

CITY OF MENASHA
COMMON COUNCIL
Third Floor Council Chambers
140 Main Street, Menasha
Monday, February 3, 2014
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 Sevenich, Langdon, Keehan, Englebert, Benner, Nichols, Taylor

EXCUSED: Alderman Zelinski

ALSO PRESENT: Mayor Merkes, CA/HRD Captain, PC Styka, FC Auxier, DPW Radtke, CDD Keil, ASD Steeno, PHD Nett, PRD Tungate, LD Lenz, Mark Brown (Associated Appraisers), Clerk Galeazzi

D. PUBLIC HEARING

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

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

Tim Jacobson, 732 Paris Street, Menasha. Thanked Council for support to him and Public Works Dept. during his 37 years of employment with the City.

Mayor Merkes thanked Tim for his years of service and read a proclamation that was presented to Tim earlier in the day.

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. [Board of Health, 12/11/13](#)
- b. [Board of Public Works, 1/20/14](#)
- c. [City Hall Safety Committee, 12/5/13](#)
- d. [Committee on Aging, 12/12/13](#)
- e. [Library Board, 1/16/14](#)
- f. [NMFR Joint Finance & Personnel, 1/28/14](#)
- g. [NM Sewerage Commission, 1/8/14](#)
- h. [Plan Commission, 1/21/14](#)
- i. [Water and Light Commission, 12/18/14](#)

Communications:

- j. [PRD Tungate, 1/30/14, 2014 Wisconsin Urban Forestry Council Award.](#)
- k. [Winnebago County, Office of the County Treasurer, to Clerk Galeazzi, 1/22/14, Sale of Foreclosed Real Estate.](#)
- l. [Thomas Franz, UW-Fox Valley, 1/22/14, Time Warner Rebroadcast Change.](#)

Moved by Ald. Benner, seconded by Ald. Langdon to receive Minutes and Communications A-L.

General discussion on Minutes F (NM Sewerage Commission) and Communication L (Thomas Franz, UW-Fox Valley).

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, 1/20/14

Board of Public Works, 1/20/14 – Recommends the Approval of:

2. Change Order – PTS Contractors, Inc.; Ninth Street Lift Station Improvements Project; Contract E145-13-01A; Revise Completion Date to January 31, 2014 (Change Order No. 5 and Final).
3. Change Order – Roger Bowers Construction, Inc.; Ninth Street Lift Station Improvements Project; Contract E145-13-01B; ADD: \$3,978.33 and Revise Completion Date to January 31, 2014 (Change Order No. 3 and Final).
4. Payment – PTS Contractors, Inc.; Ninth Street Lift Station Improvements Project; Contract E-145-13-01A; \$6,992.04 (Payment No. 2 and Final).
5. Payment – Roger Bowers Construction, Inc.; Ninth Street Lift Station Improvements Project; Contract E145-13-01B; \$8,518.44 (Payment No. 3 and Final).
6. Authorization to Petition WisDOT for the Transfer of Ownership for the Traffic Signals at Manitowoc Road and Oneida Street (USH 10).

Plan Commission, 1/21/14 - Recommends the Approval of:

7. Subdivision Ordinance Variance Request by Steve Andrysczyk of Birling Court Extension to the variances to the lot frontage, street improvement and temporary cul de sac requirements due to the economic hardships imposed upon the building industry and the community related to the state of the national economy and that the community would benefit from the additional tax base resulting from the construction of a home on Lot 3. The variance is to be conditioned upon the street and utility improvements to be installed prior to the development of Lot 2.

Neenah-Menasha Fire Rescue, Joint Finance & Personnel, 1/28/14 – Recommends the Approval of:

8. Renew the Extended Contract for Statewide Structural Collapse Team Members from January 1, 2014 through December 31, 2014.
9. The purchase of a new command pick-up truck, including necessary accessories, for a total not to exceed \$47,197.85 with funds from the 2014 Capital Improvement Budget.

Ald. Taylor requested to remove from Consent Agenda item 3 (Change Order-Roger Bowers Construction).

Ald. Benner requested to remove from Consent Agenda item 6 (Authorization to Petition WisDOT).

Ald. Sevenich requested to remove from Consent Agenda item 7 (Subdivision Ordinance Variance Request).

