

CITY OF MENASHA  
COMMON COUNCIL  
Third Floor Council Chambers  
140 Main Street, Menasha  
Monday, June 5, 2017  
MINUTES

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 Collier, Zelinski, Grade, Benner, Nichols, Taylor, Sevenich.

EXCUSED: Alderman Krueger

ALSO PRESENT: Mayor Merkes, CA Captain, PC Styka, FC Kloehn, CDD Buck, PRD Tungate, PHD McKenney, LD Lenz, FM Sassman, ES Montour, Clerk Galeazzi.

D. PUBLIC HEARING

None

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

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

No one spoke.

F. REPORT OF DEPARTMENT HEADS/STAFF/CONSULTANTS

1. Promotion of Mark Mauthe to Position of Investigative Lieutenant

PC Styka introduced Officer Mark Mauthe and announced he has been promoted to Investigative Lieutenant. LT. Mauthe has been with Menasha Police Department since 1987. He is actively involved in many community organizations. PC Styka presented LT. Mauthe with his Lieutenant Bars. LT. Mauthe's wife pinned the Lieutenant Bars to his uniform.

2. Presentation by Bob Mundt, President/CEO, from Fox Cities Chamber of Commerce

Bob Mundt, President/CEO of the Fox Cities Chamber of Commerce introduced himself to the Council. He gave a brief update on the Fox Cities Regional Partnership accomplishments and their future plans. He thanked the City of Menasha for being a member of the partnership and is looking forward to working with City staff and officials.

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

Minutes to receive:

- a. [Administration Committee, 5/15/2017](#)
- b. [Board of Health, 4/12/2017](#)
- c. [Board of Public Works, 5/15/2017](#)
- d. [Landmarks Commission, 5/10/2017](#)
- e. [Library Board, 5/24/2017](#)
- f. [NMFR Joint Finance & Personnel Committee, 5/23/2017](#)
- g. [NMFR Joint Fire Commission, 5/24/2017](#)
- h. [Neenah-Menasha Sewerage Commission, 4/25/2017](#)
- i. [Park and Recreation Board, 5/9/2017](#)
- j. [Plan Commission, 5/16/2017](#)
- k. [Redevelopment Authority, 5/25/2017](#)

Communications:

- I. [Gold Cross Ambulance Open House](#)
- m. [Building Inspector/Housing Specialist Memorandum, 6/1/2017, CDD David Buck](#)
- n. [Relocation of Health Department and City Hall June 19-23 Memorandum, 5/31/2017, Mayor Merkes](#)
- o. [Replacement of High Speed Copier Memorandum, 5/31/2017, Mayor Merkes](#)

Moved by Ald. Sevenich seconded by Ald. Benner to receive Minutes and Communications a-o. General discussion ensued on Building Inspector/Housing Specialist memo and replacement of high speed copier memo.

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, 5/15/2017](#)

Administration Committee, 5/15/2017, Recommends the Approval of:

2. [Accept bid of Post Crescent Media as the official City newspaper, May 2017-May 2018.](#)

Board of Public Works, 5/15/2017, Recommends the Approval of:

3. [Payment – Sommers Construction; Contract Unit 2017-01; New Street Construction Including Asphalt Trail and Concrete Sidewalk; Province Terrace from Province Link to Midway Road; \\$184,267.69 \(Payment No. 1\)](#)
4. [Recommendation to Award – Contract Unit 2017-02; New Street Construction, Reconstruction and Rehabilitation – Various Streets; MCC, Inc.; \\$652,472.49](#)
5. [Recommendation to Award – Contract Unit 2017-05; Memorial Building Boiler Replacement Project; Mechanical Technologies, Inc. ; \\$27,500.00](#)

NMFR Joint Fire Commission, 5/24/2017, Recommends the Approval of:

6. [Regional Fire Department Hiring Process Agreement with Fox Valley Technical College](#)

NMFR Joint Finance & Personnel Committee, 6/1/2017 Recommends the Approval of:

7. [The FEMA grant award of \\$283,468, requiring a minimum of 10% local funding match, with the grant to assist in funding the replacement of the department's Self Contained Breathing Apparatus \(SCBA\) system at a total cost of \\$368,275. After the grant, the total net cost to the department of the SCBA system is \\$368,275 less \\$257,699, or \\$110,576, City of Neenah's share is \\$65,561 and City of Menasha's share is \\$45,015 for the purpose of purchasing this in 2018 with funding to come from NMFR's 2018 CIP budget](#)

Ald. Taylor requested to remove item 7 from Consent Agenda.

