

CITY OF MENASHA  
COMMON COUNCIL  
Third Floor Council Chambers  
140 Main Street, Menasha  
TUESDAY July 6, 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 Zelinski, Benner, Roush, Taylor, Wisneski, Langdon, Hendricks

EXCUSED: Alderman Englebert

ALSO PRESENT: Mayor Merkes, CA/HRD Captain, Lt. Brunn, FC Auxier, DPW Radtke, C/T Stoffel, PHD Nett, Clerk Galeazzi, and the Press

DEPT. HEAD EXCUSED: CDD Keil, PRD Tungate

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 St. Marketing of Lake Park Villa lots; Broker not a member of Multiple Listing Service (MLS), therefore lots not listed in MLS. Citizens deserve all available marketing tools to sell lots.

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, 6/21/10](#)
- b. [Board of Public Works, 6/21/10](#)
- c. [Board of Health, 5/12/10](#)
- d. [Housing Authority, 6/15/10](#)
- e. [Library Board 6/17/10](#)
- f. [NM Fire Rescue Joint Finance and Personnel Committee, 6/22/10](#)
- g. [Parking Committee, 6/30/10](#)
- h. [Parks and Recreation Board, 6/14/10](#)
- i. [Safety Committee, 5/13/10; City Hall](#)
- j. [Safety Committee, 5/25/10; Public Works/Parks Dept.](#)
- k. [Sustainability Board, 6/15/10](#)

Communications:

- l. [Clerk Galeazzi, 7/1/10; Common Council Workshop](#)
- m. [Winn. Cnty. Circuit Court Branch 5, 6/30/10; Notice of Judgment & Judgment \(Tax Liens in Menasha\)](#)
- n. [Waverly Sanitary minutes, 5/11/10](#)

Ald. Wisneski: Minutes A (Administration Comm.), request change in minutes. Mayor Merkes stated change to minutes should be done during Administration Committee meeting; Minutes J (Safety Comm.) DPW Radtke was listed present and absent. DPW Radtke reported he was absent from that meeting; Minutes K (Sustainability Board), information on overflow recycling. Mayor Merkes stated a report on Recycling will be made at a future meeting.

Ald. Zelinski: Comm. L (Common Council Workshop), requested certain information for workshop.

## 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, 6/21/10](#)

Administration Committee, 6/21/10; recommends approval of:

2. [Neeah-Menasha YMCA Senior Center Collaboration Proposal](#)
3. [State of Wisconsin Authorized User/Local Government Customer Service Agreement with U.S. Cellular for cell phone service](#)

Board of Public Works, 6/21/10; recommends approval of:

4. [Street Use Application – 17<sup>th</sup> Annual St. Joe’s 5K Run/Walk; Saturday, October 16, 2010; 8:45 AM – 10:30 AM \(Pacesetter’s Fox Cities\)](#)
5. [Street Use Application – 30<sup>th</sup> Annual Otto Grunski Runski; Saturday, August 14, 2010; 6:30 AM-10:30 AM \(City of Menasha\)](#)
6. [Recommendation to award Gries Architects contract for Architectural Design Services for Fire Station 36](#)
7. [Recommendation to Accept option A of Martenson & Eisele, Inc. for Professional Land Surveying Services – Midway Road Sidewalk](#)

NM Fire Rescue Joint Finance and Personnel Committee, 6/22/10; recommends approval of:

8. The purchase of the Drager 1600 Thermal Imaging Camera from Paul Conway Shields for the quote of \$8,720.00

Parking Committee, 6/30/10; recommends:

9. Denial of request for citizens with disabilities to be exempt from the odd/even overnight parking from April 1 – November 1

Ald. Taylor requested items 6 & 7 be removed from Consent Agenda. Ald. Taylor stated he will be abstaining from voting due to conflict of interest, his wife is an employee of one of the companies bidding.

Moved by Ald. Hendricks, seconded by Ald. Wisneski to approve items 1-5, 8 & 9 of Consent Agenda. Motion carried on roll call 7-0.

## H. ITEMS REMOVED FROM CONSENT AGENDA

Moved by Ald. Hendricks, seconded by Ald Benner to approve item 6 (Gries Architects contract) Motion carried on roll call 6-0. Ald. Taylor abstained.

Moved by Ald. Hendrick, seconded by Ald. Wisneski to approve item 7 (Option A of M&E for Professional Land Surveying Services).

Motion carried on roll call 6-0. Ald. Taylor abstained.

## I. ACTION ITEMS

1. [Accounts payable and payroll for the term of 6/18/10 to 7/1/10 in the amount of \\$838,681.29](#)

Moved by Ald. Wisneski, seconded by Ald. Roush to approve accounts payable and payroll.

Discussion: Questions/Answers on expenditures.

Motion carried on roll call 7-0.

