

It is expected that a Quorum of the Personnel Committee, Board of Public Works, and Common Council will be attending this meeting: (although it is not expected that any official action of any of those bodies will be taken)

**CITY OF MENASHA  
ADMINISTRATION COMMITTEE  
Third Floor Council Chambers  
140 Main Street, Menasha  
April 4, 2011  
6:30 PM  
or immediately following Common Council  
AGENDA**

- A. CALL TO ORDER
- B. ROLL CALL/EXCUSED ABSENCES
- C. MINUTES TO APPROVE
  - 1. [Administration Committee, 3/21/11](#)
- D. ACTION ITEMS
  - 1. [Appeal of Denial of Operator's License – Ashley Boelter](#)
  - 2. [R-15-11 Resolution Transferring/Appropriating Funds  
\(Introduced by Alderman Wisneski\)](#)
  - 3. [R-16-11 Resolution Continuing Appropriations \(Introduced by Alderman Wisneski\)](#)
- E. ADJOURNMENT

"Menasha is committed to its diverse population. Our Non-English speaking population and those with disabilities are invited to contact the Menasha City Clerk at 967-3603 24-hours in advance of the meeting for the City to arrange special accommodations."

CITY OF MENASHA  
ADMINISTRATION COMMITTEE  
Third Floor Council Chambers  
140 Main Street, Menasha  
March 21, 2011  
MINUTES

A. CALL TO ORDER

Meeting called to order by Chairman Wisneski at 7:20 p.m.

B. ROLL CALL/EXCUSED ABSENCES

PRESENT: Aldermen Langdon, Hendricks, Zelinski, Englebert, Benner, Roush, Taylor, Wisneski

ALSO PRESENT: Mayor Merkes, PC Stanke, FC Auxier, DPW Radtke, CDD Keil, C/T Stoffel, Clerk Galeazzi, and the Press

C. MINUTES TO APPROVE

1. [Administration Committee, 3/7/11](#)

Moved by Ald. Taylor, seconded by Ald. Benner to approve minutes.

Motion carried on voice vote.

D. ACTION ITEMS

None

E. ADJOURNMENT

Moved by Ald. Roush, seconded by Ald. Langdon to adjourn at 7:22 p.m.

Motion carried on voice vote.

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

ATTN: City Clerk

Appeal the denial of my alcohol operator license

On 2-25-10 I went to fill out an application for my alcohol operator license. On 2-28-11 I received a letter from the city of Menasha police department, saying that I was denied. In that letter it told me to call Pamela Captain and get the details. I did speak to Pamela and I was denied for my DUI not being written on my application and having two drug charges within 7 years of each other. The reason the DUI was not on my application is because I used Wisconsin Circuit Court (C-Cap) online to search the dates of my offences. On C-Cap it only gives your criminal offences not your traffic ordinances. When I handed my application in to Mary from the MPD records department I did say verbally that my DUI didn't show up. She proceeded to take the application anyways. I would like to continue working and unfortunately not having my alcohol operator license has cut my hours. It's been hard to find a job because of my drug charges. I have been training to become a bartender for three months now and I don't want to disappoint my boss and make her feel like those three months was a waste of time. I would like to appeal the denial of my alcohol operator license to the administration committee.

Thank you for your time,  
Sincerely,  
Ashley Boelter

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## CITY OF MENASHA POLICY GUIDELINES FOR OPERATOR LICENSES

**1. Intent:** It is the responsibility of the Menasha Police Chief to screen applications for operators' licenses (bartender licenses) for the City of Menasha. The following guidelines are adopted in order to specify the reasons for denying, non-reviewing or revoking an operator's license and outlines the steps and considerations given, for any denials that are appealed to the Menasha Common Council.

All applications for operators' license applications are submitted to the Menasha Police Department for a background check. The Menasha Police Chief makes the decision on licensing by either accepting or rejecting the application.

*Due to the discretionary nature of the alcohol beverage licensing process, it is not possible to state every circumstance that may result in approval of a license application and what circumstances will result in approval of a license application. However, it is possible to enumerate what will be considered in the decision-making and what circumstances are more likely to result in the **denial** of a license application.*

Individuals granted an operator's license must act in cooperation with law enforcement to enforce the alcohol beverage laws, drunk driving laws, and assist with minimizing disturbances of the peace and maintain the safety of the community. Therefore, individuals with a past history of negative or uncooperative contacts with police agencies will be scrutinized.

