CITY OF MENASHA
COMMON COUNCIL
Third Floor Council Chambers
140 Main Street, Menasha
Monday, November 1, 2010
MINUTES

DRAFT

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: Aldermen Englebert, Benner, Roush, Taylor, Wisneski, Langdon, Hendricks, Zelinski
ALSO PRESENT: Mayor Merkes, CA/HRD Captain, PC Stanke, FC Auxier, DPW Radtke, CDD Keil, C/T Stoffel, PRD Tungate, PHD Nett, Clerk Galeazzi, and the Press.

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. PHD Nett – Health Department Reports

PHD Nett gave an overview of the Health Department's Annual Report for 2009. The report is a summary of public health/school health services provided.

PHD Nett also reviewed the Wisconsin Local Health Department Survey of 2008. The survey was conducted by the Wisconsin Department of Health Services. The information in the report is a collection of information from all local health departments in Wisconsin. PHD Nett pointed out that the City of Menasha is one of the lowest costs per capita for services provided by health departments.

2. Clerk Galeazzi - the following minutes and communications have been received and placed on file:
Minutes to receive:
a. Administration Committee, 10/18/10
b. Board of Public Works, 10/18/10; Special meeting
c. Board of Public Works, 10/18/10
d. Board of Health, 9/8/10
e. Committee on Aging, 9/9/10
f. Housing Authority, 10/10/10
g. Landmarks Commission, 10/13/10
h. Plan Commission, 10/19/10
i. NM Fire-Rescue, 10/12/10; Joint Finance & Personnel Committee
j. NM Sewerage Commission, 9/28/10
k. Safety Committee, 9/2/10; City Hall
l. Safety Committee, 9/28/10; Public Works/Parks Department
m. Water & Light Commission, 10/20/10
Communications:
n. CA/HRD Captain to Comp. Stoffel, 10/13/10; Vertigo 1894 LLC
o. Gov. Doyle, Receipt of grant money for the City of Menasha Province Terrace Trail

Ald. Taylor: Comm. O (receipt of grant money), congratulated staff on receiving grant money for trail.

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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, 10/18/10
Administration Committee, 10/18/10; recommends approval of:
2. Joint Powers Agreement, Winnebago County Emergency 911 System, Dec. 1, 2010 - Nov. 30, 2011, and authorize signature.
Board of Public Works, 10/18/10; recommends approval of:
3. Street Use Application – Festival Foods Turkey Trot; Thursday, November 25, 2010; 8:00 AM to 10:30 AM
4. Change Order: MOD #0001-00; Neenah-Menasha Fire Rescue Station 36; Miron Job #101520; DEDUCT: $2,426.00
5. Change Order: MOD #0003-00; Neenah-Menasha Fire Rescue Station 36; Miron Job #101520; ADD: $512.00

Ald. Benner requested removal of Item 4 (Change Order MOD #0001-00) from Consent Agenda.

Moved by Ald. Hendricks, seconded by Ald. Langdon to approve items 1-3, and 5 of Consent Agenda.
Motion carried on roll call 8-0.

H. ITEMS REMOVED FROM CONSENT

Moved by Ald. Benner, seconded by Ald. Zelinski to hold item 4 (Change Order MOD #0001-00).
This item is held to the next meeting.

I. ACTION ITEMS
1. Accounts payable and payroll for the term of 10/21/10 to 10/28/10 in the amount of $760,569.04

Moved by Ald. Wisneski, seconded by Langdon to approve accounts payable and payroll.
Motion carried on roll call 8-0.

J. ORDINANCES AND RESOLUTIONS
1. O-17-10 An Ordinance Relating to Chronic Nuisance Premises (Introduced by Ald. Hendricks, recommended by the Administration Committee)

Moved by Ald. Hendricks, seconded by Ald. Wisneski to adopt O-17-10.
Motion carried on roll call 8-0.

K. APPOINTMENTS
1. Library Board
   a. Supt. Kobylski's delegation of Sue Werley, 1531 Rue Reynard Street as Menasha Joint School District representative on the Library Board

Moved by Ald. Wisneski, seconded by Ald. Englebert to approve Sue Werley as school district representative on the Library Board.
Motion carried on voice vote.

2. Landmarks Committee
   a. Accept letter of Resignation from Charlie Cross, Landmarks Commission
   b. Mayor's appointment of Andrew Jennings, 221 Broad Street, for the term 11/1/10 – 3/1/11 to fill remaining term of Charlie Cross

Moved by Ald. Wisneski, seconded by Ald. Hendricks to accept letter of resignation from Charlie Cross and approve appointment of Andrew Jennings.
Motion carried on voice vote.

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K HELD OVER BUSINESS
None

L. CLAIMS AGAINST THE CITY
1. LaFayette Life Ins. Co., et al. vs. City of Menasha Case No. 4:09CV0064

CA/HRD Captain reported that City voters approved the WPPI transaction with the proceeds to be used for settlement of all steam utility related matters. The agreement reached with Sonoco was structured so that none of the WPPI proceeds would be used to pay the Sonoco settlement and could be used to maximize the amount of funds to use for settlement purposes with the BAN holders. Net proceeds are expected to be approximately $15.2 million. The BAN holders in the lawsuits against the City have rejected to settle for the WPPI proceeds and American Bank, a plaintiff suing the City, proposed at the last council meeting to settle for $19.5 million in cash and up to $5 million that could be repaid over a term of 5 years with a 5% interest rate. American Bank's proposal would virtually use up the City's legal debt capacity. The deadline to complete the WPPI Energy transaction to resolve Steam Plan issues will be coming up in April, 2011. CA/HRD Captain recommended going into Closed Session to answer more detailed questions.

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

Chris Klein, 730 Keyes Street. Update residents on status of lawsuit at next Council meeting.

N. RECESS TO ADMINISTRATION COMMITTEE AND BOARD OF PUBLIC WORKS

Moved by Ald. Wisneski, seconded by Ald. Langdon to recess at 6:30 p.m
Motion carried on voice vote.

Reconvened at 7:08 p.m.

O. ADJOURNMENT
Moved by Ald. Wisneski, seconded by Ald. Benner to Adjourn into Closed Session at 7:09 p.m. pursuant to Wis. Stats. §19.85(1)(g): Conferring with legal counsel for the governmental body who is rendering oral or written advise concerning strategy to be adopted by the body with respect to litigation in which it is or is likely to become involved. (LaFayette Life Ins. Co., et al. vs. City of Menasha Case No. 4:09CV0064)
Motion carried on roll call 8-0.

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