment)
- 6. Fleet #2 (2023 Tandem Axle Chassis) (Attachment)
- 7. Discussion on Convenience Store Alcohol Sales (Attachment)
- 8. Licenses
  - a. Approve the Class "B" (Picnic) License application for St. Gabriel Parish (Attachment)
- 9. Public Works General Construction and Department Activity Report (Attachment)
- 10. Announcements/Future Agenda Items
- 11. Adjournment

### CITY OF NEENAH PUBLIC SERVICES AND SAFETY COMMITTEE MEETING MINUTES Tuesday, January 10, 2023, 6:30 PM

**Present:** Alderpersons Borchardt, Hillstrom, Lendrum, Stevenson, and Weber

## Excused:

**Also Present:** Mayor Lang, City Attorney Rashid, Public Works Director Kaiser, Police Chief Olson, Utility Director Mach, City Clerk Nagel, Traffic Engineer Merten, Public Works Office Manager Mroczkowski, and Jace Park

# Approval of Minutes of the Meetings of December 13, 2022

# Motion/Second/Carried by Hillstrom/Borchardt to approve the minutes of the December 13, 2022 meeting. All voting aye

Public Appearances:

NONE

# Doty Island Sign Proposal

Jace Park, President of the Doty Island Development Council (DIDC) requested permission to have the city install "Historic Doty Island" signs above street sign locations on Doty Island. She stated that this project has been in the works for two years. She stated that the City of Menasha has approved the signs and she is looking for approval from the City of Neenah to install the specialty signs. She stated the initial cost of the signs and brackets will be paid for by the DIDC. Ms. Parks stated that the signs are being constructed per Federal and State sign regulations. She also noted that DIDC will prove replacement for signs that are stolen or damaged.

Traffic Engineer Merten stated that the labor to install the signs will be donated by the city.

The Committee discussed costs of the project and how to prevent the signs from being stolen.

Following Discussion: Motion/Second/Carried by Borchardt/Hillstrom to
 recommend Council approve the placement of 82 Historical Doty Island signs on
 the street name signs, with the City of Neenah donating the labor to install the signs. All voting ave.

### SRO Agreement with Neenah Joint School District

Alderperson Stevenson outlined his concern with the proposed contract. He stated that he has concerns regarding the funding percentage that has been included in the contract. He stated that with the School District and Village of Fox Crossing negotiations on going, he hoped that the city could have negotiated a better funding percentage.

The committee discussed the funding percentage, the need for 2 SRO's, and if the City should wait until the Village of Fox Crossing SRO contract is negotiated with the school district.

Report

Report

Following Discussion: Motion/Second/Carried Borchardt/Hillstrom to recommend Council approve the SRO contract between the Neenah Joint School District and the City of Neenah. Vote 4/1 (Nay vote from Alderperson Stevenson)

### Cecil Street Garage Lease with Youth Go

Director Kaiser stated that, while Youth Go is discontinuing the haunted house event at the Cecil Street Garage, Youth Go has expressed interest to still lease space in the garage. He stated that the current lease price of \$292 per month has been in place since 2005. Director Kaiser stated that with the decrease in leased square footage of Youth Go the proposed new monthly lease agreement price is \$100.

Following Discussion: Motion/Second/Carried Borchardt/Hillstrom to recommend Council approve the lease amendment with Youth Go Inc., for the Cecil Street Garage with a start date of April 1, 2023. All voting aye.

# Public Works-2023 Capital Budget Amendments

Director Kaiser stated that with the uncertainty of the Shattuck Development Project, staff is recommending to focus construction efforts on other areas in the city that were in need of work. He stated that the proposed changes eliminates three streets in the current CIP, Elm Street (Cecil to Division), Reed Street (Cecil to Division), and Laudan Boulevard (Elm to Reed).

Director Kaiser stated that staff is proposing to replace those projects with projects on Laudan Boulevard (Oak to Elm), River Street (Forest to Edna), High Street (River to Center), Brantwood Drive (Marathon to Parkwood), Brantwood Ct, and Columbian Avenue (Elm to Congress). He stated that all of these streets have deficiencies either with sanitary sewer, water facilities, or pavement.

Following Discussion: Motion/Second/Carried Stevenson/Borchardt to recommend Council approve the 2023 budget amendments as outlined in the table in Director Kaiser, January 3, 2023 memo. All voting aye.

## Current CIP

	Project	Streets	Sanitary Sewer	Storm Sewer	Water	Total
1.	Elm St (Cecil - Division)	0	600,000	210,000	511,000	1,321,000
2.	Reed St (Cecil – Division)	0	620,000	150,000	454,000	1,224,000
3.	Laudan Blvd (Elm - Reed)	0	84,000	70,000	89,000	243,000
	TOTALS	0	1,304,000	430,000	1,054,000	2,788,000

Proposed budget amendment

	Project	Streets	Sanitary Sewer	Storm Sewer	Water	Total
1.	Laudan Blvd (Oak - Elm)	114,000	0	26,000	128,000	268,000
2.	River St (Forest – Edna) High St (River – Center)	133,000	180,000	50,000	196,000	559,000
3.	Brantwood Dr (Marathon – Parkwood)	236,000	0	34,000	262,000	532,000
4.	Brantwood Ct	59,000	0	4,000	37,000	100,000
5.	Columbian Av (Elm – Congress)	345,000	210,000	97,000	200,000	852,000
	TOTALS	887,000	390,000	211,000	823,000	2,311,000

Approval of Special Assessment Report-Installation of Sanitary Sewer Laterals and Water Services Construction on Burr Avenue, Chestnut Street, Dieckhoff Street, Laudan Boulevard, River Street, High Street, and Columbian Avenue

Following Discussion: Motion/Second/Carried Stevenson/Hillstrom to authorize the Chairman to sign the assessment report for Preliminary Resolution 2022-22 for installation of sanitary sewer and water service construction on Burr Avenue, Chestnut Street, Dieckhoff Street, Laudan Boulevard, River Street, High Street, and Columbian Avenue. All voting aye.

