CITY OF MENASHA
COMMON COUNCIL
Third Floor Council Chambers
140 Main Street, Menasha

Wednesday, July 5, 2017
Meeting 6:00 PM

AGENDA

A. CALL TO ORDER

B. PLEDGE OF ALLEGIANCE

C. ROLL CALL/EXCUSED ABSENCES

D. PUBLIC HEARING

E. PUBLIC COMMENTS ON ANY MATTER OF CONCERN TO THE CITY
   (five (5) minute time limit for each person)

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. Administration Committee, 6/19/2017
      b. Board of Public Works, 6/19/2017
      c. Landmarks Commission, 6/14/2017
      d. NMFR Joint Finance & Personnel Committee, 6/27/2017
      e. NMFR Joint Fire Commission, 6/28/2017
      f. Park & Recreation Board, 6/13/2017
      g. Personnel Committee, 6/19/2017
      h. Water & Light Commission, 5/24/2017
      Communications:
      i. GCA Arrival Comparison Memorandum, 6/19/2017, Deputy Chief Voss

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, 6/19/2017
   Personnel Committee, 6/19/2017, Recommends the Approval of:
   2. Updates to Personnel Policy Handbook Anti-Harassment Policy
   3. All regular employees and elected officials are required to attend Anti-Harassment and Diversity Training or participate by watching the video and signing a statement acknowledging participation.
   NMFR Joint Finance & Personnel Committee, 6/27/2017, Recommend the Approval of:
   4. Replace the vacated firefighter position as soon as possible
H. ITEMS REMOVED FROM THE CONSENT AGENDA

I. ACTION ITEMS
   1. Accounts payable and payroll for the term of 6/22/2017—6/29/2017 in the amount of $1,053,967.62
   3. "Class A" liquor license application for Shopko Stores Operating Co., LLC for the premises at 1578 Appleton Road, Menasha, Chris Luedeke, Agent for the 2017-2018 licensing period
   4. "Class B" liquor license application for Emprize Brewing, LLC, d/b/a Emprize Brew Mill for the premises at 198-200 Main Street, Menasha, Craig Zoltowski, Agent, for the 2017-2018 licensing period.
   5. Mayor’s veto of Common Council action to remove Alternative J and recommends Alternative B as the preferred option for the Racine Street Bridge and the City of Menasha has no interest in ownership of the Racine Street Bridge. (Requires 2/3 Majority Vote)

J. HELD OVER BUSINESS

K. ORDINANCES AND RESOLUTIONS

L. APPOINTMENTS
   1. Appointment of Kate Mueller to the Landmarks Commission for the term of 7/5/2017—3/1/2018
   2. Mayor’s Appointment of John Jacobs to the position of Administrative Services Director

M. CLAIMS AGAINST THE CITY

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

O. ADJOURNMENT

**MEETING NOTICE**
Monday, July 17, 2017
Common Council Meeting – 6:00 p.m.
Committee Meetings to Follow
A. CALL TO ORDER
Meeting called to order by Chairman Krueger at 7:55 p.m.

B. ROLL CALL/EXCUSED ABSENCES
PRESENT: Aldermen Krueger, Zelinski, Grade, Benner, Nichols, Taylor, Sevenich, Collier.
ALSO PRESENT: Mayor Merkes, CA Captain, PC Styka, CDD Buck, PRD Tungate, PHD McKenney, FM Sassman, ES Montour, Clerk Galeazzi.

C. MINUTES TO APPROVE
1. Administration Committee, 5/15/17
Moved by Ald. Sevenich seconded by Ald. Benner to approve minutes.
Motion carried on voice vote.

D. DISCUSSION/ACTION ITEMS
1. Review, discuss and possible action involving City Code Chapter 4, Sec. 2-4-6 Parks and Recreation Board and Chapter 12-1-6 Fees for Recreation Programs; Park User Fees, Boat Stall User Fees, and Cemetery User Fees.
Chairman Krueger stated Chapter 12-1-6 Fees for Recreation Programs will not be part of the discussion. The discussion will be about who has authority to approve leases and agreements involving Park property.
CA Captain explained the authority of the Parks and Recreation Board as defined in the City Code. The Common Council has the authority to set rules and regulations of the Parks and Recreation Board. An ordinance can be written on how Common Council wants the Parks and Recreation Board to operate.
CA Captain asked for a Point of Order; she was being interrupted while she was speaking. Chairman Krueger acknowledged the Point of Order and allowed CA Captain to continue speaking without interruption.
General discussion ensued on Parks and Recreation Board actions, what authority the City of Menasha Parks and Recreation Board has on entering into leases and agreements, determining use of park property, and what type of leases and agreements should be approved by Common Council.
Moved by Ald. Zelinski seconded by Ald. Taylor to authorize Ald. Sevenich and Krueger to work with staff to amend current City Code for Parks and Recreation Board. Motion carried on roll call 6-2.
Ald. Nichols, Grade voted no.
2. **Review, discuss and possible action involving City Code Chapter 3, Sec. 11-3-2 Littering Prohibited.**

   Chairman Krueger commented he has received complaints from residents of unwanted newspapers being tossed on their property. What course of action can be taken to correct this?

   CA Captain stated the City's littering ordinance deals with newspaper and fliers blowing around public property. Limiting the delivery of newspapers to residents would be deemed unconstitutional as it infringes on the newspaper freedom of speech. Residents can ask the business to stop delivering the unwanted newspaper to their home.

E. **ADJOURNMENT**

   Moved by Ald. Zelinski seconded by Ald. Grade to adjourn at 8:45 p.m.
   Motion carried on voice vote.

Deborah A. Galeazzi, WCMC
City Clerk
CITY OF MENASHA
BOARD OF PUBLIC WORKS
Third Floor Council Chambers
140 Main Street, Menasha
June 19, 2017
MINUTES

A. CALL TO ORDER
   Meeting called to order by Chairman Taylor at 8:50 p.m.

B. ROLL CALL/EXCUSED ABSENCES
   PRESENT: Aldermen Krueger, Zelinski, Grade, Benner, Nichols, Taylor, Sevenich, Collier.
   ALSO PRESENT: Mayor Merkes, CA Captain, PC Styka, CDD Buck, PHD McKenney, FM Sassman, ES Montour, Clerk Galeazzi.

C. MINUTES TO APPROVE
   1. June 5, 2017
      Moved by Ald. Krueger seconded by Ald. Zelinski to approve minutes.
      Motion carried on voice vote.

D. DISCUSSION / ACTION ITEMS
   1. 2017 Q1 Storm Water Report
      FM Sassman reviewed the financial section of the Storm Water Report. She reported the fund is doing better with the increase in the storm water fees in 2016. Future major capital expenses are anticipated in association with the Lower Fox River Total Maximum Daily Load (TMDL).

      Motion carried on roll call 8-0.

E. ADJOURNMENT
   Moved by Ald. Zelinski seconded by Ald. Krueger to adjourn at 8:56 p.m.
   Motion carried on voice vote.

Deborah A. Galeazzi, WCMC
City Clerk
A. CALL TO ORDER

Meeting called to order by Chairman Grade at 5:14 PM.

B. ROLL CALL/EXCUSED ABSENCES

LANDMARKS MEMBERS PRESENT: Commissioners Tom Grade, Dean Wydeven, Emilie Steinmann, and Kim Massey.

LANDMARKS MEMBERS EXCUSED: Alderman Collier.

OTHERS PRESENT: Nicholas Jevne (1334 Mayer Street, Fox Crossing).

C. MINUTES TO APPROVE

1. Minutes of the May 10, 2017 Landmarks Commission Meeting

Motion by Comm. Wydeven, seconded by Comm. Steinmann, to approve the minutes of the May 10, 2017 Landmarks Commission meeting. The motion carried.

Comm. Wydeven commented that he was disappointed with the Commission’s approval of the corrugated metal awning at 180 Main Street and expressed that he felt it will not be a complimentary component to the historic structure. The Commission discussed cost estimates supplied and that independent quotes should be acquired by the Commission in the future. Commissioner’s expressed the desire to be a “resource” for information on historic appropriateness rather than simply a review/approval body.

D. PUBLIC COMMENT ON ANY ITEM OF CONCERN ON THIS AGENDA OR ANY ITEM RELATED TO THE RESPONSIBILITIES OF THE LANDMARKS COMMISSION

No one spoke.

E. COMMUNICATIONS

None.

F. ACTION ITEMS

1. Selection of 2017 Discover Historic Menasha Photo Contest Winner

CDD Buck informed the Commission that they received 37 submissions with 32 being 100% correct. The Commission discussed the contest and went over the prizes to be awarded that include gift cards to Parker John’s Restaurant ($30), Your Daily Grind Coffee Shop ($20), WeatherVane Restaurant ($30), Renewed and Reclaimed retail ($20) and a donated gift card for Jitter’s Tavern ($25). CDD Buck asked if the Commission wished to pick a single or multiple winners and possibly divide the prizes between them. Comm. Grade mentioned that all who entered the contest received a free ice cream voucher from Lemon Loves Line and that he felt the Downtown “shopping spree” should go to an individual winner selected at random from those submitted. The Commission concurred. The randomly selection entry, as witnessed by Nicholas Jevne, was Mr. Dave Wisniewski (94 Lawson Street). The Commission directed staff to contact him and ask that he attend the June 19th Common Council meeting to be presented the prizes from Comm. Grade on behalf of the Landmarks Commission.

2. Election of Officers

CDD Buck informed the Commission that they need to select a Chairman and Vice-Chairman. The Commission questioned if they should wait until all of the seats on the Landmarks Commission were filled. CDD Buck stated that officers are elected annually at the June meeting.

   a. Comm. Steinmann nominated Comm. Grade for Chairman, seconded by Comm. Wydeven. Comm. Grade was approved as Chairman on a vote of 3-0 with Comm. Grade abstaining.

G. DISCUSSION ITEMS

The Commission discussed current and potential vacancies on the Landmarks Commission and CDD Buck requested that the Commissioners let him know if they knew anyone interested in serving and that he would reach out to them.

Comm. Steinmann mentioned that the event Bazaar After Dark will be taking place in Menasha at the end of July. An element of the event is the installation of a mural somewhere on Main Street most likely within the Upper Main Street Historic District. CDD gave an overview of the event and stated that a mural on a historic structure in the Historic District will need to be brought before the Landmarks Commission for approval. He stated that he was unaware of what structure the mural will be placed upon but mentioned that a special meeting of the Landmarks Commission will likely need to take place as the timing of the event and regular schedule for the Commission may not work.

Comm. Grade shared a photograph of a stone bench and garden from another community and made suggestions that the landscaping within the public walkway on Main Street could be adjusted to take on some of the elements within the photo including the removal of the “dead tree” in front of the “couch” and 2-3 trees placed in the greenspace behind the bench. CDD Buck said he would mention it to the Mayor and Department of Public Works but felt that the improvements in the walkway will likely stay in place as they are newly installed and he believed that the expense to adjust them would not be warranted.

H. PUBLIC COMMENT ON ANY ITEM OF CONCERN ON THIS AGENDA

Nicholas Jevne stated that the Historical Society is in the early stages of discussions with Neenah High School about a program to have students conduct historic research and compile information for the area and somehow attach a QR code to it so the information can be accessed quickly over the internet by smartphone. He suggested that this may be a program that the Landmarks Commission may want to be involved with as it getting more flushed out. The Commission discussed the need and desire to have a greater social media presence such as a Historic Menasha Facebook, Instagram or Twitter account.

I. ADJOURNMENT

Motion by Comm. Massey, seconded by Comm. Steinmann, to adjourn at 6:25 PM. Motion carried.

Minutes prepared by CDD Buck.
Present: Ald. Collier, Stevenson, Pollnow and Sevenich

Excused: Ald. Nichols and Kunz

Also Present: Chief Kloehn, Deputy Director Sassman and OM Theisen

Public: HR Director Barber

Ald. Sevenich called the meeting to order at 5:30 p.m.

Public Forum: No members of the public chose to speak.

Minutes: The Committee reviewed the May 23, 2017 and June 1, 2017 meeting minutes. MSC Pollnow/Stevenson to approve May 23, 2017 and June 1, 2017 meeting minutes, all voting aye.

Activity/Automatic Aid Reports: The Committee reviewed the May activity and automatic aid reports. MSC Pollnow/Stevenson to approve the May activity and automatic aid reports, all voting aye.

Response Time Comparison: The Committee reviewed the memo from DC Voss regarding the EMS response time comparison. Ald. Sevenich requested this memo be sent to the Menasha Common Council for their review.

Vacant Firefighter Position: The Committee reviewed the memo from Chief Kloehn to request replace the upcoming vacant firefighter position. MSC Pollnow/Stevenson recommends the City of Neenah and City of Menasha Common Councils replace the vacated firefighter position as soon as possible, all voting aye.

Firefighter Safety Project: The Committee reviewed the memo from Chief Kloehn regarding the firefighter safety project.

MSC Pollnow/Collier to adjourn at 5:45 p.m., all voting aye.

Respectfully Submitted,

Tara Theisen
Management Assistant
Present: Commissioners Kubiak, Liebhauser, Englebert, Keating, McCann and Lewis

Also Present: Chief Kloehn and OM Theisen

Public Forum: No members of the public were present.

Commissioner Kubiak called the meeting to order at 12:00 p.m.

Minutes: The Commission reviewed the May 24, 2017 meeting minutes. MSC Liebhauser/McCann to approve the May 24, 2017 meeting minutes and place on file, all voting aye.

Activity and Automatic Aid Reports: The Commission reviewed the May 2017 activity and automatic aid reports. This is informational only and no action is required.

12:03 p.m. Commissioner Lewis entered the meeting.

Driver/Operator Promotion: The Commission reviewed the memo from Chief Kloehn requesting to fill the vacated Drivers position. MSC Kubiak/Englebert promote Kevin Korth to the vacated Driver/Operator position effective June 25, 2017, all voting aye.

Firefighter Vacancy: Chief Kloehn notified the Fire Commission we recently had a firefighter turn in their notice, effective August 15, 2017, and will be asking both Common Council’s for approval to fill the vacated position.

Firefighter Safety Project: The Commission reviewed the memo from Chief Kloehn regarding the cancer prevention project our department is currently undergoing.