It is with these goals in mind that these guidelines are adopted. Furthermore, to the extent that Wis. Statutes Ch. 125 or Menasha City Ordinances provide additional grounds for denial, suspension, revocation or non-renewal, the Police Chief may also rely on such provisions.

In the event an individual with an operator's license is considered for non-renewal, suspension or revocation, all offenses will be considered, the circumstances of which are substantially related to the license regardless of whether some of the offenses occurred prior to the adoption of these guidelines.

Upon request, a copy of these guidelines shall be provided to each person who applies for a license.

**Guidelines:** What is meant by substantially related? The law does not specifically define this term although there are many court decisions on the topic. The Wisconsin Supreme Court has stated that the purpose of the test is to assess whether the tendencies and inclinations to behave a certain way in a particular context are likely to reappear later in a related context, based on the traits revealed. The "**substantially related**" test looks at the circumstances of an offense, where it happened, when, what, etc. compared to the circumstances of the licensed activity. Where does the licensed activity typically occur, when and what is involved in performing the licensed activity, etc.

**Examples of “substantially related” in the context of an operator’s license: There is a substantial relationship between the illegal purchase, use and sale of controlled substances and engaging in bartending, which involves the purchase and sale of a closely regulated substance. The same is true for offenses involving alcohol, e.g. drunk driving, selling to underage, possession and/or consuming as an underage, committing law violations while under the influence of alcohol or drugs, etc.**

- **Guideline 1.** Provided the offense is substantially related to the circumstances of the license activity, circumstances of the offense substantially relate to the circumstances of the job or licensed activity, **any person who has been convicted of any FELONY, unless duly pardoned, does not qualify for an operator’s license.** Sec. 125.04(5)(b), Wis. Stats. (To the extent the other guidelines reference a specific offense; this guideline shall apply if the offense constitutes a *felony*.)
- **Guideline 2.** Provided the circumstances of the offense substantially relate to the circumstances of the job or licensed activity, **offense is substantially related to the circumstances of the licensed activity**, any person who has been convicted of or has a current charge pending, for two (2) or more offenses within the last seven (7) years or for two (2) or more offenses, arising out of separate incidents, within the last seven (7) years in the following subcategories, does not qualify for an operator’s license:
  - Violent crimes against the person of another, including but not limited to battery, disorderly conduct, sexual assault, injury by negligent use of a vehicle, intimidation of a victim or witness.
  - Crimes involving cooperation (or lack thereof) with law enforcement officials, including but not limited to, resisting or obstructing a police officer, bribery of public officers/employees, eluding police, bail jumping, hit and run, perjury, or acts/threats of terrorism.
  - Manufacturing, distributing, delivering a controlled substance or a controlled substance analog; maintaining a drug trafficking place; possessing with intent to manufacture, distribute, or deliver a controlled substance or a controlled substance analog. Sec. 111.335(1)(c), Wis. Stats.
- **Guideline 3.** Provided the circumstances of the offense substantially relate to the circumstances of the job or licensed activity, offense is **substantially related to circumstances of the license activity**, any person who has been convicted of or has a current charge pending, for two (2) or more offenses, arising out of separate incidents, within the last seven (7) years in the following subcategories, does not qualify for an operator’s license:
  - Disorderly conduct, criminal damage to property, solicitation of prostitution or other prostitutions-related offenses, wherein the offense involves an incident at a place that is, or should have been licensed under Wis. Stat. Ch. 125.
  - Alcohol beverage offenses (under Wis. Stat. Ch. 125 or Menasha City Ordinances).
  - Possessing a controlled substance, controlled substance analog without a valid prescription, or possessing drug paraphernalia.
  - Operating a motor vehicle while under the influence of intoxicants or drugs.

- Operating a motor vehicle with a prohibited alcohol concentration (PAC) in excess of .08% by weight.
- Open intoxicants in a public places or in a motor vehicle.