# <u>Licenses</u>

<u>Approve the Cigarette & Tobacco Products License Application for Purdy Clean Detail,</u> <u>1617 S. Commercial Street, Neenah WI, agent, Michael Purdy</u>

Approve the Cigarette & Tobacco Products License Application for Grainworks Old & New, 200 Main Street, Neenah WI, agent, Brian Duncan

<u>Approve the Cigarette & Tobacco Products License Application for Commercial Petro.</u> <u>521 S. Commercial Street, Neenah WI, agent, Manisha Balami</u>

C.A.

Approve Class A Combination Liquor/Beer Application for Grainworks Old & New, LLC, 200 Main Street, Neenah WI, agent Brian Duncan

<u>Approve Class B Combination Liquor/Beer Application for Double Tree by Hilton</u> <u>Neenah, WP Neenah SPE OPS, LLC, 123 E Wisconsin Avenue, Neenah WI, agent</u> <u>Debbie Becklund</u>

Approve Change of Agent/Trade Name for Ultimate Mart, LLC, Pick 'N Save #124, 1530 S Commercial Street, Neenah WI

Approve the renewal Secondhand Dealer Application for J. Anthony Jewelers, 220 S Commercial Street for the 2023 licensing year

Approve the renewal Secondhand Dealer Application for ecoATM, LLC, located inside Walmart at 1155 W Winneconne Ave for the 2023 licensing year

Following Discussion: Motion/Second/Carried Stevenson/Borchardt to recommend Common Council approve the licenses 8a through 8h as presented on agenda. All voting aye. (\*After review it was found that the address of 1617 S. Commercial Street for the Cigarette and Tobacco License is in the Town of Neenah)

# Public Works General Construction and Department Activity

- Contract 7-21 (Harrison Pond): Stones continue to be placed for the water feature on the east side of the pond. The contractor will be installing the last pieces of storm and sanitary sewer at the Monroe/Union intersection in the next week or two.
- 2) Contract 2-22 (Utility and Street Construction on Grove and Dieckhoff): A final pay request is being prepared.
- 3) Contract 11-22A (Lead service line replacement Zemlock/Reddin): 93 services have been replaced.
- 4) Contract 11-22B (Lead service line replacement Hunt/Madison/Nicolet): 63 of 100 service replacements have been completed.
- 5) 27 Spot Lead Line Service Replacements were completed in 2022.
- 6) Contracts for 2023: Work is proceeding on projects programmed for 2023. The contract list is:
  - 1-23 Chestnut, Burr, Dieckhoff, Laudan Utilities and Streets.
  - 2-23 Charles, Hughes, Memorial, Patrick, Brantwood Dr/Ct Water Utility and Streets.
  - 3-23 Misc. Concrete Pavement and Sidewalk Repairs
  - 4-23 Misc. Asphalt Repairs
  - 5-23 Liberty Heights, Integrity Acres, Cardinal and Arthur Plat Final Streets
  - 6-23 Columbian Avenue Utilities and Street
  - 7-23 High St and River St Utilities and Streets
  - 8-23 Tullar Garage Roof Replacement
  - 9-23 Epoxy Pavement Marking

7) ECWRPC/Valley Transit Study: Staff met with ECWRPC and Valley Transit staff to interview staff from SRF, the firm that submitted a response to the RFP regarding an operations and fare analysis for Valley Transit along with the Neenah Transfer Station location evaluation.

Director Kaiser stated that he was contacted today by East Central Regional Planning that they have come to an agreement with SRF Consulting for the route analysis study for Valley Transit. He stated he expects results sometime this summer.

Alderperson Borchardt asked if there is anything else that can be done to help with the weather exposure in the bus shelter. Director Kaiser stated that he and Facility Manager Benson have been discussing options.

Director Kaiser noted that he has been in contact with a resident on Beaulieu Drive regarding the repaying of the private road. He stated that he has asked to be kept up to date as to the timing as there is a sanitary line that will need to be replaced prior to the road paving.

### Announcements/Future Agenda Items

Chairperson Lendrum stated that moving forward meetings will be held in the Hauser room.

Adjournment: **Motion/Second/Carried Hillstrom/Stevenson to adjourn at 7:38 PM.** All voting aye.