Moved by Ald. Sevenich seconded by Ald. Benner to approve Consent Agenda items 1-6.

Motion carried on roll call 7-0.

H. ITEMS REMOVED FROM THE CONSENT AGENDA

Moved by Ald. Sevenich seconded by Ald. Taylor to approve Consent Agenda item 7, The FEMA grant award of \$283,468, requiring a minimum of 10% local funding match, with the grant to assist in funding the replacement of the department's Self Contained Breathing Apparatus (SCBA) system at a total cost of \$368,275. After the grant, the total net cost to the department of the SCBA system is \$368,275 less \$257,699, or \$110,576, City of Neenah's share is \$65,561 and City of Menasha's share is \$45,015 for the purpose of purchasing this in 2018 with funding to come from NMFR's 2018 CIP budget.

FC Kloehn explained the history of the grant and the use by NMFR. They were recently notified that NMFR had received the grant.

Motion carried on roll call 7-0.

I. ACTION ITEMS

1. Accounts payable and payroll for the term of 5/18/2017-6/1/2017 in the amount of \$1,325,746.68

Moved by Ald. Sevenich seconded by Ald. Collier to approve accounts payable and payroll. Ald. Nichols requested to separate check #57790 to Jeff Nichols. She will be abstaining from voting on this check.

General discussion ensued on expenditures.

Motion to approve accounts payable and payroll excluding check #57790 carried on roll call 7-0.

Motion to approve check #57790 carried on roll call 6-0. Ald. Nichols abstained.

2. Beverage Operators License Applications for the 2015-2017 licensing period.

Moved by Ald. Sevenich seconded by Ald. Collier to approve beverage operator's license applications for the 2015-2017 licensing period as listed in memo dated 5/30/17.

Motion carried on roll call 7-0.

3. Beverage Operators License Applications for the 2017-2019 licensing period.

Moved by Ald. Sevenich seconded by Ald. Taylor to approve beverage operator's license applications for the 2017-2019 licensing period as listed in memo dated 5/30/17.

Motion carried on roll call 7-0.

4. Liquor License Applications Recommended for Approval for the 2017-2018 licensing year

Moved by Ald. Sevenich seconded by Ald. Taylor to approve liquor license application for the 2017-2018 licensing year as listed in memo dated 6/1/17.

Motion carried on roll call 7-0.

5. Liquor License Applications Recommended for Denial for the 2017-2018 licensing year

Mayor Merkes stated the recommendation is to deny the liquor license application for Margaritaville Lounge, LLC, Jennifer Almeida-Sandoval, agent as Ms. Almeida-Sandoval did not pass the background check completed by the Police Department.

Ms. Almeida-Sandoval was present and agreed to a hearing at this meeting.

PC Styka explained the recommendation to deny is based on the City's guidelines as it relates to a habitual offender. He explained the citations issued. He stated Ms. Almeida-Sandoval did not disclose the citations on the liquor license application.

Ms. Almeida-Sandoval explained the circumstances relating to the citations received. The business is now under new management. Another citation she received was not related to the business.

CA Captain asked Ms. Almeida-Sandoval why she did not disclose the information on the liquor license application. Ms. Almeida-Sandoval replied she did not read the application completely.

Having no other questions, the hearing was closed.

Moved by Ald. Sevenich seconded by Ald. Collier to approve the liquor license application of Margaritaville Lounge, LLC.

Motion failed on roll call 3-4.

Ald. Sevenich, Collier, Zelinski voted yes. Ald. Nichols, Taylor, Grade, Benner voted no.

Moved by Ald. Nichols seconded by Ald. Benner to deny the liquor license application of Margaritaville Lounge, LLC.

General discussion ensued on how and when demerit points are issued to liquor license holders.

Motion failed on roll call 3-4.

Ald. Nichols, Taylor, Benner voted yes. Ald. Sevenich, Collier, Zelinski, Grade voted no.

Moved by Ald. Sevenich seconded by Ald. Zelinski to reconsider motion to deny the liquor license application of Margaritaville Lounge, LLC.

Motion carried on roll call 6-1. Ald. Grade voted no.

Motion to deny the liquor license application of Margaritaville Lounge, LLC failed on roll call 2-5.