MSC Liebhauser/Lewis to adjourn at 12:30 p.m., all voting aye.

Respectfully Submitted,

Tara Theisen
Management Assistant
A. CALL TO ORDER

The meeting was called to order by Chr. D. Sturm at 6:00 pm.

B. ROLL CALL/EXCUSED ABSENCES

MEMBERS PRESENT: D. Sturm, B. Adesso, R. DeLain, T. Marshall, L. Hopwood

MEMBERS EXCUSED: N. Barker, Ald. T. Grade

OTHERS PRESENT: PRD Tungate, PS Maas, Ald. B. Nichols, Ald. A. Collier, Randy Thomson

C. MINUTES TO APPROVE

1. Minutes of the May 9, 2017 Park Board Meeting: Moved by B. Adesso, seconded by L. Hopwood to approve the minutes of the May 9, 2017 Park Board meeting. It was noted that B. Adesso had been excused from this meeting and the minutes will be amended to reflect this. Motion carried.

D. PUBLIC COMMENT ON ANY MATTER RELATED TO CITY PARKS AND RECREATION

1. Koslo Park-Twins 2016 Championship and Bleachers (Ald. Grade): PRD Tungate noted the Koslo sign will be updated soon and that currently there are seven, three row bleaches at Koslo. A couple more will likely be brought over for the July Legion tournament.

E. REPORT OF DEPARTMENT HEADS/staff/or consultants

1. Department Report: PRD Tungate reported on the pool opening, final hiring of staff at the pool and for recreation programs. Not an abundance of applicants, but still a high quality staff. Efforts to recruit lifeguards were successful. The move to the new city hall has taken up considerable time lately. Mayor is working on appointing a new Board member to fill the spot vacated by Nancy Barker.

2. Park, Pool and Vandalism Report: PS Maas reported on the Scanlan Park plaza project. Bike rack and drinking fountain still need to be installed. Pool slide pump was repaired the first week the pool was open. Smith Park flowers were planted two weeks ago. Compliments have been received on the look of this year’s flowers. Jefferson Park East Diamond lights had to be repaired. Gilbert site has been re-mulched.

F. DISCUSSION

1. Gilbert Site and Canal Grant Opportunities: PRD Tungate reported that a grant application to the Natural Resource Damage Assessment program (NRDA) will be submitted this fall. The application will cover the re-opening and restoration of the Lawson Canal and some shoreline naturalization along the main channel of the river. Staff is working with engineering consultants who have had previous success in securing NRDA project funds in the past. This is a complex project that involves several divisions within the DNR, the Army Corps of Engineers, U.S. Fish and Wildlife Service along with the property owners of the canal and remaining Gilbert site landowners. If successful, NRDA funds could be combined with DNR Stewardship money to pay for all or most of the project costs.
G. ACTION ITEMS

1. **Approve Twisted Pistons event to be held August 17, 2017:** Motion by B. Adesso, seconded by L. Hopwood to approve Twisted Pistons’ request for use of Curtis Reed Square on August 17, 2017. The event still has to be reviewed by the Special Event Committee. No major changes to the use of Curtis Reed Square are expected. Motion carried.

2. **Approve Jazzfest event to be held September 2 & 3, 2017 in Jefferson Park:** Motion by B. Adesso, seconded by R. DeLain to approve Jazzfest’s request for use of Jefferson Park on June 17, 2017. This event still has to be reviewed by the Special Event Committee. No major changes to the event are expected. Motion carried.

3. **Reconfigure the Hart Park basketball court to have two standards on the northside of the existing pavement: One half-court would be larger than the other and have a rim height of 10’. The second court would be smaller in size and have a rim height less than 10’.* This topic has been on several agendas. Questions were asked about the durability of the new rim system, which direction the rims should face to avoid looking into the sun and the possibility of investigating how or if a camera system would be appropriate at Hart Park. Motion by L. Hopwood, seconded by T. Marshall that as part of the upcoming resurfacing of the court at Hart Park, the rims be reconfigured with a smaller playing area on the east side of the pavement with a rim height less than 10’. In addition, a 10’ height rim would be placed on the northwest side of the existing pavement (or the west of the light pole) that would be a larger playing area. Motion carried.

H. PUBLIC COMMENT ON ANY MATTER LISTED ON THE AGENDA

L. Hopwood would like to review and better understand the special event review process next month. B. Adesso noted he thought the recent Food Truck rally needed more garbage cans.

I. ADJOURNMENT

Moved by B. Adesso, seconded by R. DeLain, to adjourn at 7:45 pm. Motion carried.
A. CALL TO ORDER
   Meeting called to order by Chairman Collier at 8:58 p.m.

B. ROLL CALL/EXCUSED ABSENCES
   PRESENT: Aldermen Krueger, Zelinski, Grade, Benner, Nichols, Taylor, Sevenich, Collier, Mayor Merkes.
   ALSO PRESENT: CA Captain, Pc Styka, CDD Buck, PHD McKenney, FM Sassman, ES Montour, Clerk Galeazzi.

C. MINUTES TO APPROVE
   1. Personnel Committee, 4/18/17
      Moved by Ald. Krueger seconded by Ald. Zelinski to approve minutes.
      Motion carried by voice vote.

D. ACTION ITEMS
      CA Captain explained the update includes a Retaliation Policy. CVMIC recommends reviewing the Anti-Harassment and Retaliation Policy and hold trainings for all City employees, including elected officials every three years. The next training is scheduled for August 2017.
      Ald. Taylor left the meeting at 9:08 p.m.
      Moved by Mayor Merkes seconded by Ald. Krueger to recommend to Common Council Updates to Personnel Policy Handbook Anti-Harassment Policy.
      General discussion ensued on general changes to the policy.
      Motion carried on roll call 8-0.

   2. CVMIC Required Anti-Harassment Training.
      CA Captain explained the anti-harassment and diversity training requirements for all City employees and elected officials. Options are to attend a live training or view a tape of the training. Elected officials should make arrangements with HR Coordinator Huber on which training option they prefer.
      General discussion ensued on the length of the training, where training will be held, and viewing the training tape some place other than City Hall.
      Moved by Ald. Nichols seconded by Ald. Benner that all regular employees and elected officials are required to attend Anti-Harassment and Diversity Training or watch the video and sign a statement acknowledging participation.
      Motion carried on roll call 8-0.
      Original motion as amended carried on roll call 8-0.

E. ADJOURNMENT
   Moved by Mayor Merkes seconded by Ald. Krueger to adjourn at 9:21 p.m.
   Motion carried on voice vote.

Deborah A. Galeazzi, WCMC, City Clerk
Commission President Allwardt called the Regular Meeting of the Water and Light Commission to order at 8:00 a.m., with Commissioners Roy Kordus, Don Merkes, Antoine Tines, and Gary Turchan present on roll call. Also present was Melanie Krause, General Manager.

Item II. The motion by Comm. Merkes, seconded by Comm. Allwardt, was unanimously approved on roll call to convene into Closed Session pursuant to Section 19.85 (1) (e), of the Wisconsin Statutes for the purpose of deliberating or negotiating the purchasing of public properties, the investing of public funds, or conducting other specified public business, whenever competitive or bargaining reasons require a closed session RE: Verizon Contract.

There being no further business, the motion by Comm. Allwardt, seconded by Comm. Kordus, was unanimously approved to adjourn from Closed Session and to reconvene into Open Session of the Water and Light Commission meeting at 8:59 a.m.

William Menting, Electric Manager; Tim Gosz, Water Utility Manager, Kristin Hubertus, Finance Manager; Steve Grenell, Engineering Manager; Paula Maurer, Customer Service Manager, John Teale, Technical Services Engineer; Dawn Lucier, Administrative and Accounting Assistant; and Don Voogt, McMahon, joined the meeting at 9:02 a.m.

David Christensen, Engineering Technician, was excused.

Item III. No one from the Gallery requested to be heard on any topic of public concern to the Utility.

Item IV. Motion made by Comm. Kordus, seconded by Comm. Allwardt, was unanimous on roll call to approve the following:

A. Minutes of the Regular Meeting of April 26, 2017.
B. Approve and warrant payments summarized by checks dated May 4-24, 2017, which includes Net Payroll Voucher Checks, and Operation and Maintenance Voucher Checks for a total of $706,185.83, and Operation and Maintenance Vouchers and Rebates to be paid prior to the next Regular Meeting. Motion approved unanimously on roll call.
C. Correspondence as listed:
   - Copy of letter dated May 10 from the Public Service Commission RE: Wisconsin electric Boundary Agreement.
   - Copy of Letter dated March 30 from the Arbor Day Foundation RE: Recognition as a Tree Line USA for the fifth year.
   - Copy of the May 2017 MU Employee Newsletter.
   - Copy of News Release Dated May 9 RE: Menasha Utilities Recognized as a Reliable Public Power Provider.
   - Copy of letter dated May 19 from the Wisconsin Paper Council RE: Request to Intervene and Notice of Appearance for the Electric Rate Case (Docket 3560-ER-106).
Copy of the Agenda for the 2017 MEUW Annual Meeting.
Copy of Press Release from the League of Wisconsin Municipalities RE: State’s Business Lobby Blocking Efforts to Remove Lead from Water.
Copy of Testimony from the Wisconsin Manufacturers & Commerce RE: Energy and Utilities in Opposition to Assembly Bill 78.

With the presence of Don Voogt, McMahon, New Business Item A was advanced for discussion.

Item VIII.  New Business, Basin/Intake Engineering Design - Staff is working with McMahon on the new source water intake and basin plans and specifications that will be submitted to the DNR and the PSC. A lengthy discussion ensued over the options for the new intake and pretreatment basin abandonment included in the packet.

Mr. Voogt departed at 9:37 a.m.

Item V.   Claims Against The Utility – There were no claims discussed at this meeting.

Item VI.    A list with purchase orders over $10,000, issued since the last Commission meeting was distributed. Purchase order #9012 is for utility pole testing and is budgeted.

Item VII.  Unfinished Business, Lead Water Service Program – Staff has been going door-to-door to visually inspect customer’s water services for lead piping; a total of 347 lead water services have been documented. Customers are beginning to utilize the lead service replacement program; four services have been replaced.

Item VIII.  New Business, Water Rate Case Projections – Two rate adjustment comparisons were discussed. The projections estimated the rate increase that would be needed, with minimal capital expenditures, to support the intake/basin project and maintain cash balances.

The commission asked for a projection of potential risks the Utility would be taking by going with an 8.6% versus 16.7% rate increase.

Lead/Copper Testing Protocol – The updated lead and copper sample site list along with the sampling protocol was discussed. All 45 sites listed are single family homes with lead services.

Change Order Washington Street Water Tank Painting – Change order #1 modifies the contract price from $260,000 to $258,615.60. The change order credit in the amount of $1,384.40 is for reimbursing cable and work performed by Menasha Utilities crew.

The motion by Comm. Allwardt, seconded by Comm. Turchan was unanimous on roll call to approve change order #1 to V&T Painting LLC for the Washington Street Water Tank Painting project for a total decrease of $1,384.40.

Tim Gosz, Water Utility Manager, departed at 10:37 a.m.

DOT Relocation Distribution Feeder under 441 Bid Opening – Steve Grenell, Engineering Manager, reviewed the bid opening held on May 16, 2017 for construction labor. Six bids were received with MasTec being the low bidder at $37,470.
The motion by Comm. Merkes, seconded by Comm. Turchan, was unanimous on roll call to award the bid for the DOT Relocation Distribution Feeder under 441 construction labor contract to MasTec in the amount of $37,470. The Commission also recommended the Board of Public Works approve and award this bid to MasTec and forward it to the Common Council for approval.

Employee Engagement/Communication – An initiative from the Commission is to improve engagement and communication within the organization. Staff presented a document detailing what the Utility is currently doing with employees and what is planned for the remainder of the year.

APPA RP3 Designation – Menasha Utilities has been recognized by the American Public Power Association as a 2016 reliable public power provider (RP3).

Item IX. Strategic Reports, Monthly Strategic Initiative Update – The April report was discussed.

April Financial and Project Status Reports – Electric consumption was .9% lower than budget; revenues are lower due to pass through rates; and Net Operating Income was higher than budget due to lower distribution and depreciation expenses.

Water consumption was 1% higher than budget, the loss ratio was 8.52%, and the Main Replacement project has begun.

After discussion, the Commission accepted the April Financial and Project Status Reports as presented.

Project Reports, Water Projects – There was no additional information presented.

Electric Projects – The Rue Reynard Acquisition boring has run into buried materials and will require larger equipment to finish.

Item X. No one from the Gallery requested to be heard on any topic of public concern to the Utility.

Item XI. The motion by Comm. Allwardt, seconded by Comm. Turchan, was unanimously approved on roll call to adjourn at 10:56 a.m.

By: MARK L. ALLWARDT  GARY TURCHAN
    President               Secretary

NOTE: THESE MINUTES ARE NOT TO BE CONSIDERED OFFICIAL UNTIL ACTED UPON AT THE NEXT REGULAR MEETING, THEREFORE, ARE SUBJECT TO REVISION.
Memorandum

TO: Chief Klcehn
FROM: Deputy Chief Voss
DATE: 6/19/2017
RE: GCA arrival comparison

Over the years the question has been asked, "How often does Gold Cross Ambulance (GCA) arrive on scene before NMFR?" On 12/22/2014, I initiated a department wide special study in Firehouse (our records system), this study required the company officers to choose one of three options for each EMS incident they responded to. The three choices were "Before us", "After us" or "Same time". These were used to indicate when GCA arrived in comparison to our engine.

From 12/22/2014, to today, we have gathered 4,341 records in this study.

The results show that 62% of the time we are arriving prior to GCA at the incident address. GCA arrives prior to us 17% of the time and both us and GCA arrival simultaneously 21% of the time. The results are graphed below.

Arrival Comparison

- After us
- Before us
- Same time

125 E. Columbian Avenue, Neenah, WI – Phone 920-886-6200, Fax 920-886-6208
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 Krueger, Zelinski, Grade, Benner, Nichols, Taylor, Sevenich, Collier.
   ALSO PRESENT: Mayor Merkes, CA Captain, PC Styka, CDD Buck, PP Englebert, PRD Tungate, PHD McKenney, FM Sassman, ES Montour, Clerk Galeazzi.
   DEPT. HEAD EXCUSED: FC Kloehn

D. PUBLIC HEARING
   None

E. PUBLIC COMMENTS ON ANY MATTER OF CONCERN TO THE CITY
   (five (5) minute time limit for each person)
   Bill Banti & Joy Cha, owners of Lemon Loves Lime. Support Alternative B for the Racine Street Bridge as the best option for downtown businesses.

