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CITY OF MENASHA
COMMON COUNCIL
Third Floor Council Chambers
140 Main Street, Menasha
Monday March 2, 2009
MINUTES

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

B. PLEDGE OF ALLEGIANCE

C. ROLL CALL/EXCUSED ABSENCES
PRESENT: Ald. Wisneski, Pack, Hendricks, Zelinski, Michalkiewicz, Benner, Pamenter, Taylor
ALSO PRESENT: Mayor Merkes, CA/HRD Brandt, Lt. Brunn, FX Vander Wyst, DPW Radtke, CDD Keil, C/T Stoffel, PHD Nett, Clerk Galeazzi, and the Press
DEPT. HEAD EXCUSED: PRD Tungate

D. PUBLIC HEARING
1. On the proposed ordinances as follows: a) A charter ordinance relating to appointment of the City Assessor; b) A charter ordinance relating to appointment of the City Clerk; c) A charter ordinance relating to appointment of the City Attorney

Joanne Roush, 409 Cleveland Street. Support change to Charter Ordinances, Mayor should be accountable for staff

James Taylor, 340 Broad Street. Oppose change to Charter Ordinances, need checks and balances, should look into outsourcing options

Nancy Barker, 506 Keyes Street. Nothing wrong with current ordinance, has worked well in the past.

Stan Sevenich, 645 9th Street. Oppose change to Charter Ordinances, too much power to Mayor, need more people involved to make right decision.

Michael Taylor, 545 Broad Street. Oppose change to Charter Ordinances, will take power away from Council.

Jim Englebert, 1209 Greendale Street. Oppose change to Charter Ordinances, need checks and balances, have heard no reason why to change.

Dan Zelinski, 647 Paris Street. Should look into out-sourcing City Attorney/HR Director position, other municipalities outsource.

Tom Lingnofski, 837 7th Street. Menasha has Council/Mayor form of government, Council makes final decision.

Jeff Brandt, 904 Meadowview Drive. Clarified other municipalities that outsource City Attorney/HR Director.

Mary Ann Mulvey, 274 Misty Meadows, Oppose change to Charter Ordinances, procedure has worked in past, no need to change.

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

Chris Klein, 730 Keyes Street. Mayor's memo on hiring freeze, good thing during current economic times.

Kara Witthun, 3041 Winnipeg Street. Explain tax claim filed; she did not receive proper notice of Board of Review hearing, error on her assessment was made by Assessor, should be corrected.

Stan Sevenich, 645 9th Street. Witthun claim; should hold Board of Review more than once a year.

F. REPORT OF DEPARTMENT HEADS/STAFF/CONSULTANTS
1. Chief Vander Wyst – Update on Fire Dept. Driver Simulator (Ald. Taylor)

FC Vander Wyst reported NM Fire Rescue received a grant from FEMA for the purchase of a Regional Driver's Simulator for use by other fire departments. NMFR will act as the host and will pay the 20% matching funds up front. So far they have 9 other communities committed that will be reimbursing NMFR. The 20% matching funds comes to $44,600, with off setting revenues of $38,053.02 from the other participating departments and NMFR's total share will be $6,550, $2,656 is Menasha's portion and $3,894 is Neenah's portion. If approved by both Common Councils to proceed with the purchase of the driver's simulator, Requests for Proposals will be sent out to vendors. FC Vander Wyst commended his staff for their hard work on preparing the grant application.

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F. REPORT OF DEPARTMENT HEADS/STAFF/CONSULTANTS, cont'd/

2. CDD Keil – Introduction of Amy Kester and Alisa Kahler

CDD Keil introduced Amy Kester and Alisa Kahler. Alisa is an intern and will be working on the Stormwater billing process. Amy has worked for the City of Menasha in the past in the position of Associate Planner. Amy will be working approx. 22 hours a week helping with multiple tasks.

