

CITY OF MENASHA
COMMON COUNCIL
Third Floor Council Chambers
140 Main Street, Menasha
Monday, June 6, 2016
MINUTES

A. CALL TO ORDER

Meeting called to order by Mayor Merkes at 6:05 p.m.

B. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was recited.

C. ROLL CALL/EXCUSED ABSENCES

PRESENT: Aldermen Keehan, Zelinski, Benner, Nichols, Taylor, Collier

EXCUSED: Aldermen Krautkramer and Spencer

ALSO PRESENT: Mayor Merkes, CA Captain, Capt. Halderson, FC Kloehn, DPW Radtke, AP Englebert, ASD Steeno, PRD Tungate, PHD McKenney, Clerk Galeazzi, and the Press.

D. PUBLIC HEARING

None

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. Village of Fox Crossing merging with Town of Menasha east side. City needs to let Town residents know benefits of being a city resident.

Rep. Amanda Stuck. Encourage Council to support R-18-16. State should work with municipalities on economic development.

Mark Westphal, 945 Hunt Avenue, Neenah. Encourage Council to support R-18-16. Resolution asks Graphic Packaging to be good corporate business and consider selling building and keep it operating.

Mark Riker, 504 E. Forest Avenue, Neenah. His Beverage Operator License application to be considered by the Council.

Rick Grisson, 627 Jackson Street, Neenah. Encourage Council to support R-18-16. Closing business and losing good paying jobs.

Sandra Dabill Taylor, 545 Broad Street, Menasha. 1). Encourage Council to support R-18-16.

2) Agenda for Council Workshop was not posted on timely basis. 3). RDA has not held annual meeting.

4). Dive Team funding should come from donations and fundraising. 5). Opposed to Special Use Permit at 222 Washington St. 6). Consider denying liquor license renewals for The Old Grog and 5 O'clock Somewhere as there are issues with bars being a nuisance to the neighborhood.

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. [Admiration Committee, 5/16/2016](#)

b. [Board of Health, 3/9/2016](#)

c. [Board of Public Works, 5/16/2016](#)

d. [NMFR Joint Finance and Personnel, 5/24/2016](#)

e. Neenah-Menasha Sewerage Commission, [2/23/2016](#) & [4/26/2016](#)

f. [Parks and Recreation Board, 5/10/2016](#)

g. [Personnel Committee, 5/16/2016](#)

h. [Plan Commission, 5/17/2016](#)

i. Police Commission, [1/21/2016](#) & [3/17/2016](#)

Communications:

- j. [Memo from DPW Radtke on placement of dumpsters in Broad Street lot](#)
- k. [Memo from PRD Tungate on Analysis of Water Treatment Plant Alternate Route](#)
- l. [Memo from GM Melanie Krause on refinancing of the WPPI lease agreement](#)
- m. [Memo from CA Captain on Chicken Palace of Menasha grant](#)
- n. [Memo from Public Health Director Nancy McKenney on Additional Public Health Emergency Preparedness Funds](#)
- o. [National Gun Violence Awareness Proclamation](#)
- p. [All 4 Run Day Proclamation](#)
- q. [Neenah-Menasha Elks Lodge 676 Flag Day Ceremony Invitation](#)

Moved by Ald. Benner seconded by Ald. Keehan to receive Minutes and Communications a-q.
General discussion ensued on placement of dumpsters in Broad Street lot.
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 5/16/16.](#)

Administration Committee, 5/16/16, Recommends the approval of:

- 2. [Accept bid of Post Crescent Media as the official City newspaper, May 2016-May 2017.](#)

Parks & Recreation Board, 5/10/16, Recommends the approval of:

- 3. [Starting in 2017, raise the daily boat launch fee from \\$5 to \\$6, with a portion of this increase to be placed in the Neenah/Menasha Fire & Rescue budget in a manner to be determined by the Mayor and appropriate staff, to partially offset water rescue costs.](#)

Plan Commission, 5/17/2016, Recommends the approval of:

- 4. [Special Use Permit for 222 Washington Street, Menasha to Common Council with the following conditions:](#)

- a. Lighting plan to be submitted to include cut sheets on the fixtures along with photometrics;
- b. Verification of ingress/egress easement(s); and
- c. Prior to Common Council meeting, elevations of the project are to be submitted with staff approval of the proposed materials.

NMFR Join Finance and Personnel, 5/24/2016, Recommends the approval of:

- 5. [Creation of the Water Rescue Trust Fund administered by the City of Neenah on behalf of the Neenah Menasha Fire Rescue with funds received from the increased boat launch fees approved by the Parks & Recreation Commissions of both cities, as well as other donations designated for water rescue services that shall be deposited into this trust account. Oversight of the Water Rescue Trust Fund shall be assigned to the Joint Finance & Personnel Committee.](#)

Ald. Taylor requested to remove items 3, 4, & 5 from Consent Agenda.

Moved by Ald. Benner seconded by Ald. Keehan to approve Consent Agenda items 1 & 2.
Motion carried on roll call 6-0.

H. ITEMS REMOVED FROM THE CONSENT AGENDA

- 1. Moved by Ald. Benner seconded by Ald. Taylor to refer Consent Agenda items 3 & 5 to Administration Committee.
Motion carried on roll call 6-0.

2. General discussion ensued on Consent Agenda item 4, Special Use Permit for 222 Washington Street. Concerns of the property being used as storage units were discussed. Unanimous consent to allow the property owner, Greg Muller, to speak. Mr. Muller explained his plan to convert the existing building to storage units.

Moved by Ald. Taylor seconded by Ald. Zelinski to table Consent Agenda item 4, Special Use Permit for 222 Washington Street.