What is a **habitual law offender**? The term “habitual” refers to multiple convictions or pending charges and could include an offender with two (2) offenses occurring within a relatively short period of time. The term “offender” refers to a person with civil violations such as ordinance convictions and/or misdemeanor convictions (or pending charges), which substantially relate to the licensing activity. A legal opinion rendered by the League of Wisconsin Municipalities states that a person with two drunk driving convictions within the last couple years would be considered a habitual offender under the alcohol beverage licensing laws. Intoxicating Liquors #890 (1991). Some examples include:

- Two (2) or more offenses, each with a separate incident, within the immediately preceding one (1) year.
  - Three (3) or more offenses, each a separate incident, within the immediately preceding five (5) years.
  - Six (6) or more offenses, each a separate incident, within the preceding ten (10) years.
- **Guideline 4.** Applicants must truthfully and completely fill out applications:
    - If an applicant provides false information on an application, that application shall be denied and the applicant shall not be eligible to reapply for an operator license for a period of one (1) year from the date of denial of such application.
    - If the Police Chief determines that information was *intentionally* omitted from an application, the application shall be denied and the applicant shall not be eligible to reapply for an operator license for a period of one (1) year from the date of the denial of such application.
    - If the Police Chief determines that information was OMITTED from an application due to inadvertence, mistake or excusable neglect, the Chief may allow the applicant to submit a corrected application and recommend granting of the license, if the applicant is otherwise qualified.
  - **Guideline 5.** Recommending approval of an operator’s license application for an applicant who would otherwise be denied under these policy guidelines:
    - The Common Council may approve an operator’s license application if the application would otherwise be denied under this policy if the applicant presents substantial, credible evidence of rehabilitation. Such evidence includes letters of recommendation from Alcohol and Other Drug (“AODA”) counselors, probation agents or other relevant service providers, other professional counselors, certificates and/or letters confirming satisfactory completion of an AODA or other relevant counseling program. Any such letters shall be on the letterhead of the agency offering the recommendation in order for the letter to be considered credible evidence of rehabilitation. Any evidence must be in the form of documents submitted to the Common Council and may not be statements of the applicant at the time of the hearing.
    - The reason for any recommendation of approval of an operator’s license application under this paragraph must be clearly stated in the record.

- **Guideline 6.** If the Police Chief recommends denial of an operator's license application, the reasons for the denial must be clearly stated on the record and shall be consistent with the criteria outlines above.

#### APPEAL PROCESS FOR DENIED LICENSE APPLICATION.

If the Police Chief recommends denial of an operator's license application, the applicant has the right to file an appeal with the City Clerk within thirty (30) days and appear and be represented before the Common Council, to be heard, to present evidence in favor of the granting of the license, and to rebut the evidence presented in opposition to the granting of the license, at a hearing held within forty (40) days of the filing of such appeal.

RESOLUTION R-15-11

RESOLUTION TRANSFERRING/APPROPRIATING FUNDS

Introduced by Alderman Wisneski

WHEREAS, it is necessary for the City of Menasha to transfer funds to cover 2010 Budget overdrafts and to appropriate revenues received but not budgeted,

NOW, THEREFORE, BE IT RESOLVED by the Mayor and the Common Council concurring that the following budget transfers/appropriations be made:

A/C #	ACCOUNT NAME	AMOUNT	AMOUNT
<b>TO:</b>			
100-0202-512	PERSONNEL	\$ 1,129.17	
100-0205-512	MUNICIPAL COURT	50.00	
100-0303-542	DIAL-A-RIDE SUBSIDY	1,200.00	
100-0305-562	URBAN REDEVELOPMENT	2,354.46	
100-0402-513	CITY ASSESSOR	3,182.87	
100-0408-552	CIVIC COMMEMORATIONS	3,599.80	
100-0414-513	UNCOLLECTIBLE DEBT	15,073.83	
100-0701-533	RESTHAVEN CEMETERY	23,322.35	
100-0706-561	FORESTRY	48,169.47	
100-0805-521	PRISONER MEAL CHARGE	2,562.00	
100-0806-532	ANIMAL IMPOUNDMENT	145.38	
100-0911-531	OJA GRANT	853.67	
100-1001-514	CITY BUILDINGS	9,863.01	
100-0102-581	STEAM UTILITY OPERATIONS	154,760.19	
100-1012-541	STREET LIGHTING	31,155.73	
100-1013-541	PARKING LOTS AND METERS	14,101.43	
100-1014-543	CANAL MAINTENANCE	150.00	
100-1016-543	REFUSE COLLECT DISPOSE	15,818.16	
		-----	
		\$327,491.52	
		=====	