Respectfully submitted,

Lisa Mradowski

Lisa Mroczkowski Public Works Office Manager



Department of Parks & Recreation

TO: Mayor Lang, Chair Lendrum and Members of the Public Services and Safety Committee

FROM: Michael T. Kading, Director of Parks & Recreation

**DATE:** January 20, 2023

**RE:** Shoreline Conceptual Design for Kimberly Point and Doty Parks

Parks & Recreation staff developed and sent out Requests for Proposal to firms listed on the US Sea Grants website who specifically develop shoreline protection and improvement projects on the Great Lakes. Specific instructions were to submit a proposal and a separate sealed envelope detailing costs to complete the scope of work. Scope of Services to include:

Conduct Meetings with Staff, Parks & Rec Commission, Harbor Committee, and Council Data Collection/Exploration Draft Conceptual Design Final Presentations Final Concept Design and Report

Ten (10) proposals were received, opened, and reviewed on Tuesday, January 10, 2023, by a team made up of Commissioners Hancock-Cooke and Galloway, NNYC representative Charpentier, and Department Staff Fink and Kading. After reviewing the ten (10) proposals, the review team ranked and selected three (3) firms to move onto the interview process.

The three (3) firms to be interviewed were AMI (Superior, WI), GZA (Brookfield, WI) and Edgewater (Madison, WI). Interviews were conducted on Tuesday, January 17, 2023. Commissioner Hancock-Cooke and Department Staff Fink and Kading conducted the interviews. Commissioner Galloway was out of town, and NNYC Representative Charpentier had a last minute conflict.

After conducting the interviews, the interview team recommends Edgewater Resources of Madison, WI. Sealed envelopes were then opened and contained the following costs to complete the scope of work:

Edgewater - \$46,958 AMI - \$73,774 GZA - \$17,260

### Summary of Funding

2023 CIP for Shoreline Conceptual Design - \$75,000

The Parks & Recreation Commission has reviewed and recommends the proposal from Edgewater Resources (Madison, WI) in the amount of \$46,958 utilizing Budgeted 2023 CIP Funds.

<u>Suggested Action</u>: Motion to accept and recommend the proposal from Edgewater Resources (Madison, WI) in the amount of \$46,958 utilizing Budgeted 2023 CIP Funds.

Creating Community Through People, Parks & Programs

Department of Parks & Recreation PO Box 426 Neenah, WI 54957-0426 phone: 920-886-6062 fax: 920-886-6069 mkading@ci.neenah.wi.us



CITY OF NEENAH POLICE DEPARTMENT



2111 Marathon Avenue Neenah, Wisconsin 54956

# Memo

- To: Alderman Cari Lendrum, Public Services and Safety Committee Chair Mayor Jane Lang
- From: Fleet Maintenance Specialist Adam Streubel
- Date: January 20, 2023

Re: Request for Three (3) Vehicle Replacements

The Neenah Police Department is requesting the replacement of two existing patrol squad cars and the Crime Scene Investigation Unit:

# Squad #4

- Requesting 2023 Ford Hybrid Police Utility
- Replacing 2019 Ford Police Utility
  - o Current Mileage: 102,880
  - Mileage at Replacement: 109,738
  - Will be sold at auction

# Squad #6

- Requesting 2023 Ford Hybrid Police Utility
- Replacing 2019 Ford Utility
  - o Current Mileage: 72,399
  - Mileage at Replacement: 77,225
  - o Will replace Administrative Veh 14
  - o Old 14 will be sold at auction

# Crime Scene Investigation Unit

- Requesting
  - o 2023 Ford F150 Pickup Truck
  - o 16' Enclosed Trailer upfitted for crime scene equipment
- Replacing 1996 Ford E350 Retired Ambulance
  - o Current Mileage: 184,425
  - o Mileage at Replacement: 184,425
  - Will be sold at auction

www.neenahpd.org police@ci.neenah.wi.us



### Ford Police Utility Squads

We are requesting two 2023 Ford Hybrid Police Utility (HPU) vehicles.

Ford introduced the hybrid to the police market in 2018. The City of Menasha has been using the hybrid for more than three years, resulting in fuel savings, and better electrical performance for their equipment needs. Lt. Albrecht reported a fuel economy of 17 MPG, a slightly higher than 50% increase in fuel economy over their gasoline-only utility squads. They have not reported any negative issues, and will be continuing to replace existing squads with the hybrid model.

Our order for 2022 replacement squads included 2 Ford Hybrid Police Utility Vehicles. We were notified that the manufacturer had received more orders than they were capable of fulfilling, and cancelled many builds, including ours. Our only option was to order the standard gas vehicle in 2022.

Along with several other factors, the additional investment cost of purchasing Hybrid models will put us over our budget. Using actual fuel consumption quantities tracked at the Neenah City Maintenance facility, the squads we are requesting to replace are currently achieving 11.3 MPG. Anticipating an increase in fuel economy, the upfront additional cost of the hybrid would more than offset over the life of the vehicle (see Table 1). Furthermore, a hybrid vehicle promotes responsibility to our environment and would help put the City of Neenah at the forefront of change.

Fuel Economy and Cost Comparison - 4 Year Period							
Actual Projected Projected							
Fuel Economy	11.3 MPG	15 MPG	17 MPG				
Fuel Consumed	9,494 gallons	7,145 gallons	6,305 gallons				
At Current Fuel Cost	\$30,190.92	\$22,721.10	\$20,049.90				
Fuel Cost Savings		\$7,469.82	\$10,141.02				

Table 1

### Cost Increases

Ford redesigned the Police Utility in 2022, making changes to the body and interior of the vehicle. As we replace our 2019 model year squads, we will be forced to replace the rear seat and barrier, tablet mount, and the rear cargo area storage drawer.

The ballistic door panels we have been transferring to our new squads since 2015 have expired and will need replacing.

We are installing new emergency lighting and controls to replace the equipment we purchased in 2013, which have become less reliable.

