A. CALL TO ORDER
   Meeting called to order by Mayor Merkes at 6:00 p.m.

B. PLEDGE OF ALLEGIANCE
   The Pledge of Allegiance was recited.

C. ROLL CALL/EXCUSED ABSENCES
   PRESENT: Aldermen Taylor, Krautkramer, Collier, Keehan, Zelinski, Spencer, Benner, Nichols.
   ALSO PRESENT: Mayor Merkes, CA Captain, PC Styke, FC Kloehn, CDD Buck, PRD Tungate
   PHD McKenney, FM Sassman, ES Montour, Clerk Galeazzi

D. PUBLIC HEARING
   1. Special Use Permit Application by Smies Architects on behalf of Bethel Lutheran Church for the
      construction of an addition to the church and reconstruction of parking lot at 829 Appleton
      Road.
      CDD Buck explained the property is zoned R-1 Residential, which requires a Special Use Permit
      for any modifications to the church. Bethel Lutheran Church is working with Smies Architects for
      the construction of an addition and reconstruction of the parking lot.
      No one spoke. Mayor Merkes closed the 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 Public Works, 3/20/2017
      b. NMFR Joint Fire Commission, 3/22/2017
      c. NMFR Joint Finance and Personnel Committee, 3/28/2017
      d. Park and Recreation Board, 1/10/2017
      e. Plan Commission, 3/21/2017
      Moved by Ald. Benner seconded by Ald. Keehan to receive Minutes a-e
      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, 3/20/2017
      Board of Public Works, 3/20/2017, Recommends the Approval of:
   2. Recommendation to Award – Contract Unit 2017-01; New Concrete Street Construction
      Including Asphalt Trail and Concrete Sidewalk; Province Terrace from Province Link to Midway
      Road; Sommers Construction; $293,073.34
Plan Commission, 3/21/17, Recommends the Approval of:
3. **Special Use Permit for 829 Appleton Road**
NMFR Joint Finance and Personnel Committee, 3/28/2017 Recommends the Approval of:
4. **Filling the vacated firefighter position as soon as possible**

Motion carried on roll call 8-0.

H. ITEMS REMOVED FROM THE CONSENT AGENDA
None

I. ACTION ITEMS
1. **Accounts payable and payroll for the term of 3/23/2017—3/30/2017 in the amount of $609,484.71**
   Moved by Ald. Nichols seconded by Ald. Keehan to approve accounts payable and payroll.
   Motion carried on roll call 8-0.

2. **Beverage Operators License Applications for the 2015-2017 licensing period.**
   Moved by Ald. Nichols seconded by Ald. Keehan to approve beverage operator’s license applications as listed in memo date 3/30/17.
   Motion carried on roll call 8-0.

   Police Dept. recommends denial of beverage operator’s license application of Kendra Rettke as she does not meet the criteria under the Guidelines for Operator Licenses.

   Ms. Rettke addressed the Council. She explained the incidents that lead to her convictions. She does have a pending charge, she is waiting to go to count. She has gone through a treatment program.

   Moved by Ald. Collier seconded by Ald. Spencer to approve beverage operator’s license application of Kendra Rettke.
   Motion fails on roll call 3-5.
   Ald. Krautkramer, Collier, Spencer voted yes.

3. **“Class B” Liquor License Application for Plank Pub, LLC d/b/a Plank Road Pub, 800 Plank Road, Menasha, Kimberley Ann Halbach, Agent for the 2016-2017 licensing year**
   Moved by Ald. Nichols seconded by Ald. Taylor to approve “Class B” liquor license application for Plank Pub, LLC d/b/a Plank Road Pub, 800 Plank Road, Menasha, Kimberly Ann Halbach, agent for the 2016-2017 licensing year.
   Motion carried on roll call 8-0.

4. **Outdoor Serve Permit for Plank Pub, LLC, d/b/a Plank Road Pub, 800 Plank Road, Menasha for the 2016-2017 licensing year**
   Moved by Ald. Nichols seconded by Ald. Keehan to approve Outdoor Serve Permit for Plank Pub, LLC, d/b/a Plank Road Pub, 800 Plank Road, Menasha for the 2016-2017 licensing year.
   Motion carried on roll call 8-0.

