

CITY OF MENASHA
COMMON COUNCIL
Third Floor Council Chambers
140 Main Street, Menasha
Monday, April 2, 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 Zelinski, Benner, Klein, Taylor, Sevenich, Krueger

EXCUSED: Aldermen Langdon and Englebert

ALSO PRESENT: Mayor Merkes, CA/HRD Captain, PC Styka, FC Auxier, DPW Radtke, CDD Keil, C/T Stoffel, PHD Nett, LD Lenz, Pk Supt Maas, MUGM Sturm, Lt. Kawar, 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)

Zack Zelinski, 647 Paris Street. Comments on Special Event Policy,

F. REPORT OF DEPARTMENT HEADS/STAFF/CONSULTANTS

1. [Library Director Lenz- 5th Annual Fox Cities Book Festival](#)

LD Lenz reported on the upcoming events for National Library Week, April 8-14, 2012. She also mentioned the schedule for the 5th Annual Fox Cities Book Festival, April 11-18, 2012.

2. Police Chief Styka – Introduction of newly appointed Police Lieutenant - Jamal Kawar

PC Styka introduced Police Lt. Jamal Kawar. Lt. Kawar was recently promoted to Patrol Lieutenant. Lt. Kawar has been an officer with the Menasha Police Dept. since 2004 and has served in a variety of roles such as computer forensics investigator, firearms instructor and crisis response team member. Prior to working for the Police Department Officer Kawar was in the Air Force where he was a Sergeant in charge of a military security forces.

3. [Mayor Merkes – American Public Power Association Legislative Rally](#)

Mayor Merkes reported he and MUGM Dick Sturm recently attended the APPA Legislative Rally in Washington DC. They met with Wisconsin Representatives to discuss some Federal Legislative issues.

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

Minutes to receive:

- a. [Administration Committee, 3/19/12](#)
- b. [Board of Public Works, 3/19/12](#)
- c. [Board of Health, 2/8/12](#)
- d. [Committee on Aging, 2/9/12](#)
- e. [Library Board, 3/15/12](#)
- f. [NM Fire Rescue, 3/28/12; Joint Fire Commission](#)
- g. [Personnel Committee, 3/19/12](#)
- h. [Police Commission, 3/15/12](#)
- i. [Safety Committee, 2/2/12; City Hall](#)
- j. [Safety Committee, 1/12/12; Police](#)
- k. [Safety Committee, 2/28/12; Public Works/Parks](#)
- l. [Water & Light Commission, 3/1/12](#)

Communications:

- m. [CA/HRD Captain, 3/29/12; 2012 Public Officials Program \(Davis & Kuelthau, s.c.\)](#)
- n. [CA/HRD Captain, 3/29/12; Tim Jacobson Anniversary](#)
- o. [PWD Radtke, 3/29/12; WDNR Annual Report under MS4](#)
- p. [Engineering Supv. Montour, 3/28/12; Menasha Utility 2012 Water Main Reconstruction- Paris St./Manitowoc St.](#)
- q. [Express Convenience Center, 3/9/12; Class A liquor license selling hours](#)
- r. [Fox Cities Greenways, Inc., Trails Workshop invitation](#)
- s. [Letter to Common Council from resident Roy Kordus, 3/27/12; Special Event Policy](#)
- t. [Menasha Utilities, High Lift Pumping Station & Motor Control Modifications Project recommendation to award \(Submitted by Ald. Sevenich\)](#)
- u. [NM Sewerage Commission, 3/28/12; Refund of prior year overcharges from Menasha Utilities to NMSC](#)
- v. [Police Chief Styka, 3/22/12; Police Department Updates](#)
- w. [WPPI Energy event, Economic Development & Public Power: Putting People in Motion](#)

Moved by Ald. Sevenich, seconded by Ald. Krueger to receive Minutes and Communications A-W
Discussion: Ald. Sevenich-Comm. U (NM Sewerage Comm. letter), comments on overbilling charges being refunded back to customers.

Ald. Sevenich-Comm. T (High Lift Pumping Station), MUGM Sturm reported on the High Lift Pump Station modification and Manitowoc Street water tower.

Ald. Zelinski-Comm. V (Police Dept. Updates), PC Styka explained Community Traffic Safety Program.
Mayor Merkes-Comm. N (Tim Jacobson Anniversary), congratulated PWS Jacobson for 35 years of service.
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, 3/19/12](#)

Administration Committee, 3/19/12; recommends approve of:

2. [Selection of Associated Appraisal for the City Assessment Services, May 1, 2012 through April 30, 2018](#)

Personnel Committee, 3/19/12; recommends approval of:

3. [Employee Safety Manual with the amended Fleet Safety Policy](#)

4. [Police Department Organizational Structure Change](#) of removing the position of Operational Lieutenant and authorize the creation of the new position of Operational Captain at pay grade level 8

Ald. Sevenich requested to remove item 2 (Selection of Associated Appraisal) from Consent Agenda.

