

CITY OF MENASHA
COMMON COUNCIL
Third Floor Council Chambers
140 Main Street, Menasha
Monday, July 1, 2013
MINUTES

DRAFT

A. CALL TO ORDER

Meeting called to order by Mayor Merkes at 6:00 p.m.

B. PLEDGE OF ALLEGIANCE

C. ROLL CALL/EXCUSED ABSENCES

PRESENT: Aldermen Zelinski, Englebert, Benner, Nichols, Taylor, Sevenich, Langdon, Keehan
ALSO PRESENT: Mayor Merkes, CA/HRD Captain, PC Styka, FC Auxier, DPW Radtke, LD Lenz,
Dpty Treasurer Sassman, PP Homan, Clerk Galeazzi
DEPT. HEADS EXCUSED: PHD Nett, PRD Tungate

D. PUBLIC HEARING

[Proposed Ordinance to reduce the minimum lot depth standard for the I-1 Heavy Industrial Zoning District.](#)

Mayor Merkes opened the Public Hearing.

PP Homan explained the proposed change to the ordinance and will not negatively impact future development on the affected parcels. Community Development staff is recommending the change.

No one spoke.

Mayor Merkes called the Public Hearing to a close.

E. PUBLIC COMMENTS ON ANY MATTER OF CONCERN TO THE CITY

(five (5) minute time limit for each person)

Paul Eisen, Winnebago County Supervisor. July 4th ceremony at Winnebago County Courthouse.

F. REPORT OF DEPARTMENT HEADS/STAFF/CONSULTANTS

1. [Award Historic Menasha Photo Contest Winner – Mark Mader](#)

Mayor Merkes presented Mark Mader with a Certificate of Recognition for winning the 2013 “Discover Historic Menasha” photo contest sponsored by Landmarks Commission. Also presented to Mr. Mader were gifts donated by downtown Menasha businesses.

2. Clerk Galeazzi - the following minutes and communications have been received and placed on file:

Minutes to receive:

- a. [Board of Public Works, 6/17/13](#)
- b. [Library Board Minutes, 6/20/13](#)
- c. [Neenah-Menasha Fire Rescue Joint Finance & Personnel, 6/25/13](#)
- d. [Neenah-Menasha Sewerage Commission, 5/28/13](#)
- e. [Parks and Recreation Board, 6/10/13](#)
- f. [Plan Commission, 6/18/2013](#)
- g. [Police Commission, 4/25/13](#)
- h. [Redevelopment Authority, 6/6/13](#)
- i. [Sustainability Board, 5/21/13](#)

Communications:

- j. [Menasha Utilities, Customers First! The Wire Newsletter, 6/2013](#)
- k. [CA/HRD Captain to Mayor Merkes, 6/24/13; 2014 WRS Contribution Rates](#)
- l. [Chief Tim Styka, 6/25/13; Alcohol Compliance Checks](#)

Moved by Ald. Benner, seconded Ald. Langdon to receive Minutes and Communication A-L.

General discussion ensued.

Motion carried on voice vote.

G. CONSENT AGENDA

(Prior to voting on the Consent Agenda, items on the Consent Agenda may be removed at the request of any Alderman and place immediately following action on the Consent Agenda. The procedures to follow for the Consent Agenda are: (a) removal of items from Consent Agenda; and (b) motion to approve the items from Consent Agenda.)

Minutes to approve:

1. [Common Council, 6/17/13](#)

Board of Public Works, 6/17/13; Recommends approval of:

2. [Change Order – Roger Bowers Construction, Inc.; Ninth Street Sewage Lift Station Improvements Project; Contract E145-13-01B Sewage FM Replacement; DEDUCT: \\$4,794.00 \(Change Order No. 1\)](#)

3. [Payment - Roger Bowers Construction, Inc.; Ninth Street Sewage Lift Station Improvements Project; Contract E145-13-01B Sewage FM Replacement; \\$151,118.25 \(Payment No. 1\)](#)

4. [Request Authorization to Execute Intergovernmental Agreement to Satisfy Eligibility for Recycling Consolidation Grant for Calendar Year 2014](#)

Neenah-Menasha Fire Rescue Joint Finance and Personnel, 6/25/13; Recommends approval of:

5. Joint Emergency Response Plan

Plan Commission, 6/18/13; Recommends approval of:

6. [Brighton Drive Certified Survey Map](#)

Moved by Ald. Benner, seconded by Ald. Langdon to approve Consent Agenda items 1-6.

Motion carried on roll call 8-0.

H. ITEMS REMOVED FROM CONSENT AGENDA

I. ACTION ITEMS

1. [Accounts payable and payroll for the term of 6/20/13-6/27/13 in the amount of \\$851,956.92.](#)

Moved by Ald. Nichols, seconded by Ald. Keehan to approve accounts payable and payroll.

Ald. Nichols requested to separate check #37686 (Jeff Nichols). She will abstain due to personal connections.

General discussion ensued on expenditures.