2. [Request for Outdoor Alcoholic Beverage permit for Jean Redlin, d/b/a Redliner, 977 Plank Road for July 6, 2010 to June 30, 2011](#)

Moved by Ald. Wisneski, seconded by Ald. Zelinski to approve Outdoor Alcoholic Beverage Permit.

Motion carried on roll call 7-0.

3. [Contract for voting machines sales/services](#)

Moved by Ald. Wisneski, seconded by Ald. Langdon to approve contract and instruct City Clerk to sign letter to Dominion Voting Systems for service and parts.

Motion carried on roll call 7-0.

## J. ORDINANCES AND RESOLUTIONS

### 1. [O -11- 10 – An ordinance relating to the hours of outdoor food and alcoholic beverage service](#)

Discussion ensued on changing the start time of outdoor serving from 10:00a.m. to 6:00a.m.

This change would accommodate a few taverns that open at 6:00a.m. Changes to the ordinance must take into consideration all taverns. Discussion on the current noise ordinance sets a time at 7:00a.m.

The reason for the Outdoor Serve Permit is to allow customers to have a drink with a meal.

CA Captain commented the Outdoor Serve Permits requests could be taken case by case as the permit is for one year.

Mayor Merkes invited the manager of the Redliner to speak.

Ken Zastrow, 977 Plank Road stated the Redliner opens at 6:00a.m. and they are asking to change the starting time. He would agree to a start time of 7:00a.m. This would allow smokers to sit outside earlier.

Lt. Brunn was asked to comment on the change. Lt. Brunn stated consideration should be given to taverns in a more residential neighborhood. Also, if the outdoor patio is to accommodate smoking, it will need to in compliant with the state statue on smoking ban. A 7:00a.m. start would be more reasonable.

Mayor Merkes stated discussion on this item will continue at the next meeting.

No action taken.

### 2. [R-15-10 – Consideration of an initial resolution regarding Industrial Development Revenue Bond financing to benefit Fox Valley Hematology & Oncology, S.C. information with respect to the job impact of the project will be available at the time of consideration of the initial resolution](#)

Mayor Merkes invited Atty. Tom Klancnik from Whyte, Hirschboeck, Dudek representing Fox Valley Hematology & Oncology to speak. Atty. Klancnik explained the state statute requirements for this type of bonding. The City's Bond Counsel, Quarles & Brady, has review this initial resolution and supports the form. The project is a medical clinic that is expected to employ about 20 people. The City will not be liable and it does not have an impact on the City's borrowing.

Mayor Merkes commented this is different from the County Industrial Revenue Bonding that does have an impact in the City's borrowing.

When asked if a provision could be added to the Resolution to prevent a non-profit from purchasing the building, Atty Klancnik explained as long as the bonds are outstanding it would have to be a for-profit business that occupies the building.

Moved by Ald. Hendricks, seconded by Ald. Zelinski to adopt R-15-10 and authorize the Mayor to take whatever action is necessary to effectuate this resolution.

Motion carried on roll call 7-0.

## K. APPOINTMENTS

### 1. Mayor's Appointment to the Housing Authority

#### a. [Reappointment of Christine Kaup, 1083 Stillmeadow Ln., Menasha, for the term of July 21, 2010 to July 21, 2013](#)

Moved by Ald. Wisneski, seconded by Ald. Roush to approve reappointment of Christine Kaup.

Motion carried on voice vote.

### 2. Mayor's Appointments to the Library Board

#### a. Reappointment of Jill Enos, 732 Nicolet Blvd., Menasha, for the term of July 6, 2010 to July 1, 2013

#### b. [Appointment of Paul Brunette, 1334 Mayer St. Menasha, for the term of July 6, 2010 to July 1, 2013](#)

Moved by Ald. Hendricks, seconded by Ald. Roush to approve reappointment of Jill Enos and appointment of Paul Brunette.

Discussion: When asked about Mr. Brunette being a resident of the Town of Menasha, Mayor Merkes answered there is a provision that allows for 2 of the 6 appointees to be from the Town because of the support the Town receives.

Motion carried on voice vote.

## J. HELD OVER BUSINESS

None

## K. CLAIMS AGAINST THE CITY

None

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

Ken Zastrow, 977 Plank Road. Outdoor Serve Permits are already acted on case by case. If there are problems, Council does not have to approve permit.

Mayor Merkes stated this item will be discussed at a future meeting.

M. RECESS TO ADMINISTRATION COMMITTEE AND BOARD OF PUBLIC WORKS

Moved by Ald. Wisneski, seconded by Ald. Hendricks to recess at 6:55 p.m. to Administration Committee and Board of Public Works.

Motion carried on voice vote.

Reconvened at 7:40 p.m.

N. ADJOURNMENT

Moved by Ald. Wisneski, seconded by Ald. Langdon to adjourn into closed session at 7:40 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. (Update on WERC et al vs City of Menasha Case No. 09CV2490 & on LaFayette Life Ins. Co., et al. vs. City of Menasha Case No. 4:09CV0064)

Motion carried on roll call 7-0.

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