

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
March 5, 2012
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, 2/20/12](#)
- D. COMMUNICATIONS
 - 1. [2012 Insurance Summary](#)
- E. ACTION/DISCUSSION ITEMS
 - 1. [Appeal of Denial of Operator's License – Brenda Heinritz](#)
 - 2. [O-3-12 An Ordinance Amending Section 11-1-1 of the Municipal Code – Offenses Against State Laws Subject to Forfeiture \(Trespassing\) \(Introduced by Ald. Taylor\)](#)
 - 3. [Guidelines for Licensed Mobile Restaurants \(Ald. Klein\)](#)
 - 4. [Special Event Policy \(Ald. Krueger\)](#)
 - 5. [O-2-12 An Ordinance Amending Section 12-1-5 of the Municipal Code \(Park Regulations\) \(Introduced by Ald. Krueger\) \(Held 2/20/12\)](#)
- F. 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
February 20, 2012
MINUTES

DRAFT

A. CALL TO ORDER

Meeting called to order by Chairman Klein at 6:23 p.m.

B. ROLL CALL/EXCUSED ABSENCES

PRESENT: Aldermen Sevenich, Langdon, Krueger, Zelinski, Englebert, Benner, Klein, Taylor

ALSO PRESENT: Mayor Merkes, CA/HRD Captain, PC Styka, FC Auxier, DPW Radtke, CDD Keil, C/T Stoffel, PHD Nett, PRD Tungate, LD Lenz, Clerk Galeazzi, and the Press.

C. MINUTES TO APPROVE

1. [Administration Committee, 2/6/12](#)

Moved by Ald. Krueger, seconded by Ald. Zelinski to approve minutes.

Motion carried on voice vote.

D. ACTION/DISCUSSION ITEMS

1. [Renewal of Underground Storage Tanks Insurance](#)

CA/HRD Captain explained the City will need to continue with Underground Storage Tanks insurance to demonstrate financial ability in the case of a leak. Quotes were received from Liberty Surplus Insurance and ACE American Insurance Co. One quote from Liberty Surplus was for a one year term and a second quote was for 3/10/2012 to 12/31/2012.

DPW Radtke explained a quote for the 3/10/2012 to 12/31/2012 term was requested to be consistent with the dates of DNR permit coverage. Next year's coverage, if needed, would then involve a full calendar year.

Moved by Ald. Sevenich, seconded by Ald. Langdon to recommend to Common Council the renewal of the Underground Storage Tanks insurance coverage with Liberty Surplus Insurance Corp. for the term 3/10/2012 to 12/31/2012 in the amount of \$3,306.83.

Motion carried on roll call 8-0.

2. [Guidelines for Licensed Mobile Restaurants \(Ald. Klein\)](#)

General discussion ensued on guidelines for mobile restaurants in areas around the City and near schools. Comments were made on guidelines being more generic to include all mobile businesses.

Item will remain on agenda and Chairman Klein will bring back some recommendations.

3. [Special Event Policy \(Ald. Krueger\)](#)

General discussion ensued on for-profit and not-for-profit events and fees.

Item will remain on agenda and Ald. Krueger will bring back some recommended changes.

4. [O-2-12 An Ordinance Amending Section 12-1-5 of the Municipal Code \(Park Regulations\) \(Introduced by Ald. Krueger\)](#)

General discussion ensued on the purpose of amending the current section of the code pertaining to soliciting of donations.

CA/HRD Captain recommended changing the Personnel Policy and not amending the code as it deals with staff and not procedure.

Moved by Ald. Krueger, seconded by Ald. Zelinski to hold this item.
Item held until next meeting.

E. ADJOURNMENT

Moved by Ald. Englebert, seconded by Ald. Benner to adjourn at 7:26 p.m.
Motion carried on voice vote.

