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CITY OF MENASHA
COMMON COUNCIL
Third Floor Council Chambers
140 Main Street, Menasha
Monday June 4, 2012
MINUTES

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, PRD Tungate, LD Lenz, Dpt Treasurer Sassman, Clerk Galeazzi
DEPT HEAD EXCUSED: PHD Nett

D. PUBLIC HEARING

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

James Taylor, 340 Broad Street, Menasha. Increase quality of housing stock in City; Change of use of public land.

Bridget Roche, 155 Marina Place #102, Menasha. Concern with potential loud noise from Marina if allowed to have recreational fire.

Gilbert Mader, 1203 Appleton Road, Menasha. Offer to Purchase for 901 Airport Road.

F. REPORT OF DEPARTMENT HEADS/STAFF/CONSULTANTS
1. CA Captain – Open Records Policy (Ald. Langdon)

CA/HRD Captain explained the State Statute and City's policy for open records request

2. DPW Radtke – Wayfinding Signage Report (Ald. Taylor)

DPR Radtke reported the proposal from United Sign has been accepted for the manufacturing of wayfinding signs. The Fox Cities Convention and Visitors Bureau approved the original proposal. There was a dimension error in the original agreement, so staff is working with FCCVB to accept the corrected dimension. The situation should be resolved in the near future and anticipate the signs to be installed by the end of September.

3. DPW Radtke – Emergency vehicle policy at lift bridge (Ald. Langdon)

DPW Radtke reported the City policy is that Racine Street and Tayco Street bridges are not opened at the same time to allow for emergency vehicle access. Emergency personnel contact bridge tenders for clearance during an emergency.

4. Clerk Galeazzi - the following minutes and communications have been received and placed on file:
Minutes to receive:
a. Administration Committee, 5/21/12
b. Board of Public Works, 5/21/12
c. Board of Health, 4/11/12
d. Committee on Aging, 4/12/12
e. Library Board, 5/17/12
f. NM Fire Rescue Joint Finance & Personnel Committee; 5/22/12

DRAFT

g. NM Fire Rescue Fire Commission, 5/23/12
h. NM Sewerage Commission, 4/24/12
i. Parks and Recreation Board, 5/14/12
j. Police Commission, 5/17/12
k. Safety Committee, 3/1/12; City Hall
l. Safety Committee, 4/24/12; Public Works/Parks Department

Communications:

m. Comp. Stoffel, 5/31/12; Approval of construction contracts
n. Customers First, *the Wire newsletter*, June 2012
o. Gold Cross-Steve Radich, 5/16/12; Thank you note
p. Marina Harbormaster Diane Schabach, 5/30/12; Marina fence
q. PC Styka, 5/25/12; Squad Car Design
r. WI DNR, 5/29/12; Public notice of an air pollution permit application review, Sun Chemical Corp
s. Valley Transit, 5/3/12; Local refund for 2011 for fixed route services

Moved by Ald. Sevenich, seconded by Ald. Krueger to receive Minutes and Communications A-S.
Discussion: Ald. Zelinski-Park & Recreation Board minutes, comments on allowing alcohol in Barker Farm Park.
Ald. Taylor-Board of Health minutes, comments on posting inspection reports on Website.
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, 5/21/12

Board of Public Works, 5/21/12; recommends approval of:

2. Street Use Application – Parade of Lights; July 3, 2012; 9:15 PM – 10:15 PM; (Cities of Neenah, Menasha and Communityfest Committee)
3. Recommendation to Award – Contract Unit No. 2012-02; New Street Construction-Concrete Curb & Gutter, Asphalt Pavement Alternate; Kelly Lake Drive, South ½ of Woodland Hills Subdivision; MCC, Inc.; $77,127.94
4. Recommendation to Award – Contract Unit No. 2012-03; Street Reconstruction, Curb & Gutter, Asphalt Pavement; Paris Street/Manitowoc Street; Northeast Asphalt, Inc.; $216,014.12
5. Authorization to Execute WisDOT Bridge Operation Agreement for Fiscal Year 2013

NM Fire Rescue, Joint Finance & Personnel Committee, 5/22/12; recommends approval of:

6. The Memorandum of Understanding for Search and Rescue and authorize Fire Chief Auxier to sign this agreement with Winnebago County

Plan Commission, 7/12/11; recommends:

7. That the site at 901 Airport Rd. (Old Fire Station #36) be cleared and that the lot be marketed for an appropriate use

Ald. Taylor requested item 5, Authorization to Execute WisDOT Bridge Operation Agreement for Fiscal Year 2013 be removed from Consent Agenda
Ald. Klein requested item 7, site at 901 Airport Road be cleared and the lot be marketed for an appropriate use be removed from Consent Agenda

Moved by Ald. Sevenich, seconded by Ald. Langdon to approve Consent Agenda items 1-4 and 6.
Motion carried on roll call 8-0.