3. CA/HRD Brandt – Update on City Attorney and Park Superintendent resumes received

CA/HRD Brandt reported so far they have received 12 resumes for the Park Superintendent position. The deadline for submitting resumes is March 13. After that date the resumes received will be reviewed by PRD Tungate and CA/HRD Brandt and schedule interviews.
Five resumes have been received for the City Attorney/HR Director position. The deadline is March 13.

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

Minutes to receive:

a. Administration Committee, 2/16/09
b. Board of Public Works, 2/16/09
c. Board of Appeals, 2/10/08
d. Landmarks Commission, 1/14/09
e. Personnel Committee, 2/16/09
f. Plan Commission, 1/20/09, 2/17/09
g. NM Fire Rescue, 2/24/09; Finance & Personnel Committee
h. NM Sewerage Commission, 1/27/09
i. Safety Committee, 1/7/09; City Hall
j. Safety Committee, 1/20/09; Public Works and Parks
k. Water & Light Commission, 2/9/09, 2/16/09; Closed Session
l. Water & Light Commission, 2/9/09, 2/16/09; Special Session

Communications:

m. American Transmission Company, 2/24/09; Reconstruction of 3rd Street
n. Board of Commissioners of Public Lands, 2/18/09; Receipt of application of State Trust Fund Loan
o. CDD Keil, 2/24/09; Status of Stormwater Utility Billing
p. Dept. of Transportation, 2/16/09; Invitation to Tri-County Freeway Expansion meeting
q. Fox Valley Technical College, 2/9/09; intent to appoint district board members
r. Mary Nebel, 2/24/09; Ordinance pertaining to City Attorney appointment
s. Mayor Merkes, 2/26/09; Hiring/Purchasing
t. Menasha Utilities, 2/19/09; Steam Detail for the months ending 12/31/08 & 1/31/09
u. PWD Radtke, 2/20/09; resident letters regarding the Sewer System Evaluation Survey (SSES)- Foundation Drain and Sump Pump Inspections
v. State Division of Emergency Mgmt, 2/17/09; Disaster recovery aids award
w. Town of Menasha Utility Commission minutes, 12/15/08, 1/5/09, 1/19/09, 2/9/09
x. Valley Home Builders Assoc., 2/17/09; 2009 Winter Wonderland of Homes
y. Waverly Sanitary District minutes, 1/13/09

Moved by Ald. Michalkiewicz, seconded by Ald. Hendricks to recess to Administration Committee. (6:47pm) Motion carried on voice vote.

Reconvened (7:05pm)

Ald. Benner requested if no objection to moved to Item M. No objection.

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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, 2/16/09
2. Common Council Closed Session; 8/7/06, 1/15/07, 12/3/07, 3/3/08, 6/2/08, 7/7/08
3. Special Joint Common Council & Menasha Electric & Water Utility Commission, 2/18/09
4. Joint Common Council & Menasha Electric & Water Utility Commission Closed Session; 12/3/07, 8/4/08

Administration Committee, 2/16/09 – Recommends Approval of:

5. Memorandum of Understanding for Tuberculosis Clinical Services between Wisconsin Division of Public Health, Bureau of Communicable Disease and Menasha Health Department, July 1, 2008-June 30, 2009, and authorize signature.

Board of Public Works, 2/16/09 – Recommends Approval of:

6. Recommendation to Increase Rental Dumpster Fee from $30 to $35
7. Approval of City of Menasha Minimum Wage Rates

NM Fire Rescue, Joint Finance & Personnel Committee, 2/24/09 – Recommends Approval of:

8. Purchasing the drivers simulator and pay the required 20% matching grant fund of $44,600 with off setting revenues of $38,053.02 from the other eight participating departments and NMFR's total share will be $6,550.11,

Moved by Ald. Hendricks, seconded by Ald. Wisneski to approve Items 1-8 of Consent Agenda.
Motion carried on roll call 8-0.

