CITY OF MENASHA
COMMON COUNCIL
Third Floor Council Chambers
140 Main Street, Menasha
Monday, November 7, 2011
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 Sevenich, Langdon, Krueger, Zelinski, Englebert, Benner, Klein, Taylor
ALSO PRESENT: Mayor Merkes, CA/HRD Captain, PC Styka, FC Auxier, DPW Radtke, CDD Keil, C/T Stoffel, PRD Tungate, LD Lenz, Clerk Galeazzi and the Press.
DEPT. HEAD EXCUSED: PHD Nett

D. PUBLIC HEARING
None

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

Rebecca Nichols, 402 Elm Street. Comments on e-mail from Ald. Krueger to the Council.

Kathy Bauer, 709 Lincoln Street. Comments on e-mail from Ald. Krueger to Council; Comments on Ald. Klein's e-mail to Council; Salaries of Aldermen; Menasha Pool.

F. REPORT OF DEPARTMENT HEADS/STAFF/CONSULTANTS
1. Introduction of New Police Chief Tim Styka

Mayor Merkes introduced Police Chief Tim Styka. Clerk Galeazzi administered the Oath of Office to PC Styka.

2. Clerk Galeazzi - the following minutes and communications have been received and placed on file:
Minutes to receive:
a. Administration Committee, 10/17/11
b. Board of Public Works, 10/17/11
c. Board of Health, 9/14/11
d. Committee on Aging, 8/18/11
e. Library Board, 9/15/11
f. NM Fire Rescue Joint Finance and Personnel Committee, 10/25/11
g. NM Sewerage Commission, 9/27/11
h. NM Sewerage Commission, 10/5/11, 10/10/11; Special meeting
i. Personnel Committee, 10/17/11
j. Plan Commission, 10/18/11
k. Police Commission, 10/18/11, 10/25/11
l. Redevelopment Authority, 10/24/11
m. Safety Committee, 9/1/11; City Hall
n. Safety Committee, 8/2/11; Police
o. Safety Committee, 9/27/11; Public Works & Parks
p. Sustainability Board, 9/20/11
q. Water & Light Commission, 9/28/11, 10/19/11
r. Water & Light Commission, 9/7/11, 9/14/11; Special meeting
Communications:
s. NM Professional Fire Fighters, Inc., Local 275 to Cities of Neenah & Menasha; 10/17/11; Bargaining Requests
t. Cities of Neenah & Menasha to NM Professional Fire Fighters, Inc., Local 275, 10/24/11; Initial offer for 2012 Contract

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u. Ald. Klein to Common Council, 10/18/11; Manitowoc Mayor cuts in budget
v. Ald. Krueger to Common Council, 10/19/11; The Fox-2
w. Ald. Krueger to Common Council, 10/28/11; Downtown Trick or Treat
x. CDD Keil, 11/3/11; Fire Station #2 update
y. Customers First! Newsletter, *the Wire*, November 2011
z. Dr. Martin Luther King, Jr. Essay Contest announcement
aa. Hammett, Bellin & Oswald, LLC Attorneys, 10/11/11; Notice of City's Exercise of Right to Repurchase Parcel #2, Lot 16, Menasha WI
bb. Letter of Support from Residents to Mayor Merkes regarding Menasha Pool
cc. Letter of Support from Residents to Clerk Galeazzi regarding Menasha Pool
dd. Menasha Historical Newsletter, November 2011
ee. Proclamation; Congratulations 2011 Post Crescent Best of the Valley award winners
ff. PHD Nett, 11/2/11; Menasha Health Dept. Annual Report 2011
gg. PHD Nett, 11/2/11; Menasha Senior Center Attendance
hh. PHD Nett, 11/2/11; WI Local Health Dept Survey
ii. Senator Ellis, 10/21/11; Receipt of resolution regarding Menasha Post Office
jj. Veterans' Service Office; Pearl Harbor Commemoration

Moved by Ald. Sevenich, seconded by Ald. Langdon to receive Minutes & Communications A-JJ.
Ald Sevenich-Comm. V (Ald. Krueger's e-mail to Council), commend Ald. Krueger for trying to promote City; Comm. U (Ald. Klein's e-mail to Council), show how business is done in other communities.
Motion carried on roll call 8-0.

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, 10/17/11
2. Special Common Council, 10/20/11

Administration Committee, 10/17/11; recommends approval of:

3. Second Amendment to the Lease Agreement between Morton Martin I LLC, Dumke and Associates, LLC and the City of Menasha, January 1, 2012 to December 31, 2013, and authorize signature

Board of Public Works, 10/17/11; recommends approval of:

4. Street Use Application – Festival Foods Turkey Trot; Thursday, November 24, 2011; 7:30 AM to 10:30 AM
5. Street Use Application – Jingle Bell Run for Arthritis; Saturday, December 3, 2011; 8:30 AM to 10:30 AM
6. Payment – Van Straten Construction Co., City of Menasha Wastewater Collection System Rehabilitation Improvements – Phase 4 Project; Sanitary Sewer Replacement; Contract E145-11-01B; $16,599.20 (Payment No. 3)

Personnel Committee, 10/17/11; recommends approval of:

7. City of Menasha Discipline and Grievance Procedure
8. Intergovernmental Cooperation Agreement Impartial Hearing Officers between the Cities of Appleton, Menasha, Neenah, Oshkosh and Fond du Lac.
9. Change to Personnel Policy Handbook, ARTICLE XIX – Concealed Carry

Plan Commission, 10/18/11; recommends approval of:

10. Certified Survey Map - Kernan Avenue

NM Fire Rescue Joint Finance & Personnel Committee, 10/25/11; recommends approval of:

11. Affinity Health for a total of $13,473.00 for 2012 medical evaluations

Ald. Sevenich requested to remove items 7 and 8 from Consent Agenda.