   Sandy & Brian Pufahl, 740 Nicolet Blvd, Menasha. Support Alternative B for Racine Street Bridge; Afraid other option will close off traffic to downtown businesses.

   Jodi Zehner, 216 Main Street, Menasha. Alternative B for Racine Street Bridge is best option for downtown businesses.

   Tim Jacobson, 732 Paris Street, Menasha. Council being short sighted on Racine Street Bridge project, need to look to the future and go with a new bridge, not just repair current bridge.

   Greg Curtis, 226 Main Street, Menasha. Support Alternative B for Racine Street Bridge, things can change in 20 years for construction of a new bridge.

   Tim Lenth & Becky Mader, 204 Main Street, Menasha. Support Alternative B for Racine Street Bridge, other option could decrease tax revenue by removing properties from tax roll.

   Dan Zelinski, 647 Paris Street, Menasha. What is annual cost to maintain Racine Street Bridge; not support ownership of the bridge.

   James Taylor, 340 Broad Street, Menasha. Midwest Sun Splash was wonderful event downtown.

F. REPORT OF DEPARTMENT HEADS/STAFF/CONSULTANTS
   1. Landmarks Contest Presentation
      Tom Grade and Dean Wydeven from the Landmarks Commission introduced the winner of the Discover Historic Menasha Photo contest, Dave Wisniewski. They presented Mr. Wisniewski with gift cards from some downtown businesses. They announced the Landmarks Commission has presented Club Liquor with a Downtown Historic Plaque.
2. Clerk Galeazzi - the following minutes and communications have been received and placed on file:

Minutes to receive:
- Board of Public Works, 6/5/2017
- Committee on Aging, 5/10/2017
- NMFR Joint Finance & Personnel Committee, 6/1/2017
- Plan Commission, 6/6/2017

Communications:
- Tax Increment District #13—One Menasha Center 2017 Tax Valuations, Memorandum
  Kevin Englebert, PP, 6/8/2017
- Lions Clubs Centennial Celebration Proclamation
- Community Development Code Enforcement Activity Summary, Memorandum, 6/13/2017

Moved by Ald. Sevenich seconded by Ald. Benner to receive Minutes and Communications a-g.

General discussion on CD Code Enforcement Activity Summary; TID #13-One Menasha Center 2017 Tax Valuations.
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, 6/5/2017
   Board of Public Works, 6/5/2017, Recommends the Approval of:
2. Remove Alternative J and recommend Alternative B as the preferred option for the Racine Street Bridge and the City of Menasha has no interested in ownership of the Racine Street Bridge
3. Street Use Application – Community Fest – Parade of Lights; Monday, July 3, 2017; 9:00 PM – 10:15 PM (Cities of Neenah & Menasha)
4. Street Use Application – Bazaar After Dark; Thursday, July 20, 2017; 12:00 Noon – 12:00 Midnight (Fox Cities Chamber/Pulse Young Professionals)
5. Recommendation to Award – DOT Relocation Distribution Feeder Under 441 Project; MasTec North America, Inc.; $37,470.00 (Menasha Utilities)
6. Payment – Sommers Construction; Contract Unit 2017-01; New Street Construction Including Asphalt Trail and Concrete Sidewalk; Province Terrace from Province Link to Midway Road; $97,852.93 (Payment No. 2)
7. Authorization to Execute Intergovernmental Agreement to Satisfy Eligibility for Recycling Consolidation Grant for Calendar Year 2018
8. Certified Survey Map—Villa Way—Property Line Alteration

Ald. Nichols requested to remove item 2 from Consent Agenda.

Moved by Ald. Sevenich seconded by Ald. Krueger to approve Consent Agenda items 1 & 3-8. Motion carried on roll call 8-0.

H. ITEMS REMOVED FROM THE CONSENT AGENDA

Moved by Ald. Taylor seconded by Ald. Zelinski to approve Consent Agenda item 2, Remove Alternative J and recommend Alternative B as the preferred option for the Racine Street Bridge and the City of Menasha has no interested in ownership of the Racine Street Bridge

General discussion ensued on the pros and cons of repairing or replacing bridge.
Motion carried on roll call 5-3.

I. **ACTION ITEMS**

1. **Accounts payable and payroll for the term of 6/8/2017—6/15/2017 in the amount of $1,931,198.17**
   Moved by Ald. Krueger seconded by Ald. Sevenich to approve accounts payable and payroll General discussion on expenditures.
   Motion carried on roll call 8-0.

2. **Beverage Operators License Applications for the 2017-2019 licensing period.**
   Moved by Ald. Krueger seconded by Ald. Zelinski to approve beverage operator’s license applications for the 2017-2017 licensing period as listed in memo date 6/15/17.
   Motion carried on roll call 8-0.

   Moved by Ald. Krueger seconded by Ald. Collier to approve beverage operator’s license applications for the 2015-2017 licensing period as listed in memo dated 6/15/17.
   Motion carried on roll call 8-0.

   Mayor Merkes stated the Police Department is recommending denial of beverage operator’s license application of Emily Steward. No one was present representing Ms. Steward.

   Moved by Ald. Krueger seconded by Ald. Benner to deny beverage operator's license application of Emily Steward as she is considered a habitual offender as outlined in City of Menasha’s Guidelines for Operator Licenses.

3. **Liquor License Applications for the 2017-2018 licensing period**
   a. **Liquor License Application for Quik Mart Menasha, Inc., d/b/a Quik Mart Menasha, Satnam Gill, Agent, 1515 Appleton Road**
   b. **Liquor License Application for Rebecca Mader, d/b/a Your Daily Grind, 204 Main Street**
   Clerk Galeazzi reported that all requirements for approving liquor licenses are complete for both applications. Staff recommends approval of both liquor license applications.

   Moved by Ald. Krueger seconded by Ald. Sevenich to approve liquor license application for Quik Mart Menasha, Inc. and Rebecca Mader.
   Motion carried on roll call 8-0.

4. **Amendment to Development Agreement—Valley Road Multi-Storage**
   Moved by Ald. Benner seconded by Ald. Collier to approve Amendment to Development Agreement for Multi-Storage LLC.

   Ald. Krueger stated he will be abstaining as he does business with the company. He left the room.

   PP Englebert explained the amendment to the development agreement. The property is currently owned by the City, but in order for the developer to start development it must comply with requirements of Wisconsin DNR. To do this, an amendment to the development agreement must be made to allow the developer to undertake site activities prior to taking ownership of the property.

   CA Captain discussed amendments and made recommendations to protect the City’s position.

   General discussion ensued on use of the property; amendments to the development agreement; landscaping requirements; value of property after development.
4. **Amendment to Development Agreement—Valley Road Multi-Storage, cont’d.**
Moved by Ald. Sevenich seconded by Ald. Zelinski to amend Section 8 of Development Agreement, to delete the first sentence “In accordance with Wis. Stat. §70.11(2), Developer shall owe no property tax to the City or to any other taxing authority, and the property shall be deemed exempt under §70.11(2) until such time as Developer acquires fee simple ownership of said property by Warranty Deed from the City as contemplated by this Agreement” and replace it with “If the property shall be deemed exempt under §70.11(2) until such time as Developer acquires fee simple ownership of said property by Warranty Deed from the City as contemplated by this Agreement”
Motion carried on roll call 7-0. Ald. Krueger abstained.

Moved by Ald. Sevenich seconded by Ald. Zelinski to amend Section 5 of Development Agreement to delete “free and clear of all encumbrances and”.
Motion carried on roll call 7-0. Ald. Krueger abstained.

Original motion as amended carried on roll call 7-0. Ald. Krueger abstained.

5. **Replacement of High Speed Copier (Mayor Merkes)**
Moved by Ald. Sevenich seconded by Ald. Benner to approve replacement of high speed copier at the cost of $14,966.33.
Mayor Merkes explained two current copiers will be replaced with one new copier. The two current copiers have reached their life expectancies.
Motion carried on roll call 7-1. Ald. Zelinski voted no.

J. **HELD OVER BUSINESS**
None

K. **ORDINANCES AND RESOLUTIONS**
1. **R-16-17 Resolution Acknowledging Review of City of Menasha 2016 Compliance Maintenance Annual Report under Wisconsin Administrative Code NR 208**
Motion carried on roll call 8-0.

L. **APPOINTMENTS**
1. Reappointment of Jeffrey Nichols to the Board of Review for the term of 7/1/2017-7/1/2022
Moved by Ald. Sevenich seconded by Ald. Collier to approve reappointment of Jeffrey Nichols to Board of Review.
Ald. Nichols stated she will be abstaining as Jeffrey Nichols is her husband. She left the room.
Motion carried on roll call 7-0. Ald. Nichols abstained.

2. **Appointment of Tim Hoff to the Landmarks Commission for the term of 6/19/2017—3/1/2019**
Moved by Ald. Sevenich seconded by Ald. Krueger to approve appointment of Tim Hoff to Landmarks Commission
Motion carried on voice vote.

M. **CLAIMS AGAINST THE CITY**
None
N. PUBLIC COMMENTS ON ANY MATTER LISTED ON THE AGENDA
   (five (5) minute time limit for each person)
   Tim Jacobson, 732 Paris Street, Menasha. There was good debate during Racine Street Bridge
   Topic; should contact State representatives on changing requirement that municipalities take
   ownership when a bridge is reconstructed.

   Dan Zelinski, 647 Paris Street, Menasha. Thanked Council for the decision on Racine Street
   Bridge topic. Amendments to the budget should be in the form of a resolution.

O. ADJOURNMENT
   Moved by Ald. Taylor seconded by Ald. Krueger to adjourn at 7:46 p.m.
   Motion carried on voice vote.

Deborah A. Galeazzi, WCMC
City Clerk
I. PURPOSE
The purpose of this policy is to maintain a healthy work environment in which all individuals are treated with respect and dignity and to provide procedures for reporting, investigating, and resolving complaints of harassment, discrimination, and/or retaliation.

II. POLICY
It is the policy of the City of Menasha that all employees have a right to work in an environment free from discrimination and harassing conduct. Harassment on the basis of an employee’s race, color, creed, ancestry, national origin, age (40 and over), disability, sex, arrest or conviction record, marital status, sexual orientation, genetic testing, honesty testing, pregnancy or childbirth, religion, military service, or use or nonuse of lawful products away from work is expressly prohibited under this policy. The City will not tolerate, condone, or allow harassment, discrimination, or retaliation by any employee or other non-employee who conducts business with the City. Menasha considers harassment, discrimination, and retaliation of others to be forms of serious employee misconduct. Therefore, the City shall take direct and immediate action to prevent such behavior and to remedy all reported instances of harassment, discrimination, and/or retaliation. A violation of this policy can lead to discipline up to and including termination with repeated violations, even if “minor,” resulting in greater levels of discipline as appropriate.

III. PROHIBITED ACTIVITY AND RESPONSIBILITY
A. Harassment defined as: Unwelcome conduct or action, whether verbal, physical, or visual, that is based on a person’s protected status as defined by law that creates a hostile, intimidating, or offensive work environment or interferes with an individual’s job performance.

B. Sexual-harassment is defined as unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:
   1. Submission to such conduct is made either explicitly or implicitly a term or condition of employment; or
   2. Submission to or rejection of such conduct by an employee is used as the basis for employment decisions affecting the employee; or
3. Such conduct has the purpose or effect of unreasonably interfering with an employee’s work performance or creating an intimidating, hostile, or offensive working environment.

C. Retaliation against any employee or applicant for filing a harassment or discrimination complaint, for assisting, testifying, or participating in the investigation of such a complaint, or for requesting a protected leave of absence or reasonable accommodation, is illegal and is prohibited by the City and by federal statutes.

1. Retaliation can occur from a variety of sources, including co-workers, supervisors, or elected officials.

2. Generally, any materially adverse action taken against an employee or applicant “because of” protected conduct is prohibited. The scope of retaliation goes beyond workplace-related or employment-related actions and includes conduct that would dissuade a reasonable worker from making or supporting a charge of discrimination. Examples of conduct that may be considered retaliation include:
   a. Discharge;
   b. Demotion or not promoting;
   c. Reduction in pay;
   d. Reassignment of job duties;
   e. Giving a less distinguished job title;
   f. Filing false criminal charges against an employee;
   g. Significantly diminishing an employee’s responsibilities;
   h. Unwarranted negative performance evaluations (impacting promotional opportunities);
   i. Increased scrutiny of employee’s work;
   j. Refusing to restore lost leave time; and
   k. Isolation or shunning an employee.

D. Employee Responsibilities. All supervisors, administrators, and employees, as part of their job requirements, are responsible for preventing and eliminating harassment, discrimination, and retaliation in the City workplace.

1. Each supervisor shall be responsible for preventing prohibited activities as defined herein by:
   a. Monitoring the unit work environment on a daily basis for signs that harassment, discrimination, and/or retaliation may be occurring;
   b. Training and counseling all employees on what constitutes harassment, sexual harassment, discrimination, and retaliation, the types of behavior prohibited by the City’s policy, and the procedures for reporting and resolving complaints of harassment, discrimination, and retaliation;
   c. Stopping any observation that may be considered harassment, discrimination, and/or retaliation and taking appropriate steps to intervene, whether or not the involved employees are within his/her line of supervision;
   d. Taking immediate action to prevent retaliation towards the complaining party or witnesses and to eliminate the hostile work environment where there has been a complaint of harassment, pending an investigation. If a situation requires separation of the parties, care should be taken to avoid actions that appear to punish a complainant. Transfer or reassignment of any of the parties involved
should be voluntary, if possible and, if non-voluntary, should be temporary pending the outcome of the investigation.
e. Assisting any employee of the City who comes to that supervisor with a complaint of harassment, discrimination, and/or retaliation in documenting and filing a complaint.

2. Each employee of the City is responsible for assisting in the prevention of harassment, discrimination, and retaliation through the following acts:
a. Refraining from participation in or encouragement of actions that could be perceived as harassment, discrimination, or retaliation;
b. Reporting acts of harassment, discrimination, or retaliation to a supervisor; and,
c. Encouraging any employee who confides that he or she is being harassed or discriminated or retaliated against to report these acts to a supervisor.

