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CITY OF MENASHA
COMMON COUNCIL
Third Floor Council Chambers
140 Main Street, Menasha
Monday, September 21, 2015
MINUTES

A. CALL TO ORDER
Meeting called to order by Mayor Merkes at 6:00 p.m.

B. PLEDGE OF ALLEGIANCE
Pledge of Allegiance was recited

C. ROLL CALL/EXCUSED ABSENCES
PRESENT: Aldermen Krautkramer, Langdon, Keehan, Zelinski, Spencer, Nichols (6:05pm), Taylor
EXCUSED: Alderman Benner
ALSO PRESENT: Mayor Merkes, PC Styka, FC Auxier, DPW Radtke, CDD Keil, ASD Steeno, PRD Tungate, PHD McKenney.
DEPT. HEAD EXCUSED: CA Captain

D. PUBLIC HEARING
1. Proposed amendments to Title 13 of the Menasha Code of Ordinances pertaining to existing mini-warehouse facilities in the C-1 General Commercial District and C-4 Business Park District.

CDD Keil explained the request to allow expansion of mini-warehouse facilities in C-1 and C-4 Districts subject to a Special Use Permit.

No one spoke.

Mayor called public hearing to a closed.

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

Tom Konetzke, 858 Emily Street, Menasha. Menasha Athletic Assoc. (MACs) donated $1200 for Koslo Park renovation. This year's MAC Award went to Menasha VFW Post 2126.

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, 09/08/15.
b. Board of Health, 06/10/15.
c. Board of Public Works, 09/08/15.
d. Committee on Aging, 08/13/15.
e. Landmarks Commission, 08/25/15.
f. Neenah-Menasha Sewerage Commission, 08/25/15.
g. NMFR Joint Fire Commission, 08/26/15.
h. Plan Commission, 09/15/15.
i. Water and Light Commission, 08/26/15.

Communications:
j. Waverly Sanitary District Meeting Minutes, 08/06/2015.
k. Mary E. Krueger, Winnebago County Treasurer, 09/04/15; Notice of Commencement of Proceedings In-Rem to Foreclose Tax Liens by Winnebago County Under Wis. Stats. 75.521.
l. ASD Steeno, 09/16/15; Website Update and Submission of Photos for the New Website.
m. Clerk Galeazzi, 9/15/15; Parliamentary Procedure Seminar-October 19, 2015.
n. Menasha Historical Society Newsletter Revised Fall 2015.

Moved by Ald. Taylor seconded by Ald. Keehan to receive Minutes and Communications A-N.
Motion carried on voice vote.

DRAFT

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, 09/08/15.

Board of Public Works, 09/08/15 – Recommends the Approval of:

2. Street Use Application – Menasha High School Homecoming Parade; Friday, October 2, 2015; 5:30 PM – 6:15 PM.
3. Payment – Northeast Asphalt, Inc.; New Street Construction and Reconstruction, Concrete Curb and Gutter, Asphalt Pavement, Storm Sewer – Southfield West/Natures Way Subdivision Streets, Barker Farm VI Subdivision Street, River Lea Court, Broad Street, Ida Street, Manitowoc Street and Lincoln Street; Contract No. 2015-01; $295,720.35 (Payment No. 5).
4. Authorization to Execute Intergovernmental Agreement to Satisfy Eligibility for Recycling Consolidation Grant for Calendar Year 2016.

Plan Commission, 09/15/15 – Recommends the Approval of:

5. The ordinance relating to existing Mini Warehouse/Storage Facilities in the C-1 and C-4 zoning districts with the following change: replace “constructed” with “in existence”.
6. The proposed Certified Survey Map for 320 Chute Street.

Ald. Taylor requested to remove items 5 & 6 from Consent Agenda.

Moved by Ald. Taylor seconded by Ald. Zelinski to approve Consent Agenda items 1-4.
Motion carried on roll call 7-0.

Mayor Merkes stated Consent Agenda item 5, Ordinance relating to existing mini-warehouse/storage facilities in the C-1 and C-4 zoning district with the following change; replace “constructed” with “in existence”, will be taken up under Ordinances & Resolutions.

H. ITEMS REMOVED FROM CONSENT AGENDA

Moved by Ald. Taylor seconded by Ald. Zelinski to approve Consent Agenda item 6, proposed Certified Survey Map for 320 Chute Street.

CDD Keil explained a new Certified Survey Map is necessary to split the lots so a portion of the parking lot can be sold separate.

General discussion ensued on previous CSM; the offer to purchase from the City; number of parking stalls; landscaping and storm water requirements.