Moved by Ald. Sevenich, seconded by Ald. Krueger to approve Consent Agenda Items 1, 3, and 4.
Motion carried on roll call 6-0.

H. ITEMS REMOVED FROM CONSENT AGENDA

Moved by Ald. Sevenich, seconded by Ald. Klein to approve Consent Agenda Item 2, Selection of Associated Appraisal for the City Assessment Services, May 1, 2012 to April 30, 2015.

Discussion ensued on the term of the contract, three years versus six years.

Motion carried on roll call 4-2.

Ald. Klein, Taylor, Sevenich, Krueger – yes

Ald. Zelinski, Benner – no

I. ACTION ITEMS

1. Mayor's veto of [Special Event Policy](#)

CA/HRD Captain explained to stop the Mayor's veto would require a 2/3 vote of the Council.

No Action on Mayor's Veto

Ald. Klein commented on the Mayor's press release about the veto of the Special Event Policy.

Mayor Merkes stated there should be no debate on the Mayor's Veto as there was no motion.

2. [Accounts payable and payroll for the term of 3/20/12 to 3/29/12 in the amount of \\$752,349.85](#)

Moved by Ald. Sevenich, seconded by Ald. Krueger to approve accounts payable and payroll.
Motion carried on roll call 6-0.

J. ORDINANCES AND RESOLUTIONS

1. [Substitute amendment to O-3-12 - An Ordinance Amending Section 11-1-1 of the Municipal Code – Offenses Against State Laws Subject to Forfeiture \(Trespassing\) \(Introduced by Ald. Taylor\) \(Recommended by Administration Committee \)\(2nd introduction\)](#)

Moved by Ald. Taylor, seconded by Ald. Krueger to adopt Substitute Amendment to O-3-12.
Motion carried on roll call 6-0.

2. [O- 4-12 An Ordinance Amending Section 2-1-3 of the Municipal Code \(Polling Places\)\(Introduced by Ald. Sevenich\)](#)

Moved by Ald. Sevenich, seconded by Ald. Benner to suspend the rules and take up O-4-12.
Motion carried on roll call 6-0.

Moved by Ald. Sevenich, seconded by Ald. Zelinski to adopt O-4-12.

Discussion: Clerk Galeazzi explained the temporary change in polling place for District 8 from Heckrodt Wetland Reserve to NM Fire Station 36 on Province Terrace.

Motion carried on roll call 6-0.

3. [R-6-12 -Resolution Declaring Intent to Submit an Urban Non-Point Source & Storm Water Planning Grant Application](#) (recommended by Board of Public Works)

Moved by Ald. Taylor, seconded by Ald. Krueger to adopt R-6-12.

Motion carried on roll call 6-0

4. [R-7-12 -Resolution Authorizing the Submittal and Execution of Various Applications, Forms and Agreements Involved with Wisconsin Department of Natural Resources Storm Water Management Implementation Grants](#) (recommended by Board of Public Works)

Moved by Ald. Taylor, seconded by Ald. Krueger to adopt R-7-12.

Motion carried on roll call 6-0.

K. APPOINTMENTS

L. PUBLIC COMMENTS ON ANY MATTER LISTED ON THE AGENDA

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

Moved by Ald. Sevenich, seconded by Ald. Krueger to go back to Action Item 1 (Mayor's Veto) to suspend rules and to allow Ald. Klein to make a statement.

Motion carried on roll call 5-1. Ald. Benner – no

Ald. Klein made comments on the Mayor's veto of Special Event Policy.

Mayor Merkes made comments on the Special Event Policy.

Ald. Sevenich – Point of Order – motion was to allow Ald. Klein to make a statement.

VFW Commander Richard Meyer, 1201 Grove Street. Comments on the discussion of the Special Event Policy and Memorial Day Parade.

Joanne Roush, 409 Cleveland Street. Mayor should be allowed to clarify his veto message.

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

Moved by Ald. Krueger, seconded by Ald. Taylor to recess at 7:04 p.m. to Committees

Motion carried on voice vote.

Reconvened at 9:14 p.m.

N. CLAIMS AGAINST THE CITY

1. [Update on Petition for the Incorporation for the Village of Harrison, 12-CV-28;](#) and [Notice of injury and circumstances of claim - Town of Harrison, Celine Romenesko, Rick Kindschi](#)
2. Update on PCB Litigation

CA/HRD Captain explained there is nothing new to report on either item 1 or 2 in open session. She suggested going into Closed Session to answer questions.

- O. Moved by Ald. Benner, seconded by Ald. Krueger to Adjourn into Closed Session at 9:14 p.m. 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. (PCB Litigation; Petition for the Incorporation for the Village of Harrison; Notice of injury and circumstances of claim- Town of Harrison, Romenesko & Kindschi)
Motion carried on roll call 6-0.

P. ADJOURN

Moved by Ald. Sevenich, seconded by Ald. Benner to adjourn at 9: 38 p.m.
Motion carried on voice vote.

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