

CITY OF MENASHA  
COMMON COUNCIL  
Third Floor Council Chambers  
140 Main Street, Menasha  
Monday, July 21, 2014  
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 Sevenich, Langdon, Keehan, Zelinski, Englebert, Benner, Taylor

EXCUSED: Alderman Nichols

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

D. PUBLIC HEARING

1. [Proposed Amendments to Title 13 of the Menasha Code of Ordinances Pertaining to Article M, Definitions.](#)

CDD Keil gave a brief explanation of the amendments to be more consistence with State Statutes and State Administrative Code pertaining to hotels, motels, bed & breakfasts establishments and tourist rooming houses

Sandra Dabill-Taylor, 545 Broad Street, Menasha. Asked that the public hearing notice have more of a description of the item; also asked for more clarification when a public hearing notice needs to be published.

2. [Proposed Amendments to Title 13 of the Menasha Code of Ordinances Pertaining to Off Street Parking.](#)

CDD Keil gave a brief explanation of the amendments to parking for bed & breakfasts establishments and tourist rooming houses.

No one spoke.

3. [Proposed Amendments to Title 13 of the Menasha Code of Ordinances Pertaining to Permitted Uses.](#)

CDD Keil gave a brief explanation of the amendments to special and permitting uses for bed & breakfasts establishments and tourist rooming houses.

Sandra Dabill-Taylor, 545 Broad Street, Menasha. Asked for more description in the public hearing notice. Asked for clarification on who can run a bed & breakfast establishment; should require a Special Use Permit for a bed & breakfast.

4. [Proposed Rezoning of the Property Located at 754 and 758 Racine Street, Parcel Numbers 1-00573-00 and 1-00574-00.](#)

CDD Keil gave a brief explanation of the request from Menasha High School to rezone the two parcels to be consistent with the adjacent parcels.

No one spoke.

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

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

Brendon Ribble, 1308 Oneida Street, Menasha. Development Agreement between City of Menasha and Ribble Trust.

Fred Schroeder, The Locker Room. Ask to change Street Use Permit for Two-Wheel Tuesday from July 22 to July 29.

Heidi Koehning, Winnebago County Health Dept. Heroin Task Force Run/Walk Event, Sept 13, 2014.

Chris Klein, 730 Keyes Street. Support fireworks at SeafoodFest. Portion of proceeds from SeafoodFest will go to Menasha High School Band.

Sandra Dabill-Taylor, 545 Broad Street, Menasha. Comments on Resolution R-19-14.

F. REPORT OF DEPARTMENT HEADS/STAFF/CONSULTANTS

1. [Landmarks Commission Discover Historic Menasha Photo Contest Winners–Pat Schick and Kathy Stahl](#). Mayor Merkes presented the winners of Discover Historic Menasha, Pat Schick and Kathy Stahl, with a gift of a \$200 downtown shopping spree courtesy of Intertape Polymer Group.

2. Fox Cities Regional Partnership Presentation.

Larry Burkhardt from Fox Cities Regional Partnership updated the Council on the activities of the Regional Partnership. He presented the Council with a copy of their Client Report covering January 1-July 10, 2014 and a Summary of Expansion and Attraction Project Outcomes for 2013/2014.

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

Minutes to receive:

- a. [Administration Committee, 7/7/14.](#)
- b. [Board of Public Works, 7/7/14.](#)
- c. [Landmarks Commission, 7/9/14.](#)
- d. [Personnel Committee, 7/7/14.](#)
- e. [Plan Commission, 7/8/14.](#)

Communications:

- f. [CDD Keil to Mike Hagens, 7/14/14, Woodland Hills and Ribble Property Development.](#)
- g. [ADVOCAP Annual Report, July 2014.](#)

Moved by Ald. Benner, seconded by Ald. Langdon to receive Minutes and Communications A-G.

Discussion ensued on Communication F.

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, 7/7/14.](#)

Plan Commission, 6/17/14 – Recommends the Approval of:

2. Amendment to the Special Use Permit for 1284 Midway Road to allow for the use of the property for short-term rental type use from May 15 through and including August 15 of each year, with the following condition: Adoption of an ordinance pertaining to the permitting and regulation of short-term rental units prior to final approval of the Special Use Permit amendment.

