

CITY OF MENASHA
COMMON COUNCIL
Third Floor Council Chambers
140 Main Street, Menasha
Monday, March 7, 2016
MINUTES

A. CALL TO ORDER

Meeting called to order by Mayor Merkes at 6:00 p.m.

B. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance recited.

C. ROLL CALL/EXCUSED ABSENCES

PRESENT: Aldermen Benner, Nichols, Taylor (6:04pm), Krautkramer, Keehan, Zelinski.

EXCUSED: Aldermen Olszewski, Spencer

ALSO PRESENT: Mayor Merkes, Atty. Chris Behrens (Appleton Deputy Atty.), PC Styka, FC Auxier, DPW Radtke, CDD Keil, ASD Steeno, PRE Tungate, PHD McKenney, Clerk Galeazzi.

D. PUBLIC HEARING

None

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

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

Mike Hagens, Woodland Development LLC. Amendment to Second Development Agreement between City of Menasha and Woodland Development LLC.

Chris Klein, 730 Keyes Street, Menasha. Reconsider amount for downtown walkway project.

Tim Hoff, 841 Kernan Avenue, Menasha. Recommend amendment to Second Development Agreement between City of Menasha and Woodland Development LLC.

James Taylor, 340 Broad Street, Menasha. Items he asked to be placed on Common Council agenda did not appear.

Alex Zelinski, 647 Paris Street, Menasha. Unnecessary spending for Downtown walkway project.

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 Public Works, 2/15/16.](#)

b. [Library Board, 2/24/16.](#)

c. Neenah-Menasha Sewerage Commission, [12/22/15](#), [1/26/16.](#)

d. [NMFR Joint Finance & Personnel, 2/23/16.](#)

e. [NMFR Joint Fire Commission, 2/24/16.](#)

f. [Public Works/Parks Safety Committee, 2/2/16.](#)

g. [Redevelopment Authority, 2/25/16.](#)

Communications:

h. [Rep. Amanda Stuck to Mayor Merkes, 2/11/16; Assembly Bill \(AB\) 750.](#)

i. [Summary Statement and Certification of the Board of Canvassers for Feb. 16, 2016 Election.](#)

j. [Fox Cities Convention & Visitors Bureau to Mayor Merkes; 2015 Annual Report available.](#)

k. [PRD Tungate, 3/2/216; RFQ for Jefferson Park Neighborhood Master Plan.](#)

l. [441 Tri-County Expansion Spring 2016 Meetings.](#)

m. [MUGM Krause, 3/3/16; Commissioner Vacancy.](#)

n. [CDC Heim, 2/16/16; 2015 Building Permit Summary.](#)

o. [DDMO Alix, 2/16/16; Budget Workshop Questions.](#)

p. [CDD Keil to Mayor Merkes, 2/26/16; Retirement Letter.](#)

q. [ASD Steeno, 3/3/16; Deputy Clerk/Administrative Assistant Position Update.](#)

Moved by Ald. Taylor seconded by Ald. Keehan to receive Minutes and Communications a-q.
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, 2/15/16.](#)

Board of Public Works, 2/15/16 – Recommends the Approval of:

2. [Recommendation to Accept City-Wide Storm Water Quality Management Plan.](#)
3. [Recommendation to Award – Contract Unit 2016-01; Downtown Street, Walkway and Electrical Improvements; Mill Street, Main Street, Pedestrian Link from Broad Street Parking Ramp to Main Street; Vinton Construction, Inc.: \\$265,487.33](#)
4. [Change Order – Vinton Construction, Inc.; Contract Unit 2016-01; Downtown Street, Walkway and Electrical Improvements; Mill Street, Main Street, Pedestrian Link from Broad Street Parking Ramp to Main Street; DEDUCT: \\$21,525.00 \(Change Order No. 1\)](#)
5. [Broad Street Parking Lot Access Plans](#)
6. [Second Development Agreement Between the City of Menasha and Woodland Development, LLC.](#)

NMFR Joint Finance & Personnel Committee, 2/23/16 – Recommends the Approval of:

7. Authorize filling the Fire Chief's position.

Ald. Zelinski requested to remove items 1, 3, & 4 from Consent Agenda.

