

CITY OF MENASHA
COMMON COUNCIL
Third Floor Council Chambers
140 Main Street, Menasha
Monday March 7, 2011
MINUTES

DRAFT

A. CALL TO ORDER

Meeting called to order by Mayor Merkes at 6:05 p.m.

B. PLEDGE OF ALLEGIANCE

C. ROLL CALL/EXCUSED ABSENCES

PRESENT: Aldermen Wisneski, Langdon, Hendricks, Zelinski, Englebert, Benner, Roush, Taylor
ALSO PRESENT: Mayor Merkes, CA/HRD Captain, FC Auxier, Lt. Brunn, CDD Keil, PRD Tungate, C/T Stoffel,
Mike Blank (Cypress Homes), Jeff Marlow (Lexington Homes), Clerk Galeazzi and the Press.
DEPT. HEADS EXCUSED: DPW Radtke, PHD Nett

D. PUBLIC HEARING

1. [Proposed Final Resolution Authorizing Public Improvement and Levying Special Assessments Against Benefited Property \(Ribblesdale and Woodland Hills Subdivision\)](#)

Jim Longo, 1064 Kernan Ave. Submitted a petition signed by homeowners of Woodland Hills Subdivision petitioning to move the proposed trail/sidewalk to the previously agreed upon location along Hwy 10 & 114.

Craig Kubiak, 969 Kernan Ave. Opposed to installation of trail/sidewalks.

Dan Ferris, 2365 Woodland Hills Drive. Opposed to installation of sidewalks.

Lila Miller, 1017 Kernan. Opposed to installation of sidewalks.

Mike Hagens, Woodland Development LLC. Gave brief history of Woodland Hills Subdivision.

Mary Jane Longo, 1064 Kernan. Opposed to installation of sidewalks.

Richard Schultz, 2412 Woodland Hills Drive. Opposed to sidewalk/trail.

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

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

Ed Jelinski, 2780 County Road J, Town of Clayton. Thanked residents of Menasha for their support in his running for Winnebago County Branch 6 Judge.

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, 2/21/11](#)
- b. [Board of Public Works, 2/21/11](#)
- c. [Board of Health, 1/12/11](#)
- d. [City Hall Safety Committee, 1/6/11](#)
- e. [Committee on Aging, 1/13/11](#)
- f. [Library Board, 2/17/11](#)
- g. [Ad-Hoc Executive Search Committee 2/16/11](#)
- h. [NM Sewerage Commission, 1/25/11](#)
- i. [Parks and Recreation Board, 2/14/11](#)
- j. [Public Works/Parks Dept. Safety Committee, 1/25/11](#)
- k. [Water & Light Commission, 2/23/11](#)

Communications:

- l. [Menasha Historical Society Newsletter](#)
- m. [E-mail from John and Pat Albright, 3/1/11; Street-Sidewalk Construction Woodland Hills](#)
- n. [E-mail from Kathryn Neuberger, 3/3/11; Sidewalk in Woodland Hills Subd.](#)

Ald. Wisneski: Minutes K (Water & Light Comm.) asked to listed in minutes who was absent/excused.

Minutes C (Board of Health) discussion of issue with chickens in the City.

Ald. Taylor: Minutes I (Park & Rec. Board) contract with Harbormaster.

CA/HRD Captain explained the Park & Rec. Board has the authority to approve the contract.

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, 2/21/11](#)

Moved by Ald. Hendricks, seconded by Ald. Wisneski to approve all items on Consent Agenda.

Motion carried on roll call 8-0.

H. ITEMS REMOVED FROM CONSENT AGENDA

None

I. ACTION ITEMS

1. [Accounts payable and payroll for the term of 2/23/11 to 3/3/11 in the amount of \\$1,088,723.55](#)

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

Discussion/Questions/Answers on expenditures

Motion carried on roll call 8-0.

2. [Development Agreements between City of Menasha and Cypress Homes and Realty, Inc.](#)

CA/HRD Captain reviewed the Development Agreement. She explained special outside counsel has reviewed the development agreements with Cypress Homes and The Ponds of Menasha. This item could be held until outside counsel is available to comment on the development agreements.

Mike Blank from Cypress Homes answered questions from the Council.

Moved by Ald. Wisneski, seconded by Ald. Roush to hold until outside counsel is available.

Item held.