H. ITEMS REMOVED FROM CONSENT AGENDA

Moved by Ald. Taylor, seconded by Ald. Englebert to approve Consent Agenda item 5 Authorization to Execute WisDOT Bridge Operation Agreement for Fiscal Year 2013.
DPW Radtke explained DOT has agreed to strike sentence in paragraph 2f on vacation and sick leave.
Motion carried on roll call 8-0

DRAFT

H. ITEMS REMOVED FROM CONSENT AGENDA, cont'd.
Moved by Ald. Klein, seconded by Ald. Krueger to hold Consent Agenda item 7, site at 901 Airport Road be cleared and the lot be marketed for an appropriate use.
Item held.

I. ACTION ITEMS
1. Accounts payable and payroll for the term of 5/22/12 to 5/31/12 in the amount of $691,250.65
Moved by Ald. Klein, seconded by Ald. Langdon to approve accounts payable and payroll.
Motion carried on roll call 8-0.

2. Renewal of Liquor License for 2012-2013 licensing year
Moved by Ald. Klein, seconded by Ald. Langdon to approve renewal liquor license applications.
Motion carried on roll call 8-0.

J. ORDINANCES AND RESOLUTIONS
1. O-5-12 Parking Regulations (Winnebago Avenue, Konemac Street, Fourth Street, School Court)(Recommended by Board of Public Works, Introduced by Ald. Zelinski)
Moved by Ald. Zelinski, seconded by Ald. Langdon to adopt O-5-12
Motion carried on roll call 8-0.

2. O-6-12 An Ordinance Amending Title 8, Chapter 2 of the Code of Ordinances –Weights and Measures (Introduced by Mayor Merkes)(Recommended by Administration Committee)
Moved by Ald. Sevenich, seconded by Ald. Langdon to adopt O-6-12.
Motion carried on roll call 8-0.

3. O-7-12 An Ordinance Amending Title 7 Chapter 6 of the Code of Ordinances – Restaurant and Retail Food Establishment Licensing (Introduced by Ald. Klein) (Recommended by Administration Committee)
Moved by Ald. Klein, seconded by Ald. Krueger to adopt O-7-12.
Motion carried on roll call 8-0.

4. O-8-12 An Ordinance Amending Title 11, Article C of the Code of Ordinances – Parking Regulations (Introduced by Ald. Klein)(Recommended by Administration Committee)
Moved by Ald. Klein, seconded by Ald. Krueger to adopt O-8-12.
Discussion ensued on where mobile restaurants would be allowed to park, how other municipalities regulate parking of mobile restaurants, input from businesses.
A public hearing on O-8-12 was requested for the next meeting.

K. APPOINTMENTS
1. Mayor's reappointment of At Large Member to Heckrodt Wetland Reserve Board
   1. Sheila Brucks, 238 Butte Des Morts Dr. for the term of June 4, 2012 – April 16, 2013
Moved by Ald. Sevenich, seconded by Ald. Krueger to approve reappointment of Sheila Brucks.
Motion carried on voice vote

2. Accept resignation of Joe Weidert from Landmarks Commission
3. Mayor's Appointment to Landmarks Commission
   a. Debra Gorell, 216 1/2 Main St., for the term of June 4, 2012 – March 1, 2014
Moved by Ald. Sevenich, seconded by Ald. Benner to accept resignation of Joe Weidert and approve appointment of Debra Gorell.
Motion carried on voice vote.

DRAFT

L. HELD OVER BUSINESS
1. Moving of the Marina fence – Ald. Krueger (Held 5/21/12)
Mayor Merkes explained the motions from the Common Council meeting of May 21, 2012 were still in place.

(Moved by Ald. Sevenich, seconded by Ald. Krueger to accept the Parks and Recreation Board decision for moving the fence in the Marina.
Moved by Ald. Taylor, seconded by Ald. Sevenich to amend to recommend to Parks and Recreation Board to place the picnic table to the south of fence between the fence and light poll.)

General discussion ensued on the jurisdiction of Parks & Recreation Board.

Ald. Sevenich/Krueger and Taylor/Sevenich withdrew their motions and amendments.

M. PUBLIC COMMENTS ON ANY MATTER LISTED ON THE AGENDA
(five (5) minute time limit for each person)

Mary Nebel, 713 First Street, Menasha. Comments on moving of Marina Fence; Comments on parking for mobile restaurants.

N. RECESS TO ADMINISTRATION COMMITTEE, BOARD OF PUBLIC WORKS AND PERSONNEL COMM
Moved by Ald. Sevenich, seconded by Ald. Langdon to recess at 7:20 p.m.

Reconvened at 11:00 p.m.

O. CLAIMS AGAINST THE CITY
1. Notice of Circumstances of Claim from Kathy Skibba

CA/HRD Captain informed the Council on a recent Notice of Circumstances filed involving the Fire Dept. No action is required at this time.

CA/HRD Captain stated that items 2 & 3 should be discussed in Closed Session.

2. 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

3. Update on PCB Litigation

P. Moved by Ald. Krueger, seconded by Ald. Benner to Adjourn into Closed Session at 11:05 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 8-0.

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