**FROM:**

100-432-1400	ST AID - PUBLIC HEALTH	\$ 853.67
100-465-0000	DONATIONS AND GIFTS	\$ 3,600.00
100-0201-512	CITY ATTORNEY	1,179.17
100-0304-562	COMMUNITY DEVELOPMENT	3,554.46
100-0401-513	COMPTROLLER/TREASURER	7,300.00
100-0501-522	FIRE DEPARTMENT	66,500.00
100-0702-552	RECREATION DEPARTMENT	12,500.00
100-0703-552	PARKS DEPARTMENT	59,000.00
100-0801-521	POLICE DEPARTMENT	101,000.00
100-1003-541	STREET CONSTRUCTION	72,004.22
		-----
		\$327,491.52
		=====

Passed and approved this \_\_\_\_ day of \_\_\_\_\_, 2011

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Donald Merkes, Mayor

Attest:

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Deborah A. Galeazzi, City Clerk

FISCAL NOTE: This resolution is only to cover those individual accounts which exceeded their budgeted amount or to appropriate revenues received but not budgeted for in the General Fund.

The General Fund, in its entirety, had Expenditures in excess of Revenues of approximately \$500,000 for 2010.

Thomas Stoffel, City Comptroller/Treasurer



MEMORANDUM

DATE: 31 March 2011  
TO: Council President Hendricks and the members of the City of Menasha Common Council  
FROM: City Comptroller/Treasurer Stoffel *ts*  
RE: 2010 Transferring and appropriating funds resolution

A budget is a reflection of projected workloads throughout the city, however, estimates are not always exact which necessitates a resolution to transfer funds between accounts each spring. The major changes are:

Civic Commemorations overage for fireworks is balanced by donations.

Allocation of labor between parks, forestry, and cemeteries, was not as expected, however, total allocation between the three departments was as budgeted. Equipment use was higher due to unexpected bad soils at the Jefferson Park boat launch parking lot. Grant payment for emerald ash borer planning was not received until 2011 and will be applied to 2011 income. Total budget for the four departments is balanced.

City buildings overage is due to labor for maintenance work at city hall and is offset by reduced labor costs within public works.

Steam Utility Operations expenditures for November and December, paid in December and early 2011 pushed the total over the amount budgeted

Street lighting overage consists of \$10,000 increased electric costs due to induction lights not being installed as early as planned; \$8,000 in repairs to downtown street lighting, and \$12,000 to purchase photo eyes for the induction lighting. The cost of the photo eyes will be grant refunded later in 2011.

Parking lots overage is related to snow removal costs.

Refuse collection overage is due to more hours worked than originally budgeted. This is offset with other areas of public works where staff worked less hours.

Fire department additional funds resulted from a refund received from NM Fire in 2010 of previous years remaining funds.

Police department additional funds are resulting from lower salaries, wages and benefits than budgeted and continuation of the 2008 labor agreement salaries and benefits pending completion of a new collective bargaining agreement.

Street construction was under budget due to faster than expected completion of 2010 projects.

RESOLUTION CONTINUING APPROPRIATIONS

Introduced by Alderman Wisneski

WHEREAS, it is desirous and necessary for the City of Menasha to continue some 2010 Appropriations into 2011 to finance ongoing projects,

NOW, THEREFORE, BE IT RESOLVED by the Mayor and the Common Council concurring that the following appropriations be continued:

<u>A/C #</u>	<u>ACCOUNT NAME</u>	<u>AMOUNT</u>
100-0203-512	ELECTIONS	\$ 17,000
100-0304-562	COMMUNITY DEVELOPMENT	60,000
100-0403-513	INFORMATION TECHNOLOGY DEPT	4,500
100-0501-522	FIRE DEPARTMENT	6,000
100-0703-552	PARKS DEPARTMENT	17,000
100-0704-552	SWIMMING POOL	13,000
100-0801-521	POLICE DEPARTMENT	130,000
100-0904-531	ENVIRONMENTAL HEALTH	3,132
100-0906-531	PREVENTION PROGRAM	3,890
100-0907-531	RADON GRANT	3,807
100-0909-531	DENTAL SEALANT PROGRAM	6,861
100-0913-531	LEAD PREVENTION GRANT	2,791
100-0915-531	MATERNAL CHILD HEALTH	1,026
100-0918-531	BIO TERRORISM	5,448
100-0919-531	TWENTY-FOUR/SEVEN COVERAGE	47,381
100-1002-541	ENGINEERING/PUBLIC WORKS	10,000
100-1003-541	STREET CONSTRUCTION	19,000
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	TOTAL	\$ 350,836
		=====