Ald. Nichols requested to remove item 6 from Consent Agenda.

Moved by Ald. Benner seconded by Ald. Keehan to approve Consent Agenda items 2, 5, 7.
Motion carried on roll call 6-0.

H. ITEMS REMOVED FROM CONSENT AGENDA

1. Moved by Ald. Zelinski seconded by Ald. Keehan to approve Consent Agenda item 1, Common Council minutes of 2/15/16.

Ald. Zelinski requested clarification on Motion to Reconsider.

Motion carried on roll call 6-0.

2. Moved by Ald. Zelinski seconded by Ald. Taylor to reject Contract Unit 2016-01, Downtown Street, Walkway and Electrical Improvements, Mill Street, Main Street, pedestrian Link for Broad Street Parking Ramp to Main Street to Vinton Construction, Inc. in the amount of \$265,487.33 and rebid eliminating table, stone furniture and lighting.

General discussion ensued on the rebid process, timeline of the project, items already eliminated, items to eliminate and stay within 15% adjustment allowed.

Motion failed on roll call 2-4.

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

Moved by Ald. Nichols seconded by Ald. Benner to approve Consent Agenda item 3, Recommendation to Award – Contract Unit 2016-01; Downtown Street, Walkway and Electrical Improvements; Mill Street, Main Street, Pedestrian Link from Broad Street Parking Ramp to Main Street; Vinton Construction, Inc.: \$265,487.33

Motion carried on roll call 4-2.

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

Moved by Ald. Nichols seconded by Ald. Benner to approve Consent Agenda item 4, Change Order – Vinton Construction, Inc.; Contract Unit 2016-01; Downtown Street, Walkway and Electrical Improvements; Mill Street, Main Street, Pedestrian Link from Broad Street Parking Ramp to Main Street; DEDUCT: \$21,525.00 (Change Order No. 1)

Motion carried on roll call 6-0.

3. Moved by Ald. Nichols seconded by Ald. Keehan to approve Consent Agenda item 6, Second Development Agreement between City of Menasha and Woodland Development, LLC. General discussion ensued on items 5 & 6 of development agreement, cost to City to fund infrastructure.

Unanimous consent of Council to hear from Mike Hagens.

Mr. Hagens explained item 6 of the development agreement requires construction of residential homes on at least three lots. He has accepted offers on some lots but he cannot guarantee when home will be built on the lot.

Moved by Ald. Nichols seconded by Ald. Keehan to amend to remove item 6 from the Second Development Agreement between City of Menasha and Woodland Development, LLC. Motion on amendment carried on roll call 5-1. Ald. Taylor voted no.

Original motion as amended carried on roll call 5-1. Ald. Taylor voted no

I. ACTION ITEMS

1. [Accounts payable and payroll for the term of 2/18/16 - 3/3/16 in the amount of \\$1,387,762.46.](#)

Moved by Ald. Nichols seconded by Ald. Keehan to approve accounts payable and payroll. Motion carried on roll call 6-0.

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 application as listed in memo date 3/3/16. Motion carried on roll call 6-0.

Police Department recommends denying beverage operator's license application for Jacob King as he does not meet the criteria under the established guidelines.

Moved by Ald. Keehan seconded by Ald. Benner to deny beverage operator's license application for Jacob King as he does not meet the criteria under the established guidelines.

Motion carried on roll call 6-0.

3. [Second Revision to State/Municipal Agreement for a State-Let Local Bridge Project. \(WisDOT – Third Street Bridge\).](#)

Moved by Ald. Keehan seconded by Ald. Zelinski to approve Second Revision to State/Municipal Agreement for a State-Let Local Bridge Project (WisDOT-Third Street Bridge)

DPW Radtke explained the revision is to allow a contractor to do additional work on the project. Motion carried on roll call 6-0.