3. [Underground Storage Tanks Insurance Proposal](#)

CA/HRD Captain explained the Administration Committee approved the proposal from Chartis for underground storage tanks insurance. However, Chartis withdrew their proposal. The two remaining proposals are from ACE or Liberty Surplus Insurance Company. It is important for the City to demonstrate financial ability in the case of leak.

Moved by Ald. Hendricks, seconded by Ald. Benner to approve the proposal from Liberty Surplus Inc. and to include the TRIA option for a total premium of \$3,770.21.

Motion carried on roll call 8-0.

4. [Change of Agent for The Bar at Lake Park LLC, d/b/a Sliders Bar & Grill, 890 Lake Park Road to Jeffrey M. Neely](#)

Moved by Ald. Wisneski, seconded by Ald. Hendricks to approve the Change of Agent.

Motion carried on roll call 8-0.

J. ORDINANCES AND RESOLUTIONS

1. [O-3-11 An Ordinance Relating to Restricted Parking \(7th & Appleton Road\) \(1st appearance\) \(Introduced by Ald. Taylor\) \(Recommendation of Board of Public Works\)](#)

No action

2. [O-4-11 An Ordinance Relating to Cross Connection Control \(1st appearance\) \(Introduced by Mayor Merkes\)](#)

Gary McClarin from Hydro Design Inc of Brookfield, WI explained the DNR requirements for cross connection control. Menasha Utilities will be working with Hydro Design on inspections of cross connections.

Moved by Ald. Wisneski, seconded by Ald. Langdon to suspend the rules and take up O4-11.

Motion carried on roll call 7-1. Ald. Zelinski – no.

Moved by Ald. Wisneski, seconded by Ald. Langdon to adopt O-4-11.

Motion carried on roll call 8-0.

3. [R-8-11 A Resolution Regarding the Official Depositories of the City of Menasha \(Introduced by Ald. Wisneski\) \(Recommendation of Administration Committee\)](#)

Moved by Ald. Wisneski, seconded by Ald. Roush to adopt R-8-11.

Motion carried on roll call 8-0.

4. [R-9-11 Final Resolution Authorizing Public Improvements and Levying Special Assessments Against Benefited Property – Ribblesdale Subdivision and Woodland Hills Subdivision \(Introduced by Ald. Taylor\) \(Recommendation of Board of Public Works\)](#)

Moved by Ald. Taylor, seconded by Ald. Zelinski to adopt R-9-11

Moved by Ald. Benner, seconded by Ald. Langdon to hold to give residents more time to review the situation.

Item held.

5. [R-10-11 Final Resolution Authorizing Public Improvements and Levying Special Assessments Against Benefited Property – Silver Birch Estates Subdivision \(Introduced by Ald. Taylor\) \(Recommendation of Board of Public Works\)](#)

Moved by Ald. Taylor, seconded by Ald. Wisneski to adopt R-10-11.

Motion carried on roll call 8-0.

K. APPOINTMENTS

1. Mayor's appointment to the Landmarks Commission

- a. Andrew Jennings, 221 Broad Street, Menasha for the term March 7, 2011 to March 1, 2014.

- b. Joe Weidert, 841 Broad Street, Menasha for the term March 7, 2011 to March 1, 2014.

Moved by Ald. Hendricks, seconded by Ald. Wisneski to approve appointments of Andrew Jennings and Joe Weidert.

Motion carried on voice vote

L. HELD OVER BUSINESS

1. [Development Agreements between City of Menasha and The Ponds of Menasha, LLC](#) (held 2/21/11)

Moved by Ald. Wisneski, seconded by Ald. Hendricks to table until outside counsel is available.

Item tabled.

M. CLAIMS AGAINST THE CITY

1. [A motion is in order for the Common Council to issue a formal notice of disallowance for the claim for Debra Wenzel and that she be advised of her statutory rights pursuant to Wis. Statute § 893.80](#)

Moved by Ald. Hendricks, seconded by Ald. Wisneski to deny claim of Debra Wenzel.

Discussion: Debra Wenzel explained the claim to the Council. Ms. Wenzel answered questions from the Council.

CA/HRD Captain explained the timeline for filing claims. The claim was not filed on a timely basis.

Motion carried on roll call 7-1. Ald. Englebert – no.

N. PUBLIC COMMENTS ON ANY MATTER LISTED ON THE AGENDA

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

Stan Sevenich, 645 9th Street. Comments on the Park & Rec. Board approving the Harbormaster Agreement.

O. ADJOURNMENT

Moved by Ald. Hendricks, seconded by Ald. Wisneski to adjourn at 7:59 p.m.

Motion carried on voice vote.

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