

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
July 21, 2014
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, 7/7/14](#)

D. DISCUSSION/ACTION ITEMS

1. [O-16-14 Substitute Amendment #1 An Ordinance Creating Title 7, Chapter 14 of the Code of Ordinance \(Relating to the Short-Term Rental of Dwelling Units\) \(Introduced by Ald. Zelinski\) \(Held 7/7/14\)](#)
2. [O-21-14 An Ordinance Relating to the Annexation of Certain Property to the City of Menasha, Wisconsin \(Burroughs Annexation\) \(Introduced by Mayor Merkes\)](#)

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
July 7, 2014
MINUTES

A. CALL TO ORDER

Meeting called to order by Chairman Nichols at 6:46 p.m.

B. ROLL CALL/EXCUSED ABSENCES

PRESENT: Aldermen Taylor, Sevenich, Langdon, Keehan, Zelinski, Englebert, Benner, Nichols

ALSO PRESENT: Mayor Merkes, CA/HRD Captain, PC Styka, FC Auxier, DPW Radtke, CDD Keil, PP Homan, ASD Steeno, PRD Tungate LD Lenz, Clerk Galeazzi

C. MINUTES TO APPROVE

1. [Administration Committee, 5/19/14 \(held\)](#)

Moved by Ald. Englebert, seconded by Ald. Benner to approve minutes.
Motion carried on voice vote.

2. [Administration Committee, 6/2/14](#)

Moved by Ald. Englebert, seconded by Ald. Benner to approve minutes.
Motion carried on voice vote.

D. DISCUSSION/ACTION ITEMS

1. [O-16-14 An Ordinance Creating Title 7, Chapter 14 of the Code of Ordinance \(Relating to the Short-Term Rental of Dwelling Units\)](#)

CDD Keil explained a request for a Special Use Permit from Fox Lodge, the student housing on Midway Road, to allow short term rental of the facility when school is not in session. The proposed ordinance addresses short term rental of all dwelling units and establishes criteria for short term rentals.

Moved by Ald. Benner, seconded by Ald. Keehan to recommend to Common Council O-16-14 An Ordinance Creating Title 7, Chapter 14 of the Code of Ordinance (Relating to the Short-Term Rental of Dwelling Units)

General discussion ensued on the benefit to the City and residents to allow short-term rental; restricting number of days of rental; responsibility of owner to report room tax; enforcement.

Moved by Ald. Taylor, seconded by Ald. Sevenich to hold this item.
Item held.

E. ADJOURNMENT

Moved by Ald. Taylor, seconded by Ald. Keehan to adjourn at 7:05 p.m.
Motion carried on voice vote.

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

ORDINANCE O - 16 - 14
SUBSTITUTE AMENDMENT #1

AN ORDINANCE CREATING TITLE 7, CHAPTER 14 OF THE CODE OF ORDINANCE
(Relating to the Short-Term Rental of Dwelling Units)

Introduced by Alderman Zelinski.

The Common Council of the City of Menasha does ordain as follows:

SECTION 1: Purpose. The purpose of this chapter is to protect the character and stability of the city's neighborhoods by limiting and regulating short-term rental of dwelling units and to ensure that accommodations adequately provide for the health, safety and welfare of their occupants.

SECTION 2: Transient Rental Occupancy Requirements.

A. No person shall occupy, use, operate or manage, nor offer or negotiate to use, lease, or rent a dwelling unit for short-term rental occupancy unless a short-term rental permit has been issued to the owner of that dwelling.

B. The rental of a dwelling, or portion thereof for short-term occupancy shall be considered a motel and be subject to compliance with the requirements of Municipal Code, Chapter 10, Hotel and Motel Room Tax.

C. A short-term rental permit is issued to a specific owner of a dwelling unit(s) and is not transferable.

D. For the purposes of this subsection, an individual tenancy means a specific person or group of persons who together occupy or are entitled to occupy a short-term rental dwelling unit(s).

E. The minimum duration of tenancy for an individual occupant shall be one day ~~two consecutive days~~.

F. The use of a dwelling for short-term occupancy shall not exceed one individual tenancy within fourteen consecutive calendar days.

G. An individual tenancy described in Section 2 (F) shall commence on the first day that the person(s) that constitute the individual tenancy occupy or are entitled to occupy the dwelling unit.

