

CITY OF MENASHA
COMMON COUNCIL
Third Floor Council Chambers
140 Main Street, Menasha
Monday, September 19, 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 Krueger, Zelinski, Englebert, Klein Taylor, Sevenich, Langdon

EXCUSED: Alderman Benner

ALSO PRESENT: Mayor Merkes, CA/HRD Captain, Acting PC Brunn, DPW Radtke, CDD Keil,
C/T Stoffel, PRD Tungate, LD Lenz, Clerk Galeazzi and the Press

DEPT. HEADS 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)

Janet Haufe, Mihms Restaurant, 342 Chute Street. Comments on mobile restaurants in the City.

Renee & Rick Brey, Nauts Landing, 124 Main Street. Comments on mobile restaurants in the City.

Jim Longo, 1064 Kernan Street. Opposed to street trees in Woodland Hills & Ribblesdale Subdivisions.

Paul Eisen, Winnebago County Supervisor, 1807 Brighton Beach. Urge Council to approve recycling grant agreement; Upcoming County Board of Supervisors meeting.

Mark Allwardt, 1401 Jennie Street. Urge Council to approve reappointment of Bob Fahrback to Water & Light Commission

Jay Barnes, owner of Kangaroostaurant Comments on mobile restaurants.

John VanAble, 2483 Whistling Swan. Comments on street trees in Woodland Hills & Ribblesdale Subd.

Cecilia Kwasny, 2381 Woodland Hills Dr. Opposed to street trees in Woodland Hills & Ribblesdale Subd.

Mary Scoon, AFSCME Council 40 Representative. Comments on Discipline and Grievance Procedure and Impartial Hearing Officers Agreement.

Paul Ziemer, 2449 Whistling Swan Court. Opposed to street trees in Woodland Hills & Ribblesdale Subd.

Rebecca Nichols, 402 Elm Street. Comments on Counter-Offer to Purchase for Racine/Broad St. lots.

Mary Nebel, 713 First Street. Recommend approval of reappointment of Bob Fahrback to Water & Light Commission.

F. REPORT OF DEPARTMENT HEADS/STAFF/CONSULTANTS

1. Landmarks Committee Recognition

Mayor Merkes presented Jeff Buser, Paul Brunette and Nick Jevne from Otter Creek/Wreath Factory with a plaque acknowledging the renovation done to the buildings at 220 & 226 Main Street. Members of the Grade Family were present as the building was originally built as a clothing store owned by the Grade Family.

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

2. [CDD Keil – Transfer of City owned land and lots to the Redevelopment Authority](#)

CDD Keil explained the transfer of the City owned land in Lake Park Villas Subdivision to the RDA as part of the project plan of TID #12. Staff has been working with the City's bond counsel and auditors drafting the proper documents and agreements. Council will be asked to act on the agreements in the next few weeks.

Mayor Merkes announced the development agreement with The Ponds of Menasha was signed.

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

Minutes to receive:

- a. [Administration Committee, 9/6/11](#)
- b. [Board of Public Works, 9/6/11](#)
- c. [Parks and Recreation Board, 9/12/11](#)
- d. [Personnel Committee, 9/6/11](#)
- e. [Police Commission, 8/30/11](#)
- f. [Sustainability Board, 8/16/11](#)
- g. [Water & Light Commission, 8/24/11](#)

Communications:

- h. [Clerk Galeazzi, 9/15/11; Redistricting Ordinance](#)
- i. [Customers First! Newsletter *The Wire*, September 2011](#)
- j. [Public Works Facility, 9/5/11; August 2011 Disposal Violations](#)
- k. [Winnebago County, 9/7/11; Notice of foreclosures](#)

Moved by Ald. Sevenich, seconded by Ald. Langdon to receive Minutes and Communications A-K.

Motion carried on voice vote.