Moved by Ald. Sevenich, seconded by Ald. Zelinski to approve items 1-6, 9-11 of Consent Agenda.
Motion carried on roll call 8-0.

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H. ITEMS REMOVED FROM CONSENT AGENDA

Moved by Ald. Englebert, seconded by Ald. Zelinski to approve items 7 (City of Menasha Discipline and Grievance Procedure) and 8 (Intergovernmental Cooperation Agreement).
Moved by Ald. Benner, seconded by Ald. Sevenich to add to Discipline and Grievance Procedure "the grievant maybe accompanied by a representative throughout the grievance process. The representative maybe an Attorney or non-Attorney. The cost of any representative shall be at the grievant sole cost regardless of the outcome of the grievance."
General discussion ensued on the amendment.
Ald. Sevenich asked for unanimous consent to hear from people in the gallery. No objections.

Mike Weins, Vice-President of Local 1035. Concerned with employee being intimidated during grievance procedure; not everyone can afford an attorney.

Mike Bursack, Local 1035 member. Comments on having a second person present during grievance discussion for moral support and avoid any misunderstanding.

Ald. Sevenich requested to split items 7 and 8 from the original motion.
Motion to amend City of Menasha Discipline and Grievance Procedure carried on roll call 7-1.

Ald. Englebert – no

Moved by Ald. Benner, seconded by Ald. Sevenich to amend City of Menasha Discipline and Grievance Procedure to include in paragraph 6 the words "or WERC" after impartial hearing officer.
Discussion ensued on the amendment.
Motion failed on roll call 4-4.
Ald. Taylor, Sevenich, Langdon, Benner – yes
Ald. Klein, Krueger, Zelinski, Englebert – no

Motion to approve City of Menasha Discipline and Grievance Procedure policy as amended carried on roll call 7-1. Ald. Sevenich – no.

Moved by Ald. Englebert, seconded by Ald. Zelinski to approve item 8 (Intergovernmental Cooperation Agreement).
Motion carried on roll call 7-1. Ald. Sevenich – no.

I. ACTION ITEMS

1. Accounts payable and payroll for the term of 10/14/11 to 11/3/11 in the amount of $ 1,477,822.04

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

2. Petition of John Fitting for special exemption of Section 7-1-6(e) of City Code to license and house 2 more pets than allowed

Moved by Ald. Klein, seconded by Ald. Langdon to approve petition of John Fitting
General discussion on the ordinance and procedure.
Motion carried on roll call 8-0.

J. ORDINANCES AND RESOLUTIONS

1. O-18-11 An Ordinance Amending Section 2-1-1 of Municipal Code (Wards Boundaries)(Introduced by Ald. Krueger, recommended by Administration Committee, 2nd Introduction)

Moved by Ald. Krueger, seconded by Ald. Zelinski to adopt O-18-11
Motion carried on roll call 7-1. Ald. Benner – no.

2. O-19-11 An Ordinance Amending Section 2-1-2 of Municipal Code (Aldermanic Districts) (Introduced by Ald. Krueger, recommended by Administration Committee, 2nd Introduction)

Moved by Ald. Krueger, seconded by Ald. Langdon to adopt O-19-11.
Motion carried on roll call 7-1. Ald. Benner – no.

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3. O-20-11 An Ordinance Amending Section 2-1-3 of Municipal Code (Polling Places)(Introduced by, recommended by Administration Committee, 1st Introduction)

Moved by Ald. Krueger, seconded by Ald. Langdon to adopt O-20-11.
Motion carried on roll call 8-0.

4. R-40-11 – A Resolution approving application to Board of Commissioners of Public Lands to Borrow $900,000.00 from the State Trust Funds. Authorizing the borrowing and the issuance of certificates of indebtedness and levying a tax in connection therewith (Introduced by Mayor Merkes)

Moved by Ald. Sevenich, seconded by Ald. Langdon to adopt R-40-11
C/T Stoffel explained the borrowing is for a balloon payment due on TIF 6 and there are not sufficient funds currently in TIF 6 to make the payment.
Motion carried on roll call 8-0.

K. APPOINTMENTS
None

L. HELD OVER BUSINESS

1. Offer to purchase, Riverside Builders Inc (Dr. Vernon Larsen), lots at 81 & 87 Racine Street and 504 Broad Street (Held 10/17/11)

Moved by Ald. Klein, seconded by Ald. Zelinski to accept the Offer to Purchase.
Motion failed on roll call 4-5.
Ald. Klein, Langdon, Krueger, Zelinski – yes
Ald. Taylor, Sevenich, Englebert, Benner, Mayor Merkes – no.

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. RECESS TO ADMINISTRATION COMMITTEE, BOARD OF PUBLIC WORKS, PERSONNEL COMMITTEE
Moved by Ald. Englebert, seconded by Ald. Benner to recess at 7:35 p.m.
Motion carried on voice vote.

Reconvened at 10:05 p.m.

P. Moved by Ald. Benner, seconded by Ald. Englebert to adjourn into Closed Session at 10:05 p.m. pursuant to Sec. 19.85(1)(g) & (e) Conferring with legal counsel for the governmental body who is rendering oral or written advice concerning strategy to be adopted by the body with respect to litigation in which it is or is likely to become involved; and Deliberating or negotiating the purchasing of public properties, the investing of public funds, or conducting other specified public business, whenever competitive or bargaining reasons require a closed session (Thomas Schanke, Lot 16 Lake Park Villas)
Motion carried on roll call 8-0.

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