We research and purchase our own equipment, resulting in considerable cost savings to the City; however, the current economy and supply chain issues have driven costs up across the emergency equipment industry.

#### Crime Scene Investigation Unit

Our Investigators are currently using a retired 1996 Ford ambulance that had been converted into a crime scene evidence response vehicle. Although the unit has served us well over the past 25 years, we have come to outgrow the small area in the back, and the diesel fueled engine has grown less reliable and more noxious.

With considerable thought and endless conversations, we have found a very exciting and innovative approach to the replacement of our Crime Scene Investigation Unit, while staying under the budget.

We are proposing, first, an enclosed trailer that would be equipped to carry all of the evidence tools and supplies necessary for thorough investigations of crime scenes. The trailer will have storage for tools, supplies, and processing; heat and air conditioning; 12 volt power, 110 volt power; walls, ceiling, and dry flush toilet. Compared to the ambulance, the trailer has an additional 32 sq. ft. of floor space, and an additional 18" of head room.

Beyond the obvious benefit of more available space, are the savings in cost and maintenance. Unlike a motorized vehicle, there are no fuel, oil, or other mechanical maintenance costs to the trailer. Well cared for, the only anticipated future costs are replacing tires.

We currently utilize 2 enclosed trailers, one for Training Equipment, and one for SWAT Response. The SWAT trailer was purchased in 1996, and the Training trailer added in 2012. Both are in excellent condition and continue to serve our needs very well. Neither have had any mechanical issues.

The second part of our Crime Scene Unit replacement approach is the addition of a Ford F150 truck to the fleet, which will have several benefits. The F150 would be assigned to an Investigator, making it always available to pull the trailer to crime scenes. The truck will also be a resource for transferring large evidence items, transporting officers, pulling the SWAT response trailer to locations if needed, and daily investigative operations.

The timing of this addition helps with the fleet as well. With the anticipated start of our new Behavioral Health Officer, we will need to provide them with a vehicle appropriate for their function. Adding the F150 allows us to shift a current Investigator car to the BHO.

We considered, and researched a larger box van to replace the current ambulance. We would only gain 2 additional feet, and the cost difference of roughly \$10k would not be enough to provide our Behavioral Health Officer with a vehicle.

I look forward to discussing any questions you may have.

#### 2023 Hybrid Marked Police Utility Squads 4 and 6

Vehicle Purchase Price:

\$42,788.50

Lighting & Equipment, including: Angel Armor Ballistic Door Panels Radio Head & Cables Lighting & Controls Console & Tablet Mount Rear Cargo Equipment Drawer	\$1639.00 \$634.00 \$6,450.00 \$660.00 \$1,300.00	\$11,594.36
Changeover: Includes New Barriers	\$2,689.00	\$5639.00
Graphics: Total for Marked Squad Unit 4 & 6, ea	ch	<u>\$700.00</u> \$60,721.86
	cii.	<i><b>JUU,721.00</b></i>
GRAND TOTAL FOR BOTH SQUADS:		\$121,443.72
2023 Ford F150 Investigations Vehicle		
Purchase Price:	\$48,77	/2.50
Lighting & Equipment:	\$3,111	1.98
Upfit:	\$3,475	5.00
Total for Investigator Vehicle:	\$55,35	59.48
2023 SURE-TRAC 16' Enclosed Evidenc	e Processing Tra	ailer
Purchase Price:	\$13,30	00.00
Upfit & Equipment:	\$25,57	70.00
Total for Evidence Trailer:	\$38,87	70.00
Total for F150 and Trailer: Total for 2 - 2023 Squads Grand Total	\$94,22 \$121,4 \$215,6	143.72 573.20
Budgeted amount: Overage:	\$207,5 <mark>\$8,17</mark> 3	
-		

### **Recommendation:**

Authorize the Neenah Police Department to purchase two 2023 Ford Hybrid Marked Police Utility Squads, one 2023 Ford F150 Investigator vehicle, and one 2023 Sure-Trac enclosed evidence trailer at a cost of \$214,673.20 to include all equipment and changeover costs.



City Services Building 1495 Tullar Road Neenah, WI 54956 Phone: (920) 886-6260 Fax: (920) 886-6269

# **Proposal**

# Fleet #52 (2022 Rear Load Refuse Truck)

•	MacQueen Equipment Menomonee Falls, WI	2023 Heil DuraPack 5000 (New Order)	\$232,538.00
•	McNeilus Truck Hutchins, TX	McNeilus HD Rear loader (New Order)	No Bid
•	Envirotech Equipment Menomonee Falls, WI	2023 New Way 25yd Cobra (New Order)	\$237,200.00
•	Envirotech Equipment Menomonee Falls, WI	2022 New Way 25yd Cobra (New Demo)	\$224,561.00
•	Sourcewell Purchasing Group	2023 New Way 25yd Cobra (New Order)	\$237,200.00

### Comments:

The New Way Cobra meets our specifications.

We currently use 6 (six) New Way automated trucks that perform well for us.

Envirotech Equipment had secured this truck for another municipality for a 2023 purchase but that community had to back out of their purchase. With our relationship with them, they called me first knowing that we are in the market for a rear-load truck.

If we are to have a new truck built, it may be more than a year, to secure a chassis to build on.

Staff recommends purchasing a 2022 New Way 25yd rear load Truck for \$224,561.00 from Envirotech Equipment.