Board of Public Works, 7/7/14 – Recommends the Approval of:

3. [Street Use Application – Two Wheel Tuesday; July 22, 2014; 6:00 PM – 9:00 PM \(The Locker Room\)](#)
4. [Recommendation to Award – Contract Unit No. 2014-02; Street Rehabilitation – London Street, Emily Street, Ninth Street, Lakecrest Drive, Sunset Drive, Parkview Place and DePere Street; MCC Inc.; \\$557,893.91.](#)
5. [Planting daylilies at 2' spacing along Racine Street.](#)

Ald. Sevenich requested to remove from Consent Agenda item 3, Street Use Application, Two Wheel Tuesday.

Moved by Ald. Benner, seconded by Ald. Langdon to approve Consent Agenda items 1, 2, 4, 5.

Motion carried on roll call 7-0.

H. ITEMS REMOVED FROM CONSENT AGENDA

Moved by Ald. Sevenich, seconded by Ald. Taylor to approve Consent Agenda item 3, Street Use Application, Two Wheel Tuesday, July 22, 2014, 6PM-9PM (The Locker Room).

Moved by Ald. Sevenich, seconded by Ald. Taylor to amend the date to Tuesday July 29, 2014.

Motion on amendment carried on roll call 7-0.

Original motion as amended carried on roll call 6-1. Ald. Benner voted no.

I. ACTION ITEMS

1. [Accounts payable and payroll for the term of 7/10/14 to 7/17/14 in the amount of \\$666,313.60.](#)

Moved by Ald. Keehan, seconded by Ald. Langdon to approve accounts payable and payroll.  
Discussion ensued on expenditures.  
Motion carried on roll call 7-0.

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

Moved by Ald. Keehan seconded by Ald. Zelinski to approve beverage operator's license applications as outlined in memo date July 16, 2014.  
Motion carried on roll call 7-0.

Sarah Ebertsch, 1724 W. Weiland Lane, Appleton, addressed the Council to ask they approve her beverage operator's license application. The Police Dept is making recommendation to deny the application as she did not meet the criteria under the Guidelines for Operator's Licenses'. Ms. Ebertsch explained her past history and background.

General discussion ensued on background checks and application process.

Moved by Ald. Sevenich, seconded by Ald. Langdon to approve the beverage operator's license application of Sarah Ebertsch.

Motion carried on roll call 7-0.

3. [Senior Center Renovation Project Funding.](#)

ASD Steeno explained a requirement of the grant for the renovation of Senior Center is for the project to begin in 2014. Before the bid process can begin the City needs to ensure that sufficient funds are available to cover the cost. Currently the donation/fundraising portion is approximately \$56,400 short of their commitment. Staff is asking for approval to advance from general fund of up to \$56,400 to enable the project to proceed. Funds received through fundraising will be returned to the general fund. Fundraising will continue until December 31, 2014.

Moved by Ald. Keehan, seconded by Ald. Benner to authorize the advancement of general fund reserves, up to \$56,400, so that the Senior Center Renovation Project can get underway and the \$175,000 matching grant can be utilized.

Motion carried on roll call 7-0.

4. [2014 Fireworks.](#)

Moved by Ald. Sevenich, seconded by Ald. Englebert to coordinate with SeafoodFest for the City's fireworks show and to have a barge or pontoon for the fireworks.

General discussion ensued on the cost to reschedule the fireworks, use of a barge or pontoon, coordinating boat traffic during fireworks show, scheduling fireworks show during SeafoodFest or other events.

Al Cleveland from Spielbauer Fireworks addressed the use of barges.

Moved by Ald. Taylor, seconded by Ald. Langdon to hold this item.

Item held.

J. APPOINTMENTS

1. [Appointment of Diane Hotynski, 729 Arthur St., Menasha, to the Board of Health, for the period of 8/1/14 – 5/1/16.](#)

Moved by Ald. Zelinski, seconded by Ald. Keehan to approve the appointment of Diane Hotynski to the Board of Health.

Motion carried on voice vote.

K. HELD OVER BUSINESS

1. [Reserve "Class B" Liquor and Malt, Mrs. Fajitas LLC, d/b/a Mrs. Fajitas, 403 Racine Street, Menasha, Francisa Jaimes, agent. \(Held 7/7/14\).](#)

Clerk Galeazzi reported the real estate taxes are still unpaid and Francisa Jaimes, agent has not made any attempt to contact the City on their status.