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

2012 Insurance Summary

CITY OF MENASHA

Coverage	Insurance Company	Policy Number	Expiration Date	Deductibles	Premium
Property	LGPF	140411	12/31/2012	\$5,000 aggregate \$25,000 SIR; \$100,000 aggregate; \$5,000,000 per occurrence in	18,010.00
Liability	CVMIC	PEL 107	12/31/2012	excess of SIR	50,002.00
Auto Physical Damage	CVMIC	CAP-05-019	12/31/2012	\$1,000 Difference between \$5,000 and SIR	13,909.00
Excess Public Entity Liability Ins	CVMIC	6907902	12/31/2012	25,000/100,000 aggregate \$25,000 SIR; \$1,000,000 per occurrence in excess of SIR; \$1,000,000 total policy period	1,835.00
Employment Practice Liability Ins	CVMIC	EPL5946110-01	12/31/2012	limit	4,537.00
Workers Compensation	CVMIC	CWC-14-019	12/31/2012	\$1,000/employee with max \$100,000 per occurrence; Forgery/Alteration, max of	162,070.00
Crime	Hanover Insurance	1829796	1-1-2011 to 1/1/2014	\$5,000 per occurrence	570.00 (3-yr quote; annual premium)
Inland Marine	Allianz	0093012358	2/28/2013	refer to policy	3,570.00
Boiler & Machinery	Traveler's	7415P537	3/1/2013 3/10/2012 (3/10/2012 to	refer to policy	6,117.00
Underground Storage Tanks	Liberty Surplus Ins	TXESF103892111	12/31/2012)	\$25,000/per occurrence	3,306.83 proposed, term coverage ending 12/31

Debbie Galeazzi

From: Brenda! [krazzy_blueeyes@yahoo.com]
Sent: Wednesday, February 29, 2012 12:15 AM
To: Debbie Galeazzi
Subject: appeal

February 28, 2012

To whom it may concern:

I would like to appeal the denial of an Alcohol Operator's License that I have applied for.

I was convicted for 2 OMVWI's in 2008. One was on June 25,2008 and the other one was October 31, 2008.

That few months were the worst times of my life, I made some very bad choices and had some very bad friends. I have changed, I took my alcohol classes, I lost my license for a year and I never drove at all. I walked in the winter and rode my bike in the summer to my two jobs. I have not had any alcoholic drink since November 1, 2008 and have not been in a bar since then as well, with the exception of my 2nd job as a waitress in the restaurant of Sergios Restaurant, I may have to go in there at times, but that is it.

My full time job is at CVS Pharmacy. I have been there since it opened in September 2008 as a front store clerk and I was always there with a Supervisor. I have been promoted to Supervisor and I need to have an Alcohol Operator's License so I can sell alcohol at CVS Pharmacy as part of my job. I hope that you will take into consideration that I have not got in any trouble. I really need this Supervisor job.

Thank you,

Sincerely,
Brenda Lee Heinritz
2157 Manitowoc Road
Menasha, WI 54952
920-733-4236

I

I



February 22, 2012

Brenda L. Heinritz
2157 Manitowoc Road
Menasha, WI 54952

RE: City of Menasha Alcohol Operator's License Application

Ms. Heinritz,

I've reviewed your application for an Alcohol Operator's License in the City of Menasha and in doing so it was discovered that you have two convictions within the past seven years for Operating a Motor Vehicle While Intoxicated (OMVWI).

It was determined that you were arrested for OMVWI on May 19, 2008 within the City of Menasha and convicted for same on June 25, 2008. It was further determined that on August 3, 2008 you had a second arrest for OMVWI within the City of Menasha and convicted of same on October 31, 2008.

As such, I will be denying your request for an Alcohol Operator's License in the City of Menasha based on the Guideline #3 under the City of Menasha Policy (attached). Under this policy you are not eligible for an Alcohol Operator's License in that you have two or more convictions arising out of two or more offenses within the past seven years for OMVWI. These circumstances surrounding these convictions substantially relate to the Alcohol Operator's License privilege that you do seek.

I would like to further advise you that you may appeal this decision by contacting the City of Menasha Clerk's Office at 920-967-3603 within thirty days of this denial to request an appeal before the Common Counsel. At this appeal, you have the right to be represented, to be heard and to present evidence in favor of granting the license and to rebut the evidence presented in opposition to granting of this license at a hearing held within forty-five (45) days of the filing of such appeal.