Passed and approved this \_\_\_\_ day of \_\_\_\_\_, 2011

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Donald Merkes, Mayor

Attest:

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Deborah A. Galeazzi, City Clerk

EXPLANATION OF CONTINUING APPROPRIATIONS  
 From 2010 into 2011

<u>A/C #</u>	<u>PURPOSE</u>	<u>AMOUNT</u>	<u>REQUESTED BY</u>
100-0203-512	Optic scan machines (4)	10,000	CLERK Galeazzi
100-0203-512	Reprogramm/Update of voting machines	7,000	CLERK Galeazzi
100-0304-562	Lake Park Marketing	10,000	DCD Keil
100-0304-562	Economic Develop Specialist	50,000	DCD Keil
100-0403-513	Outside Contract Services	4,500	COMP/TREAS Stoffel
100-0501-522	Building Costs-New Fire Station	6,000	FC Auxier
100-0703-552	Engineering/Design of Gilbert Site	17,000	PRD Tungate
100-0704-552	Pool Boiler	13,000	PRD Tungate
100-0801-521	Contract Settlement-2009/2010	130,000	PC Stanke
100-0904-531	Emergency preparedness supplies/needs	3,132	PHD Nett
100-0906-531	Additional Staff Hours	3,890	PHD Nett
100-0907-531	Additional Staff Hours/radon kits	3,807	PHD Nett
100-0909-531	Dental Hygienist hours/supplies	6,861	PHD Nett
100-0913-531	Additional Staff Hours	2,791	PHD Nett
100-0915-531	Car Seat Technician training/Add'l hours	1,026	PHD Nett
100-0918-531	Additional Staff Hours/maintenance	5,448	PHD Nett
100-0919-531	24/7 emergency coverage/communication	47,381	PHD Nett
100-1002-541	WISDOT Project/Tayco Street design	10,000	PWD Radtke
100-1003-541	Chip Seal/Crack Seal	4,000	PWD Radtke
100-1003-541	WISDOT Project/Tayco Street constructio	15,000	PWD Radtke
	TOTAL	\$ 350,836	



Memorandum

To: Administration Committee/Common Council  
From: Greg Keil, CDD *GK*  
Date: September 2, 2010  
RE: Economic Development Specialist Position

For the past several months Mayor Merkes and I have been exploring the possibilities of expanding the Economic Development Specialist position that was authorized as part of the 2010 budget. This assessment has been undertaken in response to the increasingly apparent need for the city to take a more active role in pursuing economic development opportunities through increased business promotion and attraction efforts. It is also apparent that a positive community image needs to be developed and projected if we are to have success in these endeavors.

The Economic Development Specialist position will help us develop a community branding strategy that is founded on community assets ranging from the city's work force to its parks. It will also provide the business community with technical assistance to develop a Business Improvement District plan and create the momentum needed for the plan's implementation. Looking forward, it is our expectation that the Business Improvement District together with other private funding would provide the majority of the funding needed to support these functions on an ongoing basis

Understanding the city's financial challenges, we have tried to structure an expanded position in such a way as to minimize its impact on the budget. As proposed the Economic Development Specialist Position could be funded with no increase in the Community Development Department budget through 2011. In general we're proposing to accomplish this by stretching 2010 budgeted funds into 2011 and by looking look to other private resources to carry the position going forward.

In order to attract a high caliber person to fill this position, we feel the salary needs to be in the \$60,000 range. With benefits, the annual compensation would be about \$81,000. The ensuing describes the funding sources to support this position:

October – December 2010 Compensation:	\$20,200
Funding Sources	
Com. Dev. Salary & Wages Acct.	\$15,000
Com. Dev. Prof. Services. Acct.	<u>5,200</u>
	\$20,200
January - December 2011 Compensation:	\$81,000
Funding Sources	
Com. Dev. Salary & Benefit Carryover	\$21,100
Com. Dev. Site Marketing Carryover	10,000
Com. Dev. Prof. Services Carryover	20,000
Econ Dev. Spec. 2011 Budget*	19,200
Interns 2011 Budget*	6,700
Com. Dev. 2011 Prof. Services Budget	<u>4,000</u>
	\$81,000

\*Same amounts budgeted in 2010