Moved by Ald. Keehan, seconded by Ald. Englebert to deny the Reserve "Class B" Liquor and Malt Application for Mrs. Fajitas, LLC, d/b/a Mrs. Fajitas, 403 Racine Street, Menasha, Francisa Jaimes, agent Motion carried roll call 6-1. Ald. Taylor voted no.

L. CLAIMS AGAINST THE CITY

M. RECESS TO ADMINISTRATION COMMITTEE

Moved by Ald. Benner, seconded by Ald. Keehan to recess at 7:40 p.m.  
Motion carried on voice vote.

Reconvened at 8:10 p.m.

N. ORDINANCES AND RESOLUTION

1. [O-14-14 An Ordinance Amending Title 13, Chapter 1 of the Code of Ordinances \(Landscaping Design and Material for Site Plan Requirements\) \(Introduced by Mayor Merkes\) \(Recommended by the Plan Commission\).](#) (Held from 7/7/14).

Moved by Ald. Benner, seconded by Ald. Englebert to adopt O-14-14 An Ordinance Amending Title 13, Chapter 1 of the Code of Ordinances (Landscaping Design and Material for Site Plan Requirements). Motion carried on roll call 7-0.

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

Moved by Ald. Benner, seconded by Ald. Zelinski to adopt 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). Motion carried on roll call 6-0. Ald. Taylor abstained.

3. [O-17-14. An Ordinance Amending Title 13, Chapter 1 of the Code of Ordinances \(Off-Street Parking\) \(Introduced by Mayor Merkes\) \(Recommended by the Plan Commission\).](#)

Moved by Ald. Benner, seconded by Ald. Keehan to adopt O-17-14 An Ordinance Amending Title 13, Chapter 1 of the Code of Ordinances (Off-Street Parking). Motion carried on roll call 7-0.

4. [O-18-14. An Ordinance Amending Title 13, Chapter 1 of the Code of Ordinances \(Permitted Uses\) \(Introduced by Mayor Merkes\) \(Recommended by the Plan Commission\).](#)

Moved by Ald. Benner, seconded by Ald. Keehan to adopt O-18-14 An Ordinance Amending Title 13, Chapter 1 of the Code of ordinances (Permitted Uses).

General discussion ensued on when permitting is requires, who will issue permits, when Special Use Permits are required.

Motion carried on roll call 5-1. Ald. Sevenich voted no. Ald. Taylor abstained.

5. [O-19-14. An Ordinance Amending Title 13, Chapter 1 of the Code of Ordinances \(Article M Definitions\) \(Introduced by Mayor Merkes\) \(Recommended by the Plan Commission\).](#)

Moved by Ald. Benner, seconded by Ald. Keehan to adopt O-19-14 An Ordinance Amending Title 13, Chapter 1 of the Code of Ordinances (Article M Definitions). Motion carried on roll call 6-0. Ald. Taylor abstained.

6. [O-20-14. An Ordinance Amending Title 13, Chapter 1 of the Code of Ordinances \(Proposed Rezoning of Properties at 754 and 758 Racine St.\) \(Introduced by Mayor Merkes\) \(Recommended by the Plan Commission\).](#)

Moved by Ald. Benner, seconded by Ald. Keehan to adopt O-20-14 An Ordinance Amending Title 13, Chapter 1 of the Code of Ordinances (Proposed Rezoning of Properties at 754 and 758 Racine Street).  
Motion carried on roll call 7-0.

7. [R-19-14. A Resolution Declaring Property to be Blighted and Authorizing the Redevelopment Authority to Acquire and Assist the Redevelopment of the Property. \(Introduced by Alderman Englebert\).](#)

Moved by Ald. Englebert, seconded by Ald. Keehan to adopt R-19-14 A Resolution Declaring Property to be Blighted and Authorizing the Redevelopment Authority to Acquire and Assist the Redevelopment of the Property.

Motion failed on roll call 3-4.

Ald. Keehan, Englebert, Benner voted yes.

Ald. Taylor, Sevenich, Langdon, Zelinski voted no.

- O. PUBLIC COMMENTS ON ANY MATTER LISTED ON THE AGENDA  
(five (5) minute time limit for each person)

Toni Rae, 653 DePere Street. Asked what is being done to raise tax base and bring in new businesses.

- P. ADJOURNMENT

Moved by Ald. Langdon, seconded by Ald. Taylor to adjourn at 8:30 p.m.

Motion carried on voice vote.

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