5. **Change of Agent for Knights of Columbus, 746 Third Street, Menasha for the 2016-2017 licensing year**
   Moved by Ald. Benner seconded by Ald. Keehan to approve Change of Agent for Knights of Columbus, 746 Third Street, Menasha for the 2016-2017 licensing year.
   Motion carried on roll call 8-0.
6. **Motion to Remove from the Table—Master Licensing Agreement between the City of Menasha and Wisconsin Technology Networking LLC for the use of public right-of-way**

   Moved by Ald. Krautkramer seconded by Ald. Keehan to Remove from the Table Master Licensing Agreement between the City of Menasha and Wisconsin Technology Networking LLC for the use of public right-of-way and authorize staff to enter into a license agreement with Mobilite (WITN) upon terms and conditions acceptable to Menasha Utilities.

   Motion carried on roll call 8-0.

   Mayor Merkes stated the motion on the floor was the original motion from the March 6, 2017 meeting:

   Moved by Ald. Benner seconded by Ald. Keehan to approve Master License Agreement between City of Menasha and Wisconsin Technology Networking, LLC, for the use of public rights-of-way, and authorize staff to enter into a license agreement with Mobilite (WITN) upon terms and conditions acceptable to Menasha Utilities.

   Brent Michalek from Mobilite gave a presentation on placement of utility poles in the City’s right of way.

   General discussion ensued on the placement, number, and height of poles. Safety issues were also discussed.

   Moved by Ald. Taylor seconded by Ald. Zelinski the placement of the first three poles with underground service to each pole be approved by the Council.

   General discussion ensued on placement and approval of where poles will be located, and Council authority on placement of poles.

   Point of Inquiry by Ald. Nichols - she asked for clarification on the motion.

   Motion failed on roll call 3-5.

   Ald. Taylor, Collier, Zelinski voted yes.

   Ald. Nichols, Krautkramer, Keehan, Spencer, Benner voted no.

   Moved by Ald. Benner seconded by Ald. Keehan to incorporate in the agreement the height of the standard poles be 90 feet or less.

   General discussion ensued on 90 feet poles versus 120 feet poles.

   Motion carried on roll call 6-2.

   Ald. Taylor, Krautkramer, Keehan, Zelinski, Spencer, Benner voted yes.

   Ald. Nichols, Collier voted no.

   Moved by Ald. Taylor seconded by Ald. Collier the standard will be underground service to poles and match exiting decorative poles in the area.

   Motion carried on roll call 7-1. Ald. Collier voted no.

   Moved by Ald. Taylor seconded by Ald. Zelinski to move the pole on Appleton Road (Hwy 47) to the west of the existing sidewalk in the WisDOT right of way.

   Motion carried on roll call 6-2.

   Ald. Taylor, Krautkramer, Keehan, Zelinski, Spencer, Benner voted yes.

   Ald. Nichols, Collier voted no.

   Original motion with amendments carried on roll call 7-1. Ald. Collier voted no.

J. **HELD OVER BUSINESS**

   None
K. ORDINANCES AND RESOLUTIONS
   1. **R-04-17 Preliminary Resolution Declaring Intent to Exercise Special Assessment Powers Under Section 66.0703 Wisconsin Statutes (Silver Birch Estates) (Introduced by Ald. Krautkramer)**

   Moved by Ald. Krautkramer seconded by Ald. Taylor to approve R-04-17 Preliminary Resolution Declaring Intent to Exercise Special Assessment Powers Under Section 66.0703 Wisconsin Statutes (Silver Birch Estates).

   Motion carried on roll call 8-0.

L. APPOINTMENTS
   None

M. CLAIMS AGAINST THE CITY
   None

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

   No one spoke.

O. RECESS
   Moved by Ald. Benner seconded by Ald. Collier to recess at 8:16 p.m.
   Motion carried on voice vote.

   Alderman Keehan was excused when the Council recessed.

   Reconvene at 8:40 p.m.

P. ACTION ITEMS
   1. Moved by Ald. Benner seconded by Ald. Nichols to Adjourn into Closed Session pursuant to Wis Stats. §19.85(1)(g) Conferring with legal counsel for the governmental body who is rendering oral or written advice concerning strategy to be adopted by the body with respect to litigation in which it is or is likely to become involved. (City of Menasha, Wisconsin v. Town of Menasha & Village of Fox Crossing, Wisconsin, Case No. 16CV-983-BR3; City of Menasha, Wisconsin v Village of Harrison, Wisconsin 2016AP702; City of Menasha, Wisconsin v. Village of Harrison 16CV120)

   Motion carried on roll call 7-0.

   2. May reconvene into Open Session to take action on items discussed in Closed Session

Q. ADJOURNMENT
   Moved by Ald. Benner seconded by Ald. Collier to adjourn at 9:35 p.m.
   Motion carried on voice vote.

   Deborah A. Galeazzi, WCMC
   City Clerk