

CITY OF MENASHA
COMMON COUNCIL
Third Floor Council Chambers
140 Main Street, Menasha
Monday, December 2, 2013
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 Englebert, Benner, Taylor, Sevenich, Keehan, Zelinski,
Nichols (arrived at 6:10) Langdon (arrived at 6:20)

ALSO PRESENT: Mayor Merkes, CA/HRD Captain, PC Styka, FC Auxier, DPW Radtke, CDD Keil,
ASD Steeno, PRD Tungate, LD Lenz, Clerk Galeazzi

DEPT. HEAD EXCUSED: PHD Nett

D. PUBLIC HEARING

1. [Proposed Change to City of Menasha Municipal Code of Ordinance Section 13-1-14, which would eliminate the required 10 foot setback from dedicated drainage easements for principal or accessory structures.](#)

CDD Keil gave a brief explanation of the proposed change and the reason for the change.

No one spoke

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

Minutes to receive:

- a. [Administrative Committee, 11/18/13](#)
- b. [Board of Public Works, 11/18/13](#)
- c. [Landmarks Commission, 11/19/13](#)
- d. [Neeah-Menasha Sewerage Commission, 11/13/13](#)
- e. [Plan Commission, 11/19/13](#)
- f. [Water and Light Commission-Special, 11/18/13](#)

Communications:

- g. [Menasha Historical Society News, December 2013](#)

Moved by Ald. Benner, seconded by Ald. Sevenich to receive Minutes and Communications A-G.

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, 11/18/13](#)

Administration Committee, 11/18/13 – Recommends the Approval of:

2. [To accept the proposal for Volunteer Accident Insurance coverage for one year offered through National Union Fire Ins. Co. of Pittsburgh, PA, beginning January 1, 2014.](#)

Board of Public Works, 11/18/13 – Recommends the Approval of:

3. [Payment – Al Dix Concrete, Inc.; Midway Road Concrete Walk Construction; Contract Unit No. 2013-01; \\$32,352.72 \(Payment No. 2\)](#)

4. [Payment – Roger Bowers Construction Co., Inc.; Ninth Street Lift Station/Force Main Improvements; Contract E145-13-01B; \\$25,946.14 \(Payment No. 2\)](#)

Moved by Ald. Benner, seconded by Ald. Keehan to approve Consent Agenda items 1-4.
Motion carried on roll call 6-0

H. ITEMS REMOVED FROM CONSENT AGENDA

I. ACTION ITEMS

1. [Accounts payable and payroll for the term of 11/21/13 to 11/27/13 in the amount of \\$1,006,398.27.](#)

Moved by Ald. Sevenich, seconded by Ald. Englebert to approve accounts payable and payroll.
Ald. Taylor requested to separate check #44408 (McMahon). He will abstain from voting on the check.
Motion to approve accounts payable and payroll minus check #44408 carried on roll call 6-0.
Motion to approve check #44408 carried on roll call 5-0. Ald. Taylor abstained.

Ald. Nichols arrived

2. [Return of grant funds for Reserve “Class B” Liquor License:](#)

- a. [Salsa Mexican Restaurant LLC, d/b/a Salsa Mexican Restaurant, 1550 Appleton Road](#)
- b. [Shelly VanDehy, d/b/a Sliders Bar and Grill, 890 Lake Park Road](#)

Moved by Ald. Sevenich, seconded by Ald. Englebert to authorize staff to provide to Salsa Mexican Restaurant LLC, d/b/a Salsa Mexican Restaurant and Shelly VanDehy, d/b/a Sliders Bar and Grill grant funds of \$7,000 immediately and \$1,000 upon installation of the deficient landscaping but no later than May 31, 2014.

General discussion ensued on requirements of site plan, cost of landscaping.

Teresa Guzman, owner of Salsa Mexican Restaurant, addressed the Council on the cost of landscaping.
Motion carried on roll call 7-0

3. [Beverage Operators License Applications for the 2013-2015 licensing period.](#)

Moved by Ald. Nichols, seconded by Ald. Keehan to approve beverage operators license applications as submitted.
Motion carried on roll call 7-0.

J. ORDINANCES AND RESOLUTIONS

1. [O-7-13 An Ordinance Amending Title 2, Chapter 4 of the Code of Ordinances \(Municipal Court Cost\) \(Introduced by Mayor Merkes\)\(Recommended by the Administration Committee\).](#)

Moved by Ald. Nichols seconded by Ald. Englebert to adopt O-7-13 An Ordinance Amending Title 2, Chapter 4 of the Code of Ordinances (Municipal Court Costs) with change of replacing the word “treasurer” with “secretary of administration”.
Motion carried on roll call 7-0

Ald. Langdon arrived

2. [R-20-13 Resolution approving application to the Board of Commissioners of Public Lands to borrow \\$4,175,000 from the State Trust Fund and authorizing the borrowing and the issuance of certificates of indebtedness and levying a tax in connection therewith.](#)

Moved by Ald. Benner, seconded by Ald. Sevenich to adopt R-20-13 Resolution approving application to the Board of Commissioners of Public Lands to borrow \$4,175,000 from the State Trust Fund and authorizing the borrowing and the issuance of certificates of indebtedness and levying a tax in connection therewith.

ASD Steeno explained the resolution is part of the application process for the loan with Board of Commissioners of Public Lands.

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, BOARD OF PUBLIC WORKS, AND PERSONNEL COMMITTEE

Moved by Ald. Benner, seconded by Ald. Keehan to recess at 6:22 p.m. to Administration Committee, Board of Public Works and Personnel Committee.

Motion carried on voice vote.

Reconvened at 7:15 p.m.

P. CLOSED SESSION

Moved by Ald. Benner, seconded by Ald. Keehan 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 advice concerning strategy to be adopted by the body with respect to litigation in which it is or is likely to become involved. (Updates on PCB Litigation, City of Menasha vs. Waverly Sanitary District et al. Calumet County Case No. 13-CV-189, and City of Kaukauna vs Village of Harrison et al. Case No. 13-CV-159.)

Motion carried on roll call 8-0.

Q. MAY RETURN INTO OPEN SESSION TO ACT ON ITEMS DISCUSSED IN CLOSED SESSION

R. ADJOURNMENT

Moved by Ald. Sevenich, seconded by Ald. Keehan to adjourn at 8:32 p.m.

Motion carried on voice vote.

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