Staff also recommends purchasing new radio equipment, city logos, and additional lighting for less than \$2500.00.

Existing equipment Fleet #52 – 1997 25yd Rear load Truck will be sold at auction through GovDeals.

Budgeted 2023 amount of \$270.000.00

(Page 331 Item #4 in 2023 Budget Book)



City Services Building

1495 Tullar Road Neenah, WI 54956

Phone: (920) 886-6260 Fax: (920) 886-6269

# Proposals

# Fleet #2 (2024 Tandem Axle Chassis)

٠	Packer City International Trucks Appleton, WI	International	\$118,028.00
٠	Truck Country Kaukauna, Wl	Freightliner	No Bid
•	Quality Truck Care Center Oshkosh, WI	Western Star	\$131,888.00
٠	Kriete Truck Center De Pere, WI	Mack	No Bid
٠	Peterbilt of Wisconsin De Pere, WI	Peterbilt	No Bid

### Comments:

This proposal is for the truck chassis only, no equipment package is included.

The equipment package would include the dump box, plow, wing, salter, and controls.

We had two bids submitted that need to be evaluated before a decision is made and brought to Committee.

Staff recommends purchasing a 2024 International Tandem Axle Chassis from Packer City Truck for \$118,028.00

Existing equipment (2007 tandem patrol truck with salter) will be sold or auctioned off with an estimated value of \$25,000.00

Budgeted 2023 amount \$250,000.00

(Page 331 Item 5 in 2023 Budget Book)

			ZUZS Tanuem San	el - Fleel #2		
<u>Chassis Vendor</u>	<u>Chassis</u>	Price	Availibity	Equip. Vendor	Equip. Price	Total
			upon order			
Packer City	International	\$ 118,028.00	365-390 days	Monroe	\$ 150,569.00	\$ 268,597.00
Tim Ren	nkens					46 0.425
Packer City				Truck Equip.	\$ 142,929.00	\$ 142,929.00
Quality Truck	Western Star	\$ 131,888.00	3rd or 4th qtr.	Monroe	\$ 150,569.00	\$ 282,457.00
Dennis G	iorman		of 2024			÷
Quality Truck				Truck Equip.	\$ 142,929.00	\$ 142,929.00
	Freightliner	No Bid				
Jay Szyn	nanski					
	Mack	No Bid	No av	vailability		
Andy Sche	eidegger					
	Peterbuilt	No Bid	No av	vailability		
Allan	Fett					

# 2023 Tandem Salter - Fleet #2





### MEMORANDUM

DATE:January 19, 2023TO:Chairperson Lendrum and Committee MembersFROM:Chris A. Haese, Director of Community Development and AssessmentRE:Convenience Store Alcohol Sales

As requested, I am providing for your review three previous memorandums distributed to the Council that are dated May 13, 2021, January 29, 2020 and October 1, 2019 respectfully. The memos provide a historical perspective of the topic of alcohol sales from Neenah's convenience stores.

I will be in attendance at the Committee's January 24, 2023 meeting to answer and questions you may have regarding this information. As always, please do not hesitate to reach out in advance of the meeting if you prefer.



### MEMORANDUM

DATE:	May 13, 2021
TO:	Mayor Kaufert, Council President Stevenson and Council Members
FROM:	Chris A. Haese, Director of Community Development and Assessment
RE:	Convenience Store Alcohol Sales

The Committee of the Whole (COW) has had two discussions thus far on the possibility of amending the municipal code to allow the sale of alcohol at convenience stores. These meetings occurred in October of 2019 and February of 2020. Recognizing that there are many new members of the Council, I have attached previous memorandums on the topic to provide a historical perspective of the subject. Normally, we would have had a follow up discussion much closer to the last meeting, however, like in a number of other situations, the world-wide pandemic drew our attention to other issues.

At the February 5, 2020 COW meeting, the Committee asked for additional information on the City's inventory of convenience stores. Currently, there are eleven (11) stores within Neenah. They vary in size from less than 1,000 square feet to over 5,000 square feet in area (retail space). The following table provides a detailed list of these stores, their location and their respective size.

Name Address		Total Square Footage	Allocated Retail Space
Mobil	700 Main Street	3,484	2,204
Main Street Citgo	1013 Main Street	2,650	2,650
BP	1126 Main Street	3,603	696
Citgo	700 S. Green Bay Road	2,483	1,808
Mobil	904 S. Green Bay Road	9,470	3,520
Kwik Trip	903 S. Green Bay Road	8,416	5,626
Mobil	1340 Gillingham Road	3,072	3,072
Pump N Munch	101 E. Bell Street	2,480	2,480
Krist Oil/Food Mart	1305 S. Commercial St.	3,600	3,600
BP	899 S. Commercial St.	1,904	1,904
Mobil	521 S. Commercial St.	1,693	1,693

### CITY OF NEENAH Dept. of Community Development

### May 13, 2021 – Page 2

In addition to the existing convenience stores, the City also has approximately ten other retail establishments, primarily grocery stores and liquor stores, that are currently licensed to sell a full range of alcohol beverages.