H. The short-term rental occupancy of a dwelling unit, as permitted by subsection A of this section shall comply with the standards of Section 3.

SECTION 3: Standards.

A. The short-term rental occupancy of a dwelling unit, as permitted by Section 2, shall comply with the following standards:

1. Permit.

a. Any person who is permitted to engage in the rental of a dwelling for short-term occupancy, pursuant to Section 2(A)(1), shall make application to the city, upon suitable forms furnished by the city, for a revocable transient rental permit accompanied by a fee as may be established by the Common Council. The term of the permit shall be one (1) year commencing from the date of permit issuance and must be renewed annually. If complete application and applicable fee has not been received by the city within 10 days of the termination date, the short-term rental occupancy of the dwelling unit(s) shall be conclusively presumed to be discontinued and the city shall commence the revocation of the permit pursuant to the procedure described in Section 4(B).

b. The city shall issue the permit where it finds the standards of subsection (A)(2) of this section are met.

2. The issuance of a short-term rental permit shall be subject to the following:

a. Inspection.

i. At the time of application for a new short-term rental permit pursuant to Section 3(A)(1) the dwelling unit(s) shall be subject to inspection by the building official or his designee. The purpose of the inspection is to determine the conformance of the dwelling with the requirements of Section 15-5 of the Housing Code of the City of Menasha. Prior to the issuance of the short-term rental permit, the owner of the dwelling unit(s) shall make all necessary alterations to the dwelling required by the building official pursuant to the Housing Code of the City of Menasha and the Health Department official pursuant to Department of Health Services 195 of the Wisconsin Administrative Code.

b. Occupancy.

i. The maximum occupancy for the dwelling shall be two persons per bedroom and two additional persons (e.g., a two-bedroom dwelling is permitted a maximum occupancy of six persons). The maximum occupancy may be further limited by the requirements of subsection (A)(2)(e) of this section. For the purpose of establishing occupancy, a person is defined as an individual at least two years of age.

ii. The maximum occupancy on the property shall be that determined by the occupancy of the dwelling unit(s), per subsection (4)(2)(b)(i) of this section. No recreational vehicle, travel trailer, tent or other temporary shelter shall be used by any tenant on the premises for living or sleeping purposes.

iii. When an owner applies for a building permit for a dwelling that has a short-term rental occupancy permit that will increase the occupancy of that dwelling unit(s), the owner will provide the city documentation that additional off-street parking as required by subsection (A)(2)(e) of this section will be provided.

c. Short-term Rental Room Tax. Compliance with the requirements for the Municipal Code, Chapter 10, Hotel and Motel Room Tax is required.

d. Local Representative.

i. The property owner shall designate a local representative for the short-term rental. For short-term rentals with three or more rental units, there shall be a local representative who permanently resides on the premises.

ii. The property owner or the designated local representative shall maintain a guest and vehicle registry for each tenancy of the short-term rental. The register shall include the names, home addresses and phone numbers of the tenants; the vehicle license plate numbers of all vehicles used by the tenants, and the dates of the rental period. The above information must be available for city inspection upon request; failure to maintain or provide the required information constitutes a violation and is grounds for a penalty pursuant to Section 4.

iii. The local representative must be authorized by the owner of the dwelling to respond to tenant and neighborhood questions or concerns. The local representative shall serve as the initial contact person if there are questions or complaints regarding the operation of the dwelling for short-term rental purposes. The local representative must respond to those complaints in a timely manner to ensure that the use of the dwelling complies with the standards for short-term rental occupancy, as well as other pertinent city ordinance requirements pertaining to noise, disturbances, or nuisances, as well as state law pertaining to the consumption of alcohol, or the use of illegal drugs.

iv. If the police department is not able to contact the local representative in a timely manner more than twice during the term of the annual permit, this shall be considered a violation pursuant to Section 5 and that violation shall be counted in the number of violations assessed against the permit pursuant to Section 4.

v. The designated local representative may be changed by the permit holder from time to time throughout the term of the permit. However, to change the local representative, the permit holder must file a revised permit application that includes the name, address and telephone number of the new local representative. Failure to notify the city of a change in the local representative constitutes a violation pursuant to Section 4B and that violation shall be counted in the number of violations assessed against the permit pursuant to Section 4.

