

CITY OF MENASHA
COMMON COUNCIL
Third Floor Council Chambers
140 Main Street, Menasha
Monday, March 5, 2012
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 Langdon, Krueger, Zelinski, Englebert, Benner, Klein, Taylor, Sevenich.

ALSO PRESENT: Mayor Merkes, CA/HRD Captain, PC Styka, FC Auxier, DPW Radtke, CDD Keil, C/T Stoffel, PHD Nett, PRD Tungate, LD Lenz, PP Homan, Clerk Galeazzi and the Press

D. PUBLIC HEARING

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

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

Rebecca Nichols, 402 Elm Street. Encourage Council to reconsider Resolution R-1-12; Comments on Special Events Policy.

F. REPORT OF DEPARTMENT HEADS/STAFF/CONSULTANTS

1. Rep. Penny Bernard-Schaber – Regional Transit Authority Legislation

Rep. Bernard-Schaber gave an overview of the Regional Transit Authority Bill (SB456). A public hearing is scheduled for March 8, 2012. The bill will authorize the creation of a Fox Cities Regional Transit Authority. She explained the rolls of the municipalities.

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

Minutes to receive:

- a. [Administration Committee, 2/20/12](#)
- b. [Board of Public Works, 2/20/12](#)
- c. [Board of Health, 1/11/12](#)
- d. [Committee on Aging, 1/12/12](#)
- e. [Library Board, 2/16/12](#)
- f. [NM Fire Rescue, Joint Finance & Personnel Committee, 2/28/12](#)
- g. [NM Sewerage Commission 1/24/12](#)
- h. [Plan Commission, 2/21/12](#)
- i. [Safety Committee, 1/5/12; City Hall](#)
- j. [Safety Committee, 1/27/12; Public Works/Parks](#)

Communications:

- k. [Library Director Lenz, Press release- Voter ID Law Explained-informational meeting details](#)
- l. [Memo from Mayor Merkes, 2/29/12; Storm Water Utility Reporting](#)
- m. [Menasha Historical Society News, February-March 2012](#)
- n. [Strategic Management Planning Seminar](#)
- o. [WisDOT to DPW Radtke, 2/16/12; US10/WIS441 Tri-County freeway reconstruction and expansion](#)

Moved by Ald. Sevenich, seconded by Ald. Langdon to received Minutes and Communications A-O
Discussion: Ald. Sevenich-Comm. L (Storm Water Utility Reporting), comments on storm water funds and reporting.

Ald. Klein-Minutes E (Library Board), questions on allowing petitioning in the Library.

CA/HRD Captain-Comm. N (Strategic Management Planning Seminar), encouraged elected officials to attend.

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, 2/20/12](#)
2. [Special Common Council, 2/24/12](#)

Administration Committee, 2/20/12; recommends approve of:

3. [Renewal of the Underground Storage Tanks insurance coverage with Liberty Surplus Insurance Corp. for the term 3/10/2012 to 12/31/2012 in the amount of \\$3,306.83.](#)

Board of Public Works, 2/20/12; recommends approval of:

4. [Change Order – City of Menasha Wastewater Collection System Rehabilitation Improvements – Phase 4 Project: Sanitary Sewer Rehabilitation: Contract E145-11-01A; Request a 60-Day Time Extension to Complete Punch List Items and Provide Project Close-Out Documentation \(Change Order No. 4\)](#)

Plan Commission, 2/21/12; recommends approval of:

5. [The land sale to Tonic with the finding that the property was not needed by the city for transportation or park or recreation purposes](#)

Ald. Sevenich requested to remove item 5 (land sale to Tonic) from Consent Agenda.

Moved by Ald. Sevenich, seconded by Ald. Langdon to approve Consent Agenda items 1-4.

Motion carried on roll call 8-0.

H. ITEMS REMOVED FROM CONSENT AGENDA

Moved by Ald. Sevenich, seconded by Ald. Krueger to approve Consent Agenda item 5, land sale to Tonic for the amount of \$2,500 with the finding that the property was not needed by the City for transportation or park or recreation purposes.

Discussion ensued on the value of the property and any other general uses; buyer has been maintaining property.

Moved by Ald. Klein to counter-offer for the amount of \$5,000. No second. Motion dies

Moved by Ald. Sevenich, seconded by Ald. Zelinski to amend offer to delete section Property Condition Provisions (lines 53-84) and the buyer pay all closing costs including Title Insurance.