Given the requirements that are proposed in the attached draft ordinance, it is unlikely that all of the existing convenience stores would be able to meet the requirements to sell malt beverages. The following items summarize the requirements that are included within the draft ordinance which is being provided for your consideration:

- A special use permit from the Council would be required.
- Only fermented beverages (beer) would be allowed for sale and would require the issuance of a Class A license.
- The special use permit and license would require floor plans detailing the store layout.
- The license would prohibit tasting events.
- The amount of floor area allocated to alcohol sales could be restricted to no more than 10% of the total sales floor area or 650 square feet, whichever is less.
- Alcohol can only be sold and displayed from a lockable area such as a cooler, cage, or similar fixture. No open floor display or sale will be allowed.
- The fixture from which alcohol is displayed and sold must be locked and inaccessible to the public between the hours of 9:00 PM and 6:00 AM.
- Advertising of alcohol products shall only be permitted within and on a fixture from which alcohol is being sold. No advertisement of alcohol products shall be displayed in any other location in the store or the store exterior (including pump islands).
- There shall be no sale of single serve fermented malt beverages in bottles or cans of less than 60 ounces.
- Fermented malt beverages cannot be sold or given away in less than a six-pack of 12 ounce bottles or cans.
- Keg sales are not permitted.
- A cashier selling alcoholic beverages must be at least 18 years of age.
- At least two employees must be on duty when alcohol is being sold.
- At least one on-duty employee must have a legal bartender's license while alcohol is being sold and must also be within sight of the sale transaction.
- Stores selling alcohol must have an operational video system in place that records all sales activity.
   Video must be preserved for at least 5 days and made available to the Neenah Police Department upon a reasonable request.

### **Recommendation**

An appropriate action at this time is for the Committee of the Whole to recommend the Common Council Ordinance 2021-12 modifying the Neenah Municipal Code to permit the sale of malt beverages at establishments that also sell gasoline.



### MEMORANDUM

DATE:	January 29, 2020
TO:	Mayor Kaufert, Council President Stevenson and Council Members
FROM:	Chris A. Haese, Director of Community Development and Assessment
RE:	Convenience Store Alcohol Sales

At the October 2, 2019 Committee of the Whole (COW) meeting, a discussion was initiated on alcohol sales within Neenah and specifically the current prohibition of the sale of alcohol at convenience stores. An October 1, 2019 memorandum (attached) provided at that meeting gave a brief history of the evolution of alcohol restrictions in Neenah as well as factors that could be consider when evaluating the current convenience store prohibition. The result of the meeting was a directive to staff to present a response to the following four questions:

What is the history behind the current prohibition of alcohol sales from City convenience stores? Based on staff's review of available records, it appears the prohibition was in place as a policy prior to 1986. Shortly after a rejection of a liquor license request from a S. Commercial St. convenience store, and a threat of a lawsuit, the current ordinance was adopted by the City Council in December of 1986. The minutes from the meetings leading up to that decision are very limited in depth and provide little insight as to why the Ordinance was adopted.

Does the City have the ability to limit the number of Class "A" fermented malt beverage license and/or "Class A" malt and liquor licenses? Yes, the City can limit the number of either of these licenses. To clarify, the Class "A" fermented malt beverage licenses allow retail sales of fermented malt beverages (beer) for consumption off of the premises. The "Class A" malt and liquor licenses allow retail sales of fermented malt sales of intoxicating liquor (beer, wine and distilled spirits) for consumption off of the premises.

What are the current state and local statistics on OWIs? The OWI information for the Wisconsin, Winnebago County and Neenah has experienced a similar downward trend in the past 20 years. The following chart provides a snapshot of the data demonstrating this trend.

				% Reduction of OWIs from 2000 to
	2000	2010	2017	2017
State of Wisconsin Winnebago	37,699	35,134	23,518	38%
County	1,224	1,468	763	38%
City of Neenah	N/A	176	113	36%*

\*2000 data unavailable. Percentage indicates & reduction of OWIs from 2010 to 2017 What enforceable limitations can be placed on the sale of alcohol from convenience stores – This is the question that staff spent the most time researching and discussing. The response is presented to you in a bullet point format segregated by respective sections that could form the basis of an ordinance to allow convenience stores the ability to sell alcoholic beverages should the Council decide to move in that direction. For those items that are not self-explanatory, a brief explanation may be provided.

### <u>Permitting</u>

- A special use permit should be required for any establishment wishing to have a "Class A" malt and liquor or Class "A" fermented malt license. This would include liquor stores, grocery stores and convenience stores. It would not apply to taverns or restaurants. Existing establishments would be "grandfathered". By requiring a special use permit, special conditions can be placed on an applicant to address specific concerns of the Council. As an example, a condition of a permit issued to a convenience store may be that the permit is void if the establishment ceases to sell gasoline. This condition would help avoid a situation in which a convenience store decides to stop selling gasoline and turns into just a liquor store. Conditions of a special use permit would have to be relatively consistent from establishment type to establishment type, but there is an ability to address unique circumstances with specific restrictions.
- The special use process would require the submittal of a detailed, scaled floor plan that must be adhered to.

### Licensing

- A Class "A" fermented malt license would be required for convenience stores. In order to allow the sale of wine, a store would need a "Class A" malt and liquor license as well. An ordinance would have to be drafted that would allow only the sale of fermented beverages and wine from establishments selling gasoline. There are potential loop holes in restricting liquor sales just to wine, therefore the recommendation from staff is that only fermented malt beverages be considered for sale from convenience stores at this time.
- The license application would require a detailed floor plan of the establishment identifying exactly the location of alcohol sales. This area may be smaller than what is allowed by ordinance.
- The license can prohibit tasting events in convenience stores. Currently, state statute does not allow a community to prohibit this activity by ordinance.