vi. The city will notify property owners and or residents within two hundred feet of the dwelling of the name, address and telephone number of the owner or the local representative. The purpose of this notification is so that adjacent property owners and residents can contact the responsible person to report and request the resolution of problems associated with the operation of the short-term rental.

e. Parking. One off-street parking space shall be provided for each three persons of dwelling occupancy, as determined by subsection (A)(2)(b)(i) of this section; fractions shall be rounded to the next highest whole number (e.g., a dwelling with a permitted occupancy of eight persons shall provide three off-street parking spaces.) Each parking space shall be not less than 9 feet in width and not less than 171 square feet in area. Where the number of parking spaces required by this section cannot be provided on-site, the permitted occupancy of the dwelling shall be reduced to conform to the available amount of off-street parking (e.g., a dwelling with a potential occupancy, pursuant to subsection (A)(2)(b) of this section, of eight persons, which provides only two off-street parking spaces shall have its occupancy limited to six persons.) No more vehicles shall be parked on the property than there are designated off-street parking spaces.

f. Permit Posting. The short-term rental permit shall be posted within the dwelling adjacent to the front door. At a minimum, the permit will contain the following information:

- i. The name of the local representative and a telephone number where the representative may be reached;
- ii. The name and a telephone number where the property owner can be reached;
- iii. The telephone number of the Menasha Police Department;
- iv. The maximum number of occupants permitted to stay in the dwelling;
- v. The maximum number of vehicles allowed to be parked on the property; and
- vi. The number and location of on-site parking spaces.

SECTION 4: Violations and Penalties.

A. Violations. The following conduct shall constitute a violation for which the penalties and sanctions specified in Section 4B may be imposed.

1. Any property owner, or person acting as an agent for the property owner, such as a motel, real estate broker or property manager, who arranges or otherwise provides for short-term rental occupancy of a dwelling unit in violation of the provisions of this section; or
2. The owner has failed to comply with the standards of Section 3; or

3. The owner has failed to pay the room tax as required by Municipal Code, Chapter 10, Hotel and Motel Room Tax; or

4. The tenants of the dwelling have created noise, disturbances, or nuisances, in violation of the city municipal code, or violations of state law pertaining to the consumption of alcohol, or the use of illegal drugs.

B. Penalties.

1. The permit holder is subject to the following penalties: written notice of violation, suspension, or revocation of the license.

a. *Written Notice of Violation.* The city shall provide the permit holder with a written notice of any violation of this section that has occurred. If applicable, a copy of the warning notice shall be sent to the local representative.

b. *Suspension or Revocation of License.* The city shall provide the permit holder with a written notice of the permit suspension or revocation and the reason for that suspension or revocation. The Administration Committee shall conduct a due process hearing. During the hearing the permit holder may present such evidence as may be relevant. At the conclusion of the hearing, based on the evidence it has received, the Administration Committee may uphold, modify, or overturn the decision to suspend or revoke the permit based on the evidence it received.

2. A person who has had a short term rental occupancy permit revoked shall not be permitted to apply for a short term rental occupancy permit until at least one year has lapsed since the date of revocation.

SECTION 5: This Ordinance shall become effective upon its passage and publication as provided by law.

Passed and approved this _____ day of _____, 2014.

Donald Merkes, Mayor

ATTEST:

Deborah A. Galeazzi, City Clerk

ORDINANCE O - 21 - 2014

AN ORDINANCE RELATING TO THE ANNEXATION OF CERTAIN PROPERTY TO THE CITY OF MENASHA, WISCONSIN (Burroughs Annexation)

Introduced by Mayor Merkes.

The Common Council of the City of Menasha does ordain as follows:

SECTION 1: Territory Annexed. (Majority Annexation) In accordance with Sec. 66.0217(3)(a) Wis. Stats., and the Petition for Annexation filed with the City Clerk on the 2nd day of July, 2014, signed by the majority of owners of land in the following described territory in the Town of Menasha, Winnebago County, Wisconsin, is annexed to the City of Menasha, Winnebago County, Wisconsin.

