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CITY OF MENASHA
COMMON COUNCIL
Third Floor Council Chambers
140 Main Street, Menasha
Monday July 16, 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 Zelinski, Englebert, Benner, Klein, Taylor, Sevenich, Langdon, Krueger
ALSO PRESENT: Mayor Merkes, CA/HRD Captain, PC Styka, FC Auxier, DPW Radtke, C/T Stoffel, PRD Tungate, LD Lenz, PP Homan, Pk Supt Maas, OC Halderson, Lt. Albrecht, Clerk Galeazzi and The Press
DEPT. HEAD EXCUSED: PHN Nett

D. PUBLIC HEARING

E. PUBLIC COMMENTS ON ANY MATTER OF CONCERN TO THE CITY
(five (5) minute time limit for each person)
No one spoke.

F. REPORT OF DEPARTMENT HEADS/STAFF/CONSULTANTS
1. PRD Tungate – Certificate of Completion, Community Tree Management Institute, PS Maas
PRD Tungate presented Pk Supt Maas with a WIDNR Certificate of Completion for Community Tree Management Institute. PRD Tungate commended Pk Supt Maas for his accomplishment.

2. PC Styka – Announcement of Promotions of Captain Halderson and Lieutenant Albrecht
PC Styka announced the promotions of Brett Halderson to Operations Captain and Matt Albrecht to Patrol Lieutenant.

3. PC Styka – Report on 350 Willow Lane
PC Styka gave an overview of the complaints and issues with the 350 Willow Lane property dating back to 2007. City departments are working to get the property compliant.
General discussion ensued.

4. Clerk Galeazzi - the following minutes and communications have been received and placed on file:
Minutes to receive:
a. Administration Committee, 7/2/12
b. Board of Public Works, 7/2/12
c. Library Board, 6/21/12
d. Parks and Recreation Board, 7/9/12
e. Plan Commission, 7/3/12
f. Police Commission, 6/27/12
g. Water and Light Commission, 6/27/12
Communications:
h. CA/HRD Captain, 6/30/12; 2011 Worker's Compensation Audit
i. Correspondence from Julie Schmelzer, Director of Calumet County Resource Management Department for Multi-County DNR Lake Management Grant
j. Customers First!, *The Wire* newsletter, July 2012
k. Public Works Facility, 7/11/12; May/June 2012 Disposal Violations
Moved by Ald. Sevenich, seconded by Ald. Langdon to receive Minutes and Communications A-K.
Motion carried on voice vote.

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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, 7/2/12

Administration Committee, 7/2/12; recommends approval of:

2. Alliance Industries expansion project:
   a. Winnebago County Business Industrial Development Board Loan Application
   b. Business Loan Agreement
   c. Redevelopment Agreement
3. Counter-offer to FP One LLC for 901 Airport Road (former NMFR Station 36)

Board of Public Works, 7/2/12; recommends approval of:

4. Street Use Application – Otto Grunski Runski; Saturday, August 11, 2012; 6:30 AM – 11:00 AM; (City of Menasha Parks and Recreation Department)
5. Street Use Application – Diablo Cycling's Twilight Criterium; Saturday, August 11, 2012; 8:00 AM – 9:00 PM (Diablo Cycling)
6. Street Use Application – Race the Lake; Sunday, August 19, 2012; 7:00 AM – 9:20 AM (Midwest Sports Events)
7. Street Use Application – 19th Annual St. Joe's 5K Run/Walk; Saturday, October 13, 2012; 8:00 AM – 10:00 AM (Pacesetter's Fox Cities)

Plan Commission, 7/3/12; recommends approval of:

8. The Extraterritorial Certified Survey Map – 1811 Racine Street/505 Valley Road – Town of Menasha

Parks and Recreation Board, 7/9/12; recommends approval of:

9. City of Menasha Open Space and Recreation Facilities Plan 2012-2016

Ald. Sevenich requested item 9 (Open Space and Recreation Facilities Plan) be removed from Consent Agenda. Ald. Taylor requested item 2 (Alliance Industries expansion project) be removed from Consent Agenda. Ald. Zelinski requested item 5 (Street Use Application, Diablo Cycling) be removed from Consent Agenda.

Moved by Ald. Sevenich, seconded by Ald. Langdon to approve Consent Agenda items 1, 3, 4, 6, 7, 8
Motion carried on roll call 8-0.

H. ITEMS REMOVED FROM CONSENT AGENDA

Moved by Ald. Taylor, seconded by Ald. Sevenich to approve Consent Agenda item 2a, Alliance Industries-Winnebago County Business Industrial Development Board Loan Application.
Discussion: PP Homan explained staff is requesting Alliance Industries Business Loan Agreement and Redevelopment Agreement be held until all the details have these agreements have been worked out. Staff plans on presenting the loan application to the Industrial IDB at their meeting of July 19.
Motion carried on roll call 7-1. Ald. Klein-no

Moved by Ald. Taylor, seconded by Ald. Sevenich to hold Consent Agenda items 2 b&c, Alliance Industries-Business Loan Agreement and Redevelopment Agreement
Items are held.

