

CITY OF MENASHA
COMMON COUNCIL
Third Floor Council Chambers
140 Main Street, Menasha
Monday, October 7, 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 Keehan, Zelinski, Englebert, Benner, Nichols, Taylor, Sevenich, Langdon

ALSO PRESENT: Mayor Merkes, CA/HRD Captain, PC Styka, DFC DeLeeuw, DPW Radtke, CCD Keil, PRD Tungate, LD Lenz, ASD Steeno, Clerk Galeazzi, the Press

DEPT. HEAD EXCUSED: PHD Nett

D. PUBLIC HEARING

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

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

Dr. Kamaljit Paul, representative of Sikh Temple of the Fox Valley. Request Council forgo 2011 taxes for Sikh Temple

Anil Arora, Appleton. Support Sikh Temple in request to forgo 2011 taxes.

Thomas Kaufman, 536½ Sixth Street, Menasha. Request Council approve his Beverage Operators License.

Mark Geisthardt, Sr. Pastor of First United Methodist Church, Neenah. Support Sikh Temple in request to forgo 2011 taxes.

Kanan Kumrah, Green Bay. Support Sikh Temple in request to forgo 2011 taxes.

James Taylor, 340 Broad Street, Menasha. Suggest forming Ad-Hoc Committee to do efficiency/facility study.

F. REPORT OF DEPARTMENT HEADS/STAFF/CONSULTANTS

1. Mayor Merkes – Introduce Administrative Services Director Margaret (Peggy) Steeno

Mayor Merkes introduced ASD Peggy Steeno to the Council. ASD Steeno gave a brief background about herself.

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

Minutes to receive:

- a. [Board of Health, 8/14/13](#)
- b. [City Hall Safety Committee, 8/1/13](#)
- c. [Committee on Aging, 8/1/13](#)
- d. [Landmarks Commission, 8/28/13](#)
- e. [Library Board, 9/19/13](#)
- f. [Neenah-Menasha Fire Rescue Joint Finance & Personnel Committee, 9/24/13](#)
- g. [Neenah-Menasha Sewerage Commission, 9/5/13](#)
- h. [Personnel Committee, 9/16/13](#)
- i. [Plan Commission, 9/10/13](#)
- j. [Public Works/Parks Safety Committee, 8/27/13](#)

Communications

- k. [Brian Tungate, PRD, to Mayor Merkes and the Common Council, 10/2/13; Gilbert Site Grant](#)
- l. [Joshua Falk, WisDOT, to Mark Radtke, 9/9/13; US Hwy. 41 Menasha Sign](#)
- m. [Department of Public Works July/August 2013 Disposal Violations, 9/18/13](#)
- n. [VFW Post 2126 to Common Council, 9/24/13](#)
- o. [Community Foundation for the Fox Valley Region to Mayor Don Merkes, 9/26/13; K-9 Unit Donation](#)
- p. [Menasha Historical Society News, October 2013](#)

Moved by Ald. Benner, seconded by Ald. Keehan to receive Minutes and Communications A-P.
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, 9/16/13](#)

NMFR Joint Finance & Personnel Committee, 9/24/13 – Recommends the Approval of:

2. [Accepting the proposal from Affinity Occupational Health for a total of \\$12,798.50 and all services, with the exception of the lab work, to be performed in 2014.](#)

Personnel Committee, 9/16/13 – Recommends the Approval of:

3. [Healthy Workplace Policy \(Anti-Bullying\)](#)

Moved by Ald. Benner, seconded by Ald. Englebert to approve Consent Agenda Items 1-3.
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 9/19/13 to 10/03/13 in the amount of \\$1,246,962.86.](#)

Moved by Ald. Nichols, seconded by Ald. Langdon to approve accounts payable and payroll.
Motion carried on roll call 8-0.

2. [Change of trade name for Mr. Taco LLC, 403 Racine Street, Menasha from Mr. Taco to Mrs. Fajitas](#)

Moved by Ald. Nichols, seconded by Ald. Langdon to approve change of trade name for Mr. Taco LLC, 403 Racine Street, Menasha from Mr. Taco to Mrs. Fajitas.
Motion carried on roll call 8-0.

3. [Reserve "Class B" liquor license application for Margaritaville Lounge LLC, d/b/a Margaritaville, 6 Tayco Street, Menasha, Marco A. Rodriguez Contreras, agent, to deal in intoxicating liquor and fermented malt beverages for the 2013-2014 licensing year.](#)

Moved by Ald. Nichols, seconded by Ald. Langdon to approve Reserve "Class B" liquor license application for Margaritaville Lounge LLC, d/b/a Margaritaville, 6 Tayco Street, Menasha, Marco A. Rodriguez Contreras, agent, to deal in intoxicating liquor and fermented malt beverages for the 2013-2014 licensing year.
Motion carried on roll call 8-0.

4. [Reserve "Class B" liquor license application for Shelly Lynn VanDehy, d/b/a Sliders Bar and Grill, 890 Lake Park Road, Menasha to deal in intoxicating liquor and fermented malt beverages for the 2013-2014 licensing year.](#)

Moved by Ald. Nichols, seconded by Ald. Benner to approve Reserve "Class B" liquor license application for Shelly Lynn VanDehy, d/b/a Sliders Bar and Grill, 890 Lake Park Road, Menasha to deal in intoxicating liquor and fermented malt beverages for the 2013-2014 licensing year.
Discussion: Clerk Galeazzi reported a concern from a resident in Lake Park Villas area regarding excessive noise from the previous businesses. A copy of the City's ordinances on excessive noise and licensed establishments will be provided to Ms. VanDehy.
Motion carried on roll call 8-0.