Legal description:

PARCEL "A"

That part of the Northwest 1/4 of the Northwest 1/4 of Section 13, Township 20 North, Range 17 East, in the Town of Menasha, Winnebago County, Wisconsin, described as follows:

Commencing at the Northwest corner of said Section 13, thence South 89°06' 52" East 331.01 feet, along the North line of the said Northwest 1/4; thence South 00°02'54" West 213.44 feet, to the point of beginning; thence South 00°02'54" seconds West 19.35 feet, along the East right-of-way line of Woodland Drive; thence South 44°53'55" East 218.05, along the west line of Lot One (1) of Certified Survey Map No. 6822, as filed in Volume 1 of Survey Maps on Page 6822, recorded on March 21, 2014 as Doc. No. 1660046, Winnebago County Register of Deeds; thence South 44°41'31" East 166.94 feet along said West line; thence North 45°18'29" East 197.84 feet, along the south line of said Lot 1; thence North 31°03'01" West 173.87 feet, along the east line of said Lot 1; thence North 89°13'13" West 322.30 feet, along the north line of said Lot 1, to the point of beginning, containing 1.51 acres.

Parcel "B"

That part of the Southeast Quarter of the Southeast Quarter (SE 1/4 of the SE 1/4), Section Ten (10), Township Twenty (20) North, Range Seventeen (17) East, in the Town of Menasha, Winnebago County, Wisconsin, described as follows: Commencing at a point that is 538 feet North and 660 feet West of the Southeast corner of said Section 10, the point of beginning; thence North 146 feet; thence East to the Westerly line of County Trunk Highway "P"; thence Southwesterly, along the Westerly line of said Highway to a point due East of the point of beginning; thence due West to the point of beginning, containing 1.49 acres.

The population of the described parcels is 0.

SECTION 2: Effect of Annexation. From and after the date of this Ordinance, the territory described in Section 1 shall be a part of the City of Menasha for any and all purposes provided by law and all persons coming or residing within such territory shall be subject to all ordinances, rules and regulations governing the City of Menasha.

SECTION 3: Pursuant to the recommendation of the Plan Commission, the temporary zoning classification for the annexed territory is as follows: Parcel A, R-1 Single Family District and Parcel B, C-1 General Commercial.

SECTION 4: Aldermanic District Designation. The territory described in Section 1 of this Ordinance as Parcel A is hereby made a part of Aldermanic District 6, Ward 30. The territory described

in Section 1 of this Ordinance as Parcel B is hereby made a part of Aldermanic District 4, Ward 31. All subject to the ordinances, rules and regulations of the City governing wards and aldermanic districts.

SECTION 5: Severability. If any provision of this Ordinance is invalid or unconstitutional, or if the application of this Ordinance to any person or circumstance is invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the other provisions or applications of this Ordinance which can be given effect without the invalid or unconstitutional provision or application.

SECTION 6: This Ordinance shall become effective upon its passage and publication as provided by law.

Passed and approved this ____ day of July, 2014.

Donald Merkes, Mayor

ATTEST:

Deborah A. Galeazzi, City Clerk



MEMORANDUM

TO: Administration Committee

FROM: Greg Keil, CDD 

DATE: July 16, 2014

RE: Annexation Impact Report – Kay V. Burroughs Trust

The Department of Community Development has considered the potential impacts of the Kay V. Burroughs Trust annexation as related to duties and functions of the department and as related to the growth and development of the community.

The two parcels included in this annexation comprise approximately three acres. The parcels are currently vacant. It is expected that these properties will develop into residential and commercial uses respectively.

Due to the small amount of territory included in the annexation, it is not anticipated that it will have a significant impact on the workload within the Community Development Department.

This annexation is consistent with the boundary agreement with the Town of Menasha. Adding this territory will make additional lands available for commercial and residential development and will result in increased tax base for the community. The Community Development Department supports this annexation as a logical extension of the city's boundary.



Memorandum

DATE: July 9, 2014

TO: Debbie Galeazzi, City Clerk

FROM: Mark Radtke, Public Works Director

RE: Impact Report for Kay V. Burroughs Trust Annexation

This annexation will have minimal impact on Public Works and Engineering Department operations. I recommend approval of this annexation from the perspective of the Department of Public Works.

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To: Kara Homan, AICP, Principal Planner

From: Tim Styka, Police Chief

Date: July 11, 2014

RE: Annexation Impact Reports - Kay V. Burroughs Trust Dated August 2, 2002

As with any annexation by the City, the service area for the Police Department does increase. However, I do not anticipate where these annexations would have an adverse impact requiring additional staffing or equipment above our current levels.