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, 9/6/11](#)

Board of Public Works, 9/6/11; recommends approval of:

2. [Street Use Application – Menasha High Homecoming Parade; Friday, September 30, 2011; 5:30 – 6:15](#)
3. [Payment – Van Straten Construction Co., Inc.; City of Menasha Wastewater Collection System Rehabilitation Improvements – Phase 4 Project: Sanitary Sewer Replacement; Contract E145-11-01B; \\$102,824.47 \(Payment No. 2\)](#)
4. [Request Authorization to Execute Intergovernmental Agreement to Satisfy Eligibility for Recycling Consolidation Grant for Calendar Year 2012](#)

Board of Public Works, 9/19/11; recommends approval of:

5. [Recommendation to Award – Menasha Utilities Sedimentation Basin Scraper Modifications; Head Shaft Replacement Project; Contract M0002-910184; August Winter & Sons, Inc.; \\$68,100.00](#)
6. [Change Order - Menasha Utilities Sedimentation Basin Scraper Modifications; Head Shaft Replacement Project; Contract M0002-910184; August Winter & Sons, Inc.; Change Order No. 1; DEDUCT: \\$5,600.00](#)

Personnel Committee, 9/6/11; 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](#)

Parks and Recreation Board, 9/12/11 recommends approval of:

9. [Raising the Marina seasonal slip rental rate from \\$37.50 to 37.75 per foot for 2012](#)

Ald. Sevenich requested items 7 & 8 be removed from the Consent Agenda.

Ald. Zelinski requested items 5, 6, & 9 be removed from the Consent Agenda.

Ald. Krueger requested item 1 be removed from the Consent Agenda.

Moved by Ald. Sevenich, seconded by Ald. Krueger to approve Consent Agenda items 2, 3, 4.

Motion carried on roll call 7-0.

H. ITEMS REMOVED FROM CONSENT AGENDA

1. Moved by Ald. Krueger, seconded by Ald. Sevenich to approve Common Council minutes of 9/6/11.
Motion carried on roll call 7-0.
2. Moved by Ald. Zelinski, seconded by Ald. Langdon to approve recommendation to award Menasha Utilities Sedimentation Basin Scraper Modification, Head Shaft Replacement Project Contract #M0002-910184 to August Winter & Sons, Inc. in the amount of \$68,100.00
General discussion on depreciation fund and the amount set aside for replacing equipment.
Motion carried on roll call 7-0.
3. Moved by Ald. Zelinski, seconded by Ald. Langdon to approve Change Order No. 1 for Menasha Utilities Sedimentation Basin Scraper Modification, Head Shaft Replacement Project Contract #M0002-910184 to August Winter & Sons, Inc., deduct of \$5,600.00
Motion carried on roll call 7-0.
4. Moved by Ald. Sevenich, seconded by Ald. Krueger to refer City of Menasha Discipline and Grievance Procedure Policy back to Personnel Committee.
Motion carried on roll call 7-0.
5. Moved by Ald. Sevenich, seconded by Ald. Krueger to refer Intergovernmental Cooperation Agreement Impartial Hearing Officers back to Personnel Committee.
Motion carried on roll call 7-0.
6. Moved by Ald. Zelinski, seconded by Ald. Langdon to approve raising the Marina seasonal slip rental rate from \$37.50 to \$37.75 per foot for 2012.
General discussion on annual revenue from slip rentals and rental rates at other area marinas.
Motion carried on roll call 7-0.

I. ACTION ITEMS

1. [Accounts payable and payroll for the term of 9/8/11 to 9/15/11 in the amount of \\$515,616.00](#)
Moved by Ald. Klein, seconded by Ald. Langdon to approve accounts payable and payroll.
Motion carried on roll call 7-0.
2. [Approval of City of Menasha participation in Neenah-Menasha Sewerage Commission building project](#)
Moved by Ald. Englebert, seconded by Ald. Langdon to approve financing for the City of Menasha portion of the Neenah-Menasha Sewerage Plant Upgrade/Improvements Project utilizing Clean Water Fund Loans (CWF) in an amount not to exceed \$5.5 million dollars contingent on a guarantee from Sonoco for debt service payment and a hold harmless guarantee for subsidy payment and if there is a cost increase in the project the City of Menasha would be given the option to obtain Clean Water Funds to cover the increase. General discussion on the funding procedure. Tom Kispert from McMahon Engineers/Architects answered questions.
Motion carried on roll call 7-0.
3. Counter-Offer to Purchase, Riverside Building, Inc. (Dr. Larsen) 81 & 87 Racine St. and 504 Broad St. lots (Update)
CA/HRD Captain explained the broker submitted the counter-offer to Dr. Larsen. Dr. Larsen had been out of the area, so he was not able to respond by the deadline date. A provision was included in the counter-offer that the Council must review any counter-offer from Dr. Larsen.

