

CITY OF MENASHA  
COMMON COUNCIL  
Third Floor Council Chambers  
140 Main Street, Menasha  
Monday, June 17, 2013  
MINUTES

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, CDD Keil,  
Dpty Treasurer Sassman, PRD Tungate, LD Lenz, Clerk Galeazzi

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)

No one spoke.

F. REPORT OF DEPARTMENT HEADS/STAFF/CONSULTANTS

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

Minutes to receive:

- a. [Board of Health, 4/10/13](#)
- b. [Board of Public Works, 6/3/13](#)
- c. [Committee on Aging, 4/11/13](#)
- d. [Landmarks Commission, 5/23/13](#)
- e. [Personnel Committee, 6/3/13](#)
- f. [Parks and Recreation Board, 5/13/13](#)
- g. [Public Works/Park Safety Committee, 4/23/13](#)
- h. [Safety Committee, 4/4/13](#)
- i. [Water & Light Commission, 5/22/13](#)

Communications:

- j. [Kara Homan, 6/7/13; "Connect Communities" Downtown Menasha Workshop Tour & Workshop](#)
- k. [Mayor Merkes, 6/12/13; Fox Cities EDC Presentation "Making Regionalism Work-The Charlotte Story"](#)
- l. [New Alchemy Energy Partners to Mayor Merkes, 5/13/13; Potential working relationship with NAEP](#)

Moved by Ald. Benner, seconded by Ald. Langdon to receive Minutes and Communications 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, 6/3/13](#)

Board of Public Works, 6/3/13; Recommends approval of:

2. [Street Use Application – Community First Fox Cities Marathon; Sunday, September 22, 2013; 6:00 AM – 2:00 PM \(Community First Credit Union\)](#)
3. [Recommendation to Award; West Sedimentation Basin Repair Project; Front Range Environmental; \\$47,801.00 \(Menasha Utilities\)](#)

Personnel Committee, 6/3/13; Recommends approval of:

4. [To adopt the salary range schedule including step increases for Deputy Clerk/Administrative Assistant Position.](#)

Ald. Zelinski requested to removed item 4, (adopt salary range schedule including step increases for Deputy Clerk/Administrative Assistant position) from Consent Agenda.

Moved by Ald. Benner, seconded by Ald. Langdon to approved Consent Agenda items 1-3  
Motion carried on roll call 7-1. Ald. Langdon voted no.

Moved by Ald. Sevenich, seconded by Ald. Taylor to reconsider motion to approve Consent Agenda Items 1-3.  
Motion carried on roll call 8-0.

Moved by Ald. Benner, seconded by Ald. Langdon to approve Consent Agenda items 1-3.  
Motion carried on roll call 8-0.

#### H. ITEMS REMOVED FROM CONSENT AGENDA

Moved by Ald. Englebert, seconded by Ald. Keehan to approved Consent Agenda item 4, to adopt the salary range schedule including step increases for Deputy Clerk/Administrative Assistant position  
Motion carried on roll call 6-2.

Ald. Nichols, Taylor, Sevenich, Keehan, Englebert, Benner voted yes  
Ald. Zelinski, Langdon voted no

#### I. ACTION ITEMS

1. [Accounts payable and payroll for the term of 6/6/13 to 6/13/13 in the amount of \\$821,409.10.](#)

Moved by Ald. Nichols, seconded by Ald. Englebert to approve accounts payable and payroll.  
General discussion ensued on expenditures.  
Motion carried on roll call 8-0.

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

Moved by Ald. Keehan, seconded by Ald. Zelinski to approve Beverage Operators License Applications as submitted.  
Motion carried on roll call 8-0.

3. [Liquor License Applications for 2013-2014 licensing year.](#)

Moved by Ald. Zelinski, seconded by Ald. Benner to approve liquor license applications for 2013-2014 licensing year as submitted.  
Motion carried on roll call 8-0.

4. Due Process Hearing for Liquor License Applications Denied – if necessary

- a) Stop N Go, LLC, d/b/a Stop N Go, 1200 Plank Road, Menasha  
Clerk Galeazzi reported Stop N Go, LLC is now compliant with all liquor license requirements.

Moved by Ald. Benner, seconded by Ald. Englebert to approve liquor license application for Stop N Go, LLC, d/b/a Stop N Go, 1200 Plank Road, Menasha.  
Motion carried on roll call 8-0.

- b) Beyer Properties LLC, d/b/a Fox Cinema Café, 400 Third Street, Menasha  
Clerk Galeazzi reported personal property taxes are unpaid and the property does not conform to fire safety requirements as per City Code of Ordinances. The building's fire sprinkler and fire alarm system must be properly serviced by a qualified service company.

Moved by Ald. Englebert, seconded by Ald. Langdon to deny the liquor license application for Beyer Properties LLC, d/b/a Fox Cinema Café, 400 Third Street, Menasha as there are unpaid personal property taxes and the property does not conform to safety requirements as per City Code of Ordinances.  
Motion carried on roll call 8-0.

c) Hank's Fifth Ward Tavern, LLC, d/b/a Hank's Tavern, 600 Broad Street, Menasha  
Clerk Galeazzi reported the applicant did not disclose on the liquor license application a misdemeanor conviction which could be considered as a false statement on the application. The applicant submitted a letter explaining it was inadvertently missed when completing the application. The conviction was not Intentionally omitted from the application. According to the City Guidelines the misdemeanor conviction would not be grounds to deny the application. The application has been amended to include the information omitted. Staff recommends approving the amended application.

