

CITY OF MENASHA
COMMON COUNCIL
Third Floor Council Chambers
140 Main Street, Menasha
Monday, December 21, 2015
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 Olszewski, Keehan, Zelinski, Benner, Nichols, Taylor, Krautkramer.

EXCUSED: Alderman Spencer

ALSO PRESENT: Mayor Merkes, CA Captain, PC Styka, FC Auxier, CDD Keil, ASD Steeno,
PRD Tungate, Clerk Galeazzi

DEPT. HEADS EXCUSED: DPW Radtke, PHD McKenney.

D. PUBLIC HEARING

1. [Proposed rezoning of property located west of Kernan Avenue and north of USH 10/114, portions of Parcel #'s 7-01811-01, 7-01811-02, 7-01811-03 and 7-00700-72 from R-1 Single Family to Planned Unit Development.](#)

Mayor Merkes opened the Public Hearing.

CDD Keil explained the request of the property owner to rezone property from R-1 Single Family to Planned Unit Development to construct condominiums.

No one spoke

Mayor Merkes closed public hearing.

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

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

Lillian O'Connell, 816 Arthur Street, Menasha. Drainage issues on their property.

Bonnie Delfosse, 85 Tayco Street, Menasha. Issues with housing code violations.

Chris Klein, 730 Keyes Street, Menasha. Questions on pedestrian walkway project.

F. REPORT OF DEPARTMENT HEADS/STAFF/CONSULTANTS

1. FC Auxier – Introduction of new Firefighter Ben Fahrenkrug and administer Oath of Office.

FC Auxier introduced the newest NMFR Firefighter Ben Fahrenkrug. Clerk Galeazzi administered the Firefighter Oath of Office to FF Fahrenkrug.

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

Minutes to receive:

- a. [Board of Health, 11/11/15.](#)
- b. [Board of Public Works, 12/07/15.](#)
- c. [Community on Aging, 11/12/15.](#)
- d. Landmarks Commission, [11/11/15](#) & [12/14/15.](#)
- e. [NMFR Joint Finance & Personnel, 12/08/15.](#)
- f. [Parks and Recreation Board, 11/10/15.](#)
- g. [Plan Commission, 12/8/15.](#)
- h. [Water & Light Commission, 12/16/15.](#)

Communications:

- i. [Mayor Merkes, 12/17/15; Finance Department Security Improvements.](#)
- j. [Mayor Merkes, 12/17/15; Joint Common Council/Menasha Utility Commission meeting.](#)

Moved by Ald. Taylor seconded by Ald. Ald. Keehan to receive Minutes and Communications A-J.
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, 12/07/15.](#)

Board of Public Works, 12/07/15 – Recommends the Approval of:

2. [Downtown Pedestrian Walkway Improvements.](#)
3. [Change Order – Janke General Contractors; Gilbert Riverfront Trail; Contract No. 2014-03; DEDUCT: \\$17,654.46 \(Change Order No. 4 and Final\).](#)
4. [Change Order – Janke General Contractors; Gilbert Trestle Improvements; Contract No. 2014-04; DEDUCT: \\$41,801.80 \(Change Order No. 4 and Final\).](#)
5. [Payment – Janke General Contractors; Gilbert Riverfront Trail; Contract No. 2014-03; \\$38,133.28 \(Payment No. 6 & Final\).](#)
6. [Payment – Janke General Contractors; Gilbert Trestle Improvements; Contract No. 2014-04; \\$40,426.94 \(Payment No. 5 & Final\).](#)

Plan Commission, 12/8/15 – Recommends the Approval of:

7. [Preliminary Plat for the Second Addition to Woodland Heights conditioned on the 50' setback line from the navigable stream being shown on the plat, staff review of the drainage easement widths, and the City of Menasha retain an outlot at the termination of the cul-de-sac.](#)

Ald. Taylor requested to remove items 2 & 7 from Consent Agenda.

Moved by Ald. Taylor seconded by Ald. Keehan to approve Consent Agenda items 1, 3-6.
Motion carried on roll call 7-0.

H. ITEMS REMOVED FROM CONSENT AGENDA

Moved by Ald. Nichols seconded by Ald. Keehan to approve Consent Agenda item 2, Downtown Pedestrian Walkway Improvements.

General discussion ensued on cost of project, cost adjustments, improvements to private property will be responsibility of property owner, project timeline.

Moved by Ald. Benner seconded by Ald. Keehan to amend to include alternate bid for color stamp concrete and furniture.

Motion on amendment carried on roll call 7-0.

Original motion as amended carried on roll call 5-2.

Ald. Nichols, Krautkramer, Olszewski, Keehan and Benner voted yes. Ald. Taylor and Zelinski voted no.

Moved by Ald. Benner seconded by Ald. Keehan to approve Consent Agenda item 7, Preliminary Plat for the Second Addition to Woodland heights conditioned on the 50' setback line from the navigable stream being shown on the plat, staff review of the drainage easement widths, and the City of Menasha retain an outlot at the termination of the cul-de-sac.