3. Failure of any employee to carry out the above responsibilities will be considered in any performance evaluation or promotional decisions and may be grounds for discipline.

IV. COMPLAINT PROCEDURES
A. Any employee encountering harassment, discrimination, and/or retaliation is encouraged but not required to inform the person that his or her actions are unwelcome and offensive. This initial contact can be either verbal or in writing. The employee is to document all incidents of harassment and retaliation in order to provide the fullest basis for investigation.

B. Any employee who has unsuccessfully attempted to end the harassment, discrimination, or retaliation by means of Section A above and who believes he or she is being harassed shall report the incident(s) as soon as possible to their supervisor so that steps may be taken to protect the employee from further harassment, discrimination, or retaliation, and so that appropriate investigative and disciplinary measures may be initiated. Where doing so is not practical, the employee may instead file a complaint with another supervisor, Department Head, Administrative Services Director, City Attorney, or Mayor.
   1. The supervisor or other person to whom a complaint is given shall meet with the employee and document the incident(s) complained of, the persons performing or participating in the harassment, discrimination, or retaliation, any witnesses to the incident(s), and the date(s) on which it occurred.

C. An employee should utilize the City’s internal reporting procedure first. However, if after utilizing this procedure the complainant does not feel the complaint has been adequately addressed, the employee may file a complaint with either or both of the following:
   1. State of Wisconsin Equal Rights Division
      *Complaint form is online:* ERINFO@dwd.wisconsin.gov
      
      819 North 6th Street P.O. Box 8928
      Milwaukee, WI 53203 Madison, WI 53708
      (414) 227-4384 608-266-6860
   2. EEOC (Equal Employment Opportunity Commission)
      *File a charge by phone:* 1-800-669-4000
      info@eeoc.gov
      Reuss Federal Plaza
      310 W. Wisconsin Avenue, Suite 500
Milwaukee, WI 53203
1-800-669-4000

3. If the employee exercises either of these options, a copy of the complaint must be filed with the City Attorney within 24 hours of filing of the complaint.

4. This policy does not preclude any employee from filing a complaint or grievance with an appropriate outside agency, forum, or Court of law.

D. The Administrative Services Director or designee shall be responsible for investigating any complaint alleging harassment, discrimination, and/or retaliation.

1. The internal investigative authority shall immediately notify the Mayor or Council President and the City Attorney if the complaint contains evidence of criminal activity such as battery, sexual assault, or attempted sexual assault.

2. The investigation shall include a determination as to whether other employees are being harassed or discriminated or retaliated against by the person and whether other City employees participated in or encouraged the harassment, discrimination, or retaliation.

3. The internal investigative authority shall inform the parties involved of the outcome of the investigation.

4. After appropriate investigation, any employee found to have harassed or discriminated or retaliated against another employee will be subject to appropriate disciplinary action, up to and including discharge.

E. A file of harassment, discrimination, and retaliation complaints shall be maintained in a secure location. The Mayor shall be provided with an annual summary of these complaints.

F. The complaining party’s confidentiality will be maintained throughout the investigatory process to the extent practical and appropriate under the circumstances. Complaints of employees accused of harassment and/or retaliation may file a grievance/appeal in accordance with City procedures when they disagree with the investigation or disposition of a harassment, discrimination, or retaliation claim.

V. CONCLUSION

The City expects all employees to act honestly and responsibly in complying with and enforcing this policy. It is the City’s desire to provide a pleasant work environment free of harassment for all employees.
Harassment, Discrimination, and/or Retaliation Complaint Form

Name of Complainant: ________________________________  Date: _______________________

Date of Incident: ________________________________ Time: ______________________

Location of Incident: ______________________________________________________________

Name of Witnesses to the Incident (include any and all contact information if known):
_______________________________________________________________________________
_______________________________________________________________________________

Details of the Incident (attach additional pages if necessary): ______________
_______________________________________________________________________________
_______________________________________________________________________________

Have you report this or similar behavior before? If so, please indicate to whom and date reported.
_______________________________________________________________________________

Have you discussed this complaint with anyone else? If so, please indicate to whom and date discussed.
_______________________________________________________________________________
_______________________________________________________________________________

Do you know of any documents that may be relevant to this matter? If so, please note and attach here.
_______________________________________________________________________________
_______________________________________________________________________________

How would you like this matter resolved? _____________________________________________
_______________________________________________________________________________
_______________________________________________________________________________

The foregoing information is true and correct to the best of my knowledge.

Signature: __________________________________________ Date: _______________________

Intake Signature: ________________________________ Date: _______________________

Page 5 of 5
Date: 15 June 2017
To: Common Council

SUBJECT: CVMIC Required Anti-Harassment Training

**Background**

CVMIC, the City’s liability insurance carrier, provides essential training for our employees to reduce risk to the City. Harassment and Diversity training is conducted on a three year basis for all employees. CVMIC recommends that this training be conducted in 2017 to maintain our current schedule. These trainings are at no additional cost to the City.

Harassment Training for All employees:

This training course provides employees and supervisors with essential knowledge necessary to understand what constitutes illegal harassment and workplace bullying. Topics include:

- Definition of illegal harassment, protected classes, Bullying behavior in the workplace,
- Differences between bullying and illegal harassment, Employee and supervisory responsibilities, and Retaliation and protections for the employee.

Diversity Training for All employees:

Shows how to understand, recognize, and appreciate cultural diversity, how to interact with different kinds of people, and how to recognize the benefits of multi-culturality.

The session will be taped for employees who can not attend the session in person.

**Recommendation**

That all regular employees and elected officials are required to attend Harassment and Diversity training or participate by watching the video.
City of Menasha Disbursements

Weekly Accounts Payable
6/22/17-6/29/17
Checks # 57958-58077
$ 718,194.51

Bi-Weekly Payroll
6/22/17
$ 198,615.60

Additional Regular Cycle Accounts Payables -Paid Electronically

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$ 137,157.51

Total
$ 1,053,967.62

Items included on this list have been properly audited and certified by the City Comptroller and are being presented for approval by the Common Council.

Jennifer Sassman
Finance Manager

6-9-17

Date

Notes:
- Medical Expense Reimbursement Trust-Retirement Pay Out
- United Way-Employee Donations
- Wisconsin Support Collections-Child/Spousal Support
- WI SCTF-Child Support Annual Fee
- Gaps in check numbers indicate that more invoices being paid than fit on one check stub
(The last check stub used is the check number that will appear on the check register)
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**Total for check: 58072** 132,317.94

**Total for check: 58073** 2,609.49

**Total for check: 58074** 142.77

**Total for check: 58075** 135.00

**Total for check: 58076** 15,598.68

Page 9

Combined Page 19
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494,076.67
To: Menasha Common Council

From: Jenny Groeschel Police Records

RE: Beverage Operator License (Bartender) Applicants

Date: June 29, 2017

The below individuals have applied for a bartender license to serve, dispense and/or sell alcohol at a licensed establishment within the City. They have all met the criteria under the “Guidelines for Operator Licenses” approved by the Common Council. Therefore, staff is recommending the following people be APPROVED for an Operator’s License for the 2017-2019 licensing period:

Alyssa Kiernicki
Gina Combs
Kenneth Nelson
Jill Murphy
Sara VanGompel
Erin Kaye
Emma Laabs
Trevor Campbell
Eric Jackson
Elizabeth Kloe
Anika Radic
Cahd Quandt

Alyson Kemps
Janice Zastrow
Belinda Renkens
Paul Koerner
Timothy Lenth
Jennifer Turner
Berray Billington
Molly Reader
Elaine Geniesse
Kathryn Wagner
Misty Atwood

William Rank
Amber Jones
Christian Bunno
Andrew Zeinert
Sharon Ambrosius
Muheem Kahn
Jack Leisner
David Zeinert
Ashley Leitermanng
Chris Luedke
Gloria Zaves

The following individual has applied for a bartender license to serve, dispense and/or sell alcohol at a licensed establishment in the City. They have not met the criteria under the “Guidelines for Operator Licenses” approved by the Common Council. Therefore, staff is recommending the following person be DENIED an Operator’s License:

Cynthia Cloutier
Robert Samp
Robin George

cc: chief via email
June 21, 2017

Robin George
635 Tayco St.
Menasha, WI 54952

Re: City of Menasha Alcohol Operators License Application

Dear Mr. Robin George,

In conducting a background investigation on your Alcohol Operator’s License application, I have determined that you have a drug related misdemeanor conviction and then felony convictions related to Possession of THC and Bail Jumping. You also have a misdemeanor and a felony drug related conviction. These offenses are substantially related to the license for which you have applied for. Under City of Menasha Policy Guidelines for Alcohol Operator Licenses, you do not meet the guidelines as described in Guideline 1 that indicates “any person who has been convicted of any FELONY unless duly pardoned, does not qualify for an operator’s license.”

Engaging in bartending involves the purchase and sale of a closely regulated substance, alcohol. Individuals granted an Operator’s License must act in cooperation with law enforcement to enforce the alcohol beverage laws, drunken driving laws.

The Police Department is recommending to the Common Council that they deny your application for an Alcohol Operator’s License within the City of Menasha. The recommendation will be given to the Common Council at their next meeting on July 5, 2017 at 6:00 p.m., or shortly thereafter. Should you wish to provide comment to the Common Council on your application, you may do so during the public participation portion of the meeting.

Sincerely,

Lt. Mark Mauthe
Investigative Services
Menasha Police Department
CITY OF MENASHA
ALCOHOL OPERATORS LICENSE APPLICATION

Establishment of Employment _______ SOURCE _______
TEMPORARY ______ PROVISIONAL X REGULAR ______ RENEWAL _______

Name ____________________________________________
Last GEORGE
First ROBIN
Middle P

Address ____________________________________________
Street 635 TAYCO STREET
City MENASHA
State/Zip Code 54952

Phone ____________________________

Height ______ Weight ______ Eyes ______ Hair ______ Sex ______ Race ______

Birth Date ____________________________ Age ______ Birthplace ______

Scars, Marks, Tattoos ______ SLEEVE LEFT UPPER ARM ______

Drivers License No. ______________________________ State of Issue ______

Expiration Date ________________________________

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? ______ YES ______
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? ______ NO ______
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 of illegal drugs? ______ NO ______
Have you ever been convicted of a criminal traffic offense? ______ YES ______

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

SIGNATURE ______________________________ Date 6-16-2017

Approved ______ Denied ______ Expiration Date 6-____-____
Chief of Police ______________________________ Date 6-____-____
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.

**POSSESSION OF THC FOR 2 OFFENSES**

MISDEMEANOR, THEN FELONY
June 22, 2017

Robert Samp
623 Broad St.
Menasha, WI 54952

Re: City of Menasha Alcohol Operators License Application

Dear Mr. Robert Samp,

In conducting a background investigation on your Alcohol Operator’s License application, I have determined that you have a felony conviction. Along with the felony offense there are other drug and alcohol offenses that are substantially related to the license for which you have applied for. Under City of Menasha Policy Guidelines for Alcohol Operator Licenses, you do not meet the guidelines as described in Guideline 1 that indicates “any person who has been convicted of any FELONY unless duly pardoned, does not qualify for an operator’s license.”

Engaging in bartending involves the purchase and sale of a closely regulated substance, alcohol. Individuals granted an Operator’s License must act in cooperation with law enforcement to enforce the alcohol beverage laws, drunken driving laws.

The Police Department is recommending to the Common Council that they deny your application for an Alcohol Operator’s License within the City of Menasha. The recommendation will be given to the Common Council at their next meeting on July 5, 2017 at 6:00 p.m., or shortly thereafter. Should you wish to provide comment to the Common Council on your application, you may do so during the public participation portion of the meeting.

Sincerely,

Lt. Mark Mauthe
Investigative Services
Menasha Police Department
CITY OF MENASHA
ALCOHOL OPERATORS LICENSE APPLICATION

Establishment of Employment: Mofo Meat - 3rd St.
TEMPORARY__ PROVISIONAL ___ REGULAR ___ RENEWAL ___

Name: Samp ___ Robert ___ John ___
Last ___ First ___ Middle ___

Address: 633 Broad St. Menasha, WI 54952
Street ___ City ___ State/Zip Code ___

Phone: __________________________

Height ___ Weight ___ Eyes ___ Hair ___ Sex ___ Race ___

Birth Date: __/__/____ Age: ___ Birthplace: __________

Scars, Marks, Tattoos: Crescent scar on left side of head, 4 skull tattoos

Drivers License No. __________________ State of Issue: __________

Expiration Date: __/__/____

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? __________

Have you ever been convicted of a felony? ___ Yes ___

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)? ___ Yes ___

Have you ever been convicted of any law, statute, or ordinance pertaining to the possession, use, or sale of illegal drugs? ___ Yes ___

Have you ever been convicted of a criminal traffic offense? ___ Yes ___

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

SIGNATURE: Robert ___ Date: 6-21-17

Approved: ___ Denied: ___ Expiration Date: __/__/____
Chief of Police: ___ Date: 6-21-17

Comments: __________________________

REVOKED FOR VIOLATION: __________________________
Felony - was living in Brown Co on juvenile supervision and cut my bracelet off. I was charged with Escape. I believe a class E felony. Misdemeanor - I believe it was a possession of paraphernalia charge. OWI - I have one here in WI when I was 18 years old. OWI in Tennessee some years back. Use of alcohol - with my first OWI I was under 21. I don't remember if it was pleasant or not. OWI charge that I was under is possession.

