

CITY OF MENASHA
COMMON COUNCIL
Third Floor Council Chambers
140 Main Street, Menasha
Monday January 17, 2011
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 observed for Dr. Martin Luther King, Jr. Day

C. ROLL CALL/EXCUSED ABSENCES

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

EXCUSED: Alderman Wisneski

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

1. [Proposing an amendment to Title 13, Article E of the Code of Ordinances relating to the paving of driveways.](#)

Letter from Valley Home Builders Association requesting the Common Council vote against approving the proposed paving of driveways ordinance.

Chris Klein, 730 Keyes Street. Request removing section of the ordinance that requires existing properties to pave the driveway prior to a sale; considers it a penalty for selling property.

Pete Weyenberg, 104 Hedgeview Dr, Neenah; owns property at 139 Broad Street. Opposed to ordinance; buyer may not have extra money for paving driveway after purchasing property.

Jennifer Sunstrom, Realtors Association. Concerned with existing properties being required to pave driveway before sale; encourage Common Council to vote against the ordinance and refer it back to Plan Commission.

Dina Mitchell, 124 Broad Street. As a realtor and resident opposed to ordinance; more foreclosures and buyers required to pay most of closing cost, will not have extra funds to pave driveway.

Steve Pack, 823 Emily Street. Opposed to ordinance; not right to adopt ordinance considering the current housing market.

2. [Special Use Permit, Appanasha Pet Clinic, 1205 Wittmann Drive, Menasha](#)

CDD Keil explained the owners of Appanasha Pet Clinic made an offer on one of the lots in the Business Park. A Special Use Permit for a kennel license for up to 50 animals is needed before finalizing the lot sale. The owners want to be guarantee they will receive the Special Use Permit before they move forward.

Dr. Murray Hurlburt, representative of Appanasha Pet Clinic explain how the business operates. Privacy fencing will be installed to minimize the noise.

Chris Klein, 730 Keyes Street. Common Council should support businesses wanting to expand in City.

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

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

Nancy Barker, 506 Keyes Street. Common Council should adopt Resolution R-1-11 Opposing the Reduction of Winnebago County Board; need fair representation at County level.

Steve Pack, 823 Emily Street. Most people against allowing chickens in the city; City Council is not place to discuss County Board of Supervisors; City has wasted funds on litigation, forestry intern, hire person to market downtown; State Election Board recommends filling vacant Council position with candidate that ran for office, City Council did not do it that way.

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

Chuck Farrey, Winnebago County Supervisor. Asking City Council to support current size or slightly reduction in County Board of Supervisors.

Harvey Rengstorf, Winnebago County Supervisor from Town of Winneconne. Asking City Council to keep County Board of Supervisors at the same size.

Chris Klein, 730 Keyes Street. Ordinance allowing chickens in City is only for a few people; do not need Water intake as required by DNR; request list of law suits filed against City.

Jerry Finch, Winnebago County Supervisor from Town of Menasha. City could lose representation if reduction in County Board of Supervisors.

Nancy Barker, 506 Keyes Street. Current County Board only has 3.5 representatives from City.

Mary Nebel, 713 1st Street. Residents concerned with Steam Plant issues should address Menasha Utilities; No rush to vote on resolution on Winnebago County Board of Supervisors; downtown businesses came to the City for assistance in a marketing strategy; chicken issue not a fad.

F. REPORT OF DEPARTMENT HEADS/STAFF/CONSULTANTS

1. [CDD Keil – Update on 81-87 Racine/504 Broad Street \(Ald. Taylor\)](#)

CDD Keil reported the lots at 81 & 87 Racine and 504 Broad Street are listed by the Drifka Group on two real estate websites and have notified realtors and real estate brokers. There has been no interest to date. Environmental issues have been addressed. A Closure Letter for 81 Racine Street has been issued by DNR, 504 Broad has no known contamination. Another round of soil testing was recently performed on 87 Racine Street. Staff is waiting for the final results.