### Ordinance Provisions

- Establishments selling gasoline will only be allowed to sell fermented malt beverages. A special
  use permit and Class "A" fermented malt license must also be obtained prior to the selling of
  alcohol.
- The amount of floor area allocated to alcohol sales could be restricted to no more than 10% of the total sales floor area or 650 square feet, whichever is less.
- Alcohol can only be sold and displayed from a lockable area such as a cooler, cage, or similar fixture. No open floor display or sale will be allowed.
- The fixture from which alcohol is displayed and sold must be locked and inaccessible to the public between the hours of 9:00 PM and 6:00 AM.
- Advertising of alcohol products shall only be permitted within and on a fixture from which alcohol is being sold. No advertisement of alcohol products shall be displayed in any other location in the store or the store exterior (including pump islands).

### CITY OF NEENAH Dept. of Community Development

- There shall be no sale of single serve fermented malt beverages in bottles or cans of less than 60 ounces.
- Fermented malt beverages cannot be sold or given away in less than a six-pack of 12 ounce bottles or cans.
- Keg sales are not permitted.
- A cashier selling alcohol beverages must be at least 18 years of age.
- At least two employees must be on duty when alcohol is being sold.
- At least one on-duty employee must have a legal bartender's license while alcohol is being sold and must also be within sight of the sale transaction.
- Stores selling alcohol must have an operational video system in place that records all sales activity.
   Video must be preserved for at least 5 days and made available to the Neenah police department upon a reasonable request.

### **Recommendation:**

If the Council is inclined to move forward with the presented concept, an appropriate next step can be to direct staff to draft an ordinance for Council review and consideration.

Council may also choose to direct staff to conduct a public information program to present the proposed ordinance and to gather community comments on the concept.



# MEMORANDUM

DATE: October 1, 2019

**TO:** Mayor Kaufert and Members of the Common Council

**FROM:** Chris Haese, Director of Community Development and Assessment

**RE:** Consideration of Class A malt beverage (beer) sales in convenience stores

The Department of Community Development has had a number of inquiries over the past several years regarding new convenience stores within the City. Although Kwik Trip did construct their new store on Green Bay Road in 2011, several other potential projects did not go forward, including a store at Main Street and Green Bay Road and another at Winneconne Avenue and Tullar Road. We are aware that at least one of these projects did not go forward because of the inability to sell alcoholic beverages at the establishment. Requests of this type continue to come to our office on a regular basis.

The decision to sell alcoholic beverages from C-stores is one that should not be taken lightly as there may be consequences to such a decision. However, I contend the decision should also be given thorough consideration, as the benefits to the change may outweigh any potential negative outcomes. As you may agree, Neenah takes a conservative and cautious approach when alcohol is involved. This is evident in the City's judicious modifications to a number of restrictions on alcohol sales and consumption over the past three decades. The following are examples of changes that have taken place over that time period:

- During the early to mid-1990's, the City modified long-standing policy to allow grocery stores to sell liquor from a "store within a store".
- The Municipal Code was modified in 2011 to allow beer gardens and sidewalk cafes.
- The beer garden and sidewalk café ordinances were later modified to remove the barrier requirements for cafes and the gate requirements for beer gardens.
- Modifications to the grocery sales ordinance was adjusted in 2012 to allow the checking
  of all alcohol sales at all registers, not just the "store within the store" register.
- In 2018, the Council permitted the Bazaar After Dark event to allow open carry of alcohol at the Thursday evening event.
- The purchase of liquor from City grocery stores where "click and go" was recently allowed.

Each of these decisions was met with much discussion and debate and often with the concern that issues would arise as a result of the proposed change. With the possible exception of a few minor issues, I do not believe the issues of concern have materialized on a regular basis with the proposed changes. Rather the benefits to the consumer, often City residents, have exceeded any negative outcome from the change.

Consideration should also be given to the current limitation on the sale of malt beverages from C-stores and the costs this restriction may be imposing on the community. I believe most would agree that we have seen, and will continue to see, an evolution of the C-store away from an outlet to buy gas and a few convenience items to a retail establishment that has expanded its offering to include a much larger selection of grocery and consumer items. One only needs to look to Kwik Trip as an example. Their Green Bay Road store, built as their new prototype just a few years ago, is about 5,000 square feet in size. The stores that they are building today are closer to 8,000 square feet, an increase of almost 60%. The increase is due to the added selection they are currently offering. This additional inventory has obvious benefit to the community. Should a C-store operator choose to avoid locating a store within certain areas of the City will not reap the benefits of the offerings provided by the store. Malt beverages carry a higher profit margin than other store items, it can affect an operator's location decisions, thereby impacting the opportunities to that neighborhood. As noted, we have seen at least one store choose not to build within the City because of this restriction.

It is my estimation that the current restriction on the sale of alcohol from C-stores likely arrived in the mid 1970's like many other Wisconsin communities. What is not clear is the intent of this restriction and whether that purpose is still necessary and the restriction still effective.

Staff is not requesting any type of action from Council at the October 2, 2019 meeting, rather, we are hoping to gather from the Council their perspective on the following questions:

- 1. What does Council perceive as the goal of the restriction?
- 2. Is the restriction effective in achieving that goal?
- 3. What concerns does the Council have with modifying the restriction?
- 4. Are there benefits to changing the current restriction that outweigh potential negatives?

