

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 7, 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, 5/19/14 \(held\)](#)
2. [Administration Committee, 6/2/14](#)

D. DISCUSSION/ACTION ITEMS

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

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
May 19, 2014
MINUTES

DRAFT

A. CALL TO ORDER

Meeting called to order by Chairman Nichols at 8:12 p.m.

B. ROLL CALL/EXCUSED ABSENCES

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

ALSO PRESENT: Mayor Merkes, CA/HRD Captain, ASD Steeno, DPW Radtke, CDD Keil, PC Styka, PHD Nett, Sanit. Drew, PP Homan, Deputy Clerk Strauss.

C. MINUTES TO APPROVE

1. [Administration Committee, 4/15/14](#)

Moved by Ald. Englebert seconded by Ald. Langdon to approve minutes.

Motion carried on voice vote.

D. DISCUSSION/ACTION ITEMS

1. [Accept quote of The Post Crescent as the official City newspaper, May 2014-May 2015.](#)

Moved by Ald. Taylor seconded by Ald. Benner to recommend to Common Council to accept quote of the Post Crescent as the official City newspaper, May 2014-May 2015.
Motion carried on roll call 8-0.

2. [Proposed Amendment to City of Menasha Human Health Hazard Ordinance \(Cimex Lectularius\) \(Recommended by Board of Health\)](#)

Moved by Ald. Taylor seconded by Ald. Keehan to recommend to Common Council the proposed amendment to City of Menasha Human Health Hazard Ordinance (Cimex Lectularius)

Sanitarian Todd Drew explained the changes are being recommended as to the number of complaints received on poor treatment of infestation. The changes mandate tenants to report the problem and landlords follow up with a plan to take care of the problem.

Motion carried on roll call 8-0.

3. [Development Agreement by and between The City of Menasha, Foodmen 2, Inc. and F 2 R, LLC for 205 Milwaukee Street, Menasha](#)

CDD Keil gave a brief explanation of the search for a grocery store in the downtown area and the people involved. The property is in a TIF district and the developers are asking for some financial support from the City in the form of a performance incentive which is part of the development agreement.

A representative from Keller Inc. presented the site plan for the new store.

Paul Fassbender and Mike Novak from Foodmen 2, Inc. addressed the Committee and answered questions.

CA/HRD Captain provided an amendment to Development Agreement clarifying the responsibility of two entities under the Performance Incentive section of the Development Agreement.

PP Homan explained the grant funds being applied for to help with the incentive payments and incentive process.

General discussion ensued on the Development Agreement and TIF district.

Moved by Ald. Sevenich seconded by Ald. Taylor to recommend to Common Council Development Agreement by and between the City of Menasha, Foodmen 2, Inc. and F 2 R, LLC for 205 Milwaukee Street, Menasha

Moved by Ald. Sevenich, seconded by Ald. Taylor to amend Section 1.02 of the Development Agreement, *F 2 R, LLC will be the owner of the Development Area. Foodmen 2, Inc. will be the tenant and operator of the Development Area. The Performance Incentive payments, if any, shall be made to F 2 R, LLC.*

Motion on amendment carried on by roll call 8-0.

Motion as amended carried on roll call 8-0.

E. ADJOURNMENT

Moved by Ald. Taylor seconded by Ald. Langdon to adjourn at 9:20 p.m.

Motion carried on voice vote.

Respectfully submitted by Susan M. Strauss, Deputy City Clerk.

CITY OF MENASHA
ADMINISTRATION COMMITTEE
Third Floor Council Chambers
140 Main Street, Menasha
June 2, 2014
MINUTES

DRAFT

A. CALL TO ORDER

Meeting called to order by Chairman Nichols at 8:35 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, DPW Radtke, CDD Keil, ASD Steeno, Clerk Galeazzi

C. MINUTES TO APPROVE

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

Moved by Ald. Benner, seconded by Ald. Langdon to hold minutes.

Motion carried on voice vote.

