

CITY OF MENASHA  
COMMON COUNCIL  
Third Floor Council Chambers  
140 Main Street, Menasha  
Monday, October 4, 2010  
MINUTES

DRAFT

A. CALL TO ORDER

Meeting called to order by Mayor Merkes at 6:00 p.m.

B. PLEDGE OF ALLEGIANCE

A moment of silence was observed for Breast Cancer Awareness

C. ROLL CALL/EXCUSED ABSENCES

PRESENT: Aldermen Hendricks, Zelinski, Englebert, Benner, Roush, Taylor, Wisneski, Langdon

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

DEPT. HEAD EXCUSED: PHD Nett

D. PUBLIC HEARING

1. \$8,000,000 City of Menasha, Wisconsin Industrial Development Revenue Bonds, Series 2010 (Fox Valley Hematology & Oncology, S.C. Project)

No one spoke

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

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

Dan Gueths, W7255 Manitowoc Road. Reason he filed claim against the City.

Mayor Merkes informed Mr. Gueths he exceeded the five minute time limit. Mr. Gueths stated he only needed a few more minutes to finish his comments.

Moved by Ald. Taylor, seconded by Ald. Zelinski to suspend the rules and allow Mr. Gueths more time. Motion carried on voice vote. Ald. Wisneski-opposed.

Mr. Gueths was allowed extra time.

Tom Konetzke, 858 Emily Street. Comments on Lake Park Villas proposals; enjoyed his time he served on the Park & Rec. Board, would be interested in serving on other committees.

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, 9/20/10](#)
- b. [Board of Public Works, 9/20/10](#)
- c. [Special Board of Public Works, 9/20/10](#)
- d. [Board of Health, 8/11/10](#)
- e. [Committee on Aging, 7/8/10](#)
- f. [IT Steering Committee, 9/15/10](#)
- g. [Library Board, 9/26/10](#)
- h. [NM Sewerage Commission, 8/24/10](#)
- i. [Parks and Recreation Board, 9/13/10](#)
- j. [Plan Commission, 9/21/10](#)
- k. [Safety Committee, 8/5/10; City Hall](#)
- l. [Safety Committee, 8/24/10; Public Works/Parks Department](#)
- m. Sustainability Board; [6/15/10](#), [8/17/10](#)

Communications:

- n. [Menasha Historical Society Newsletter, October 2010](#)
- o. [PHN Nett, 9/28/10; Menasha Complete Count Census Committee 2010 Report](#)
- p. [Winn. Cnty, 9/21/10; Foreclosure tax liens](#)

## F. REPORT OF DEPARTMENT HEADS/STAFF/CONSULTANTS

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

Ald. Wisneski: Minutes G (Library Board), mention a change in State law for board members.

Minutes J (Plan Comm), Ald. Benner was excused from meeting, was alternate not available.

Ald. Zelinski explained he is the alternate alderman on the Plan Commission and his presents was not require as there was a quorum.

Comm. P (Foreclosure tax liens notice), City of Menasha Clerk listed as Other Interested Parties for real estate tax purposes.

Ald. Langdon: Minutes I (Park & Rec), resident Ed Borski proud of how parks and trestle trail look, thanks to Park crews.

Ald. Hendricks: Minutes F (IT Steering), would like a copy of study to merger Utility and City IT Depts. Minutes G (Library Board), mentions salary increases.

## 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, 9/20/10](#)

Administration Committee, 9/20/10; recommends approval of:

2. To list with Drifka Group Inc for 81 & 87 Racine and 504 Broad and post a sign for 90 days

3. [Increasing handicap parking fine to \\$200](#)

Board of Public Works, 9/20/10; recommends approval of:

4. [To Solicit Proposals for End Loader \(2010 Budget\)](#)

Moved by Ald. Hendricks, seconded by Ald. Wisneski to approve items 1-4 of Consent Agenda  
Motion carried on roll call 8-0.

## H. ITEMS REMOVED FROM CONSENT AGENDA

None

## I. ACTION ITEMS

a. [Accounts payable and payroll for the term of 9/21/10 to 9/30/10 in the amount of \\$755,719.68](#)

Moved by Ald. Wisneski, seconded by Ald. Langdon to approve account payable and payroll.

Discussion/questions/answers on expenditures.

Motion carried on roll call 8-0.

b. [Reserve "Class B" Liquor License Application, Vertigo 1894 LLC, Dan Pamenter, agent, 167 Main Street, for the licensing year 2010-2011.](#)

Moved by Ald. Hendricks, seconded by Ald. Roush to approve Reserve "Class B" liquor license  
Motion carried on roll call 8-0.

## J. ORDINANCES AND RESOLUTIONS

1. [O-12-10 An Ordinance Relating to Application of Menasha Building Code \(Recommended by Administration Committee, introduced by Ald. Wisneski\)](#)

Moved by Ald. Wisneski, seconded by Ald. Langdon to adopt O-12-10.

Moved by Ald. Wisneski, seconded by Ald. Langdon to amend Sec. 15-1-5(a)(9) to read permits required for roofing installed by a professional contractor.

Discussion ensued on the intent was for property owners to install roof without permit.

CA/HRD Captain explained current wording of the ordinance covers a broad area.

Ald. Wisneski and Langdon removed their motion to amend.

Discussion ensued on the change to the building code is only an added fee to residents.

Motion to adopt O-12-10 failed on roll call 2-6. Ald. Wisneski, Roush-yes

Ald. Taylor, Langdon, Hendricks, Zelinski, Englebert, Benner-no

## J. ORDINANCES AND RESOLUTIONS, Cont'd.

2. [O-13-10 Ordinance Relating to Restricted Parking \(Milwaukee Street\) \(Recommended by Board of Public Works, introduced by Ald. Wisneski & Taylor\)](#)

Moved by Ald. Taylor, seconded by Ald. Wisneski to adopt O-13-10.  
Motion carried on roll call 8-0.