I have a possession of marijuana, criminal traffic offense. One OWI in WI, one OWI in Tennessee, and I believe 2-3 driving on revoked license here in WI. One was in Bayfield Co. another in Winnebago Co. Charges pending - I believe I do have a warrant in Brown Co., TN. What for exactly I don't know. A warrant to this effect. I completed the AODA course at ThedaCare in Menasha WI. While working for Stop, I did both these to better my life and to get my license back. I continue to attend NA meetings at the AODA Club on River St here in Menasha. As well as attend church of St Margaret Mary's in Neenah WI with my Grandfather and daughter. I have turned my life around and became a productive member of society. I have learned the importance of being responsible and honest. Thank you for your time and consideration.
June 21, 2017

Cynthia Cloutier
1355 Great Plains Dr. #6
Neenah, WI 54956

Re: City of Menasha Alcohol Operators License Application

Dear Ms. Cynthia Cloutier,

In conducting a background investigation on your Alcohol Operator’s License application, I have determined that you have a 2006 felony conviction related to Operating a motor vehicle under the influence of alcohol or drugs. You also have a misdemeanor and a felony drug related conviction. These offenses are substantially related to the license for which you have applied for. Under City of Menasha Policy Guidelines for Alcohol Operator Licenses, you do not meet the guidelines as described in Guideline 1 that indicates “any person who has been convicted of any FELONY unless duly pardoned, does not qualify for an operator’s license.”

Engaging in bartending involves the purchase and sale of a closely regulated substance, alcohol. Individuals granted an Operator’s License must act in cooperation with law enforcement to enforce the alcohol beverage laws, drunken driving laws.

The Police Department is recommending to the Common Council that they deny your application for an Alcohol Operator’s License within the City of Menasha. The recommendation will be given to the Common Council at their next meeting on July 5, 2017 at 6:00 p.m., or shortly thereafter. Should you wish to provide comment to the Common Council on your application, you may do so during the public participation portion of the meeting.

Sincerely,

Lt. Mark Mauhe
Investigative Services
Menasha Police Department
CITY OF MENASHA
ALCOHOL OPERATORS LICENSE APPLICATION

Establishment of Employment

TEMPORARY PROVISIONAL REGULAR X RENEWAL

Name CLOUTIER CYNTHIA

First

Middle

Last

Address 135 S GREAT PHAILS DR +6 NEENAH WI 54956

Street

City

State/Zip Code

Phone:

Height

Weight.

Eyes

Hair

Sex

Race

Birth Date

Age

Birthplace

Scars, Marks, Tattoos

Drivers License No,

State of Issue

Expiration Date

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? YES

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 under age)? NO

Have you ever been convicted of any law, statute, or ordinance pertaining to the possession, use, or sale of illegal drugs? YES

Have you ever been convicted of a criminal traffic offense? YES

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

SIGNATURE C. CLOUTIER Date 6/15/77

Approved Denied X Expiration Date

Chief of Police Date 6-07-77

Comments:

REVOKED FOR VIOLATION:
CONVICTIONS: (Cynthia Cloutier, Cynthia John, and Cynthia Jesse)

1/4/11 – Misdemeanor paraphernalia – My son Jace got busted selling a bag of week to his friend. It was my homestead so they gave me a ticket, also.

Sentence – 5 days of Huber

2/7/06 = Misdemeanor operating while revoked 2\textsuperscript{nd}

Sentence – Fine ordered

3/30/06 -- Felony OWI 3rd w/ Passenger < 16 Yrs Old)

Sentence Alcohol assessment

Forfeiture / Fine
Local Jail
120 Days
05-10-2006
to commence immediately w/huber if in compliance w/jail facility regulations w/good time. Must attend Victim Impact Panel on 9-27-06 at 7:30 pm. Court allows transfer to Outagamie County Jail.

DOT License Revoked
28 Months
05-10-2006
Ignition interlock
28 Months
05-10-2006

7/22/06 – Felony Manufacture//Delivery Cocaine (>1-5g)

Sentence:

Jail 300 to serve 125 days - balance of 175 days stayed - to be used at the time Days discretion of the agent for probation violations
work release granted employment, child care and school
to start sentence on the first available date after 7/7/2006
1 day sentence credit

**8/31/06 court modifies sentence
serve 204 days
balance of 96 days - stayed
jail to commence on 7/8/06
release date - 1/28/07
The Defendant is to undergo any counseling the agent finds appropriate. The
defendant is to maintain absolute sobriety including but not limited to alcohol and
controlled substances. The defendant is subject to random drug testing. The
defendant may not go into any bars, taverns or businesses where the primary
purpose is to sell alcohol, but may obtain employment in such a place. The
defendant is to have no alcohol on any premises occupied by the defendant.
**4/7/06 - Winnebago County Case 05CF597 read in to this charge

I personally haven’t done anything for over 11+ years. I focused on schooling. I
completed my Bachelor’s Degree from UWO in 2013 and attended Capella
University studying in HR with a 4.0 GPA. I am 4 courses away from my, but
abruptly quit because I was diagnosed with lung cancer in 2016. I had a lung
removed, had 8 strokes, candid, blood infections, survived, and ended up
permanently disabled. I would like a chance to work at 13 Main Street 1 day a
week, for something, do to.

Cindy Cloutier
CITY OF MENASHA POLICY GUIDELINES FOR OPERATOR LICENSES

1. **Intent:** It is the responsibility of the Menasha Police Chief to screen applications for operators’ licenses (bartender licenses) for the City of Menasha. The following guidelines are adopted in order to specify the reasons for denying, non-reviewing or revoking an operator’s license and outlines the steps and considerations given, for any denials that are appealed to the Menasha Common Council.

All applications for operators’ license applications are submitted to the Menasha Police Department for a background check. The Menasha Police Chief makes the decision on licensing by either accepting or rejecting the application.

Due to the discretionary nature of the alcohol beverage licensing process, it is not possible to state every circumstance that may result in approval of a license application and what circumstances will result in approval of a license application. However, it is possible to enumerate what will be considered in the decision-making and what circumstances are more likely to result in the denial of a license application.

Individuals granted an operator’s license must act in cooperation with law enforcement to enforce the alcohol beverage laws, drunk driving laws, and assist with minimizing disturbances of the peace and maintain the safety of the community. Therefore, individuals with a past history of negative or uncooperative contacts with police agencies will be scrutinized.

It is with these goals in mind that these guidelines are adopted. Furthermore, to the extent that Wis. Statutes Ch. 125 or Menasha City Ordinances provide additional grounds for denial, suspension, revocation or non-renewal, the Police Chief may also rely on such provisions.

In the event an individual with an operator’s license is considered for non-renewal, suspension or revocation, all offenses will be considered, the circumstances of which are substantially related to the license regardless of whether some of the offenses occurred prior to the adoption of these guidelines.

Upon request, a copy of these guidelines shall be provided to each person who applies for a license.

**Guidelines:** What is meant by **substantially related**? The law does not specifically define this term although there are many court decisions on the topic. The Wisconsin Supreme Court has stated that the purpose of the test is to assess whether the tendencies and inclinations to behave a certain way in a particular context are likely to reappear later in a related context, based on the traits revealed. The “**substantially related**” test looks at the circumstances of an offense, where it happened, when, what, etc. compared to the circumstances of the licensed activity.
Where does the licensed activity typically occur, when and what is involved in performing the licensed activity, etc.

Examples of “substantially related” in the context of an operator’s license: There is a substantial relationship between the illegal purchase, use and sale of controlled substances and engaging in bartending, which involves the purchase and sale of a closely regulated substance. The same is true for offenses involving alcohol, e.g. drunk driving, selling to underage, possession and/or consuming as an underage, committing law violations while under the influence of alcohol or drugs, etc.

- **Guideline 1.** Provided the offense is substantially related to the circumstances of the license activity, circumstances of the offense substantially relate to the circumstances of the job or licensed activity, any person who has been convicted of any FELONY, unless duly pardoned, does not qualify for an operator’s license. Sec. 125.04(5)(b), Wis. Stats. (To the extent the other guidelines reference a specific offense; this guideline shall apply if the offense constitutes a felony.)

- **Guideline 2.** Provided the circumstances of the offense substantially relate to the circumstances of the job or licensed activity, offense is substantially related to the circumstances of the licensed activity, any person who has been convicted of or has a current charge pending, for two (2) or more offenses within the last five (5) years or for two (2) or more offenses, arising out of separate incidents, within the last five (5) years in the following subcategories, does not qualify for an operator’s license:
  - Violent crimes against the person of another, including but not limited to battery, criminal disorderly conduct, sexual assault, injury by negligent use of a vehicle, intimidation of a victim or witness.
  - Crimes involving cooperation (or lack thereof) with law enforcement officials, including but not limited to, resisting or obstructing a police officer, bribery of public officers/employees, eluding police, bail jumping, hit and run, perjury, or acts/threats of terrorism.
  - Manufacturing, distributing, delivering a controlled substance or a controlled substance analog; maintaining a drug trafficking place; possessing with intent to manufacture, distribute, or deliver a controlled substance or a controlled substance analog. Sec. 111.335(1)(c), Wis. Stats.

- **Guideline 3.** Provided the circumstances of the offense substantially relate to the circumstances of the job or licensed activity, offense is substantially related to circumstances of the license activity, any person who has been convicted of or has a current charge pending, for two (2) or more offenses, arising out of separate incidents, within the last three (3) years in the following subcategories, does not qualify for an operator’s license:
  - Disorderly conduct, criminal damage to property, solicitation of prostitution or other prostitutions-related offenses, wherein the offense involves an incident at a place that is, or should have been licensed under Wis. Stat. Ch. 125.
  - Alcohol beverage offenses (under Wis. Stat. Ch. 125 or Menasha City Ordinances).
• Possessing a controlled substance, controlled substance analog without a valid prescription, or possessing drug paraphernalia.
• Operating a motor vehicle while under the influence of intoxicants or drugs.
• Operating a motor vehicle with a prohibited alcohol concentration (PAC) in excess of .08% by weight.
• Open intoxicants in a public places or in a motor vehicle.

What is a **habitual law offender**? The term “habitual” refers to multiple convictions or pending charges and could include an offender with two (2) offenses occurring within a relatively short period of time. The term “offender” refers to a person with civil violations such as ordinance convictions and/or misdemeanor convictions (or pending charges), which substantially relate to the licensing activity. A legal opinion rendered by the League of Wisconsin Municipalities states that a person with two drunk driving convictions within the last couple years would be considered a habitual offender under the alcohol beverage licensing laws. *Intoxicating Liquors #890 (1991).* Some examples include:

- Two (2) or more offenses, each with a separate incident, within the immediately preceding one (1) year.
- Three (3) or more offenses, each a separate incident, within the immediately preceding five (5) years.
- Six (6) or more offenses, each a separate incident, within the preceding ten (10) years.

**Guideline 4.** Applicants must truthfully and completely fill out applications:

- If an applicant provides false information on an application, that application shall be denied and the applicant shall not be eligible to reapply for an operator license for a period of one (1) year from the date of denial of such application.
- If the Police Chief determines that information was intentionally omitted from an application, the application shall be denied and the applicant shall not be eligible to reapply for an operator license for a period of one (1) year from the date of the denial of such application.
- If the Police Chief determines that information was OMITTED from an application due to inadvertence, mistake or excusable neglect, the Chief may allow the applicant to submit a corrected application and recommend granting of the license, if the applicant is otherwise qualified.

**Guideline 5.** Recommending approval of an operator’s license application for an applicant who would otherwise be denied under these policy guidelines:

- The Common Council may approve an operator’s license application if the application would otherwise be denied under this policy if the applicant presents substantial, credible evidence of rehabilitation. Such evidence includes letters of recommendation from Alcohol and Other Drug (“AODA”) counselors, probation agents or other relevant service providers, other professional counselors, certificates and/or letters confirming satisfactory completion of an AODA or other relevant counseling program. Any such letters shall be on the letterhead of the agency offering the recommendation in order for the letter to be considered credible evidence of rehabilitation. Any evidence must be in the form of
documents submitted to the Common Council and may not be statements of the applicant at the time of the hearing.

- The reason for any recommendation of approval of an operator’s license application under this paragraph must be clearly stated in the record.

- **Guideline 6.** If the Police Chief recommends denial of an operator’s license application, the reasons for the denial must be clearly stated on the record and shall be consistent with the criteria outlines above.
MEMORANDUM

DATE:       June 29, 2017
TO:         Common Council
FROM:       Debbie Galeazzi, Clerk
SUBJECT:    Shopko Stores Operating Co., LLC
            1578 Appleton Road, Menasha

An application for a “Class A” Intoxicating Liquor and Fermented Malt Beverage for the 2017-2018 liquor licensing year has been submitted by Shopko Stores Operating Co., LLC for the premises at 1578 Appleton Road, Menasha.

In accordance with Section 7-2-8 of the City Code, the Police Department completed a background check and has no objections. The Fire Department, Health Department, and Building Inspectors have inspected the property and have no reason to hold up the liquor license approval.

Staff recommends approving the “Class A” Intoxicating Liquor and Fermented Malt Beverage license.
ORIGINAl ALCOHOL BEVERAGE RETAIL LICENSE APPLICATION

Submit to municipal clerk.

For the license period beginning JULY 1 2017 ending JUNE 30 2018

□ Town of □ Village of \{MENASHA
\af City of

TO THE GOVernING BODY of the:

County of WINNEBAGO Aldermanic Dist. No. (if required by ordinance)

1. The named □ INDIVIDUAL □ PARTNERSHIP \af LIMITED LIABILITY COMPANY
\af CORPORATION/NONPROFIT ORGANIZATION

hereby makes application for the alcohol beverage license(s) checked above.

2. Name (individual/partner give last name, first, middle; corporations/limited liability companies give registered name): SHOPKO STORES OPERATING CO., LLC

An "Auxiliary Questionnaire," Form AT-103, must be completed and attached to this application by each individual applicant, by each member of a partnership, and by each officer, director and agent of a corporation or nonprofit organization, and by each member/manager and agent of a limited liability company. List the name, title, and place of residence of each person.

Title Name Personal Address Post Office & Zip Code
President/Member SEE ATTACHED LIST
Vice President/Member
Secretary/Manager
Treasurer/Manager
Agent \af CHRIs LUEDEKE - STORE MANAGER
Directors/Managers

3. Trade Name \af SHOPKO #33 Business Phone Number 920-722-8166

4. Address of Premises \af 1578 APPLETON ROAD Post Office & Zip Code \af MENASHA, WI 54952

5. Is individual, partners or agent of corporation/limited liability company subject to completion of the responsible beverage server training course for this license period? \af Yes \af No

6. Is the applicant an employee or agent of, or acting on behalf of anyone except the named applicant? \af Yes \af No

7. Does any other alcohol beverage retail licensee or wholesale permittee have any interest in or control of this business? \af Yes \af No

8. (a) Corporations/limited liability company applicants only: Insert state and date of registration.