H. ITEMS REMOVED FROM CONSENT AGENDA

None

I. ORDINANCES AND RESOLUTIONS

1. O-4-09 A Charter Ordinance Relating to Appointment of the City Assessor (Recommended by Personnel Committee, Introduced by Alderman Pack)

Moved by Ald. Pack, seconded by Ald. Michalkiewicz to adopt O-4-09
Discussion
Motion failed on roll call 3-5.
Ald. Pack, Hendricks, Michalkiewicz – yes
Ald. Pamenter, Taylor, Wisneski, Zelinski, Benner – no

2. O-5-09 A Charter Ordinance Relating to Appointment of the City Clerk (Recommended by Personnel Committee, Introduced by Alderman Pack)

Moved by Ald. Pack, seconded by Ald. Michalkiewicz to adopt O-5-09
Motion failed on roll call 4-4.
Ald. Pamenter, Pack, Hendricks, Michalkiewic – yes.
Ald. Taylor, Wisneski, Zelinski, Benner – no

3. O-6-09 A Charter Ordinance Relating to Appointment of the City Attorney (Recommended by Personnel Committee, introduced by Alderman Pack)

Moved by Ald. Pack, seconded by Ald. Michalkiewicz to adopt O-6-09
Discussion
Moved by Ald. Zelinski, seconded by Ald. Taylor to add to Section 3 "A firm may be designated as City Attorney".
Motion carried on roll call 6-2
Ald. Pamenter, Taylor, Wisneski, Hendricks, Zelinski, Benner – yes
Ald. Pack, Michalkiewicz – no

Motion to adopt O-6-09 failed on roll call 5-3.
Ald. Pamenter, Wisneski, Pack, Hendricks, Michalkiewicz – yes
Ald. Taylor, Zelinski, Benner – no
(Clerk's Note – requires a 2/3 vote to pass)

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I. ORDINANCES AND RESOLUTIONS cont'd.

4. O-9-09 – An ordinance relating to the installation of utility cabinets (Introduced by Ald. Benner and recommended by the Plan Commission)

Moved by Ald. Benner, seconded by Ald. Taylor to adopt O-9-09
Motion carried on roll call 8-0.

5 O-10-09 – An Ordinance Relating to open burning (Introduced by Ald. Wisneski and recommended by the NM Fire Rescue, Finance & Personnel Committee)

Moved by Ald. Hendricks, seconded by Ald. Benner to refer back to NMFR Jt Finance & Personnel Comm.
Motion carried on voice vote

6. Motion to remove from the table – O-8-09 An Ordinance Relating to Appointment of Department Heads (Recommended by the Personnel Committee and Introduced by Alderman Pack) (Tabled 2/2/09).

Moved by Ald. Wisneski, seconded by Ald. Benner to remove from the table
Motion carried on roll call 7-1. Ald. Zelinski - no

Moved by Ald. Wisneski, seconded by Ald. Pamenter to adopt O-8-09
Discussion
Motion failed on roll call 0-8.

J. ACTION ITEMS

1. Accounts Payable and Payroll for the term 2/19/09-2/26/09 in the amount of $874,732.71

Moved by Ald. Wisneski, seconded by Ald. Pack to approve Accounts Payable and Payroll.
Motion carried on roll call 8-0.

K. APPOINTMENTS

1. Mayor's Appointments to the AD-HOC Sustainability Board:
   a. Sadie Schroeder, 634 ½ Broad St.

Moved by Ald. Wisneski, seconded by Ald. Zelinski to approve appointment
Motion carried on voice vote

L. CLAIMS AGAINST THE CITY
None

M. HELD OVER BUSINESS

1. A motion is in order for the Common Council to deny the Witthun tax claim (Held 2/16/09).

Moved by Ald. Benner, seconded by Ald. Taylor to approve claim as the Assessor made a clerical error.
Discussion
Motion carried on roll call 7-1. Ald. Michalkiewicz – no

N. PUBLIC COMMENTS ON ANY MATTER LISTED ON THE AGENDA
(five (5) minute time limit for each person)
No one spoke.

O. ADJOURNMENT
Moved by Ald. Hendricks, seconded by Ald. Michalkiewicz to adjourn at 7:47 p.m.
Motion carried on voice vote

Respectfully submitted by
Deborah A. Galeazzi, City Clerk