3. [O-14-10 An Ordinance Making Changes to Budget Review Dates \(Recommended by Administration Committee, introduced by Ald. Taylor\)](#)

Moved by Ald. Taylor, seconded by Ald. Roush to adopt O-14-10.  
Motion carried on roll call 6-2.  
Ald. Roush, Taylor, Wisneski, Langdon, Hendricks, Englebort-yes  
Ald. Zelinski, Benner-no

4. [O-15-10 – An ordinance making changes to Chapter 2, Fire Prevention Code \(Recommended by NM Fire Rescue Joint Finance & Personnel Committee, introduced by Ald. Wisneski\)](#)

Moved by Ald. Wisneski, seconded by Ald. Zelinski to adopt O-15-10.  
Motion carried on roll call 8-0.

5. [O-16-10 An Ordinance Relating to the Annexation of Certain Property to the City of Menasha, Wisconsin \(Golden Eagle Properties, LLC Annexation\) \(Mayor Merkes\)](#)

No action.

6. [R-21-10 Resolution Requesting the U.S. Congress to Direct the United State Postal Service \(USPS\) to Eliminate from Consideration the Closure of the Oshkosh, WI Facility in Lieu of Consolidation of Services at the Green Bay, WI Facility \(Ald. Taylor\)](#)

Moved by Ald. Taylor, seconded by Ald. Wisneski to adopt R-21-10.  
Motion carried on roll call 7-1.

7. [R-22-10 Resolution pertaining to sewer service charges and surcharges](#)

Moved by Ald. Hendricks, seconded by Ald. Roush to adopt R-22-10.  
Discussion: DPW Radtke explained this resolution recommends increasing sewer user fees to support the increase in charges from NM Sewerage and the cost of improvements to sewer system.  
Moved by Ald. Hendricks, seconded by Ald. Roush to amend to include the Stage 2 increase on July 1, 2011.  
Motion on amendment carried on roll call 8-0.  
Motion to adopt R-22-10 carried on roll call 8-0.

## K. APPOINTMENTS

1. Mayor's Appointment to the Housing Authority
  - a. [Dina Mitchell, 124 Broad St., Menasha for the term of October 4, 2010 to July 21, 2013](#)

Moved by Ald. Hendricks, seconded by Ald. Englebort to approve appointment of Dina Mitchell  
Motion carried on voice vote

2. Mayor's Appointment to the Parks and Recreation Board
  - a. Sue Pawlowski, 1249 Meadowview Dr., Menasha for the term of October 1, 2010 to October 1, 2013
  - b. [Steve Krueger, 701 Paris St., Menasha for the term of October 1, 2010 to October 1, 2013](#)

Moved by Ald. Hendricks, seconded by Ald. Zelinski to approve appointments of Sue Pawlowski and Steve Krueger  
Discussion: Outgoing members, Tom Konetzke and George Korth were thanked for their commitment to the Parks & Rec Board.  
Mayor Merkes and CA/HRD Captain explained the appointment process.  
Motion carried on voice vote.

## L. HELD OVER BUSINESS

### 1. [Lake Park Villas proposals](#)

Mayor Merkes provided financial analysis on two potential scenarios for the residential section of Lake Park Villas. Both scenarios assume a 12 year time period as well as showing a 20 year debt service schedule for City installed infrastructure. One scenario would be the Vans Construction & Cypress Homes proposals. Development of the residential area would occur over 8 years with the commercial land and lots being fully developed within 12 years. There is no guarantee they would proceed with Phase 2 of the development. Tax base to support new service requirements would not be available for approximately 20 years.

The second scenario would be the Lexington Homes & Cypress Homes proposals. Development of the residential area would occur over 6 years with the commercial land and lots being fully developed within 12 years. The extension of utilities would be much more easily accomplished having one developer for Phase 2. Tax base to support new service requirements would be available after approximately 12 years. A TIF district would be formed covering the entire Lake Park Villas development for the Lexington/Cypress proposal.

Discussion ensued on the creation of a TIF district; type and price of homes to be built; amount to be paid toward City debt service; making sure development agreement has all details covered.

Moved by Ald. Hendricks, seconded by Ald. Benner to move forward on a development agreement with Lexington Homes and Cypress Homes.

Motion carried on roll call 7-1. Ald. Zelinski-no.

## M. CLAIMS AGAINST THE CITY

### 1. [A motion is in order for the Common Council to issue a formal notice of disallowance for the claim of Daniel Gueths and that he be advised of his statutory rights pursuant to Wis. Stats. 893.80](#)

Moved by Ald. Hendricks, seconded by Ald. Wisneski to disallow claim of Daniel Gueths.

Motion carried on roll call 8-0.

### 2. [A motion is in order for the Common Council to issue a formal notice of disallowance for the claim of Vincent Knuth and that he be advised of his statutory rights pursuant to Wis. Stats. 893.80](#)

Moved by Ald. Hendricks, seconded by Ald. Wisneski to disallow claim of Vincent Knuth.

Motion carried on roll call 8-0.

## N. PUBLIC COMMENTS ON ANY MATTER LISTED ON THE AGENDA

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

Stan Sevenich, 645 9<sup>th</sup> Street. Congratulated Council on decision for Lake Park Villas.

Dan Gueths, W7255 Manitowoc Road. Comments on claim against the City.

## O. ADJOURNMENT

Moved by Ald. Hendricks, seconded by Ald. Benner to adjourn at 7:51 p.m.

Motion carried on voice vote.

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