(b) Is applicant corporation/limited liability company a subsidiary of any other corporation or limited liability company? \af Yes \af No

(c) Does the corporation, or any officer, director, stockholder or agent of limited liability company, or any member/manager or agent hold any interest in any other alcohol beverage license or permit in Wisconsin? \af Yes \af No

(NOTE: All applicants explain fully on reverse side of this form every YES answer in sections 5, 6, 7 and 8 above.)

9. Premises description: Describe building or buildings where alcohol beverages are to be sold and stored. The applicant must include all rooms including living quarters, if used, for the sales, service, consumption, and/or storage of alcohol beverages and records. (Alcohol beverages may be sold and stored only on the premises described.) SINGLE STORY; APPROX. 81,171 SQ. FT.

10. Legal description (omit if street address is given above):

11. (a) Was this premises licensed for the sale of liquor or beer during the past license year? \af Yes \af No

(b) If yes, under what name was license issued? SHOPKO STORES OPERATING Co., LLC

12. Does the applicant understand they must file a Special Occupational Tax return (TTB form 5630.5d) before beginning business? [phone 1-800-937-8864] \af Yes \af No

13. Does the applicant understand they must hold a Wisconsin Seller's Permit? [phone (608) 266-2776] \af Yes \af No

14. Does the applicant understand that they must purchase alcohol beverages only from Wisconsin wholesalers, breweries and brewpubs? \af Yes \af No

READ CAREFULLY BEFORE SIGNING: Under penalty provided by law, the applicant states that each of the above questions has been truthfully answered to the best of the knowledge of the signers. Signers agree to operate this business according to law and that the rights and responsibilities conferred by the license(s), if granted, will not be assigned to another. (Individual applicants and each member of a partnership applicant must sign; corporate officer(s), members/managers of Limited Liability Companies must sign.) Any lack of access to any portion of a licensed premises during inspection will be deemed a refusal to permit inspection. Such refusal is a misdemeanor and grounds for revocation of this license.

SUBSCRIBED AND SWORN TO BEFORE ME
this 27th day of March, 2017

[Signature]

My Commission expires 8-24-18

(Affidavit of Corporation/Member/Manager of Limited Liability Company/Partner/Individual)

(Witness/Notary Public)

TO BE COMPLETED BY CLERK

Date received and filed with municipal clerk Date reported to council/board Date provisional license issued Signature of Clerk / Deputy Clerk

Date license granted Date license issued License number issued

Wisconsin Department of Revenue

AT-103 (R. 9-16)
AUXILIARY QUESTIONNAIRE
ALCOHOL BEVERAGE LICENSE APPLICATION

Submit to municipal clerk

Individual's Full Name (Please print) (first name) (last name) (middle name)

STEINHORST RUSSELL L

Home Address (street/number) Post Office City State Zip Code

408 E SONGBIRD LANE APPLETON WI 54913

Home Phone Number Age Date of Birth Place of Birth

The above named individual provides the following information as a person who is (check one).

Applying for an alcohol beverage license as an individual.

A member of a partnership which is making application for an alcohol beverage license.

✓ SVP-CHIEF FINANCIAL OFFICER of SHOPKO STORES OPERATING CO., LLC

which is making application for an alcohol beverage license.

The above named individual provides the following information to the licensing authority:

1. How long have you continuously resided in Wisconsin prior to this date? 5 yrs

2. Have you ever been convicted of any offenses (other than traffic unrelated to alcohol beverages) for violation of any federal laws, any Wisconsin laws, any laws of any other states or ordinances of any county or municipality? 

   Yes / No

   If yes, give law or ordinance violated, trial court, trial date and penalty imposed, and/or date, description and status of charges pending. (If more room is needed, continue on reverse side of this form.)

3. Are charges for any offenses presently pending against you (other than traffic unrelated to alcohol beverages) for violation of any federal laws, any Wisconsin laws, any laws of other states or ordinances of any county or municipality? 

   Yes / No

   If yes, describe status of charges pending

4. Do you hold, are you making application for or are you an officer, director or agent of a corporation/nonprofit organization or member/manager/agent of a limited liability company holding or applying for any other alcohol beverage license or permit? 

   Yes / No

   If yes, identify. SEE ATTACHED EXHIBIT

5. Do you hold and/or are you an officer, director, stockholder, agent or employee of any person or corporation or member/manager/agent of a limited liability company holding or applying for a brewery/whisky permit or wholesale liquor, manufacturer or rectifier permit in the State of Wisconsin? 

   Yes / No

   If yes, identify.

5. Named individual must list in chronological order last two employers.

<table>
<thead>
<tr>
<th>Employer's Name</th>
<th>Employer's Address</th>
<th>Employee From</th>
<th>Employee To</th>
</tr>
</thead>
<tbody>
<tr>
<td>SHOPKO STORES</td>
<td>GREEN BAY, WI</td>
<td>2009</td>
<td>2011</td>
</tr>
<tr>
<td>HUDSON-SHARP</td>
<td>GREEN BAY, WI</td>
<td>2011</td>
<td>2013</td>
</tr>
</tbody>
</table>

The undersigned, being first duly sworn on oath, deposes and says that he/she is the person named in the foregoing application; that the applicant has read and made a complete answer to each question, and that the answers in each instance are true and correct. The undersigned further understands that any license issued contrary to Chapter 125 of the Wisconsin Statutes shall be void, and under penalty of state law, the applicant may be prosecuted for submitting false statements and affidavits in connection with this application.

Subscribed and sworn to before me

this ___ day of   ___ , 20__

__________________________

(My commission expires   ___ / ___ / ___)

Signature of Named Individual

WISCONSIN DEPARTMENT OF REVENUE

St.1(C2) R 8-11
AUXILIARY QUESTIONNAIRE
ALCOHOL BEVERAGE LICENSE APPLICATION

Submit to municipal clerk

Individual's Full Name (please print) (last name) (first name) (middle name)
VANDENHOUTEN PETER GERARD

Home Address (street/road) Post Office City State Zip Code
477 N. NINTH STREET GREEN BAY WI 54115

Home Phone Number Age Date of Birth Place of Birth

The above named individual provides the following information as a person who is (check one):
☐ Applying for an alcohol beverage license as an individual.
☐ A member of a partnership which is making application for an alcohol beverage license.
☒ SVP - SECRETARY of SHOPKO STORES OPERATING CO., LLC

(Name of Corporation, Limited Liability Company or Nonprofit Organization)

which is making application for an alcohol beverage license.

The above named individual provides the following information to the licensing authority:

1. How long have you continuously resided in Wisconsin prior to this date? 20+ YEARS

☐ Yes ☐ No

2. Have you ever been convicted of any offenses (other than traffic unrelated to alcohol beverages) for violation of any federal laws, any Wisconsin laws, any laws of any other states or ordinances of any county or municipality? ☒ Yes ☐ No

If yes, give law or ordinance violated, trial court, trial date and penalty imposed, and/or date, description and status of charges pending. (If more room is needed, continue on reverse side of this form.)

CONVICTED OF OWI 8/2011 IN ALLOUZ, WI MUNICIPAL COURT

3. Are charges for any offenses presently pending against you (other than traffic unrelated to alcohol beverages) for violation of any federal laws, any Wisconsin laws, any laws of any other states or ordinances of any county or municipality? ☒ Yes ☐ No

If yes, describe status of charges pending.

4. Do you hold, are you making application for, or are you an officer, director or agent of a corporation/nonprofit organization or member/manager/agent of a limited liability company holding or applying for any other alcohol beverage license or permit? ☒ Yes ☐ No

If yes, identify. SEE ATTACHED EXHIBIT

5. Do you hold and/or are you an officer, director, stockholder, agent or employee of any person or corporation or member/manager/agent of a limited liability company holding or applying for a wholesale beer permit, brewery/winery permit, or wholesale liquor, manufacturer or rectifier permit in the State of Wisconsin? ☒ Yes ☐ No

If yes, identify.

6. Named individual must list in chronological order last two employers.

<table>
<thead>
<tr>
<th>Employer's Name</th>
<th>Employer's Address</th>
<th>Employed From</th>
<th>To</th>
</tr>
</thead>
<tbody>
<tr>
<td>SHOPKO STORES</td>
<td>700 PILGRIM WAY, GREEN BAY, WI</td>
<td>1999</td>
<td>PRESENT</td>
</tr>
</tbody>
</table>

The undersigned, being first duly sworn on oath, deposes and says that he/she is the person named in the foregoing application; that the applicant has read and made a complete answer to each question, and that the answers in each instance are true and correct. The undersigned further understands that any license issued contrary to Chapter 125 of the Wisconsin Statutes shall be void, and under penalty of state law, the applicant may be prosecuted for submitting false statements and affidavits in connection with this application.

Subscribed and sworn to before me

this 13th day of February, 2017

My commission expires 8-24-18
AUXILIARY QUESTIONNAIRE
ALCOHOL BEVERAGE LICENSE APPLICATION

Submit to municipal clerk

First Name: GARY
Last Name: LEE
Home Address: 1721 W CRUSADE LANE
City: GREEN BAY
State: WI
Zip Code: 54303

The above named individual provides the following information as a person who is (check one):
- Applying for an alcohol beverage license as an Individual.
- A member of a partnership which is making application for an alcohol beverage license.
- [ ] VP - TREASURER of SHOPKO STORES OPERATING CO., LLC

which is making application for an alcohol beverage license.

The above named individual provides the following information to the licensing authority:

1. How long have you continuously resided in Wisconsin prior to this date? [ ] 10+ YRS

2. Have you ever been convicted of any offenses (other than traffic unrelated to alcohol beverages) for violation of any federal laws, any Wisconsin laws, any laws of any other states or ordinances of any county or municipality? [ ] Yes [ ] No

3. Are charges for any offenses presently pending against you (other than traffic unrelated to alcohol beverages) for violation of any federal laws, any Wisconsin laws, any laws of other states or ordinances of any county or municipality? [ ] Yes [ ] No

4. Do you hold, are you making application for or are you an officer, director or agent of a corporation/nonprofit organization or member/manager/agent of a limited liability company holding or applying for any other alcohol beverage license or permit? [ ] Yes [ ] No

5. Do you hold and/or are you an officer, director, stockholder, agent or employee of any person or corporation or member/manager/agent of a limited liability company holding or applying for a wholesale beer permit, brewery/winery permit or wholesale liquor, manufacturer or rectifier permit in the State of Wisconsin?

6. Named individual must list in chronological order last two employers.

<table>
<thead>
<tr>
<th>Employer's Name</th>
<th>Employer's Address</th>
<th>Employed From</th>
<th>Employed To</th>
</tr>
</thead>
<tbody>
<tr>
<td>SHOPKO STORES</td>
<td>GREEN BAY, WI</td>
<td>1/2002</td>
<td>[ ]</td>
</tr>
</tbody>
</table>

The undersigned, being first duty sworn on oath, deposes and says that he/she is the person named in the foregoing application: that the applicant has read and made a complete answer to each question, and that the answers in each instance are true and correct. The undersigned further understands that any license issued contrary to Chapter 125 of the Wisconsin Statutes shall be void, and under penalty of state law, the applicant may be prosecuted for submitting false statements and affidavits in connection with this application.

Subscribed and sworn to before me

[Signature of Named Individual]

[Signature of Notary Public]

My commission expires: [ ] 1/1/ [ ]

[T-1231/R 8-11]
AUXILIARY QUESTIONNAIRE
ALCOHOL BEVERAGE LICENSE APPLICATION

Submit to municipal clerk.

Individual's Full Name (please print) First name Middle name
DE PAUL JAMES

Home Address (please provide)
501 KADINGER WAY

Home Phone Number

Post Office City State Zip Code

Date of Birth

The above named individual provides the following information as a person who is (check one):

☐ Applying for an alcohol beverage license as an individual.

☐ A member of a partnership which is making application for an alcohol beverage license.

☐ SVP - STORE OPERATIONS of SHOPKO STORES OPERATING CO., LLC

which is making application for an alcohol beverage license.

The above named individual provides the following information to the licensing authority:

1. How long have you continuously resided in Wisconsin prior to this date? 11 + YRS

2. Have you ever been convicted of any offenses (other than traffic unrelated to alcohol beverages) for violation of any federal laws, any Wisconsin laws, any laws of any other states or ordinances of any county or municipality?

☐ Yes ☐ No

If yes, give law or ordinance violated, that court, trial date and penalty imposed, and/or date, description and status of charges pending. (If more room is needed, continue on reverse side of this form.)

3. Are charges for any offenses presently pending against you (other than traffic unrelated to alcohol beverages) for violation of any federal laws, any Wisconsin laws, any laws of other states or ordinances of any county or municipality?

☐ Yes ☐ No

If yes, describe status of charges pending.

4. Do you hold, or are you making application for or are you an officer, director or agent of a corporation/nonprofit organization or member/manager/agent of a limited liability company holding or applying for any other alcohol beverage license or permit?

☐ Yes ☐ No

If yes, identify. SEE ATTACHED EXHIBIT

5. Do you hold and/or are you an officer, director, stockholder, agent or employee of any person or corporation or member/manager/agent of a limited liability company holding or applying for a wholesale beer permit, brewery/ winery permit or wholesale liquor, manufacturer or rectifier permit in the State of Wisconsin?

☐ Yes ☐ No

If yes, identify.

6. Named individual must list in chronological order last two employers.

<table>
<thead>
<tr>
<th>Employer's Name</th>
<th>Employer's Address</th>
<th>Employee From To</th>
</tr>
</thead>
<tbody>
<tr>
<td>SHOPKO STORES</td>
<td>GREEN BAY, WI</td>
<td></td>
</tr>
</tbody>
</table>

The undersigned, being first duly sworn on oath, deposes and says that he/she is the person named in the foregoing application; that the applicant has read and made a complete answer to each question, and that the answers in each instance are true and correct. The undersigned further understands that any license issued contrary to Chapter 125 of the Wisconsin Statutes shall be void, and under penalty of state law, the applicant may be prosecuted for submitting false statements and affidavits in connection with this application.

Subscribed and sworn to before me

this 1 day of May, 2015

My commission expires 8-24-18

[Signature of named individual]
# AUXILIARY QUESTIONNAIRE

## ALCOHOL BEVERAGE LICENSE APPLICATION

Submit to municipal clerk.