4. [Acquisition of Realty Opus Property-867 Valley Road, Menasha.](#)

Moved by Ald. Keehan seconded by Ald. Benner to approve acquisition of Realty Opus property at 867 Valley Road, Menasha.

Motion carried on roll call 6-0.

5. [Purchase of Petrie Property-N8884 Oneida Road, Menasha-Rear \(Recommended by Plan Commission\).](#)

Moved by Ald. Keehan seconded by Ald. Benner to approve purchase of Petrie property at N8884 Oneida Road, Menasha (rear).

CDD Keil explained the property will expand the Province Terrace Trail and City Conservancy. Motion carried on roll call 5-1. Ald. Zelinski voted no.

J. HELD OVER BUSINESS

K. ORDINANCES AND RESOLUTIONS

1. [R-5-16 Resolution Approving the Continued Pursuit of Acquisition of the RR Donnelley & Sons Ahnaip Street Property \(Introduced by Ald. Nichols\).](#)

Moved by Ald. Nichols seconded by Ald. Keehan to approve R-5-16 Resolution Approving the Continued Pursuit of Acquisition of the RR Donnelley & Sons Ahnaip Street Property.

CDD Keil explained the Redevelopment Authority has approved the Real Estate Purchase and Sale Agreement of the property. An environmental assessment will need to be conducted.

General discussion ensued on RDA authority, Phase I Environmental Assessment, funding source. Motion carried on roll call 5-1. Ald. Zelinski voted no.

2. [R-6-16 Resolution Approving a Property Tax Rescission \(Introduced by Mayor Merkes\).](#)

Moved by Nichols seconded by Ald. Keehan to approve R-6-16 Resolution Approving a Property Tax Rescission.

ASD Steeno explained a property was purchased by WisDOT at the end of 2014 but the City assessment role was not updated to indicate the property was owed by the State.

Motion carried on roll call 6-0.

3. [R-7-16 Resolution on Weight of the Fox Valley \(WOTFV\) \(Introduced by Ald. Krautkramer\).](#)

Moved by Ald. Krautkramer seconded by Ald. Nichols to approve R-7-15 Resolution on Weight of the Fox Valley (WOTFV).

PHD McKenney explained the resolution shows the City supports and promotes increase physical activity and a healthy lifestyle for their residents.

General discussion ensued on other reasons for the resolution.

Moved by Ald. Taylor seconded by Ald. Zelinski to postpone to Common Council meeting of March 21, 2016.

Motion to postpone carried on roll call 4-2.

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

L. APPOINTMENTS

1. Mayor's Reappointment of Tom Grade, 999 Brighton Drive, Menasha to Landmarks Commission for the term 3/1/16 to 3/1/19.

Moved by Ald. Keehan seconded by Ald. Nichols to approve reappointment of Tom Grade to Landmarks Commission.

Motion carried on voice vote.

2. [Mayor's Appointment of Patricia Irwin, 1028 Southfield Drive, Menasha to Committee on Aging for the term of 3/1/16 to 2/1/19.](#)

Moved by Ald. Keehan seconded by Ald. Nichols to approve appointment of Patricia Irwin to Committee on Aging.

Motion carried on voice vote.

M. CLAIMS AGAINST THE CITY

N. PUBLIC COMMENTS ON ANY MATTER LISTED ON THE AGENDA

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

Joanne Roush, 409 Cleveland Street, Menasha. Support R-7-15 Resolution on Weight of the Fox Valley (WOTFV); Thanked Council for moving forward on downtown pedestrian walkway.

Q. ADJOURNMENT

Moved by Ald. Taylor seconded by Ald. Keehan to adjourn at 8:25 p.m.

Motion carried on voice vote.