Unanimous consent to allow Gary Laeyendecker, Real Estate Broker, to address Council.
Mr. Laeyendecker explained potential future plans for the former Germania building.

Motion carried on roll call 6-1. Ald. Zelinski vote no.

I. ACTION ITEMS

1. Accounts payable and payroll for the term of 09/10/15 to 09/17/15 in the amount of $739,982.21.

Moved by Ald. Nichols seconded by Ald. Keehan to approve accounts payable and payroll.
Motion carried on roll call 7-0.

2. Beverage Operators License Applications for the 2015-2017 licensing period.

Moved by Ald. Nichols seconded by Ald. Keehan to approve beverage operator’s license applications as listed on memo dated 9/17/15.
Motion carried on roll call 7-0.

Moved by Ald. Nichols seconded by Ald. Keehan to deny beverage operator’s license for Maria Guadalupe Alvarado as she does not met the criteria under Guidelines for Operator’s Licenses.
Motion carried on roll call 7-0.

DRAFT

3. First Revision to State/Municipal Agreement for a State-Let Local Bridge Project (Third Street Bridge).

DPW Radtke explained the revisions are due to price increases in project costs and extended time delays involved with the Environmental Report. There will be more Federal funds used for the project. There is now a cap on the project.

Moved by Ald. Nichols seconded by Ald. Keehan to approve First Revision to State/Municipal Agreement for a State-Let Local Bridge Project (Third Street Bridge).
Motion carried on roll call 7-0.

4. Flexible Spending Agreement – Vendor Assignment.

ASD Steeno explained the request to assign the City's agreement with BMO Benefit Services to Total Administrative Service Corp. as the administer of the City's health flexible spending and dependent care plans.

Moved by Ald. Nichols seconded by Ald. Keehan to approve the assignment of the current Health Care Flexible Spending Agreement and Dependent Care Flexible Spending Agreement from BMO Benefit Service to Total Administrative Service Corporation.
Motion carried on roll call 7-0.

5. Collateral Assignment of Rights to Performance Incentive Payments by Menasha Downtown Development, LLC, in favor of First National Bank - Fox Valley.

CDD Keil proved a revised copy of the Collateral Assignment agreement for review. He explained the revisions requested by First National Bank-Fox Valley. CA Captain has not reviewed the revisions. This Collateral Assignment is secured by the developer's rights and interests to receive performance incentive payments. Performance incentive payments will be applied to the loan between the developer and First National Bank-Fox Valley.

Moved by Ald. Nichols seconded by Ald. Keehan to approve Collateral Assignment of Rights to Performance Incentive Payment by Menasha Downtown Development, LLC in favor of First National Bank-Fox Valley contingent on review and approval by CA Captain.
Motion carried on roll call 7-0.

6. Remove from table - Offer to Purchase - 320 Chute Street, Menasha. (Alderman Nichols).

Moved by Ald. Nichols seconded by Ald. Keehan to Remove from the Table the Offer to Purchase of 320 Chute Street, Menasha.
Motion carried on roll call 7-0.

Moved by Ald. Nichols seconded by Ald. Keehan to approve the Offer to Purchase of 320 Chute Street, Menasha.

General discussion ensued on how to fund purchase; letter from Menasha Downtown Development denying Council's request to help financially; how purchase price was determined; City's obligation to provide parking in accordance with agreement with McClone Downtown Development.

Unanimous consent to allow Gary Laeyendecker, Real Estate Broker, to address Council.
Mr. Laeyendecker explained no appraisal was done on parking lot, used average value per parking stall as a listing price.

Motion carried on roll call 4-3.
Ald. Nichols, Krautkramer, Keehan, Spencer voted yes. Ald. Taylor, Langdon, Zelinski vote no.

DRAFT

J. HELD OVER BUSINESS

1. Ground Lease Agreement - Broad Street Parking Lot. (As recommended by Plan Commission).

CDD Keil explained the changes requested by Council have been included in the revised Ground Lease Agreement. When asked about handicap parking, CDD Keil explained ADA requires seven handicap parking stalls for a parking structure with 300 parking stalls.

Moved by Ald. Nichols seconded by Ald. Keehan to approve Ground Lease Agreement-Broad Street Parking Lot.
Motion carried on roll call 6-1. Ald. Taylor voted no.

K. ORDINANCES AND RESOLUTIONS

1. O-17-15 An Ordinance Amending Title 13, Chapter 1 of the Code of Ordinances (Zoning) (Recommended by the Plan Commission).

No action.

L. APPOINTMENTS

None

M. CLAIMS AGAINST THE CITY

None

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. Nichols seconded by Ald. Keehan to recess at 7:26 p.m.
Motion carried by voice vote

The Council did not reconvene.

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