<table>
<thead>
<tr>
<th>Individual's Full Name (please print)</th>
<th>First Name</th>
<th>Middle Name</th>
<th>Social Security Number</th>
</tr>
</thead>
<tbody>
<tr>
<td>Luedke</td>
<td>Chris</td>
<td>Michael</td>
<td>398-84-7842</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Home Address (Street/Apt)</th>
<th>Post Office</th>
<th>City</th>
<th>State</th>
<th>Zip Code</th>
</tr>
</thead>
<tbody>
<tr>
<td>1844 Travis Lane</td>
<td></td>
<td>Kaukauna</td>
<td>WI</td>
<td>54130</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Home Phone Number</th>
<th>Age</th>
<th>Date of Birth</th>
<th>Place of Birth</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

The above named individual provides the following information as a person who is (check one):

[ ] Applying for an alcohol beverage license as an individual.

[ ] Agent - Store Manager of Shopko Stores Operating Co., LLC

(check one):

[ ] A member of a partnership which is making application for an alcohol beverage license.

[ ] Which is making application for an alcohol beverage license.

The above named individual provides the following information to the licensing authority:

1. How long have you continuously resided in Wisconsin prior to this date? 38 Years

2. Have you ever been convicted of any offenses (other than traffic unrelated to alcohol beverages) for violation of any federal laws, any Wisconsin laws, any laws of any other states or ordinances of any county or municipality? Yes [ ] No [ ]

If yes, give law or ordinance violated, trial court, trial date and penalty imposed, and/or date, description and status of charges pending. (If more room is needed, continue on reverse side of this form.)

3. Are charges for any offenses presently pending against you (other than traffic unrelated to alcohol beverages) for violation of any federal laws, any Wisconsin laws, any laws of other states or ordinances of any county or municipality? Yes [ ] No [ ]

If yes, describe status of charges pending.

4. Do you hold, are you making application for or are you an officer, director or agent of a corporation/nonprofit organization or member/manager/agent of a limited liability company holding or applying for any other alcohol beverage license or permit? Yes [ ] No [ ]

If yes, identity. See Attached Listing

5. Do you hold and/or are you an officer, director, stockholder, agent or employee of any person or corporation or member/manager/agent of a limited liability company holding or applying for a wholesale beer beverage, brewery/whiskey permit or wholesale liquor manufacturer or rectifier permit in the State of Wisconsin? Yes [ ] No [ ]

If yes, identify.

6. Named individual must list in chronological order last two employers.

<table>
<thead>
<tr>
<th>Employer's Name</th>
<th>Employer's Address</th>
<th>Employed From</th>
<th>To</th>
</tr>
</thead>
<tbody>
<tr>
<td>Shopko</td>
<td>700 Pilgrim Way, Green Bay, WI 54304</td>
<td>09/21/2000</td>
<td>06/15/2017</td>
</tr>
<tr>
<td>Preventive Dental Specialties</td>
<td>PO Box 508, Osseo, WI 54758</td>
<td>01/01/2000</td>
<td>12/12/2002</td>
</tr>
</tbody>
</table>

The undersigned, being first duly sworn on oath, deposes and says that he/she is the person named in the foregoing application; that the applicant has read and made a complete answer to each question, and that the answers in each instance are true and correct. The undersigned further understands that any license issued contrary to Chapter 125 of the Wisconsin Statutes shall be void, and under penalty of state law, the applicant may be prosecuted for submitting false statements and affidavits in connection with this application.

Subscribed and sworn to before me

this 15 day of June, 2017

[Signature]

My commission expires 11.12.2019
SCHEDULE FOR APPOINTMENT OF AGENT BY CORPORATION/NONPROFIT ORGANIZATION OR LIMITED LIABILITY COMPANY

Submit to municipal clerk.

All corporations/organizations or limited liability companies applying for a license to sell fermented malt beverages and/or intoxicating liquor must appoint an agent. The following questions must be answered by the agent. The appointment must be signed by the officer(s) of the corporation/organization or members/managers of a limited liability company and the recommendation made by the proper local official.

☐ Town
☑ City

To the governing body of: ☐ Village of Menasha Country of Winnebago

The undersigned duly authorized officer(s)/members/managers of Shopko Stores Operating Co., LLC (registered name of corporation/organization or limited liability company)

a corporation/organization or limited liability company making application for an alcohol beverage license for a premises known as Shopko Stores Operating Co., LLC (trade name)

located at 1578 Appleton Road, Menasha, WI 54952

appoints Chris Michael Luedke (name of appointed agent)

1844 Travis Lane, Kaukauna, WI 54130 (home address of appointed agent)

to act for the corporation/organization/limited liability company with full authority and control of the premises and of all business relative to alcohol beverages conducted therein. Is applicant agent presently acting in that capacity or requesting approval for any corporation/organization/limited liability company having or applying for a beer and/or liquor license for any other location in Wisconsin?

☐ Yes ☑ No If so, indicate the corporate name(s)/limited liability company(ies) and municipality(ies).

Is applicant agent subject to completion of the responsible beverage server training course? ☑ Yes ☐ No

How long immediately prior to making this application has the applicant agent resided continuously in Wisconsin? 38 Years

Place of residence last year 1844 Travis Lane, Kaukauna, WI 54130

For: Shopko Stores Operating Co., LLC (name of corporation/organization/limited liability company)

By: ☑ (signature of Officer/Member/Manager)

And: ☑ (signature of Officer/Member/Manager)

ACCEPTANCE BY AGENT

Chris Michael Luedke (print/type agent's name) hereby accept this appointment as agent for the corporation/organization/limited liability company and assume full responsibility for the conduct of all business relative to alcohol beverages conducted on the premises for the corporation/organization/limited liability company.

Chris Luedke (signature of agent) 6/14/17 (date) Agent's age ☑

1844 Travis Lane, Kaukauna, WI 54130 (home address of agent) Date of birth

APPROVAL OF AGENT BY MUNICIPAL AUTHORITY
(Clerk cannot sign on behalf of Municipal Official)

I hereby certify that I have checked municipal and state criminal records. To the best of my knowledge, with the available information, the character, record and reputation are satisfactory and I have no objection to the agent appointed.

Approved on ☑ (date) by ☑ (signature of proper local official) Title (town chair, village president, police chief)

Wisconsin Department of Revenue
MEMORANDUM

DATE:       June 29, 2017

TO:         Common Council

FROM:       Debbie Galeazzi, Clerk

SUBJECT:    Emprime Brewing LLC, d/b/a Emprime Brew Mill
            198-200 Main Street, Menasha

An application for a “Class B” Intoxicating Liquor and Fermented Malt Beverage
for the 2017-2018 liquor licensing year has been submitted by, Emprime Brewing
LLC, d/b/a Emprime Brew Mill for the premises at 198-200 Main Street, Menasha.

In accordance with Section 7-2-8 of the City Code, the Police Department
completed a background check and has no objections. I am waiting for the final
inspection reports from the Fire Department, Health Department, and Building
Inspectors. I will report their findings at the meeting.
ORIGINAL ALCOHOL BEVERAGE RETAIL LICENSE APPLICATION
Submit to municipal clerk.

For the license period beginning ending June 30, 2017: 20 18

TO THE GOVERNING BODY of the: Menasha

County of WINNEBAGO Aldermanic Dist. No. (if required by ordinance)

1. The named
   ☐ INDIVIDUAL ☐ PARTNERSHIP ☒ LIMITED LIABILITY COMPANY
   ☐ CORPORATION/NONPROFIT ORGANIZATION
   hereby makes application for the alcohol beverage license(s) checked above.

2. Name (individual partners give last name, first, middle; corporations/limited liability companies give registered name):
   Empyre Brewing LLC

An "Auxiliary Questionnaire," Form AT-106, must be completed and attached to this application by each individual applicant, by each member of a partnership, and by each officer, director and agent of a corporation or nonprofit organization, and by each member/manager and agent of a limited liability company. List the name, title, and place of residence of each person.

Co-President/Member Managing Member
Co-President/Member
Secretary/Member
Treasurer/Manager
Agent: Craig Zolka

3. Trade Name

4. Address of Premises 198-200 Main Street, Menasha

5. Is individual, partners, or agent of corporation/limited liability company subject to completion of the responsible beverage server training course for this license period? ☐ Yes ☒ No

6. Is the applicant an employee, or agent of, or acting on behalf of anyone except the named applicant? ☐ Yes ☒ No

7. Does any other alcohol beverage retail licensee or wholesale permittee have any interest in or control of this business? ☐ Yes ☒ No

8. (a) Corporate/limited liability company applicants only: Insert state and date of registration.
   (b) Is applicant corporation/limited liability company a subsidiary of any other corporation or limited liability company? ☐ Yes ☒ No
   (c) Does the corporation, or any officer, director, stockholder or agent of limited liability company, or any member/manager or agent hold any interest in any other alcohol beverage license or permit in Wisconsin? ☐ Yes ☒ No

(NOTE: All applicants explain fully on reverse side of this form every YES answer in sections 5, 6, 7 and 8 above)

9. Premises description: Describe building or buildings where alcohol beverages are to be sold and stored. The applicant must include all rooms including living quarters, if used, for the sales, service, consumption, and/or storage of alcohol beverages and records. (Alcohol beverages may be sold and stored only on the premises described.)

10. Legal description (omit if street address is given above):
   198-200 Main St. - Menasha, 1st floor, 2nd floor

11. (a) Was this premises licensed for the sale of liquor or beer during the past license year? ☐ Yes ☒ No
   (b) If yes, under what name was license issued? Peggy Prekash

12. Does the applicant understand they must file a Special Occupational Tax return (TTB form 5630.5d) before beginning business? ☐ Yes ☒ No [phone 1-600-937-8864]

13. Does the applicant understand they must hold a Wisconsin Seller's Permit? ☐ Yes ☒ No [phone (608) 266-2766]

14. Does the applicant understand that they must purchase alcohol beverages only from Wisconsin wholesalers, breweries and brewpubs? ☐ Yes ☒ No

READ CAREFULLY BEFORE SIGNING: Under penalty provided by law, the applicant states that each of the above questions has been truthfully answered to the best of the knowledge of the signers. Signers agree to operate this business according to law and that the rights and responsibilities conferred by the license(s), if granted, will not be assigned to another. (Individual applicants and each member of a partnership applicant must sign; corporate officer(s), members/managers of Limited Liability Companies must sign.) Any lack of access to any portion of a licensed premises during inspection will be deemed a refusal to permit inspection. Such refusal is a misdemeanor and grounds for revocation of this license.

SUBSCRIBED AND SWORN TO BEFORE ME

[Signature]

My commission expires 5/17/2020

(Official of Corporation/Member/Manager of Limited Liability Company/Partner/Individual)

(Official of Corporation/Member/Manager of Limited Liability Company/Partner)

(Additional Partner(s)/Member/Manager of Limited Liability Company if Any)

TO BE COMPLETED BY CLERK
Date received and filed with municipal clerk: 6/28
Date reported to council/board: 6/28
Date provisional license issued: 6/28
Date license granted: 6/28
Date license issued: 6/28
License number issued: 6/28
Signature of Clerk/Deputy Clerk

Wisconsin Department of Revenue

AT-106 (R. 9-16)
AUXILIARY QUESTIONNAIRE
ALCOHOL BEVERAGE LICENSE APPLICATION

Submit to municipal clerk.

Individual's Full Name (please print) (last name) (first name) (middle name)
Zoltsowski Craig Eugene

Home Address (street/route) Post Office City State Zip Code
335 Lake Rd. Menasha WI 54952

Home Phone Number Age Date of Birth

The above named individual provides the following information as a person who is (check one):

☐ Applying for an alcohol beverage license as an individual,

☐ A member of a partnership which is making application for an alcohol beverage license,

☒ Member + Agent of Empirize Brewing LLC

(Officer/Director/Member/Manager/Agent)

(Name of Corporation, Limited Liability Company or Nonprofit Organization)

which is making application for an alcohol beverage license.

The above named individual provides the following information to the licensing authority:

1. How long have you continuously resided in Wisconsin prior to this date? Since 2012

☐ Yes ☒ No

If yes, give law or ordinance violated, trial court, trial date and penalty imposed, and/or date, description and status of charges pending. (If more room is needed, continue on reverse side of this form.)

2. Have you ever been convicted of any offenses (other than traffic unrelated to alcohol beverages) for violation of any federal laws, any Wisconsin laws, any laws of any other states or ordinances of any county or municipality? ☐ Yes ☒ No

3. Are charges for any offenses presently pending against you (other than traffic unrelated to alcohol beverages) for violation of any federal laws, any Wisconsin laws, any laws of any other states or ordinances of any county or municipality? ☐ Yes ☒ No

If yes, describe status of charges pending.

4. Do you hold, are you making application for or are you an officer, director or agent of a corporation/nonprofit organization or member/manager/agent of a limited liability company holding or applying for any other alcohol beverage license or permit? ☐ Yes ☒ No

If yes, identify.

(Name, Location and Type of License/Permit)

5. Do you hold and/or are you an officer, director, stockholder, agent or employee of any person or corporation or member/manager/agent of a limited liability company holding or applying for a wholesale beer permit, brewery/winery permit or wholesale liquor, manufacturer or rectifier permit in the State of Wisconsin? ☐ Yes ☒ No

If yes, identify.

(Name of Wholesale License or Permittee) (Address By City and County)

6. Named individual must list in chronological order last two employers.

<table>
<thead>
<tr>
<th>Employer's Name</th>
<th>Employer's Address</th>
<th>Employed From</th>
<th>To</th>
</tr>
</thead>
<tbody>
<tr>
<td>Kimberly Clark</td>
<td>2100 W. Winchester Rd, Menasha WI</td>
<td>March 2017</td>
<td>current</td>
</tr>
<tr>
<td>The Empirize LLC</td>
<td>335 Lake Rd, Menasha WI</td>
<td>Jan 2016</td>
<td>July 2016</td>
</tr>
</tbody>
</table>

The undersigned, being first duly sworn on oath, deposes and says that he/she is the person named in the foregoing application; that the applicant has read and made a complete answer to each question, and that the answers in each instance are true and correct. The undersigned further understands that any license issued contrary to Chapter 125 of the Wisconsin Statutes shall be void, and under penalty of state law, the applicant may be prosecuted for submitting false statements and affidavits in connection with this application.