Motion on amendment carried on roll call 8-0.

Motion as amended carried on roll call 8-0.

I. ACTION ITEMS

1. [Accounts payable and payroll for the term of 2/23/12 to 3/1/12 in the amount of \\$868,788.59](#)

Moved by Ald. Klein, seconded by Ald. Krueger to approve accounts payable and payroll.

Motion carried on roll call 8-0.

J. ORDINANCES AND RESOLUTIONS

1. [R-4-12 – Resolution Continuing Appropriations \(introduced by Ald. Sevenich, recommended by NM Fire-Rescue Joint Finance & Personnel Committee\)](#)

Moved by Ald. Sevenich, seconded by Ald. Krueger to adopt R-4-12.

Motion carried on roll call 8-0.

2. [Motion to Remove from the Table R-1-12 A Resolution Restructuring Pro-Rated Benefit Levels for Regular Part-Time Employees \(Ald. Krueger\)](#)

Moved by Ald. Krueger, seconded by Ald. Englebert to remove from the table R-1-12.

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

Moved by Ald. Krueger, seconded by Ald. Englebert to adopt R-1-12,

Discussion ensued on cost of benefits for part-time employees.

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

3. [Motion to Reconsider R-2-12 A Resolution Pertaining to Changes in Fees for Parks and Recreation Programs and Services for 2012 \(Ald. Langdon\)](#)

Moved by Ald. Langdon, seconded by Ald. Zelinski to reconsider R-2-12

Motion carried on roll call 8-0.

Original motion of 2/20/12; Moved by Ald. Langdon, seconded by Ald. Englebert to adopt R-2-12.

Discussion ensued on special events electric fees.

Moved by Ald. Sevenich, seconded by Ald. Zelinski to amend to remove the Special Event Electric Fees.

Ald. Krueger and Taylor stated they will abstain as they are involved with Special Events in the City.

Motion on amendment failed on roll call 3-3. Mayor Merkes voted yes to break the tie.

Motion on amendment carried on roll call 4-3.

Ald. Sevenich, Langdon, Zelinski, Mayor Merkes – yes

Ald. Klein, Englebert, Benner – no

Ald. Krueger, Taylor – abstained

Motion to adopt R-2-12 as amended carried on roll call 6-0.

Ald. Krueger, Taylor – abstained

K. APPOINTMENTS

1. Mayor's reappointments to the Landmarks Commission:

a. Peg Docter, 349 Cleveland St., for the term of March 1, 2012-March 1, 2015

b. Kristi Lynch, 330 Winnebago Ave., for the term of March 1, 2012-March 1, 2015

Moved by Ald. Sevenich, seconded by Ald. Krueger to approve reappointment of Peg Docter & Kristi Lynch.

Motion carried on voice vote.

L. RECESS TO ADMINISTRATION COMMITTEE, BOARD OF PUBLIC WORKS AND PERSONNEL COMM.

Moved by Ald. Krueger, seconded by Ald. Langdon to recess at 7:05 p.m.

Motion carried on voice vote.

Reconvened at 8:56 p.m.

M. ADJOURN INTO CLOSED SESSION

Moved by Ald. Benner, seconded by Ald. Englebert to Adjourn into Closed Session 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. (The Intermunicipal Agreement with Town of Harrison, Menasha and Waverly Sanitary District; Case #12-CV-28 in the Matter of Incorporation of Portions of lands comprising the Town of Harrison, Calumet County and the Town of Buchanan, Outagamie County)

Motion carried on roll call 8-0.

N. RECONVENE INTO OPEN SESSION

Moved by Ald. Benner, seconded by Ald. Krueger to reconvene into Open Session at 9:34 p.m.

Motion carried on voice vote.

O. ORDINANCES AND RESOLUTIONS, cont'd

1. [Motion to Reconsider R-3-12 A Resolution Relating to the Annexation of Territory Proposed for Incorporation as the Village of Harrison \(Ald. Langdon\)](#)

CA/HRD Captain explained effects of reconsidering Resolution R-3-12.

Ald. Langdon stated he did not wish to reconsider Resolution R-3-12.

P. CLAIMS AGAINST THE CITY

Q. PUBLIC COMMENTS ON ANY MATTER LISTED ON THE AGENDA
(five (5) minute time limit for each person)
No one spoke.

R. ADJOURN

Moved by Ald. Sevenich, seconded by Ald. Englebert to adjourn at 9:35 p.m.
Motion carried on voice vote.

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