Sincerely,

Lt. Ronald Bouchard
Investigative Services
City of Menasha Police Department

CITY OF MENASHA
ALCOHOL OPERATORS LICENSE APPLICATION

Establishment of Employment CVS
SPECIAL EVENT PROVISIONAL (TEMP) REGULAR RENEWAL

Name Heinritz Brenda Lee
Last First Middle

Address 2157 Manitowoc Rd Menasha WI 54952
Street City State/Zip Code

Phone 920-733-4236 Social Security _____

Height _____ Weight _____ Eyes _____ Hair _____ Sex _____ Race _____

Birth Date _____ Age _____ Birthplace _____

Scars, Marks, Tattoos NIKKI on right arm Rose on Left ankle
Drivers License No. _____ State of Issue WI
Expiration Date 11-10-2019

NOTE: A license may be denied if applicant fails to provide accurate information or if the information is incomplete! Please read this section carefully.

Please explain all yes answers completely on the back of this form!

Do you currently have any criminal charges pending against you? NO
Have you ever been convicted of a felony? NO
Have you ever been convicted of a misdemeanor? yes
Have you ever been convicted of operating a motor vehicle while under the influence of an intoxicant or drug? yes
Have you ever been convicted of any law statute or ordinance pertaining to the use or sale of alcohol (including drinking alcohol underage)? NO
Have you ever been convicted of any law, statute or ordinance pertaining to the possession, use or sale illegal drugs? NO

I UNDERSTAND THAT THE APPLICATION FEE WILL NOT BE RETURNED IF LICENSE IS DENIED.

SIGNATURE Brenda L Heinritz Date 2-2-12
WITNESS _____ Date _____

Approved _____ Denied _____ Expiration Date _____
Chief of Police Andrew B... Date 02/22/11
Comments: _____

REVOKED FOR VIOLATION: _____

Please answer all yes questions from the front of this form completely! Include correct charges, date of offense, and sentence. Failure to include all information or inaccurate information may result in the denial of your application!

2008 I got two drunk driving + driving with a
approx June - 2008 Revoked license
approx Aug - 2008

no jail I had to wear a bracelet for
a 4 day weekend

I lost my Driving priveleges for a year

ORDINANCE O-3-12

AN ORDINANCE AMENDING SECTION 11-1-1 OF THE MUNICIPAL CODE –
OFFENSES AGAINST STATE LAWS SUBJECT TO FORFEITURE
(TRESPASSING)

INTRODUCED BY ALDERMAN TAYLOR

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

SECTION 1: Amend Title 11, Chapter 1, SEC.11-1-1 of the Code of Ordinances of the City of Menasha, Wisconsin as follows:

CHAPTER 1

State Statutes Adopted

SEC. 11-1-1 OFFENSES AGAINST STATE LAWS SUBJECT TO FORFEITURE.

The following statutes defining offenses against the peace and good order of the State are adopted by reference to define offenses against the peace and good order of the City provided the penalty for commission of such offenses hereunder shall be limited to a forfeiture imposed under the general penalty provisions of this Code of Ordinances. Any future amendments, revisions or modifications of the Statutes incorporated herein by reference are intended to be made part of this Code.

...

- 943.14 Trespass to dwellings.
- 943.15 Entry onto a construction site or into a locked building, dwelling or room

SECTION 2: This amending Ordinance shall take effect upon passage and publication as provided by law.

Passed and approved this day of 2012.

Donald Merkes, Mayor

ATTEST:

Deborah A. Galeazzi, City Clerk

2/14/2012

Guidelines for Licensed Mobile Restaurants-DRAFT

Parks

Mobile restaurant vending is not allowed in parks unless associated with an approved special event or specific prior approval through the Parks Dept.. If participating in a special event, Mobile restaurant vendor must pay associated special event fees as dictated by the special event.

Events

Mobile restaurant Vending may be allowed at special events. The event sponsor MUST approve event mobile restaurant vendors prior to participation.

Streets

Mobile restaurant vending is allowed on public streets or sidewalks as dictated by current ordinance and street occupancy permit fee. Mobile restaurants must remain at least 75ft from competitive businesses who serve similar products to avoid street congestion. Vendors will not impede or inconvenience the public use of the street or sidewalk. A safety officer's judgment, exercised in good faith, shall be conclusive as to whether the area is congested and the public impeded or inconvenienced.

