

CITY OF MENASHA  
COMMON COUNCIL  
Third Floor Council Chambers  
140 Main Street, Menasha  
Monday, December 20, 2010  
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: Aldermen Zelinski, Englebert, Benner, Roush, Taylor, Wisneski, Langdon, Hendricks

ALSO PRESENT: Mayor Merkes, CA/HRD Captain, PC Stanke, FC Auxier, DPW Radtke, CDD Keil, C/T Stoffel, Lt. Sahr, Pk Supt Maas, Clerk Galeazzi and the Press.

DEPT. HEADS EXCUSED: PHD Nett, PRD Tungate

D. PUBLIC HEARING

1. Proposing an amendment to Title 13, Article E of the Code of Ordinances relating to the paving of driveways.

CDD Keil gave a brief explanation of the ordinance. Staff is currently working on inventorying the number of properties affected by the amendment to the ordinance.

Chris Klein, 730 Keyes Street. Suggests removing section of ordinance that pertains to existing properties with unpaved driveways. Could be added financial burden to owner trying to sell property.

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

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

Steve Krueger, Paris Street. Comments on special event policy; sidewalk snow removal policy.

Dan Emery, Post Office Letter Carrier. Comments on snow removed from public sidewalks.

Tom Timmons, Post Office Letter Carrier. Comments on snow removed from public sidewalks.

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, 12/6/10
- b. Board of Public Works, 12/6/10
- c. Landmarks Commission, 12/8/10
- d. Library Policies & Personnel Committee, 12/6/10
- e. Parking Committee, 11/9/10
- f. Plan Commission, 12/7/10
- g. Sustainability Board, 11/16/10

Communications:

- h. Clerk Galeazzi, 12/16/10; Pick up of Council Packets
- i. Menasha Utilities, Customers First! *The Wire newsletter*, 12/10
- j. Public Works Facility, 12/3/10; Disposal Violations for November 2010
- k. Waverly Sanitary District minutes, 11/9/10
- l. WI DNR, 12/14/10; Notice of an air pollution permit application- 936 Appleton Rd. (Badger Highways)

Ald. Taylor: Comm. H – Aldermen start picking up Council packets on Dec. 30, 2010.

## 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, 12/6/10
2. Special Joint Common Council & Menasha Electric & Water Utilities Commission meeting, 12/6/10

### Administration Committee, 12/6/10; recommends approval of:

3. [First Amendment to the Lease Agreement between Morton Martin I LLC, Dumke and Associates, LLC and the City of Menasha, January 1, 2011 to December 31, 2011, and authorize signature.](#)
4. [FY '08 Homeland Security Program Grant Award for Homeland Security/Preparedness Volunteer Training with Office of Justice Assistance, and authorize signature.](#)
5. [City of Menasha Special Event Policy.](#)

### Board of Public Works, 12/6/10; recommends approval of:

6. [Street Use Application – Fox Cities New Year's Celebration; Friday, December 31, 2010; 10:30 PM to 12:20 AM, Community Forward, Inc.](#)
7. [Change Order: MOD #0011-00; Neenah-Menasha Fire Rescue Station 36; Miron Job #101520; DEDUCT: \\$282,421.40](#)
8. [Change Order: MOD #0014-00; Neenah-Menasha Fire Rescue Station 36; Miron Job #101520; DEDUCT: \\$256.00](#)
9. [Change Order: MOD #0015-00; Neenah-Menasha Fire Rescue Station 36; Miron Job #101520; ADD: \\$165.00](#)
10. [Change Order: MOD #0001-00; Neenah-Menasha Fire Rescue Station 36; Miron Job #101522; Advantage Purchasing, LLC; DEDUCT: \\$165.00](#)
11. [Change Order: MOD #0013-01; Neenah-Menasha Fire Rescue Station 36; Miron Job #101520; ADD: \\$1,300.00](#)
12. [Change Order: MOD #0017-00; Neenah-Menasha Fire Rescue Station 36; Miron Job #101520; ADD: \\$130.00](#)
13. [Change Order: MOD #0002-00; Neenah-Menasha Fire Rescue Station 36; Miron Job #101522; Advantage Purchasing, LLC; DEDUCT: \\$130.00](#)

Ald. Zelinski requested removal of items 5 & 11 from Consent Agenda

Moved by Ald. Hendricks, seconded by Ald. Roush to approve items 1-4, 6-10, 12, and 13.  
Motion carried on roll call 8-0.

## H. ITEMS REMOVED FROM CONSENT AGENDA

Moved by Ald. Hendricks, seconded by Ald. Roush to approve item 5 (Special Event Policy).  
Discussion ensued on insurance requirements for special events. CA/HRD Captain explained insurance requirements.

Moved by Ald. Wisneski, seconded by Ald. Taylor to amend the section of the Special Event Policy pertaining to insurance requirements from must to should.

Discussion on approving special event before insurance is required.

Moved by Ald. Benner, seconded by Ald. Roush to hold item.

Item is held.

Moved by Ald. Hendricks, seconded by Ald. Wisneski to approve item 11 (Change Order MOD #0017-00)

Discussion on exhaust hood being included in the original plans. Paul Reiderer from Miron Construction explained the plans indicated a fan, but no exhaust hood.

Motion carried on roll call 8-0.

I. ACTION ITEMS

1. Accounts payable and payroll for the term of 12/9/10 to 12/16/10 in the amount of \$416,342.84  
Moved by Ald. Wisneski, seconded by Ald. Langdon to approve accounts payable and payroll.  
Discussion/Questions/Answers on expenditures.  
Motion carried on roll call 8-0.

2. Accept report of the Emerald Ash Borer Readiness Plan  
Moved by Ald. Hendricks, seconded by Ald. Langdon to accept report of the Emerald Ash Borer Readiness Plan.  
Discussion: Pk Supt Maas explained the sections of the City Code pertaining to Parks will need to be updated.  
Motion carried on roll call 8-0.

J. ORDINANCES AND RESOLUTIONS

K. APPOINTMENTS

1. Accept resignation letter of John Nebel from Library Board  
2. Mayor's appointment to the Library Board  
a. Patrick Murray, 2942 Silver Birch Ct., for the term of December 21, 2010 to July 1, 2011  
to fulfill the term of John Nebel

Moved by Ald. Wisneski, seconded by Ald. Langdon to accept resignation of John Nebel and  
approve appointment of Patrick Murray.  
Motion carried on voice vote.

3. Mayor's appointment to the NM Sewerage Commission  
a. Ray Zielinski, 602 School Ct., for the term of January 1, 2011 to January 1, 2014

Moved by Ald. Hendricks, seconded by Ald. Wisneski to approve appointment.  
Motion carried on voice vote.

L. HELD OVER BUSINESS

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 & BOARD OF PUBLIC WORKS

Moved by Ald. Wisneski, seconded by Ald. Langdon to recess at 6:55 p.m. to Administration Committee,  
Board of Public Works and Personnel Committee.  
Motion carried on voice vote.

Reconvene at 8:38 p.m.

P. ADJOURNMENT

Moved by Ald. Wisneski, seconded by Ald. Langdon to Adjourn into Closed Session at 8:38 p.m.  
pursuant to Sec. 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 (LaFayette Life Insurance Co. v. City of Menasha et al., U.S. District Court  
(Northern District, IN.) Case No. 4:09-CV-64-TLS. State ex rel. American Bank v. City of Menasha et al.  
Case No. 10CV77 Br. 4)  
Motion carried on roll call 8-0.