

CITY OF MENASHA
COMMON COUNCIL
Third Floor Council Chambers
140 Main Street, Menasha
Monday, June 1, 2009
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: Ald. Englebort, Benner, Pamerter, Taylor, Wisneski, Pack, Hendricks, Zelinski
ALSO PRESENT: Mayor Merkes, Atty Rich Carlson, PC Stanke, FC Vander Wyst, DPW Radtke,
CDD Keil, C/T Stoffel, PHD Nett, Clerk Galeazzi and the Press
DEPT. HEAD EXCUSED: PRD Tungate

D. PUBLIC HEARING

1. [Proposed amendment to Title 13, Article B of the Code of Ordinances relating to zoning height, area, and setback exceptions.](#)
No one spoke
2. [Proposed various amendments to Title 13, Article F of the Code of Ordinances related to the regulation of signs.](#)
No one spoke
3. [Proposed creation of an ordinance establishing criteria for proposing and enacting amendments to the City of Menasha Comprehensive Plan.](#)
No one spoke

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

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

1. Jan Chase, 176 Royal Oak (5 Oaks Park). Stormwater utility fee to residents at 5 Oak Park is higher than other City property owners, ask that it be reviewed.
2. Jeff Riedl, 408 Appleton St. Council needs to focus on major items and less on minor things, need to replace City Attorney and Steam Plant issues.
3. Nancy Zelinski, 647 Paris St. 2-way traffic pattern on Broad St. is needed.
4. Chris Klein, 730 Keyes St. 1) Mayor still planning to hire new police office; 2) Have had almost one year to hire replacement for City Attorney; 3) Status of Lake Park; 4) Council needs to look at all opportunities to save money.
5. Mary Ann Mulvey, 274 Misty Meadows (5 Oaks Park). Stormwater utility fee, 5 Oaks Park residents should be treated the same as other City property owners.
6. Mary Nebel, 713 First St. 1) Thank steam plant employees for hard work; 2) Mayor given authorization to hire interim legal counsel, other municipalities outsource city attorney position.
7. Scott Page, 628 Paris St. Support changing Broad Street to 2-way traffic.

F. REPORT OF DEPARTMENT HEADS/STAFF/CONSULTANTS

1. [Public Health Nurse Nett – Recognize Menasha Senior Center in achieving statewide accreditation through the Wisconsin Association of Senior Centers](#)

PHD Nett explained a committee of City residents and Senior Center staff have worked hard for over a year on having the Menasha Senior Center achieve statewide accreditation. Currently there is only 20-25 Senior Centers in the state that have achieved this accreditation. The Menasha Senior Center provides a lot of services with a small staff.

Mark Ziemer from the Wisconsin Association of Senior Centers presented a plaque to Sylvia Bull, Senior Center Coordinator. Sylvia thanked the members of the committee for their hard work.

2. [Mayor Merkes - Receipt of Innovations in Urban Forestry Award](#)

Mayor Merkes showed the Council the Innovations In Urban Forestry Award from the WI Urban Forestry Council. The City received the award for the clean-up of contaminated soil on Railroad Street

F. REPORT OF DEPARTMENT HEADS/STAFF/CONSULTANTS, Cont'd

3. [PWD Radtke – Status of single stream recycling](#)

PWD Radtke explained Winnebago County will no longer accept the blue recycling bags at the processing center. The City policy on recycling will need to re-write. Once done, a recommendation will be sent to Council. Winnebago County Waste Board is encouraging switching to single stream recycling. The City has the equipment to make the switch.

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

Minutes to receive:

- a. [Administration Committee, 5/18/09](#)
- b. [Board of Public Works, 5/18/09](#)
- c. [Board of Health, 4/8/09](#)
- d. [N-M Fire Rescue, 5/26/09; Finance & Personnel Committee](#)
- e. [N-M Fire Rescue, 5/27/09; Joint Fire Commission](#)
- f. [Parks and Recreation Board, 5/11/09](#)
- g. [Plan Commission, 5/19/09](#)
- h. [Safety Committee, 3/19/09; Police](#)
- i. [Safety Committee, 4/1/09; City Hall](#)
- j. [Safety Committee, 4/21/09; Public Works and Parks](#)

Communications:

- k. [Ald. Taylor, 5/26/09; Notice of Sheriff's Sale & Legal Desc.: Headwaters Condominium LLC](#)
- l. [Menasha Utilities, 5/28/09; Steam Detail for months ending April 30, 2009](#)
- m. [Mayor Merkes/PWD Radtke/CDD Keil, 5/28/09; Storm Water Runoff Charge- 5 Oaks Park](#)
- n. [Menasha Sustainability Board, 5/28/09; Farm Fresh Market Flyer](#)
- o. [Waverly Sanitary District minutes, 4/14/09](#)

Ald. Taylor-Minutes C, Items D3 Preparedness Planning. PHD Nett explained the committee and their activities; Comm. N, encourage residents to attend Farm Fresh Market.

Ald. Benner-Comm. M, will look at solution for 5 Oaks Park residents on stormwater utility fee

Ald. Pack-Comm. M, understand concern of residents at 5 Oaks Park.