Motion to approve accounts payable and payroll minus check #37686 carried on roll call 8-0.

Motion to approve check #37686 carried on roll call 7-0. Ald. Nichols-abstained.

2. [Beverage Operators License Applications for the 2013-2015 licensing period.](#)

Moved by Ald. Keehan, seconded by Ald. Benner to approve Beverage Operators License Applications as submitted.

Motion carried on roll call 8-0.

Moved by Ald. Keehan, seconded by Ald. Englebert to deny Beverage Operators License Application for Lyna Khom as they have not met the criteria under the Guidelines for Operator Licenses.

Motion carried on roll call 8-0.

3. Due Process Hearing for Liquor License Applications Denied/Non-renewal

a. Beyer Properties LLC, d/b/a Fox Cinema, 400 Third Street – application denied on 6/17/13

Clerk Galeazzi explained Beyer Properties LLC is withdrawing their request for a Due Process Hearing. They are working out some details and may apply for a liquor license at a later date.

b. Mr. Taco LLC, d/b/a Mr. Taco, 403 Racine Street – held 6/17/13

Attorney Scott Barr representing Francisca Jaimes, agent for Mr. Taco LLC, requests to withdraw the liquor license renewal application submitted on April 25 and submit a new renewal application for the Council's consideration. Ms. Jaimes is working out final details to have the license for Mr. Taco LLC with her as the only member of the LLC. Ms. Jaimes is also working on getting the lease of the premises in her name and payment of real estate taxes.

General discussion ensued on the procedure.

Moved by Ald. Sevenich, seconded by Ald. Langdon to postpone action on liquor license until July 15.

Motion carried on roll call 8-0.

3. Due Process Hearing for Liquor License Applications Denied/Non-renewal, cont'd
 - c. Mr. Frog's Nightclub LLC, d/b/a Mr. Frog's Nightclub, 6 Tayco Street – held 6/17/13
CA/HRD Captain swore in Clerk Galeazzi and PC Styka. Clerk Galeazzi answered questions about the information on the liquor license renewal application submitted by Mr. Frog's Nightclub LLC. PC Styka answered questions about the background check on Luis Morales, the only member of Mr. Frog's Nightclub LLC.

No one was present to represent Mr. Frog's Nightclub LLC.

Ald. Benner read into the record Findings of Fact, Conclusions of Law and Decision.

Moved by Ald. Benner, seconded by Ald. Englebert to adopt the Findings of Fact, and Conclusions of Law and deny the renewal alcohol beverage license application of Mr. Frog's Nightclub LLC.

Ald. Taylor asked Clerk Galeazzi about the renewal application and PC Styka about the convictions against Mr. Morales.

Motion carried on roll call 7-1. Ald. Taylor voted no.

J. ORDINANCES AND RESOLUTION

1. [O-3-13 An Ordinance Amending Section 13-1-31\(e\)\(3\) of the Code of Ordinances \(Reduce the Minimum Lot Depth Standard for the I-1 Heavy Industrial Zoning District\) \(Introduced by Mayor Merkes\)](#)

Moved by Ald. Benner, seconded by Ald. Englebert to adopt O-3-13.

General discussion ensued on the parcels affected.

Motion carried on roll call 8-0.

2. [R-7-13 Resolution Acknowledging Review of City of Menasha 2012 Compliance Maintenance Annual Report Under Wisconsin Administrative Code NR 208](#)

Moved by Ald. Benner, seconded by Ald. Langdon to adopt R-7-13

Motion carried on roll call 8-0.

K. APPOINTMENTS

1. [Accept resignation letter from Peg Malueg from Committee on Aging](#)
2. [Mayor's appointment of Thomas Stoffel, 1041 Garda Ct., Menasha, to the Committee on Aging for the term of 7/1/13 to 2/1/14.](#)

Moved by Ald. Langdon, seconded by Ald. Benner to accept resignation of Peg Malueg from Committee on Aging and approve Mayor's appointment of Thomas Stoffel to the Committee on Aging for the term 7/1/13 to 2/1/14.

Motion carried on voice vote.

L. HELD OVER BUSINESS

M. CLAIMS AGAINST THE CITY

N. PUBLIC COMMENTS ON ANY MATTER LISTED ON THE AGENDA

(five (5) minute time limit for each person)

No one spoke.

O. RECESS TO ADMINISTRATION COMMITTEE

Moved by Ald. Benner, seconded by Ald. Englebert to recess to Administration Committee at 7:19 p.m.

Motion carried on voice vote.

Reconvened at 8:28 p.m.

CA/HRD Captain explained the request for changes to the Ground Site Lease Agreement with AT&T, formerly TeleCorp Realty.

General discussion ensued.

The consensus from the Council was a closed session was not necessary.

P. ADJOURN

Moved by Ald. Benner, seconded by Ald. Englebert to adjourn at 8:44 p.m.
Motion carried on voice vote.

Respectfully submitted by Deborah A. Galeazzi, WCMC, City Clerk