Vending fees & Permits

- 1) Annual Mobile Restaurant street occupancy fee permits acquired through the Police Dept. At a cost TBD. (Similar costs are \$25/yr)
- 2) The City of Menasha Health Dept will inspect all mobile restaurants who wish to operate within the City of Menasha and possess a current State license issued by another jurisdiction. Current licenses would include those issued by another Agent Health Department or the State of Wisconsin Department of Health Services. All non-resident mobile restaurant operators will be charged an inspection fee which will be equal to the current temporary restaurant license fee. Wisconsin Food Code (WFC) Chapter 9 and all other applicable sections of the WFC shall be used as a basis for these inspections. An inspection report will be provided to the operator following the inspection, and risk factor violations cited must be corrected prior to operating.
- 3) The inspection fee charged to non-resident mobile restaurants will be issued on an annual basis for the period of July 1 – June 30. Inspection fees paid prior to April 1 will expire on June 30 of that same year. Inspection fees paid after April 1 will expire on June 30 of the following year. Inspection fees must be paid prior to setting up within the City of Menasha.

- 4) No inspection permits shall be transferable except with the written consent of the City Health Department with the approval of the Director of Health or Health Department designee, such consent and approval shall not be unreasonably withheld. The application for such transfer shall contain the same information as requested herein for an initial application for such a mobile restaurant permit and shall be accompanied by the same filing and inspection fees as for an initial application. Upon approval of said transfer, the transferee shall retain the original permit granting date and all of the transferor's rights under this Ordinance.
- 5) No Mobile Restaurants are permitted Within 1,000 feet of the property line of any public elementary school, junior high school, or high school between the hours of 7:00 a.m. and 5:00 p.m. Monday through Friday.

Mobile Restaurants are described as:

(53m) **“Mobile food establishment”** means a: (per WFC Chapter 1- References made to retail food establishments have been removed from the definition)

(a) Restaurant [FOOD ESTABLISHMENT](#) where FOOD is served from a movable vehicle, push cart, trailer or boat which periodically or continuously changes location and requires a service base to accommodate the unit for servicing , cleaning, inspection and maintenance or except as specified in 9-103.11(D).

(b) “Mobile food establishment” does not include a vehicle which is used solely to transport or deliver FOOD or a common carrier regulated by the state or federal government, or a movable concession stand designed to operate as a [TEMPORARY FOOD ESTABLISHMENT](#) .

(97) **“Temporary food establishment”** means a [FOOD ESTABLISHMENT](#) that operates at a fixed location for a period of no more than 14 consecutive days in conjunction with a single event or celebration such as a fair, carnival, circus, public exhibition, anniversary sale or OCCASIONAL sales promotion.

Chris Klein
District 1 Alderman

2/28/12

City of Menasha Special Event Policy

SPECIAL EVENT is defined as any planned occurrence on the public right-of-way or public premises including, but not limited to; parades, gatherings, festivals and athletic events. By nature these events have a greater impact on City services and resources than would have occurred had the event not taken place. Special events require multiple department involvement. The City of Menasha wants any Special Event to be a success for organizers and participants alike. By providing for an organized application process, we hope to provide for the safety and well being of all community members.

APPLICATION Complete Special Event Agreement Packet must be returned to City Hall, 2nd Floor, Public Works/Park & Recreation Departments at least 60 days prior to the event. This will allow time for all pertinent departments to review your event needs. A non – refundable fee of \$25 is due at the time your application is submitted. Please note that if you are holding an event in a park you will need to reserve the park prior to turning in your Special Events Application.

REVIEW OF APPLICATION Once your application is received and reviewed, someone from your group will be required to attend a meeting with the Special Events Staff Committee. You will be advised of the date and time. The Special Events staff meeting will be scheduled no later than 45 days prior the event date. The appropriate departments will review the individual worksheets included in your Special Events Packet to ensure that all considerations have been identified and contingencies planned for. Approval for street closures will be scheduled for the next Common Council Meeting following the Special Events staff meeting.

