

CITY OF MENASHA
COMMON COUNCIL
Third Floor Council Chambers
140 Main Street, Menasha
Monday February 15, 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: Ald. Taylor, Wisneski, Pack, Hendricks, Zelinski, Englebert, Benner, Roush

ALSO PRESENT: Mayor Merkes, CA/HRD Captain, Lt. Bouchard, DPW Radtke, CDD Keil, C/T Stoffel, PHD Nett, PRD Tungate, 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)

Chris Klein, 730 Keyes Street. Mayor's letter on Regional Transit Authority, oppose RTA, do not need another tax entity; 2010 Minimum Wage Rates, support keeping at previous year's rates, employers are freezing wages.

John Jorgensen, Candidate for Winnebago County Circuit Court Judge Branch 5. Introduced himself and encourage everyone to vote at the Feb. 16 Primary.

Mary Nebel, 713 First Street. Confusion of referendum, ask City Attorney to clarify; RTA was not acted on by Council.

F. REPORT OF DEPARTMENT HEADS/STAFF/CONSULTANTS

1. [PRD Tungate – Revisions to City Code Section 12-1-12 Selling of Merchandise in Parks and Public Grounds \(O-4-10\)](#)

PRD Tungate reported the Parks and Recreation Board discussed alternative ways to generate revenue for the Parks Dept. One idea discussed was issuing a permit to vendors to allow the sale of items in City parks. Another is park facility sponsorship and signage. The main focus for sign sponsorship would be at Koslo Park. The Parks and Recreation Board is suggesting proceeding slowly and conservatively on the revisions to the City Code. They are not asking for any formal action at this time.

2. Kim Pischke & Kris Oates – Lake Park Villas market plan

Kris Oates reviewed the marketing plan that she handed out. She explained what has been done and what their plan is for selling the existing residential lots at Lake Park Villas. They have installed lots signs, are planning a social gathering of area realtors and builders to re-introduce them to Lake Park Villas, and will be creating a website.

3. CA/HRD Captain – WPPI update

CA/HRD Captain reported the Public Service Commission orally approved the transaction for the purchase of Menasha Utilities electric distribution assets by WPPI Energy. The next step is to ask the City of Menasha voters to approve the sale and lease back transaction. This will be done by a referendum on the April 6, 2010 election ballot. When questioned about recent headlines in the newspaper about the sale of the steam plant, CA/HRD Captain explained the steam plant is not being sold. However, proceeds from the sale of the electric assets must/will be used to settle steam plant issues.

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

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

Minutes to receive:

- a. [Administration Committee, 2/1/10](#)
- b. [Board of Public Works, 2/1/10](#)
- c. [Library Board, 1/21/10](#)
- d. [Parks and Recreation Board, 2/8/10](#)
- e. [Plan Commission, 2/2/10](#)
- f. [Police Commission, 1/21/10](#)
- g. [Water & Light Commission, 1/27/10](#)
- h. [Water & Light Commission, 1/27/10; Closed Session](#)

Communications:

- i. [Calumet County Administrator, Open house invitation to City & Village officials](#)
- j. [CDD Keil, 2/11/10; Building Permit Summary](#)
- k. [Clerk Galeazzi, 2/2/10; Problem with Camera Equipment](#)
- l. Customers First! Newsletter, *the Wire*; [January 2010](#), [February 2010](#)
- m. [Public Service Commission of Wisconsin meeting notice, 2/12/10](#)
- n. [PWD Radtke, 2/3/10; Minimum Wage Rates](#)
- o. [U.S. Federal Energy Regulatory Commission, 2/8/10; Notice of application for transfer of license \(NewPage Wisconsin System Inc. and Kaukauna utilities\)](#)

Alderman Hendricks: Minutes G (Water & Light Comm.), questioned if PSC will need to approve updating Utilities e-mail system. Mayor Merkes responded the PSC wants to make sure the cost is justified and not being subsidized through electric rate.

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 placed 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, 2/1/10](#)

Administration Committee, 2/1/10 – Recommends Approval of:

2. [Equipment Purchase Request for AT&T U-Verse TV Public Access Channel to Broadcast City of Menasha Common Council Meetings.](#)

Board of Public Works, 2/1/10 – Recommends Approval of:

3. [Maintaining the 2010 Minimum Wage Rates at the previous year's rates](#)
4. [Tayco Street Pond Operation and Maintenance Agreement \(Town of Menasha/City of Menasha\)](#)
5. [Manitowoc Road Rehabilitation Project Agreement \(Town of Menasha/City of Menasha\)](#)

Parks and Recreation Board, 2/8/10 – Recommends Approval of:

6. [Agreement with Neenah-Menasha YMCA for 2010 Grunski Runski](#)

Alderman Wisneski requested to remove item 2 from Consent Agenda

Alderman Zelinski requested to remove item 3 from Consent Agenda

Alderman Taylor requested to remove item 5 from Consent Agenda

Moved by Alderman Hendricks, seconded by Alderman Wisneski to approve items 1, 4, and 6 of Consent Agenda.
Motion carried on roll call 8-0.