Subscribed and sworn to before me

this 28th day of June 2017

(Clerk/Notary Public)

Craig Z. Zoltsowski

(Signature of Named Individual)

My commission expires 5/17/2020

Printed on Recycled Paper
Wisconsin Department of Revenue
AUXILIARY QUESTIONNAIRE
ALCOHOL BEVERAGE LICENSE APPLICATION

Submit to municipal clerk.

<table>
<thead>
<tr>
<th>Individual's Full Name</th>
<th>(please print)</th>
<th>(last name)</th>
<th>Ivey, III</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>(first name)</td>
<td></td>
<td>Robert</td>
</tr>
<tr>
<td></td>
<td>(middle name)</td>
<td></td>
<td>Alvin</td>
</tr>
<tr>
<td>Home Address (street/number)</td>
<td>725 East Lake Road M</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Post Office</td>
<td>Tarpon Springs</td>
<td></td>
<td></td>
</tr>
<tr>
<td>City</td>
<td>FL</td>
<td></td>
<td></td>
</tr>
<tr>
<td>State</td>
<td>FL</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Zip Code</td>
<td>34688</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

The above named individual provides the following information as a person who is (check one):

☐ Applying for an alcohol beverage license as an individual.
☒ A member of a partnership which is making application for an alcohol beverage license.

(Officer/Manager) of (Name of Corporation, Limited Liability Company or Nonprofit Organization)

which is making application for an alcohol beverage license.

The above named individual provides the following information to the licensing authority:

1. How long have you continuously resided in Wisconsin prior to this date? ☒ MA

2. Have you ever been convicted of any offenses (other than traffic unrelated to alcohol beverages) for violation of any federal laws, any Wisconsin laws, any laws of any other states or ordinances of any county or municipality? ☐ Yes ☒ No

If yes, give law or ordinance violated, trial court, trial date and penalty imposed, and/or date, description and status of charges pending. (If more room is needed, continue on reverse side of this form.)

3. Are charges for any offenses presently pending against you (other than traffic unrelated to alcohol beverages) for violation of any federal laws, any Wisconsin laws, any laws of any other states or ordinances of any county or municipality? ☐ Yes ☒ No

If yes, describe status of charges pending.

4. Do you hold, are you making application for or are you an officer, director or agent of a corporation/nonprofit organization or member/manager/agent of a limited liability company holding or applying for any other alcohol beverage license or permit? ☐ Yes ☒ No

If yes, identify.

(Name, Location and Type of License/Permit)

5. Do you hold and/or are you an officer, director, stockholder, agent or employee of any person or corporation or member/manager/agent of a limited liability company holding or applying for a wholesale beer permit, brewery/winery permit or wholesale liquor, manufacturer or rectifier permit in the State of Wisconsin? ☐ Yes ☒ No

If yes, identify.

(Name of Wholesale Licensee or Permitee) (Address By City and County)

6. Named individual must list in chronological order last two employers.

<table>
<thead>
<tr>
<th>Employer's Name</th>
<th>Employer's Address</th>
<th>Employer's City</th>
<th>Employer's State</th>
<th>Employer's Phone</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ivey Star Consulting</td>
<td>725 East Lake Road M</td>
<td>Tarpon Springs</td>
<td>FL</td>
<td>34688</td>
</tr>
<tr>
<td>James A. Haley VA Medical Center</td>
<td>13000 Bruce B Downs Blvd Tampa</td>
<td>FL</td>
<td>33612</td>
<td></td>
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Employed From | To
<table>
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<tr>
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<tr>
<td>June 2016</td>
<td>Present</td>
</tr>
<tr>
<td>Feb 2013</td>
<td>Apr 1, 2016</td>
</tr>
</tbody>
</table>

The undersigned, being first duly sworn on oath, deposes and says that he/she is the person named in the foregoing application; that the applicant has read and made a complete answer to each question, and that the answers in each instance are true and correct. The undersigned further understands that any license issued contrary to Chapter 125 of the Wisconsin Statutes shall be void, and under penalty of state law, the applicant may be prosecuted for submitting false statements and affidavits in connection with this application.

Subscribed and sworn to before me

this 28th day of June, 2017

(Signature of Notary Public)

My commission expires 6/11/2020

Wisconsin Department of Revenue
SCHEDULE FOR APPOINTMENT OF AGENT BY CORPORATION/NONPROFIT ORGANIZATION OR LIMITED LIABILITY COMPANY

Submit to municipal clerk.

All corporations/organizations or limited liability companies applying for a license to sell fermented malt beverages and/or intoxicating liquor must appoint an agent. The following questions must be answered by the agent. The appointment must be signed by the officer(s) of the corporation/organization or members/managers of a limited liability company and the recommendation made by the proper local official.

☐ Town
☐ Village of ________________
☒ City of ________________

County of ________________

The undersigned duly authorized officer(s)/members/managers of ________________ (registered name of corporation/organization or limited liability company)

a corporation/organization or limited liability company making application for an alcohol beverage license for a premises known as

Empire Brewing LLC - dba Empire Brew Mill (trade name)

located at 198-200 Main St. Menasha WI

appoints Craig Zoltowski (name of appointed agent)

335 Lake Rd (home address of appointed agent)

to act for the corporation/organization/limited liability company with full authority and control of the premises and of all business relative to alcohol beverages conducted therein. Is applicant agent presently acting in that capacity or requesting approval for any corporation/organization/limited liability company having or applying for a beer and/or liquor license for any other location in Wisconsin?

☐ Yes ☒ No If so, indicate the corporate name(s)/limited liability company(ies) and municipality(ies).

Is applicant agent subject to completion of the responsible beverage server training course? ☐ Yes ☒ No

How long immediately prior to making this application has the applicant agent resided continuously in Wisconsin? Since 2012

Place of residence last year 335 Lake Rd Menasha, WI 54952

For: Empire Brewing LLC (name of corporation/organization/limited liability company)

By: Craig Zoltowski (signature of Officer/Member/Manager)

And: ________________________________ (signature of Officer/Member/Manager)

ACCEPTANCE BY AGENT

Craig E. Zoltowski (printtype agent's name), hereby accept this appointment as agent for the corporation/organization/limited liability company and assume full responsibility for the conduct of all business relative to alcohol beverages conducted on the premises for the corporation/organization/limited liability company.

__________________________ (signature of agent) Agent's age __________

335 Lake Rd Menasha, WI 54952 (home address of agent)

Date of birth __________

APPROVAL OF AGENT BY MUNICIPAL AUTHORITY
(Clerk cannot sign on behalf of Municipal Official)

I hereby certify that I have checked municipal and state criminal records. To the best of my knowledge, with the available information, the character, record and reputation are satisfactory and I have no objection to the agent appointed.

Approved on ____________ by ______________________ (signature of proper local official) Title (town chair, village president, police chief)

Wisconsin Department of Revenue
MEMORANDUM

TO: Debbie Galaezzi, City Clerk
Common Council
FROM: Donald Merkes, Mayor
DATE: 23 June 2017

RE: Veto of Common Council action to "Remove Alternative J and recommend Alternative B as the preferred option for the Racine Street Bridge and the City of Menasha has no interest in ownership of the Racine Street Bridge"

Clerk Galaezzi, please be advised as per Menasha Ordinance Section 2-2-3, I am taking action to veto the Common Council action to "Remove Alternative J and recommend Alternative B as the preferred option for the Racine Street Bridge and the City of Menasha has no interest in ownership of the Racine Street Bridge" on June 19th.

BACKGROUND

Citing the functional obsolescence of the 1952 Racine Street Bridge, the Wisconsin DOT began a planning process for the replacement or repair in 2015.

Following a number of public hearings, workshops, and discussions with neighboring residents the Board of Public Works on October 5th, 2015, recommended option J to the DOT on a 7-1 vote as the design that would best meet the City's long term needs including:

- Safety – A desirable width and profile that should improve safety for all users. Replacement options increase the bridge width to accommodate 11-foot travel lanes as well as 5-foot bicycle lanes and 6-foot sidewalks on both sides.
- Improved traffic flow/boat passage – Allows for the inclusion of an auxiliary navigation channel with greater clearance immediately south of the bascule span. This auxiliary channel allows more boats to pass under the bridge without requiring operation of the bascule span. There is less delay for boaters and less traffic congestion in the downtown area from bridge openings.
- Improved multi-modal opportunities – Better accommodations for bicycle and pedestrian travel and links to the planned riverwalks on both shores.
- Less future impact – An improvement that will extend the bridge life roughly 75 years before the next major bridge improvement is required. Under a rehabilitation scenario, a complete
replacement could be postponed for approximately 40 years but will still be required at that point.

• Aesthetics – An opportunity for some aesthetic enhancements to the appearance of a new bridge.

ANALYSIS

Most of the primary elements of the 1952 bridge’s structural, electrical, and mechanical systems are original. While annual inspections have determined the bridge is still safe for travel, the Racine Street Bridge has been rated as deficient by the Wisconsin DOT based on a number of factors including those listed below.

General deficiencies
• 30-foot curb-to-curb width for three travel lanes is quite narrow for motor vehicles and less than the desirable standard. Narrow width is further complicated by a roadway curve at the north bridge approach.
• Bridge profile doesn’t meet desirable criteria.
• Bridge experiences high bicycle and pedestrian usage. The lack of any bicycle lanes across the bridge require bicyclists to either share narrow roadway lanes with motor vehicles or share the sidewalk with pedestrians, complicated by limited visibility and narrow pedestrian passage near the operator house.
• Lack of bicycle and pedestrian accommodations across the bridge presents an obstacle to city plans to create a riverwalk loop along both sides of the river.
• Snow is often pushed up onto sidewalks during winter months due to lack of a shoulder area.
• Existent bridge has somewhat limited clearance which requires more frequent openings for boat traffic and leads to an increase in downtown traffic congestion. Overall boat traffic and associated bridge openings has increased in recent years.

Specific structural, electrical, or mechanical deficiencies
• The steel grid roadway deck is original and more than 60 years old. It is worn and requires frequent weld repairs due to cracking of bars. Traction is poor.
• Rear brake in the deck of the north leaf experiences binding.
• The center roadway brakes still function adequately but are heavily worn.
• The track and tread castings that the bridge rolls on exhibit significant signs of wear.
• The steel rack frames that support the fixed rack gears are in poor condition.
• The fender system is in poor condition. Timbers are cracked and splitting.
• Operator house is functionally obsolete.
• Machinery brakes still function adequately but are obsolete.
• Machinery bearing bushings have a moderate amount of wear.

In addition, the Racine Street Bridge is among the top locations for crashes in the City, experiencing yet another collision earlier this week.

Just as the Marina was an investment in Menasha’s future, so is an improved Racine Street bridge. This bridge is a statement about the future of Menasha and an investment for the next generation to ensure Menasha remains a vibrant community. The City of Menasha has made tremendous impacts throughout the downtown, marina, and riverfront, including implementing the slogan ‘your place on the water’ recently. The previous common council’s decision to recommend a replacement bridge
recognizes that safety, traffic flow, boat access, and pedestrian access are an important part of the city's image and economic development planning.

**IMPACT**

Living with the 1952 bridge and its deficiencies will have an impact on accessibility, traffic flow, and desirability in the community. Decisions made today will impact our children, and their children and the way they access, or if they will have the opportunity to access, different parts of our community. The current structure designed in the 1940's does not have sufficient width to provide for multi modal travel.

Re-decking of the existing bridge or building a new bridge will have an impact to traffic patterns during construction. Either plan will have almost identical impacts of a one year closure of the bridge itself and 3-4 months for the intersections.

Construction of a new bridge will bring millions of dollars back to our community, reinvesting our money that was sent to Washington and Madison back to Menasha.

Changing course at this point, after a recommendation was made in 2015, may place financial liability of existing engineering costs on the City for work already completed on option J.

While the bridge and its operations may be regional in nature, operational costs for a new bridge may be a responsibility of the City. Resolution R-15-17 requests that the State of Wisconsin recognize the regional nature of the Fox River Navigational System and associated bridges including the Racine Street Bridge, and, that based on this regional importance residents of the City of Menasha should not fund the Racine Street Bridge alone, and respectfully requests that the State of Wisconsin continue ownership and funding operations of the bridge as they have for over a half century.
Don Merkes

From: Kate Mueller <kmullerart@new.rr.com>
Sent: Thursday, June 15, 2017 5:00 PM
To: Don Merkes
Subject: Landmarks Commission Opening

Don, I am writing to express my interest in becoming a member of the City of Menasha Landmarks Commission. As a long-time resident, homeowner, and lover of art, architecture and history I would appreciate the opportunity to be a part of an organization I feel makes a great difference to our city. I feel deeply that respect for and preservation of our community's history adds immeasurably to the value of our municipal experience, and only adds to the special qualities we have to offer prospective business owners and residents.

Thank you for passing my interest on to the appropriate parties, and let me know if there is anything else I need to do to convey my request. Have a great weekend!

Kate Mueller
www.kmullerart.com

You only live once, but if you do it right, once is enough”  Mae West
MEMORANDUM

Date:  5 July 2017

To:  Common Council

From: Pamela A. Captain, City Attorney
       Candi Huber, Human Resources Coordinator

Re:  Appointment of Administrative Services Director

We are pleased to announce John Jacobs as a finalist for the position of Administrative Services Director.

Background:

In May of 2017, the City contracted with a recruitment firm, Public Administrative Associates, to recruit for the position of Administrative Services Director. An interview committee formed that consisted of Alderman Collier, Alderman Grade, Menasha Joint School District Director of Business Services, Brian Adesso and Mayor Merkes.

The interview committee interviewed three candidates. Following interviews, the committee recommended John Jacobs for the position. Mr. Jacobs’s previous employment experience includes: Finance Director/Treasurer for the City of Weston for 17 years. Prior to that for nine years, he was the Financial/Budget Analyst for the City of Neenah.

If appointed, Mr. Jacobs’s expected start date will be August 2, 2017.

Recommendation:

Discussions regarding benefits have occurred with Mr. Jacobs. Based on his experience we recommend his appointment with benefits as described below:

- 2017 Vacation—Eight (8) Days
- 2018 Vacation—Fifteen (15) days (Six Year Level Per Policy)