Ald. Zelinski-Comm. M, look at way condominium units are billed for stormwater utility fee

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. [Joint Common Council & Menasha Utilities Commission, 5/12/09](#)
2. [Common Council, 5/18/09](#)

Administration Committee, 5/18/09 – Recommends Approval of:

3. [Accept quote of The Post Crescent as the official City newspaper, May 2009-May 2010.](#)

Board of Public Works, 5/18/09 – Recommends Approval of:

4. [Street Use Application – 22nd Annual Steak Fry for Boaters & Guests; Saturday, June 20, 2009; 4:00 PM – 10:00 PM \(City of Menasha Marina\)](#)
5. [Street Use Application – 12th Annual Corn Roast for Boaters & Guests; Saturday, September 5, 2009, 2009; 4:00 PM – 10:00 PM \(City of Menasha Marina\)](#)
6. [Street Use Application – Sun Runner; Saturday, June 20, 2009; 7:00 AM – 11:00 PM; \(Menasha Action Council\)](#)

Plan Commission, 5/19/09 – Recommends Approval of:

7. [Retaining the road reservation at 921 Midway Rd. based on the finding that access may be needed for development of the adjacent vacant parcel to the south of the 921 Midway Rd. parcel](#)

Ald. Wisneski requested Item 6 be removed from Consent Agenda.

Moved by Ald. Zelinski, seconded by Ald. Hendricks to approve Items 1-5 & 7 of Consent Agenda
Motion carried on roll call 8-0.

H. ITEMS REMOVED FROM CONSENT AGENDA

Moved by Ald. Hendricks, seconded by Ald. Taylor to approve Item 6 of Consent Agenda, (Street Use Application-Sun Runner) beyond the six hour limitation. Special mitigating circumstances is public safety concerns. Public will be going between Broad Street lot and Faith Technology parking lot during the event.
Discussion
Motion carried on roll call 8-0

I. ORDINANCES AND RESOLUTIONS

1. [O-14-09 – An Ordinance relating to signs \(Recommend by the Plan Commission, Introduced by Ald. Benner\)](#)

Moved by Ald. Benner, seconded by Ald. Wisneski to adopt O-14-09
Discussion
Motion carried on roll call 8-0

2. [O-15-09 – An Ordinance relating to comprehensive plan amendments \(Recommend by the Plan Commission, Introduced by Ald. Benner\)](#)

Moved by Ald. Benner, seconded by Ald. Pamerter to adopt O-15-09
Motion carried on roll call 8-0.

3. [R-13-09 Final Resolution Authorizing Public Improvements and Levying Special Assessments Against Benefited Property; Southfield West and Tana Lane \(2" Temporary Asphalt Pavement\) \(Recommended by the Board of Public Works, Introduced by Ald. Pack\)](#)

Moved by Ald. Pack, seconded by Ald. Taylor to adopt R-13-09
Motion carried on roll call 8-0.

J. ACTION ITEMS

1. [Accounts Payable and Payroll for the term 5/21/09-5/28/09 in the amount of \\$899,516.52](#)

Moved by Ald. Wisneski, seconded by Ald. Pack to approve Account Payable and Payroll
Discussion
Motion carried on roll call 8-0.

2. [Licenses: Renewal liquor and malt beverage applications on file with City Clerk for the licensing year July 1, 2009-June 30, 2010.](#)

Moved by Ald. Wisneski, seconded by Ald. Pack to approve applications on file except for Ramsey & Ramsey, Get Reel (Fox Cinema), Menasha Grill, and Lake Park Swim & Fitness.
Discussion
Motion carried on roll call 8-0.

3. [Request for Outdoor Alcoholic Beverage Permits for the licensing year July 1, 2009-June 30, 2010 for the following:](#)
 - a) [Stone Toad Bar Grill, 1109 S. Oneida Street](#)
 - b) [Hot Brass, d/b/a The Locker Room, 800 Plank Road](#)
 - c) [Nauts Landing, 124 Main Street](#)
 - d) [Wiseguys Pizzeria & Pub, 1440 S. Oneida Street](#)

Moved by Ald. Hendricks, seconded by Ald. Taylor to approve Outdoor Alcoholic Beverage permits.
Motion carried on roll call 8-0

4. [Approval to Retain Legal Counsel to Assist City in Bondholders Negotiations \(Steam Utility\)](#)

Mayor Merkes explained what the legal counsel will be retained for. He also explained there is a potential conflict of interest with Hunton & Williams. He is waiting for clarification on this conflict. He asks the Council to either hold to table this item.

Moved by Ald. Wisneski, seconded by Ald. Englebert to hold
Item is held.

K. APPOINTMENTS

None

L. CLAIMS AGAINST THE CITY

None

M. HELD OVER BUSINESS

None

N. PUBLIC COMMENTS ON ANY MATTER LISTED ON THE AGENDA

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

No one spoke

O. ADJOURNMENT

Moved by Ald. Pamerter, seconded by Ald. Pack to adjourn at 7:02 p.m.

Motion carried on voice vote.

7:09 – Reconvene

Mayor Merkes explained after reviewing City ordinance, Action item J4 (Approval to Retain Legal Counsel to Assist City in Bondholders Negotiations) will need to be reconsidered as a Hold Motion holds an item until the next regularly scheduled meeting. The item will need to appear on a Special Common Council meeting scheduled for June 3, 2009.

Moved by Ald. Wisneski, seconded by Ald. Taylor to reconsider Approval to Retain Legal Counsel to Assist City in Bond holders Negotiations (Steam Utility)

Motion to reconsider carried on voice vote.

No Action taken on item J4

Moved by Ald. Pack, seconded by Ald. Wisneski to adjourn at 7:10p.m.

Motion carried on voice vote.

Respectfully submitted by
Deborah A. Galeazzi, WCMC
City Clerk