

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

ALSO PRESENT: Mayor Merkes, CA/HRD Captain, PC Styka, DFC DeLeeuw, DPW Radtke, C/T Stoffel,
LD Lenz, PP Homan, Clerk Galeazzi

DEPT. HEADS EXCUSED: PHD Nett, PRD Tungate

D. PUBLIC HEARING

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

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

Daryl Jones, 900 Keyes Street, Menasha. Concerns of condition of 350 Willow Lane.

Larry Reddin, 393 Willow Lane, Menasha. Concerns of condition of 350 Willow Lane.

Kathy Wicichowski, 341 Willow Lane, Menasha. Concerns of condition of 350 Willow Lane

Jack Fry, 318 Willow Lane, Menasha. Concerns of condition of 350 Willow Lane

Paul Eisen, Winnebago County Supervisor, 1807 Brighton Drive, Menasha. Notify Council of upcoming
County Public & Safety Committee meeting.

Jean Laux, 340 Willow Lane, Menasha. Concerns of condition of 350 Willow Lane

F. REPORT OF DEPARTMENT HEADS/STAFF/CONSULTANTS

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

Minutes to receive:

- a. [Administration Committee, 6/18/12](#)
- b. [Board of Public Works, 6/18/12](#)
- c. [Board of Health, 5/9/12](#)
- d. [Committee on Aging, 5/10/12](#)
- e. [Information Technology Steering Committee, 6/20/12](#)
- f. [Landmarks Commission, 6/13/12](#)
- g. [Personnel Committee, 6/18/12](#)
- h. [Plan Commission, 6/19/12](#)
- i. [NM Fire Rescue, Joint Finance and Personnel Committee, 6/26/12](#)
- j. [NM Sewerage Commission, 5/22/12](#)
- k. [NM Sewerage Commission, 6/7/12; Special Meeting](#)
- l. [Safety Committee, 5/16/12; City Hall](#)
- m. [Safety Committee, 5/22/12; Public Works/Parks](#)
- n. Sustainability Board, [5/15/12](#), [6/19/12](#)

Communications:

- o. [Automatic Aid update, 6/28/12; request by Ald. Klein](#)
- p. [Eng. Supv. Tim Montour, 6/27/12; Menasha Utility 2012 Water Main Reconstruction – 16" Transmission Main](#)
- q. [Grubb & Ellis, 6/20/12; FP One offer to purchase - 901 Airport Rd. Menasha](#)

- r. [WI Dept. of Administration, 6/26/12; Incorporation of a portion of the Towns of Harrison, Calumet County, and Buchanan, Outagamie County, Wisconsin, as a Village. Calumet County Circuit Court Case No. 2012CV28](#)

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

Discussion: Ald. Klein-Comm. O (Automatic Aid Update). DFC DeLeeuw gave an update on the automatic aid with City of Appleton.

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, 6/18/12](#)

Administration Committee, 6/18/12; recommends approval of:

2. [Stamped, colored concrete in the terrace at the Third Street/Plank Road bus stop using surplus Valley Transit funds totaling \\$1,650.00.](#)
3. [FP One Annexation \(Appleton Road\)](#)
4. [Bowe Annexation \(Manitowoc Road\)](#)
5. [Proposed Re-inspection Fees for Swimming Pools for the licensing period 7/1/12 to 6/30/13](#)

Board of Public Works, 6/18/12; recommends approval of:

6. [Elimination of a Street Light on Pole No. 206 along the North Side of Nicolet Boulevard between Pine Street and Walnut Street](#)
7. [Addition of a Street Light on Pole #568 near 728 Paris Street \(Ald. Zelinski\)](#)
8. [Submitting a Ballot Requesting Winnebago County to Refund the Recycling Revenue Surplus of \\$780,911 to signing municipalities based upon each municipality's actual tonnage processed and sold for year 2011 while allowing Winnebago County to retain \\$171,470 of the surplus recycling revenue to avoid a 2011 County recycling deficit.](#)

Personnel Committee, 6/18/12; recommends approval of:

9. [The Elementary Police-School Liaison Officer position for the 2012-2013 school year](#)

NM Fire Rescue, Joint Finance & Personnel Committee, 6/26/12; recommends approval of:

10. [The purchase of personal protective gear from Paul Conway Shields not to exceed \\$28,656.00](#)
11. [The purchase of various lengths of fire hose from Fire Apparatus & Equipment not to exceed \\$6,090.50](#)

Ald. Sevenich requested item 5 (proposed re-inspection fees for swimming pools) be removed from Consent Agenda; Ald. Krueger request items 9 (Elementary Police-School Liaison Officer position) and item 10 (purchase of personal protective gear) be removed from Consent Agenda.

Moved by Ald. Sevenich, seconded by Ald. Langdon to approve Consent Agenda Items 1-4, 6-8 & 11

Motion carried on roll call 8-0.

H. ITEMS REMOVED FROM CONSENT AGENDA

1. Moved by Ald. Sevenich, seconded by Ald. Zelinski to approve Consent Agenda item 5, Proposed Re-inspection fees for swimming pools for the licensing period 7/1/12 to 6/30/13.

Discussion ensued on notifying residents of the proposed fees.

Moved by Ald. Sevenich, seconded by Ald. Zelinski to hold this item.

Item is held.