Once staff has gathered Council input on the aforementioned questions, we may be able to provide suggestions on the modification of the current restrictions that address the concerns of the Council sufficiently enough to allow a change to occur...or not.

	Public Services & Safety Committee							
		January 2	4, 2023 Meeting	5				
Temporary Cla	Temporary Class "B" (Picnic) License Application							
Applicant	Name of Event	Beer/Beer&Wine	Type of Business	Location	Date(s) of Event			
St. Gabriel Parish	Friday Fish Fries	Beer	Church	900 Geiger St	Feb 24, March 3, 10, 24, 31, 2023			

# Application for Temporary Class "B" / "Class B" Retailer's License

See Additional Information on reverse side. Contact the municipal	clerk if you have questions.
FEE \$ 50	Application Date:
Town Village V City of Neenah	County of Winnebago
The named organization applies for: <i>(check appropriate box(es).)</i> <ul> <li>A Temporary Class "B" license to sell fermented malt beverages</li> <li>A Temporary "Class B" license to sell wine at picnics or similar (</li> </ul>	gatherings under s. 125.51(10), Wis. Stats.
at the premises described below during a special event beginning	and ending and agrees
to comply with all laws, resolutions, ordinances and regulations (sta and/or wine if the license is granted.	te, rederal or local) allecting the sale of remember mail beverages
<b>1. Organization</b> (check appropriate box) → Bona fide Club □ Veteran's Organ □ Chamber of Co	mmerce or similar Civic or Trade Organization organized under
ch. 181, Wis. St (a) Name St. Gabriel Parish	ats.
(b) Address 900 Geiger St	
(b) Address <u>coo congon at</u> (Street)	Town Village 🖌 City
(c) Date organized 07/01/1959	
(d) If corporation, give date of incorporation 07/01/1959	
(e) If the named organization is not required to hold a Wisconsin seller's permit pursuant to s. 77.54 (7m), Wis. Stats., check this box:	
(f) Names and addresses of all officers: President Rev. Robert Kollath	
Vice Presi <mark>dent</mark>	
Secretary	Julie Klein,
Treasurer Lynn Hopfensperger,	
(g) Name and address of manager or person in charge of affair	Ryan Goethel
<ul> <li>2. Location of Premises Where Beer and/or Wine Will Be Sold, Served, Consumed, or Stored, and Areas Where Alcohol Beverage Records Will be Stored:</li> <li>(a) Street number 900 Geiger St</li> </ul>	
(a) Street number <u>500 Geiger Gt</u>	Block
(c) Do premises occupy all or part of building?	
<ul> <li>(d) If part of building, describe fully all premises covered under this application, which floor or floors, or room or rooms, license is to cover: <u>Stingle Hael</u> (Cufetena) + Gym</li> </ul>	
3. Name of Event	
(a) List name of the event Fish Fries	
(b) Dates of event Feb 24, Mar 3, 10, 7.4, 31 (c) Does this event require a Special Event Permit Application?	
DECLARATION	
An officer of the organization, declares under penalties of law that the information provided in this application is true and correct to the best of his/her knowledge and belief. Any person who knowingly provides materially false information in an application for a license may be required to forfeit not more than \$1,000.	
Officer Robert D. Kollath	St-Gabriel Parish. (Name of Organization)
(Signature / Date)	(Name or Organization)

Date Reported to Council or Board

Date Filed with Clerk \_\_\_\_\_

Date Granted by Council

License No.

Wisconsin Department of Revenue

AT-315 (R. 9-19)



Department of Public Works 211 Walnut St. • P.O. Box 426 • Neenah WI 54957-0426 Phone 920-886-6241 • e-mail: gkaiser@ci.neenah.wi.us GERRY KAISER, P.E. DIRECTOR OF PUBLIC WORKS

# MEMORANDUM

**DATE:** January 20, 2023

- TO: Mayor Lang and Members of the Public Services and Safety Committee
- FROM: Gerry Kaiser, Director of Public Works
- **RE:** Public Works General Activity
- 1) Contract 7-21 (Harrison Pond): Storm and sanitary sewer work is complete and the pond is functioning. Work on the water feature stones will continue when weather allows. Staff has been negotiating retaining wall and gravel quantities with the subcontractor.
- 2) Contract 2-22 (Utility and Street Construction on Grove and Dieckhoff): A final pay request has been provided to the contractor for review.
- 3) Contracts 11-22A (Lead service line replacement Zemlock/Reddin): Work is substantially complete. Restoration will be finished later this year.
- 4) Contract 11-22B (Lead service line replacement Hunt/Madison/Nicolet): Work is substantially complete. Restoration will finished later this year.
- 5) Contract 1-23 (Chestnut, Burr, Dieckhoff, Laudan Utility and Street Construction): This contract is out for bid. The public hearing is scheduled for 2/1/2023.
- 6) S. Commercial Street Design: Traffic Engineer Merten has been working with the consultant to fine tune aspects of the project design. The next milestone is to have a 60% design set available in April after which a second public input meeting will be held.
- 7) Automated Truck Replacement: The 2022-2026 capital equipment program includes the replacement of an automated collection truck in 2024 (page 112). Superintendent Radtke was informed by a vendor that they have two chassis for that truck that will be available by the end of 2023 that the vendor needs to claim or they will be assigned elsewhere. The vendor has asked if we are interested in claiming one of them. Greg is following up with the vendor to see if there are any conditions or commitments attached to making that claim.