Motion carried on roll call 5-1. Ald. Collier voted no.

I. ACTION ITEMS

1. [Accounts payable and payroll for the term of 5/19/2016-6/2/2016 in the amount of \\$1,878,815.45](#)

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

Ald. Nichols requested to separate check #54096 to Jeff Nichols. She will be abstaining from voting on this check.

Motion to approve accounts payable and payroll excluding check #54096 carried on roll call 6-0.

Motion to approve check #54096 carried on roll call 5-0. Ald. Nichols abstained.

2. [Beverage Operators License Applications for the 2015-2017 licensing period.](#)

Moved by Ald. Nichols seconded by Ald. Collier to approve beverage operator's license applications as listed in memo dated 5/12/16.

Motion carried on roll call 6-0.

Police Department recommends denying beverage operator's license application of Mark Paul Riker as he does not meet the criteria under the established guidelines.

Council gave unanimous consent to hear from Mark Paul Riker.

Mr. Riker explained the circumstances regarding the felony conviction from 1994 and how he has changed his life since then.

Capt. Halderson reported the felony conviction from 1994 was the only item listed on the background check.

Moved by Ald. Collier seconded by Ald. Zelinski to approve beverage operator's license application for Mark Paul Riker.

Motion carried on roll call 6-0

3. [Liquor License Applications for 2016-2017 licensing year.](#)

Moved by Ald. Nichols seconded by Ald. Keehan to approve liquor license applications for 2016-2017 licensing year as listed in memo dated 6/2/16.

General discussion ensued on parking and noise issues at some of the bars. CA Captain explained parking and noise issues are currently not part of the liquor license demerit point system.

Motion carried on roll call 6-0.

4. [Outdoor Alcohol Beverage Permit Applications for 2016-2017 licensing year.](#)

Moved by Ald. Nichols seconded by Ald. Keehan to approve outdoor alcohol beverage permit applications for 2016-2017 licensing year as listed in memo dated 6/2/16.

Motion carried on roll call 6-0.

5. ["Class B" Liquor License Application for Patrick Lee DuFrane, 184-190 Main Street, Menasha, for the 2016-2017 Licensing Year.](#)

Moved by Ald. Nichols seconded by Ald. Keehan to approve "Class B" liquor license application for Patrick Lee DuFrane, 184-190 Main Street, Menasha for the 2016-2017 licensing year.

Motion carried on roll call 6-0.

J. HELD OVER BUSINESS

None

K. ORDINANCES AND RESOLUTIONS

1. [R-17-16 Resolution Approving a 2016 Budget Adjustment for the Purchase of Acquiring a Vacant Lot at 100 Fox Street for the Loop the Lake Trail Project](#)

General discussion ensued on cost of moving route of the trail behind Neenah-Menasha Water Treatment Plant and moving location of bridge.

Moved by Ald. Benner seconded by Ald. Keehan to postpone until next meeting R-17-16 Resolution Approving a 2016 Budget Adjustment for the Purchase of Acquiring a Vacant Lot at 100 Fox Street for the Loop the Lake Trail Project and include additional cost to move bridge.

Motion carried on roll call 4-3.

Ald. Nichols, Keehan, Benner, Mayor Merkes voted yes. Ald. Taylor, Collier, Zelinski voted no.

2. [R-18-16 Resolution Encouraging Graphic Packaging International to Pursue Sale of Operating Plant](#)

Moved by Ald. Collier seconded by Ald. Taylor to approve R-18-16 Resolution Encouraging Graphic Packaging International to Pursue Sale of Operating Plant.

Motion carried on roll call 6-0.

3. [R-19-16 Resolution Approving Intergovernmental Agreement between the City of De Pere and the City of Menasha Regarding Mutual Assistance for Environmental Services](#)

Moved by Ald. Benner seconded by Ald. Keehan to approve R19-16 Resolution Approving Intergovernmental Agreement between the City of DePere and the City of Menasha Regarding Mutual Assistance for Environmental Services.

Motion carried on roll call 6-0.

L. APPOINTMENTS

None

M. PUBLIC COMMENTS ON ANY MATTER LISTED ON THE AGENDA

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

No one spoke.

N. RECESS TO COMMITTEES

Moved by Ald. Taylor seconded by Ald. Keehan to recess at 7:50 p.m.

Motion carried on voice vote.

Reconvened at 8:39 p.m.

O. CLAIMS AGAINST THE CITY

Moved by Ald. Benner seconded by Ald. Keehan to adjourn into Closed Session pursuant to Wis. Stats. §19.85(1)(e): Deliberating or negotiating the purchasing of public properties, the investing of public funds, or conducting other specified public business, whenever competitive or bargaining reason require a closed session: and Wis. Stats. §19.85(1)(g): Conferring with legal counsel for the governmental body that 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.

1. March 18, 2016 Garbage Truck Incident
 - i. Time Warner Cable
 - ii. AT&T
 - iii. WE Energies
2. Scott M. Clavers

3. PCB Litigation

- i. Appleton Papers Inc. and NCR Corporation v. George A. Whiting Paper Company, et al.; E.D. Wis. Case No. 08-CV-00016-WCG (“Whiting”)
- ii. United States of America and State of Wisconsin v. NCR, et al., E.D. Wis. Case No. 10-C-910-WCG (Government Case)

Motion carried on roll call 6-0.

May reconvene into open session to act on items discussed during closed session.
No action.

P. ADJOURNMENT

Moved by Ald. Keehan seconded by Ald. Nichols to adjourn at 9:18 p.m.
Motion carried on voice vote.

Deborah A. Galeazzi, WCMC
City Clerk