Ald. Nichols, Benner voted yes. Ald. Taylor, Sevenich, Collier, Zelinski, Grade voted no.

Moved by Ald. Taylor seconded by Ald. Collier to reconsider motion to approve the liquor license application of Margaritaville Lounge, LLC.

Motion carried on roll call 6-1. Ald. Nichols voted no.

Motion to approve liquor license application of Margaritaville Lounge, LLC carried on roll call 5-2.

Ald. Taylor, Sevenich, Collier, Zelinski, Grade voted yes. Ald. Nichols, Benner voted no

6. [Outdoor Alcohol Beverage Permit Applications for the 2017-2018 licensing year](#)

Moved by Ald. Sevenich seconded by Ald. Collier to approve outdoor alcohol beverage permit applications for the 2017-2018 licensing year as listed in memo dated 6/1/17.

Motion carried on roll call 7-0.

Mayor Merkes stated if there was no objection they would recess to committees at this time.

Moved by Ald. Sevenich seconded by Ald. Grade to recess to committees at 8:00 p.m.

Motion carried on voice vote.

Reconvened at 10:03 p.m.

7. [Appleton Papers Inc. & NCR Corporation v. George A. Whiting Paper Company, et al.; E.D. Wis. Case No. 08-CV-00016-WCG \(Whiting\); United States of America and State of Wisconsin v. NCR, et al., E.D. Wis Case No. 10-C-910-WCG \(Government\) \(Claim Against the Home Insurance Company\)](#)

CA Captain gave a brief history and explained the current status of the case. Outside Counsel is recommending the Cities of Neenah and Menasha approve the Settlement Agreement and Mutual Release between the Neenah-Menasha Sewerage Commission and The Home Insurance Co.

Moved by Ald. Nichols seconded by Ald. Collier to approve Settlement Agreement and Mutual Release.

Motion carried on roll call 7-0.

8. [July 2017 Common Council Meetings](#)

Moved by Ald. Benner seconded by Ald. Zelinski to hold Common Council meetings on July 5 and July 17, 2017.

Motion carried on roll call 7-0.

J. HELD OVER BUSINESS

None

K. ORDINANCES AND RESOLUTIONS

1. [R-12-17 A Resolution for Inclusion Under the State of Wisconsin Deferred Compensation Program. \(Introduced by Mayor Merkes; Recommended by Administration Committee\).](#)

Moved by Ald. Benner seconded by Ald. Nichols to approve R-12-17 A Resolution for Inclusion Under the State of Wisconsin Deferred Compensation Program.

Motion carried on roll call 7-0.

L. APPOINTMENTS

1. [Accept resignation letter from Tim Caudill from the Redevelopment Authority](#)
2. [Mayor's Appointment of Matt Vanderlinden to the Redevelopment Authority for the term of 6/5/2017—8/31/2019](#)

Moved by Ald. Benner seconded by Ald. Nichols to accept resignation of Tim Caudill and approve Mayor's appointment of Matt Vanderlinden to the Redevelopment Authority.  
Motion carried on voice vote.

3. [Mayor's Appointment of Joshua Radomski to the position of Public Works Director](#)

Moved by Ald. Nichols seconded by Ald. Benner to approve Mayor's appointment of Joshua Radomski to the position of Public Works Director with benefits of five days' vacation in 2017, three weeks of vacation annually beginning in 2018, and relocation assistance up to \$3500 within the City of Menasha or up to \$1750 outside the City of Menasha.  
Motion carried on roll call 7-0.

M. CLAIMS AGAINST THE CITY

None

N. PUBLIC COMMENTS ON ANY MATTER LISTED ON THE AGENDA

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

No one spoke

O. ACTION ITEMS

1. 995 Brighton Drive

CA Captain recommended going into Closed Session.

2. Moved by Ald. Benner seconded by Ald. Nichols to adjourn into Closed Session at 10:20pm pursuant to Wis Stats. §19.85(1)(g) Conferring with legal counsel for the governmental body who is rendering oral or written advice concerning strategy to be adopted by the body with respect to litigation in which it is or is likely to become involved. (995 Brighton Drive)  
Motion carried on roll call 7-0.

3. May reconvene into Open Session to take action on items discussed in Closed Session  
No action.

P. ADJOURNMENT

Moved by Ald. Benner seconded by Ald. Zelinski to adjourn at 11:25 p.m.  
Motion carried on voice vote.

Deborah A. Galeazzi, WCMC  
City Clerk