D. DISCUSSION/ACTION ITEMS

1. Due Process Hearing – Non-Renewal of Liquor License

a. [Hanks Fifth Ward Tavern LLC](#)

Clerk Galeazzi reported everything is in order for the liquor license application for Hanks Fifth Ward Tavern LLC and recommends forwarding to Common Council for approval.

Moved by Ald. Sevenich, seconded by Ald. Langdon to recommend to Common Council liquor license application for Hanks Fifth Ward Tavern LLC.

Motion carried on roll call

b. [Menasha Grill Inc.](#)

Clerk Galeazzi reported real estate taxes are delinquent. City ordinance requires all financial obligations to the City must be current before liquor license application is approved.

No one was present to represent Menasha Grill Inc.

Moved by Ald. Sevenich, seconded by Ald. Langdon to forward to Common Council with no recommendation.

Motion carried on voice vote.

c. [Mrs. Fajitas LLC](#)

Clerk Galeazzi reported Mrs. Fajitas LLC now holds a valid sellers permit but real estate taxes are delinquent. City ordinance requires all financial obligations to the City must be current before liquor license application is approved.

No one was present to represent Mrs. Fajitas LLC

Moved by Ald. Sevenich, seconded by Ald. Englebert to forward to Common Council with no recommendation.

Motion carried on voice vote.

d. [Stop N Go LLC](#)

Clerk Galeazzi reported all financial obligations to the City are current. The Police Department reports one of the members of the LLC failed the background check.

Attorney Brian Beisenstein representing Mr. Kashmir Gill, member of Stop N G LLC explained Mr. Gill entered into a deferred adjudication agreement on a felony charge from 2013 and the charge will be dismissed April 2015 as long as Mr. Gill complies with the terms of the agreement. Attorney Beisenstein also answered questions from members of the Administration Committee and Attorney Captain.

CA/HRD Captain explained State Statute and City Policy relative to alcohol licenses and felony convictions related to the license for which applied.

PC Styka reported on the incidents that lead to the felony charge and responded to questions from the members of the Administration Committee and Attorney Captain.

General discussion ensued on conviction and deferred adjudication agreement.

Moved by Ald. Zelinski, seconded by Ald. Englebert to recommend to Common Council to deny liquor license application to Stop N Go LLC due to deferred adjudication agreement of Kashmir Gill in place based on felony charge that substantially relates to the license for which applied, that being a drug felony.

Motion carried on roll call 6-2.

Ald. Nichols, Taylor, Keehan, Zelinski, Englebert, Benner voted yes.

Ald. Sevenich, Langdon voted no.

2. [O-13-14 An Ordinance Amending Title 2, Chapter 1 of the Code of Ordinances \(Polling Places\) \(Introduced by Ald. Nichols\)](#)

Clerk Galeazzi explained the polling place of Clovis Grove School for Aldermanic Districts 5 & 7 will need to be changed to Heckrodt Wetland Reserve for the August 12, 2014 election. Clovis Grove School will not be available on that day do to school district registration.

Moved by Ald. Englebert, seconded by Ald. Keehan to recommend to Common Council O-13-14 An Ordinance Amending Title 2, Chapter 1 of the Code of Ordinances (Polling Places).

Motion carried on roll call 8-0.

3. [Commercial Lot Listing](#)

CDD Keil explained the listing agreement with Drifka Group for City owned commercial lots in Midway Business Park, Province Terrace and Racine Street has expired. Staff is recommending informing all brokers of the available lots and offer them an 8% commission in lieu of going with a single broker.

Moved by Ald. Sevenich, seconded by Ald. Englebert to recommend to Common Council to inform commercial brokers of the availability of lots in Midway Business Park, Province Terrace and Racine Street and offer an 8% commission should they bring in an acceptable offer.

Motion carried on roll call 8-0.

E. ADJOURNMENT

Moved by Ald. Englebert, seconded by Ald. Langdon to adjourn at 9:35 p.m.

Motion carried on voice vote.

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

ORDINANCE O - 16 - 14

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

Introduced by _____.

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 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. The following conduct shall constitute a violation for which the penalties and sanctions specified in Section 4 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. *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