APPROVAL OF APPLICATION Once your application has been reviewed and approved you will receive a Special Event Permit.

CERTIFICATE OF INSURANCE AND ENDORSEMENT If proof of insurance is required, Certificate of Insurance and Endorsement must be provided by the event sponsor. The City of Menasha must be named as additional insured on both the Certificate of Insurance and the Endorsement. (See attached sample) The sponsor shall hold the City, any of its employees and agents and facilities harmless against all claims, liability, loss, damage or expense incurred by the City for any damage or injury to person or property caused by or resulting from activities arising from the special event. The Certificate of Insurance and the Endorsement must be submitted no later than 5 business days following approval of the special event, but in no case less than 30 days prior to the event. The Certificate of Insurance and the Endorsement must be submitted no later than 15 days prior to the event. Failure to provide insurance and endorsement on time can result in termination of event permits.

SPONSOR ADDITIONAL RESPONSIBILITIES If your event requires street closure, it is the event holder's responsibility to contact, Valley Transit at 920-832-5200 and Gold Cross Ambulance at 920-967-6077 to alert them to the street closure. It is also the event holder's responsibility to notify the property occupants affected by a street closure exceeding 30 minutes. Included in this packet is a form that can be used for notification.

FEES All events are required to pay a non-refundable deposit of \$25 at the time their application is turned in. ~~Charges for park facilities, food sales permits, tent permit fees, firework fees, etc. are to be paid IN ADDITION to the Special Events application fee.~~ Other possible incurred charges for events that may need to be paid IN ADDITION to the Special Events application fee includes food sales permits, tent permit fees, firework fees, the designated flat fee approved by the Common Council for use of requested park and facility locations, etc.

Submittal of an event application does NOT reserve a park. The applicable fees due prior to your event are: temporary food service permits, temporary beer sales permit, carnival permit, tent fee inspection and fireworks permits. ~~At the completion of your event, charges must be paid no more than 60 days after the~~

last date of your event. At the completion of your event, charges shall be paid no later than 30 days from the mailed postal date of the final invoice/ If this requirement is not met, further charges may be incurred. without interest

~~**NON PROFIT ORGANIZATIONS AS EVENT HOLDERS** Non-Profits hosting an event that is free and open to the public may receive up to a 50% discount on the total Special Event bill. By definition the Non-Profit group must be a registered 501(c)(3) or (4) organization and proof of this designation is required.~~

TERMINATION OF EVENT The City and its representative reserve the right to shut down a special event that is in progress if it is determined to be a safety hazard by the Police and/or Fire Departments and/or there is a violation of City Ordinances, State Statute, or the terms of the approved application have not been met. The Mayor and /or their designee may revoke an approved Special Event Permit if the applicant fails to comply in good faith with the provisions of the permit prior to the event date.

ORDINANCE O-2-12

AN ORDINANCE AMENDING SECTION 12-1-5 OF THE MUNICIPAL CODE
(PARK REGULATIONS)

INTRODUCED BY ALDERMAN KRUEGER

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

SECTION 1: Amend Title 12, Chapter 1, SEC.12-1-5 of the Code of Ordinances of the City of Menasha, Wisconsin as follows:

CHAPTER 1

Park Regulations

...

SEC. 12-1-5 RESERVATION OF PARK SPACE.

...

(b) RESERVATION OF PARK SPACE. A person or group, firm, organization, partnership or corporation may reserve the use of a park facility or a park shelter by written application filed with the Director of Parks and Recreation for a permit for exclusive use of the same. The Director of Parks and Recreation shall issue permits for exclusive use of a portion of a park or park shelter. Solicitation of donations by City staff to a person or group, firm, organization, partnership or corporation for use of any park facility, park shelter, park equipment or services thereof must be in writing. The Parks and Recreation Board shall issue permits for events planning to sell alcohol or fermented malt beverages or for multi-day events. Park facilities may be reserved under policies and procedures established by the Park and Recreation Board.

SECTION 2: This amending Ordinance shall take effect upon passage and publication as provided by law.

Passed and approved this day of 2012.

Donald Merkes, Mayor

ATTEST:

Deborah A. Galeazzi, City Clerk