2. Clerk Galeazzi - the following minutes and communications have been received and placed on file:
Minutes to receive:

- a. [Administration Committee, 1/4/11](#)
- b. [Board of Public Works, 1/4/11](#)
- c. [Board of Health, 11/10/10](#)
- d. [City Hall Safety Committee, 11/4/10](#)
- e. [Committee on Aging, 11/11/10](#)
- f. [NM Fire Rescue Joint Finance & Personnel, 12/28/10](#)
- g. [Park & Recreation Board, 1/10/11](#)
- h. [Plan Commission 1/11/11](#)
- i. [Public Works/Parks Dept. Safety Committee, 11/30/10](#)
- j. [Water & Light Commission, 12/15/10](#)
- k. [Water & Light Commission Special Meeting 12/22/10](#)
- l. [Water & Light Commission Closed Session, 7/21/10, 10/27/10, 11/17/10, 12/15/10](#)

Communications:

- m. [Richard DeKleyn to Ald. Englebert, 1/5/11; Ordinance requiring paving of driveways](#)
- n. [Dina Mitchell to Mayor Merkes, CDD Keil and Aldermen, 1/7/11; Driveway Installation Policy](#)
- o. [Jennifer Sunstrom to Plan Commission, 1/11/11; Paving of Driveways](#)
- p. [Wisconsin Urban Forestry Council 2009 Report](#)
- q. [Menasha Utilities, Customers First! The Wire newsletter, 1/11](#)
- r. [Public Works Facility; December 2010 Disposal Violations](#)
- s. [League of Women Voters Public Forum Jan. 31, 2011](#)

Mayor Merkes announced the City is the recipient of a 2011 Urban Forestry Grant.
Ald. Hendricks commented on the upcoming League of Women Voters Public Forum.

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, 1/4/11](#)

Administration Committee, 1/4/11; recommends approval of:

2. Grant Agreements between Winnebago County and City of Menasha for the term Jan. 1, 2011 to Dec. 31, 2011 for: a) [Senior Center Supervisor](#) b) [Senior Center Activity Coordinator](#) c) [Older Adult Health Screening Program](#)

Personnel Committee, 12/20/10; recommends approval of:

3. [Amend City of Menasha Personnel Policy Handbook, Article IX-Training, Travel and Meal Expense Policy.](#)

N-M Fire Rescue Joint Finance & Personnel, 12/28/10; recommends approval of:

4. NMFR's initiatives to move forward with endorsing fundraising through private funding and/or grants to fund the start up costs of a dive team for NMFR and initiate discussions with Winnebago County to formulate a long term structure for maintenance costs, per statutory requirement.

Plan Commission, 1/11/11; recommends approval of:

5. [Granting a Special Use Permit for a Kennel License for Appanasha Pet Clinic at 1205 Wittmann Drive for up to 50 animals with the condition that a site plan be submitted for review by the Plan Commission and approval by the Common Council as part of the Special Use Permit](#)

6. An alternative ordinance be drafted requiring the paving of driveways and driveway aprons for new one and two family residential dwellings in the R-1, R-1A, R2 and R2A Districts, and for the paving of driveways, driveway aprons and parking lots in the R-3, R-4, C-1, C-2, C-3, C-4, I-1, I-2 and GU Districts, except for existing one and two family residential dwellings.

Ald. Zelinski requested item 6 (paving of driveways) be removed from the Consent Agenda

Ald. Hendricks requested item 4 (endorsing dive team) be removed from the Consent Agenda

Moved Ald. Hendricks, seconded by Ald. Zelinski to approve items 1, 2, 3, 5

Motion carried on roll call 7-0.

H. ITEMS REMOVED FROM CONSENT AGENDA

Moved by Ald. Hendricks, seconded by Ald. Zelinski to approve item 4 (endorsing dive team)

Discussion on Winnebago County's participation.

Moved by Ald. Englebert, seconded by Ald. Langdon to amend to initiate discussions with Winnebago County for a dive team and to bring back to the Council the cost to NMFR and Winnebago County's response.