2. Moved by Ald. Krueger, seconded by Ald. Sevenich to approve Consent Agenda item 9, Elementary Police-School Liaison Officer position

Discussion ensued on how to fill the position

Moved by Ald. Krueger, seconded by Ald. Zelinski to amend to utilize one of the current vacant positions in the Police Dept. for the Elementary Police-School Liaison Officer position.

Discussion ensued on staffing of police department, financial impact to budget.

Motion on amendment failed on roll call 3-5. Ald. Klein, Krueger, Zelinski-yes

Ald. Taylor, Sevenich, Langdon, Englebert, Benner-no

H. ITEMS REMOVED FROM CONSENT AGENDA, cont'd.

2. Moved by Ald. Zelinski, seconded by Ald. Krueger to amend the cost of the Elementary Police-School Liaison Officer Position be split 85% School District and 15% City of Menasha.

Discussion ensued on the formula used for the cost of the position.

Motion on amendment carried on roll call 5-3.

Ald. Klein, Taylor, Langdon, Krueger, Zelinski-yes

Ald. Sevenich, Englebert, Benner-no

Unanimous consent to hear from Peter Pfundtner from MJSD.

Mr. Pfundtner and City staff explained the formula used for the current Police-School Liaison Officer positions.

Moved by Ald. Langdon, seconded by Ald. Taylor to reconsider motion to amend the 85%/15% split.

Motion carried on roll 5-3. Ald. Taylor, Sevenich, Langdon, Englebert, Benner-yes

Ald. Klein, Krueger, Zelinski-no

Motion on the floor to amend the cost of the Elementary Police-School Liaison Officer Position be split 85% School District and 15% City of Menasha.

General discussion ensued on the cost split.

Motion failed on roll call 3-5. Ald. Klein, Krueger, Zelinski-yes

Ald. Taylor, Sevenich, Langdon, Englebert, Benner-no

Motion to approve Consent Agenda item 9, Elementary Police-School Liaison Officer position carried on roll call 8-0

3. Moved by Ald. Klein, seconded by Ald. Sevenich to approve Consent Agenda item 10, the purchase of personal protective gear from Paul Conway Shields not to exceed \$28,656.00

Motion carried on roll call 8-0.

I. ACTION ITEMS

1. [Accounts payable and payroll for the term of 6/21/12 to 6/28/12 in the amount of \\$839,331.95](#)

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

Ald. Taylor requested to separate check #33866 (McMahon). He will abstain due to personal connections.

Motion to approve accounts payable and payroll minus check #33866 carried on roll call 8-0.

Motion to approve check #33866 carried on roll call 7-0. Ald. Taylor-abstained

2. ["Class B" liquor license renewal application – Juanita's Hacienda Inc, d/b/a Korona Klub, 190 Main Street, Menasha, Juana M. Bevers, agent, for the July 2, 2012 – June 30, 2013 licensing year.](#)

Moved by Ald. Klein, seconded by Ald. Langdon to approve "Class B" liquor license for Juanita's Hacienda, d/b/a Korona Klub

Motion carried on roll call 8-0.

J. ORDINANCES AND RESOLUTIONS

1. [O-11-12 An Ordinance Amending Title 7, Chapter 8, Section 7-8-1\(e\) & \(g\) of the Code of Ordinance \(Street Use Permits\) \(introduced by Ald. Krueger & Mayor Merkes\)](#)

Moved by Ald. Krueger, seconded by Ald. Zelinski to adopt O-11-12.

Motion carried on roll call 8-0.

2. [O-12-12 An Ordinance relating to the annexation of certain property to the City of Menasha, Wisconsin \(Bowe Annexation\)](#)

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

Motion carried on roll call 8-0.

3. [O-13-12 An Ordinance relating to the annexation of certain property to the City of Menasha, Wisconsin \(FP One, LLC Annexation\)](#)

Moved by Ald. Sevenich, seconded by Ald. Langdon to adopt O-13-12.

Discussion: PP Homan explained the new legal description of the property.

Motion carried on roll call 8-0

J. ORDINANCES AND RESOLUTIONS, cont'd.

4. [R-25-12 – A Resolution appropriating funds](#)

Moved by Ald. Taylor, seconded by Ald. Krueger to adopt R-25-12
Motion carried on roll call 8-0.

K. APPOINTMENTS

L. HELD OVER BUSINESS

M. CLAIMS AGAINST THE CITY

N. PUBLIC COMMENTS ON ANY MATTER LISTED ON THE AGENDA

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

No one spoke.

O. RECESS TO ADMINISTRATION COMMITTEE AND BOARD OF PUBLIC WORKS

Moved by Ald. Krueger, seconded by Ald. Klein to recess to Administration Committee and Board of Public Works at 7:30 pm.

Motion carried on voice vote.

Reconvened at 8:55 pm.

P. 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 that the judge in this case ruled in favor of the petitioners' motion. She is waiting for the final written decision. The City has the option to appeal the decision. She recommended any discussion should be done in closed session.

Q. Moved by Ald. Benner, seconded by Ald. Langdon 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. (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.

R. May reconvene into Open Session to act on items discussed in Closed Session

Not required.

S. ADJOURN

Moved by Ald. Benner, seconded by Ald. Englebert to adjourn at 9:23 pm.

Motion carried on voice vote.

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