Moved by Ald. Sevenich, seconded by Ald. Taylor to approve the amended liquor license application for Hank's Fifth Ward Tavern, LLC, d/b/a Hank's Tavern, 600 Broad Street, Menasha.  
Motion carried on roll call 8-0.

d) Neenah-Menasha Elks Club #676, 328 Nicolet Blvd., Menasha  
Clerk Galeazzi reported the applicant did not disclose on the liquor license application a misdemeanor conviction which could be considered as a false statement on the application. The applicant explained to Clerk Galeazzi it was inadvertently missed when completing the application. The conviction was not Intentionally omitted from the application. According to the City Guidelines the misdemeanor conviction would not be grounds to deny the application. The application has been amended to include the conviction information. Staff recommends approving the amended application.

Moved by Ald. Sevenich, seconded by Ald. Taylor to approve the amended liquor license application for Neenah-Menasha Elks Club #676, 328 Nicolet Blvd., Menasha.  
Motion carried on roll call 8-0.

e) Mr. Taco LLC, d/b/a Mr. Taco, 403 Racine Street, Menasha  
Clerk Galeazzi reported false statements were made on the liquor license application. The applicant did clarify to Clerk Galeazzi a misunderstanding when completing the application. One of the applicants did not pass the background check in accordance with the State or City guidelines. Also the real estate taxes are delinquent. Staff is recommending denying the liquor license renewal application because the member of the LLC does not possess the qualification required under Chapter 125 of Wisconsin State Statute to hold the license (habitual law offender), and Menasha Code of Ordinances, Sec. 7-2-9(b), Financial claims of the City are delinquent and unpaid (Real Estate Taxes).  
CA/HRD Captain reported the attorney for Mr. Taco LLC has contacted her and asked for a Due Process Hearing.

Moved by Ald. Sevenich, seconded by Ald. Taylor to hold for a Due Process Hearing.  
Item is held.

f) Mr. Frog's Nightclub LLC, d/b/a Mr. Frog's Nightclub, 6 Tayco Street, Menasha  
Clerk Galeazzi reported false statements were made on the liquor license application. The applicant did clarify to Clerk Galeazzi a misunderstanding when completing the application. One of the applicants did not pass the background check in accordance with the State or City guidelines. Staff is recommending denying the liquor license renewal application because the member of the LLC does not possess the qualification required under Chapter 125 of Wisconsin State Statute to hold the license (habitual law offender).

CA/HRD Captain reported the attorney for Mr. Frog's Nightclub LLC has contacted her and asked for a Due Process Hearing.

Moved by Ald. Sevenich, seconded by Ald. Taylor to hold for a Due Process Hearing.  
Item is held.

5. [Outdoor Alcoholic Beverage Permit for 2013-2014 licensing year.](#)

Moved by Ald. Zelinski, seconded by Ald. Langdon to approve Outdoor Alcoholic Beverage Permit for 2013-2014 licensing year as submitted.

Motion carried on roll call 8-0.

6. [First Amendment to Lease and Management Agreement for Heckrodt Wetland Reserve, Dated May 16, 2005](#)

Moved by Ald. Sevenich, seconded by Ald. Langdon to approve First Amendment to Lease and Management Agreement for Heckrodt Wetland Reserve, Dated May 16, 2005.

Discussion ensued on the terms of the lease.

Moved by Ald. Taylor, seconded by Ald. Sevenich to amend to change the word "Preserve" to "Reserve" in Appendix B2.

Motion on amendment carried on voice vote.

Motion as amended carried on roll call 8-0.

J. ORDINANCES AND RESOLUTION

K. APPOINTMENTS

1. Mayor's reappointment of Ray Zielinski, 602 School Ct., Menasha, to Board of Review for the term of 7/1/2013 to 7/1/2018.

Moved by Ald. Langdon, seconded by Ald. Zelinski to approve Mayor's reappointment of Ray Zielinski to Board of Review for the term of 7/1/2013 to 7/1/2018.

Motion carried on voice vote.

2. Mayor's reappointment of Rebecca Nichols, 402 Elm St., Menasha, to the Library Board for the term of 7/1/2013 to 7/1/2016.

Moved by Ald. Langdon, seconded by Ald. Zelinski to approve Mayor's reappointment of Rebecca Nichols to the Library Board for the term of 7/1/2013 to 7/1/2016.

Motion carried on roll call 8-0.

L. HELD OVER BUSINESS

1. [Tower and ground space lease agreement between City of Menasha and Sprint Spectrum L.P. at 455 Baldwin Street. \(held 6/3/13\)](#)

CA/HRD Captain explained she has not received the revised agreement back from Sprint Spectrum L.P.

Moved by Ald. Langdon, seconded by Ald. Benner to table this item.

Motion carried on roll call 8-0.

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. ADJOURN

Moved by Ald. Langdon, seconded by Ald. Benner to adjourn at 6:46 p.m.

Motion carried on voice vote.

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