5. [Outdoor Alcoholic Beverage Permit for 2013-2014 licensing year for Shelly Lynn VanDehy, d/b/a Sliders Bar and Grill, 890 Lake Park Road, Menasha.](#)

Moved by Ald. Nichols, seconded by Ald. Englebert to approve Outdoor Alcoholic Beverage Permit for 2013-2014 licensing year for Shelly Lynn VanDehy, d/b/a Sliders Bar and Grill, 890 Lake Park Road.
Motion carried on roll call 8-0.

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

Moved by Ald. Nichols, seconded by Ald. Englebert to approve Beverage Operators License applications for the 2013-2015 licensing period for Amanda Becker, Lisa Young and Ashley Siebers.
Motion carried on roll call 8-0.

Moved by Ald. Nichols, seconded by Ald. Englebert to deny Beverage Operators License application for the 2013-2015 licensing period for Thomas Kaufman.

General discussion ensued on recommendation from Police Dept.; following City guidelines and State Statutes.

Motion failed on roll call 4-4.

Ald. Nichols, Taylor, Sevenich, Langdon voted yes.

Ald. Keehan, Zelinski, Englebert, Benner voted no.

Moved by Ald. Zelinski, seconded by Ald. Keehan to approve Beverage Operators License application for the 2013-2015 licensing period for Thomas Kaufman.

Motion carried on roll call 8-0.

7. [Accept and move forward with application for the Alcohol Traffic Enforcement Grant 2013-2014](#)

Moved by Ald. Nichols, seconded by Ald. Englebert to accept and move forward with application for the Alcohol Traffic Enforcement Grant 2013-2014.

Motion carried on roll call 8-0.

J. ORDINANCES AND RESOLUTIONS

1. [R-15-13 – Resolution to Return the August Settlement to Winnebago County of the City's Portion of 2011 Property Taxes for 1304 Midway Road. \(Introduction by Ald. Taylor and Ald. Sevenich\)](#)

Moved by Ald. Englebert, seconded by Ald. Sevenich to adopt R-15-13 Resolution to Return the August Settlement to Winnebago County of the City's Portion of 2011 Property Taxes for 1304 Midway Road.
General discussion ensued on State Statute timelines; payment will need to come from City funds as the County has reimbursed City of taxes on this property; resolution only covers City's portion of taxes not other tax entities; requested a copy of the resolution be sent to the other tax entities.

Moved by Ald. Nichols to hold item until next meeting. No second, motion dies.

Motion to adopt R-15-13 carried on roll call 7-1. Ald. Nichols voted no.

K. APPOINTMENTS

1. Mayor's reappointment of Sue Pawlowski, 1249 Meadowview Dr., Menasha, to the Parks and Recreation Board for the term of October 2013-October 2016.

Moved by Ald. Benner, seconded by Ald. Englebert to approve Mayor's reappointment of Sue Pawlowski to Parks and Recreation Board for the term October 2013 to October 2016

Motion carried on voice vote.

2. [Mayor's appointment of Tom Marshall, 1166 Fieldview Dr., Menasha, to the Parks and Recreation Board for the term of October 2013-October 2016.](#)

Moved by Ald. Benner, seconded by Ald. Englebert to approve Mayor's appointment of Tom Marshall to Parks and Recreation Board for the term October 2013 to October 2016

Motion carried on voice vote.

3. Mayor's appointment of John Ruck, 1108 Stardust Dr., Menasha; Tom Stoffel, 1041 Garda Ct., Menasha; Lee Murphy, 812 Ida St., Menasha; Sue Steffen, 936 London St., Menasha; Mary Lueke, 836 Ida St., Menasha; Joyce Klundt, 976 8th St., Menasha; and Greg Keil, Government Representative, to the Community Development Block Grant Citizen Participation Ad-Hoc Committee.

Moved by Ald. Benner, seconded by Ald. Englebert to approve Mayor's appointment of John Ruck, Tom Stoffel, Lee Murphy, Sue Steffen, Mary Lueke, Joyce Klundt, and Greg Keil, Government Representative, to the Community Development Block Grant Citizen Participation Ad-Hoc Committee. Motion carried on voice vote.

L. HELD OVER BUSINESS

M. CLAIMS AGAINST THE CITY

1. [Recommended by the Neenah-Menasha Fire Rescue Joint Finance and Personnel Committee to approve Claim 12-14, Gary & Kathy Skibba vs. City of Neenah and City of Menasha, settlement for a total of \\$11,000.](#)

Moved by Ald. Benner, seconded by Ald. Englebert to approve Claim 12-14, Gary and Kathy Skibba vs. City of Neenah and City of Menasha, settlement for a total of \$11,000

Discussion: CA/HRD Captain explained the investigation and recommendation. Attorneys from Neenah and Menasha agree on the settlement.

Motion carried on roll call 8-0.

2. May adjourn into closed session pursuant to Wis. Stats. Sec. 19.85(1)(g) for the purpose of conferring with legal counsel who will render oral or written advice regarding Claim 12-14, Gary & Kathy Skibba.

No action

N. PUBLIC COMMENTS ON ANY MATTER LISTED ON THE AGENDA

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

No one spoke.

O. ADJOURNMENT

Moved by Ald. Englebert, seconded by Ald. Benner to adjourn at 7:21 p.m.

Motion carried on voice vote.

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