H. ITEMS REMOVED FROM CONSENT AGENDA

Moved by Alderman Wisneski, seconded by Alderman Taylor to approve item 2 (Equipment Purchase Request).
Discussion.

Motion carried on roll call 8-0.

Moved by Alderman Pack, seconded by Alderman Wisneski to approve item 3 (2010 Minimum Wage Rates)

Discussion.

Motion carried on roll call 8-0.

H. ITEMS REMOVED FROM CONSENT AGENDA, Cont'd.

Moved by Alderman Taylor, seconded by Alderman Wisneski to approve item 5 (Manitowoc Road Agreement) Discussion.

Motion carried on roll call 8-0.

I. ACTION ITEMS

1. [Accounts payable and payroll for the term of 2/4/10 to 2/11/10 in the amount of \\$4,317,900.23](#)

Moved by Alderman Wisneski, seconded by Alderman Pack to approve accounts payable and payroll. Discussion.

Motion carried on roll call 8-0.

J. ORDINANCES AND RESOLUTIONS

1. [O-4-10 – Ordinance Relating to Selling of Merchandise in Parks and Public Grounds](#)

[\(no action will be taken\)\(Introduced by Ald. Roush, recommended by Parks & Recreation Board\)](#)

No action

2. [R-5-10 – Resolution Opposing Wisconsin Department of Revenue \(DOR\) County Assessment Proposal](#)
[\(Introduced by Ald. Wisneski, recommended by Administration Committee\)](#)

Moved by Alderman Wisneski, seconded by Alderman Pack to adopt R-5-10.

Motion carried on roll call 8-0.

3. [R-6-10 – Resolution Authorizing Redemption of the Taxable General Obligation Promissory Notes](#)
[\(Steam Utility Project\), Dated August 22, 2007 \(Introduced by Mayor Merkes\)](#)

Moved by Alderman Hendricks, seconded by Alderman Roush to adopt R-6-10.

Motion carried on roll call 8-0.

4. [R-7-10 – Resolution to Place Referendum on the April 6, 2010 spring Election Ballot to Sell Electric Utility](#)
[Assets to WPPI Energy](#) (Introduced by Mayor Merkes)

Moved by Alderman Roush, seconded by Alderman Hendricks to adopt R -7-10.

Motion carried on roll call 8-0.

K. APPOINTMENTS

L. HELD OVER BUSINESS

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

Chris Klein, 730 Keyes Street. Asked about a global settlement before the WPPI Energy transaction is closed; City should not be subsidizing funds for the marketing of Lake Park lots.

N. RECESS TO ADMINISTRATION COMMITTEE AND BOARD OF PUBLIC WORKS

Moved by Alderman Wisneski, seconded by Alderman Pack to recess at 7:26 p.m.

Motion carried on voice vote.

Reconvened at 7:45 p.m.

O. CLAIMS AGAINST THE CITY

1. State ex rel. American Bank vs. City of Menasha et al., Case No. 10-cv-0077, Winnebago County Circuit Court.
2. LaFayette Life Insurance Co. Et al. Vs. City of Menasha et.al., Case No. 4:09CV 0064, US District Court Northern District of Indiana.

CA/HRD Captain requested items 1&2 be discussed during closed session.

3. Motion to Adjourn into Closed Session pursuant to Wis. Stats. §19.85(1)(e)&(g): Deliberating or negotiating the purchasing of public properties, the investigating of public funds, or conducting other specified public business, whenever competitive or bargaining reasons require a closed session; and 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. (American Bank vs. City of Menasha and LaFayette Life Ins. Co., et al. Vs. City of Menasha)

Moved by Alderman Wisneski, seconded by Alderman Pack to adjourn into Closed Session at 7:47 p.m.

Motion carried on roll call 8-0.

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O. CLAIMS AGAINST THE CITY, Cont'd.

4. Return into Open Session

Moved by Alderman Roush, seconded by Alderman Taylor to adjourn into open session at 9:05 p.m.
Motion carried on voice vote.

5. Actions if any needed as a result of the Closed Session discussion

No action necessary.

P. ADJOURNMENT

Moved by Alderman Wisneski, seconded by Alderman Hendricks to adjourn at 9:05 p.m.
Motion carried on voice vote.

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