Motion carried on roll call 7-0.

I. ACTION ITEMS

1. [Accounts payable and payroll for the term of 12/10/15 to 12/17/15 in the amount of \\$566,794.68.](#)

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 in memo date 12/16/15.

Motion carried on roll call 7-0.

3. [Fourth Amendment to the Lease Agreement between Morton Martin I LLC, Dumke and Associates, LLC and City of Menasha.](#)

Moved by Ald. Nichols seconded by Ald. Keehan to approve Fourth Amendment to the Lease Agreement between Morton Martin I LLC, Dumke and Associates, LLC and City of Menasha.

General discussion ensued on the cost per square footage of property being rented by Health Dept.

Motion carried on roll call 7-0.

4. [First Amendment to Development Agreement between Menasha Downtown Development, LLC and City of Menasha.](#)

Moved by Ald. Nichols seconded by Ald. Keehan to approve First Amendment to Development Agreement between Menasha Downtown Development, LLC and City of Menasha.

General discussion ensued on accelerating the completion of curb and sidewalk restoration, if any damage occurs to sidewalk and curb during construction developer is responsible for replacement.

Motion carried on roll call 7-0.

5. [2016 Municipal Property Insurance.](#)

CA Captain explained the three quotes received for municipal property insurance and what is covered.

Moved by Ald. Nichols seconded by Ald. Keehan to approve 2016 Municipal Property Insurance with Municipal Property Insurance Company in the amount of \$32,211.

Motion carried on roll call 7-0.

6. [Underground Storage Tank Insurance.](#)

CA Captain explained Underground Storage Tank insurance renewal and the requirements for UST insurance. She is still waiting for final quotes.

General discussion ensued on the underground storage tanks at Marina and Public Works Facility, current insurance coverage.

Moved by Ald. Nichols seconded by Ald. Benner to approve Underground Storage Tank Insurance with ACE American Insurance Company is \$4,632.

Motion carried on roll call 7-0.

J. HELD OVER BUSINESS

1. [Street Use Application – First Eve; Thursday, December 31, 2015; 3:00 PM – 12:30 AM; \(Doty Island Development Council and Community Forward, Inc.\).](#)

CA Captain stated updated Street Use Application and insurance has been received and is complete.

Moved by Ald. Keehan seconded by Ald. Zelinski to approve Street use Application for First Eve, Thursday December 31, 2015, 3:00pm-12:30am (Doty Island Development Council and Community Forward, Inc.).

Motion carried on roll call 6-0. Ald. Taylor abstained.

K. ORDINANCES AND RESOLUTIONS

None

L. APPOINTMENTS

1. [Mayor's Appointment of Peggy Steeno to Fox Cities Hotel Room Tax Commission for the term 1/1/16 to 12/31/16.](#)

Moved by Ald. Taylor seconded by Ald. Benner to approve Mayor's appointment of Peggy Steeno to Fox Cities Hotel Room Tax Commission for the term 1/1/16 to 12/31/16.

Motion carried on voice vote.

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 BOARD OF PUBLIC WORKS

Moved by Ald. Taylor seconded by Ald. Zelinski to recess at 7:34 p.m. to Board of Public Works.

Motion carried on voice vote.

Reconvened at 7:41 p.m.

P. ACTION ITEMS

1. [Recommendation from Board of Public Works: Authorization to Execute Relocation Order for Third Street Bridge Project.](#)

Moved by Ald. Keehan seconded by Ald. Krautkramer to approve Authorization to Execute Relocation Order for Third Street Bridge Project.

Motion carried on roll call 7-0.

2. [R-40-15 Resolution Inviting Town of Menasha to Mediate Boundary Issues.](#)

CA Captain explained the petition for a portion of Town of Menasha to become a village. City of Menasha is a party of interest in the case. Staff attended meetings held by the Incorporation Review Board. Town of Menasha boundaries on east side are irregular. Resolution is formal invitation to Town of Menasha for the parties to work out boundary irregularities and islands.

General discussion ensued on what was discussed at Incorporation Review Board meetings, discussions with Town of Menasha on property swaps.

Moved by Ald. Keehan seconded by Ald. Benner to approve R-40-14 Resolution Inviting Town of Menasha to mediate Boundary Issues.

Motion carried on roll call 7-0.

3. Possible Motion to Adjourn into Closed Session pursuant to Wis. Stats. §19.85(1)(e) and (g):
Deliberating or negotiating the purchasing of public properties, the investing of public funds, or conducting other specified public business, whenever competitive or bargaining reasons require a closed session; and 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.(Incorporation of a portion of lands comprising the Town of Menasha, Winnebago County, WI. Case No.15-CV-452).

No action.

4. May reconvene into Open Session to act on what was discussed in Closed Session.

No action.

Q. ADJOURNMENT

Moved by Ald. Taylor seconded by Ald. Keehan to adjourn at 8:05 p.m.

Motion carried on voice vote.