J. ORDINANCES AND RESOLUTIONS

1. [O-10-11 – An Ordinance relating to bicycles on sidewalks \(Introduced by Ald. Sevenich\)\(2nd Introduction\)](#)
Moved by Ald. Sevenich, seconded by Ald. Langdon to adopt O-10-11.
Moved by Ald. Sevenich, seconded by Ald. Langdon to amend to wording of proposed substitute amendment #1 to O-10-11.
Moved by Ald. Krueger, seconded by Ald. Sevenich to amend to include “No person shall ride a bicycle upon a sidewalk along the west side of Racine Street from Third Street to Main Street.”
Motion on second amendment carried on roll call 7-0.
Motion on first amendment carried on roll call 6-1. Ald. Zelinski – no
Motion to adopt O-10-11 as amended carried on roll call 6-1. Ald. Zelinski – no.

J. ORDINANCES AND RESOLUTIONS, Cont'd.

2. [Proposed substitute amendment #1 to O-10-11](#)

Refer to item J1

3. [O-9-11 An Ordinance relating to riding bicycles on sidewalks](#) (Introduced by Ald. Taylor, recommended by Board of Public Works)(2nd introduction)
Ald. Taylor removed O-9-11. (not necessary)

4. [O-11-11 – An Ordinance amending title 13 by making certain changes in the district \(Lake Park Road and STH 114 Vicinity\) \(Ponds of Menasha\)\(Introduced by Ald. Benner\)\(Recommended by Plan Commission\)](#)
(Held 9/6/11)

Moved by Ald. Sevenich, seconded by Ald. Englebert to adopt O-11-11

General discussion on the difference between R-1 and PUD zoning their uses.

Motion carried on roll call 4-3.

Ald. Taylor, Sevenich, Langdon, Englebert – yes

Ald. Klein, Krueger, Zelinski – no

5. [R-33-11 – A resolution authorizing public improvements and levying special assessments against benefited property \(Woodland Hills\)](#)(Held 9/6/11)

Moved by Ald. Sevenich, seconded by Ald. Taylor to adopt R-33-11.

Moved by Ald. Sevenich, seconded by Ald. Langdon to amend to remove improvement for street trees from special assessments.

Motion on amendment carried on roll call 7-0.

Motion to adopt R-33-11 as amended carried on roll call 7-0.

6. [R-34-11 – Authorized Representative to File Application for Financial Assistance from State of Wisconsin Environmental Improvement Fund](#)

Moved by Ald. Sevenich, seconded by Ald. Langdon to adopt R-34-11.

Motion carried on roll call 7-0.

K. APPOINTMENTS

1. Mayor's appointment of the Menasha Joint School District Representative to the Library Board

a. School Superintendent Dr. Robert Kobylski

Moved by Ald. Sevenich, seconded by Ald. Langdon to approve appointment of Dr. Robert Kobylski.

Motion carried on voice vote.

2. Common Council appointment to the Water and Light Commission

a. [Reappointment of Robert Fahrback for the term of October 1, 2011 – October 1, 2016](#)

CA/HRD Captain explained this is a Common Council appointment, so the floor was open for nominations.

Ald. Englebert nominated Robert Fahrback; Ald. Klein nominated Dan Zelinski.

Having no other nominations, Mayor Merkes closed the nominations.

General discussion on the appointment procedure; having an alderman on the Commission; qualification of Commission members.

Voting for Dan Zelinski – Ald. Krueger, Zelinski, Klein, Taylor, Sevenich, Langdon

Voting for Robert Fahrback – Ald. Englebert.

Dan Zelinski was appointed to the Water and Light Commission, 6-1.

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)

Rebecca Nichols, 402 Elm Street. Comments on open government and appointment to Water & Light Commission.

Ty Thompson, 1230 Darlene Drive. Thanked Council for changes to bicycle ordinance.

O. ADJOURNMENT

Moved by Ald. Langdon, seconded by Ald. Krueger to adjourn at 7:50 p.m.

Motion carried on voice vote.

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