Motion on amendment carried on roll call 7-0.

Motion as amended carried on roll call 7-0.

CA/HRD Captain and CDD Keil explained the recommendation from Plan Commission.

CA/HRD Captain explained if Council approves the recommendation from the Plan Commission, there is no need to act on ordinance O-18-10.

Moved by Ald. Taylor, seconded by Ald. Zelinski to approve item 6 (paving driveways).

Moved by Ald. Taylor, seconded by Ald. Zelinski to amend to eliminate the word except and replace it with including paving of driveway and driveway aprons of existing one and two family residential dwellings.

Discussion: CA/HRD Captain suggested sending this item back to Plan Commission for an alternate ordinance. CDD Keil explained Plan Commission was not in support of implementing an ordinance for the paving of driveways for existing one and two dwellings. Mayor Merkes explained the amendment would only affect properties in the business and commercial districts. If the intent was for requiring of paved driveways for all one and two dwellings, O-18-10 would be the ordinance to vote on.

Ald. Taylor and Zelinski withdrew their amendment.

Moved by Ald. Taylor, seconded by Ald. Zelinski to hold the item.

Item is held.

I. ACTION ITEMS

1. [Accounts payable and payroll for the term of 1/4/11 to 1/13/11 in the amount of \\$7,768.329.98](#)

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

Discussion/Questions/Answers on expenditures

Motion carried on roll call 7-0.

J. ORDINANCES AND RESOLUTIONS

1. [O-18-10 An Ordinance Relating to Paving of Driveways \(Introduced by Ald. Taylor & Zelinski\)](#)

Moved by Ald. Taylor, seconded by Ald. Zelinski to adopt O-18-10

Moved by Ald. Taylor, seconded by Ald. Zelinski to amend to add "driveway aprons" after the word driveways, change from "within one year" to "within two years" of construction, and change from "six months" to "one year" after the property is sold.

Motion on amendment carried on roll call 6-1. Ald. Langdon – no.

Discussion: Comments made; paving of driveway can be negotiated at time of sale; paved surfaces will keep sediment off streets; paved driveway doesn't necessarily add to value of property; hardship to lower price properties; address issue at later date, not right time based on current economic situation.

Motion as amended failed on roll call 2-5. Ald. Taylor, Zelinski – yes.

Ald. Roush, Langdon, Hendricks, Englebert, Benner – no.

2. [O-22-10 An Ordinance Relating to Parking Regulations \(Angle Parking on 2nd St.\) \(Introduced by Ald. Wisneski & Taylor\)](#)

Moved by Ald. Taylor, seconded by Ald. Roush to adopt O-22-10

Motion carried on roll call 7-0.

3. [O-23-10 An Ordinance Relating to School Bus Loading Zones \(Introduced by Ald. Wisneski\)](#)

Moved by Ald. Englebert, seconded by Ald. Zelinski to adopt O-23-10

Motion carried on roll call 7-0.

4. [R-1-11 Resolution Opposing the Reduction in Size of the Winnebago County Board of Supervisors \(Recommendation of Administration Committee\) \(Introduced by Ald. Englebert\)](#)

Moved by Ald. Englebert, seconded by Ald. Taylor to adopt R-11-11

Discussion: Ald. Roush suggested waiting until after the League of Women Voters forum.

Motion carried on roll call 4-3.

Ald. Taylor, Langdon, Englebert, Benner – yes. Ald. Roush, Hendricks, Zelinski – no.

5. [R-3-11 Resolution Pertaining to Changes in Fees for Parks and Recreation Programs and Services for 2011 \(Recommendation of Parks and Recreation Board\) \(Introduced by Ald. Langdon\)](#)

Moved by Ald. Hendricks, seconded by Ald. Langdon to adopt R-3-11.

Motion carried on roll call 7-0.

K. APPOINTMENTS

None

L. HELD OVER BUSINESS

None

M. CLAIMS AGAINST THE CITY

None

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. Langdon to adjourn at 8:35 p.m.

Motion carried on voice vote.