Memorandum

TO: Debbie Galeazzi, City of Menasha Clerk

FROM: Al Auxier, Chief

DATE: July 11, 2014

RE: Impact Report for Kay V. Burroughs Trust Annexation

The above referenced annexation will have minimal impact on Neenah-Menasha Fire Rescue operations. I recommend approval of this annexation from the perspective of the Neenah-Menasha Fire Rescue.



MEMORANDUM

To: Debbie Galeazzi, City Clerk
From: Brian Tungate, Parks & Recreation Director
Date: July 17, 2014
RE: Impact Report for Kay V. Burroughs Trust Annexation

This annexation will have minimal impact on Parks and Recreation services. I recommend approval of this annexation on behalf of the Parks and Recreation Department.



MEMORANDUM

To: Kara Homan, AICP, Principal Planner
From: Peggy Steeno, Administrative Services Director
Date: July 17, 2014
RE: Annexation Impact Report - Kay V. Burroughs Trust Dated August 2, 2002

Pursuant to City of Menasha Ordinance 13-1-123, I am providing the following report regarding the above noted proposed annexation:

- The Administrative Services Department will not require any additional full-time personnel, equipment, buildings, or other improvements if the annexation is approved.
- The Administrative Services Department will not incur any costs over and above those costs normally incurred in any annexation if the annexation is approved.
- Based upon an estimated assessed value of \$266,000, for the land, at the City's current assessment rate of \$10.3401, the City would realize an increase in tax collections of approximately \$2,750 annually if the annexation is approved.

Due to my statements above, and the absence of any negative effects, I am recommending that the Common Council vote to approve the annexation.



WISCONSIN DEPARTMENT OF
ADMINISTRATION

SCOTT WALKER
GOVERNOR

MIKE HUEBSCH
SECRETARY

Municipal Boundary Review

PO Box 1645, Madison WI 53701

Voice (608) 264-6102 Fax (608) 264-6104

Email: wimunicipalboundaryreview@wi.gov

Web: <http://doa.wi.gov/municipalboundaryreview/>

July 10, 2014

PETITION FILE NO. 13787

DEBORAH A. GALEAZZI, CLERK
CITY OF MENASHA
140 MAIN ST
MENASHA, WI 54952

KAREN BACHMAN, CLERK
TOWN OF MENASHA
2000 MUNICIPAL DR
NEENAH, WI 54956

Subject: KAY BURROUGHS ANNEXATION

The proposed annexation submitted to our office on June 16, 2014 and as amended on July 2, 2014, has been reviewed and found to be in the public interest. In determining whether an annexation is in the public interest, s. 66.0217 (6), Wis. Stats. requires the Department to examine "[t]he shape of the proposed annexation and the homogeneity of the territory with the annexing village or city and any other contiguous village or city...." so as unincorporated land transitions to city or village status, the resulting boundaries are rational and easy for jurisdictions and residents to follow.

The subject petition consists of two separate parcels of reasonable shape; one of these parcels is not contiguous with the City of Menasha. However, the City and Town of Menasha have entered into an Intermunicipal Agreement per s. 66.027, Wis. Stats. and dated April 13, 1999 that provides for the annexation of these non-contiguous parcels into the City of Menasha.

The Department reminds clerks of annexing municipalities of the requirements of s. 66.0217 (9)(a), Wis. Stats., which states:

"The clerk of a city or village which has annexed shall file immediately with the secretary of state a certified copy of the ordinance, certificate and plat, and shall send one copy to each company that provides any utility service in the area that is annexed. The clerk shall record the ordinance with the register of deeds and file a signed copy of the ordinance with the clerk of any affected school district..."

State and federal aids based on population and equalized value may be significantly affected through failure to file with the Secretary of State. Please file a copy of your annexing ordinance, including a statement certifying the population of the annexed territory. **Please also include the MBR number with your ordinance as this assists with record keeping. Your MBR number is: 13787**

The address of the Office of the Secretary of State is:

Annexations and Railroads
Division of Government Records
Office of the Secretary of State
PO Box 7848
Madison WI 53707-7848

Please call me at (608) 264-6102, should you have any questions concerning this annexation review.

Sincerely,

Erich Schmidtke, Municipal Boundary Review

RECEIVED

JUL 11 2014

cc: petitioner

CITY OF MENASHA