Moved by Ald. Benner, seconded by Ald. Keehan to approved Consent Agenda items 1, 2, 4, 5, 8, 9.

Motion carried on roll call 7-0.

H. ITEMS REMOVED FROM CONSENT AGENDA

Moved by Ald. Taylor, seconded by Ald. Sevenich to approve Change Order to Roger Bowers Construction, Inc, Ninth Street Lift Station Improvement Project, Contract E145-13-01B, DEDUCT of \$3,689.52 and revise completion date to January 31, 2014 (Change Order No. 3 and Final).

Motion carried on roll call 7-0.

Moved by Ald. Benner, seconded by Ald. Keehan to approve Consent Agenda item 6, Authorization to Petition WisDOT for the transfer of ownership for the traffic signals at Manitowoc Road and Oneida Street (USH 10).

General discussion ensued on including in the petition to keep signals on Manitowoc Road at current timing.

Motion carried on roll call 7-0.

H. ITEMS REMOVED FROM CONSENT AGENDA, (cont'd.)

Moved by Ald. Benner, seconded by Ald. Englebert to approve a variance from Subdivision Ordinance Section 14-1-8(v)(3) regarding the provision of a temporary cul de sac and defer the requirements of 14-1-8(c) relating to lot frontage and 14-1-13(d) regarding street improvements until such time that undeveloped land to the west of the subject property is developed or other such time as the Common Council determines that the installation of street improvements is warranted. Per Section 14-1-18 (b) the variances are predicated upon the following findings:

1. That granting the variance will not be detrimental to the public safety, health and welfare or injurious to other property or improvements in the neighborhood in which the property is located.
2. That conditions upon which the request for the variance is based are unique to the property for which the variation is sought and are not generally applicable to other property.
3. That because of the particular physical surroundings, shape or topographical conditions of the property, a particular hardship to the owner would result in the strict letter of the regulations were followed out.
4. The variance is to be conditioned upon the street and utility improvements to be installed prior to the development of Lot 2.

This motion is to be recorded with the Calumet County Register of Deeds.

General discussion ensued on the recommendation from Plan Commission and staff
Motion carried on roll call 7-0.

I. ACTION ITEMS

1. [Accounts payable and payroll for the term of 1/17/14 to 1/30/14 in the amount of \\$872,365.32.](#)

Moved by Ald. Nichols, seconded by Ald. Benner to approve accounts payable and payroll.

General discussion ensued on expenditures.

Motion carried on roll call 7-0.

2. [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 recommended by Police Department.

Motion carried on roll call 7-0.

Melissa Stevenson addressed the Council explaining the reason for the numerous traffic citations she received.

PC Styka explained the reason the Police Department is recommending denying the beverage operators license application for Ms. Stevenson as the guidelines used defines her as a habitual offender.

Moved by Ald. Englebert, seconded by Ald. Nichols to deny the beverage operators license application of Melissa Stevenson in accordance with guidelines is defined as a habitual offender.

Motion carried on roll call 6-1. Ald. Sevenich voted no.

J. ORDINANCES AND RESOLUTIONS

1. [R-3-14 Resolution Approving a Partial Property Tax Rescission. \(Introduced by Mayor Merkes\).](#)

Moved by Ald. Benner, seconded by Ald. Langdon to adopt R-3-14 Resolution Approving a Partial Property Tax Rescission.

Mark Brown from Associate Appraisers explained it was a clerical error as some lots in the Lake Park Villa neighborhood were classified as buildable when they currently are unbuildable due to not being accessible by a public street, therefore they were incorrectly charged for the 2013 tax year. The error has been corrected.

ASD Steeno explained the financial impact to the City.

Motion carried on roll call 7-0.

2. [R-4-14 Resolution Approving a Partial Property Tax Rescission. \(Introduced by Mayor Merkes\).](#)

Moved by Ald. Benner, seconded by Ald. Keehan to R-4-14 Resolution Approving a Partial Property Tax Rescission.

Motion carried on roll call 7-0.

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. ADJOURNMENT

Moved by Ald. Nichols, seconded by Ald. Langdon to adjourn at 7:00 p.m.
Motion carried on voice vote.

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