Moved by Ald. Zelinski, seconded by Ald. Langdon to approve Consent Agenda item 5, Street Use Application, Diablo Cycling's Twilight Criterium.
Discussion: PRD Tungate explained the event coordinators will notify residents of the street closure.
Motion carried on roll call 8-0.

Moved by Ald. Sevenich, seconded by Ald. Taylor to hold Consent Agenda 9, Open Space and Recreation Facilities Plan.
Item is held.

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I. ACTION ITEMS

1. Accounts payable and payroll for the term of 7/5/12 to 7/12/12 in the amount of $503,724.05

Moved by Ald. Klein, seconded by Ald. Zelinski to approve accounts payable and payroll.
Motion carried on roll call 8-0.

J. ORDINANCES AND RESOLUTIONS

1. Resolution R-24-12 Acknowledging Review of City of Menasha 2011 Compliance Maintenance Annual Report Under Wisconsin Administrative Code NR 208(Recommended by Board of Public Works)

Moved by Ald. Sevenich, seconded by Ald. Langdon to adopt R-24-12.
Motion carried on roll call 8-0.

2. Preliminary Resolution R-26-12 Declaring Intent to Exercise Special Assessment Powers under Section 66.0703, Wisconsin Statutes – Midway Road Sidewalk(Recommended by Board of Public Works)

Moved by Ald. Sevenich, seconded by Ald. Englebert to adopt R-26-12.
Motion carried on roll call 8-0.

3. R-27-12 Resolution Authoring Borrowing of $830,000 from the Winnebago County Industrial Development Board Revolving Loan Fund for the Purpose of Assisting With the Expansion of Alliance Industries, Inc. (Recommended by Administration Committee)

Moved by Ald. Taylor, seconded by Ald. Benner to adopt R-27-12.
Moved by Ald. Taylor, seconded by Ald. Englebert to amend to adopt R-27-12 contingent on the approval of the Business Loan Agreement and Redevelopment Agreement.
Motion on amendment carried on roll call 7-1. Ald. Klein-no
Motion to adopt R-27-12 as amended carried on roll call 7-1. Ald. Klein-no

4. R-28-12 Resolution Authorizing the Redemption of General Obligation Promissory Notes, Dated March 1, 2003 and Taxable General Obligation Promissory Notes, Dated August 1, 2008

Moved by Ald. Sevenich, seconded by Ald. Krueger to adopt R-28-12.
Discussion: C/T Stoffel explained the resolution is to redeem early promissory notes due in 2013 to Refinance them with the Board of Commissioners of Public Lands at a better rate.
Motion carried on roll call 8-0.

5. R-29-12 Resolution Authorizing The Issuance And Sale Of Up To $1,276,480 Water System Revenue Bonds, Series 2012b, And Providing For Other Details And Covenants With Respect Thereto, And Approval Of Related $1,418,312 Financial Assistance Agreement

Moved by Ald. Sevenich, seconded by Ald. Krueger to adopt R-29-12.
Motion carried on roll call 8-0.

6. R-30-12 Resolution for the adoption of the Open Space and Recreation Facilities Plan

Moved by Ald. Sevenich, seconded by Ald. Krueger to hold R-30-12.
Item is held.

K. APPOINTMENTS

L. HELD OVER BUSINESS

1. Proposed Re-inspection Fees for Swimming Pools for the licensing period 7/1/12 to 6/30/13 (Held 7/2/12)

Moved by Ald. Sevenich, seconded by Ald. Benner to approve proposed re-inspection fees for swimming pools for the licensing period 7/1/12 to 6/30/13
General discussion ensued on the inspection fees for commercial pools and hot tubs.
Motion carried on roll call 8-0.

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

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N. RECESS TO ADMINISTRATION COMMITTEE, BOARD OF PUBLIC WORKS AND PERSONNEL COMM
Moved by Ald. Benner, seconded by Ald. Krueger to recess to Administration Committee, Board of Public Works and Personnel Committee at 7:00 p.m.
Motion carried on voice vote.

Reconvened at 8:20 p.m.

O. 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

CA/HRD Captain reported she is waiting for the final written order signed by the Court.

2. Update on PCB Litigation

CA/HRD Captain reported she is waiting for the Court's final written order on the case. She is also waiting for an update for outside counsel. No need to go into closed session.

P. Motion 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. (PCB Litigation; Petition for the Incorporation for the Village of Harrison; Notice of injury and circumstances of claim- Town of Harrison, Romenesko & Kindschi)
Not necessary.

Q. ADJOURN
Moved by Ald. Krueger, seconded by Ald. Benner to adjourn at 8:22 p.m.
Motion carried on voice vote.

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