

CITY OF MENASHA
Common Council
City Hall-140 Main St.-Council Chambers-3rd Floor
November 5, 2007

MINUTES

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1. CALL TO ORDER

Meeting Called to Order by Mayor Laux at 7:43 p.m.

2. PLEDGE OF ALLEGIANCE

A. [Pledge of Allegiance](#)

3. ROLL CALL/EXCUSED ABSENCES

A. [Roll Call](#)

PRESENT: Ald. Eckstein, Michalkiewicz, Chase, Merkes, Taylor , Wisneski, Pack, Hendricks.

ALSO PRESENT: Mayor Laux, CA/HRD Brandt, Lt. Brunn, FC Vander Wyst, DPW Radtke,

CDD Keil, C/T Stoffel, PRD Tungate, Clerk Galeazzi, the Press.

DEPT. HEAD EXCUSED: PHD Nett.

4. MINUTES TO APPROVE-MINUTES & COMMUNICATIONS TO RECEIVE

Minutes to approve:

A. [Common Council, 10/15/07](#)

Moved by Alderman Michalkiewicz, seconded by Alderman Eckstein to approve minutes.

Motion Carried on voice vote

Results:

Minutes to receive:

B. [Administration Committee, 10/15/07](#)

C. [Board of Public Works, 10/15/07](#)

D. [Police Commission, 10/5/07](#)

E. [Public Library Long Range Planning Committee, 10/15/07](#)

- F. [Safety Committee, 9/5/07; City Hall](#)
- G. [Safety Committee, 9/20/07; Police Department](#)
- H. [Safety Committee, 9/25/07; Public Works and Parks Departments](#)
- I. [Board of Health, 9/12/07](#)
- J. [Park Board, 9/24/07](#)
- K. [Special Meeting of the Water and Light Commission; 9/18/07, 10/2/07, 10/16/07](#)
- L. [Water and Light Commission, 9/26/07](#)
- M. [Neenah-Menasha Sewerage Commission, 9/18/07](#)
- N. [Library Board, 10/18/07](#)
- O. [N-M Fire Rescue Joint Fire Commission, 10/24/07](#)
- P. [N-M Fire Rescue, Finance and Personnel Committee, 10/23/07](#)
- Q. [Plan Commission, 10/30/07](#)
- R. [Information Technology Steering Committee, 9/26/07](#)

Communications:

- A. [PRD Tungate, 10/30/07; Peanut Island Cannon Rededication](#)
- B. [UW Fox Valley foundation Inc. to Sanitarian Todd Drew, 10/23/07; Thank you-E.A.T.S fundraiser](#)
- C. [Final Estimate of Jan. 1, 2007 population, 10/10/07; Winnebago and Calument Counties](#)
- D. [Public Works Facility, 10/07; August/September 2007 disposal violations](#)
- E. [Information Technology Dept., 10/31/07; Newsletter from Unitel containing City of Menasha article](#)
- F. [Jeff Riedl to Aldermen, 10/11/07; email regarding crime rates in City of Menasha](#)
- G. [Sandra Dabill Taylor \(545 Broad St.\) to Mayor Scherck, 10/29/07; televising City of Neenah Common Council meetings](#)

Moved by Ald. Michalkiewicz, seconded by Ald. Eckstein to approve Minutes to Receive B-R and Communication A-G.

Discussion: Ald. Hendricks-Minutes K & L name of person that took minutes not listed. CA/HRD Brandt explained each committee assigns a person to take the minutes, not required to have name on minutes.

Ald. Merkes-Minutes Q, of 10/16/07 be refer back to Water and Light Commission, some inconsistencies.

Mayor Laux explained these are only Minutes to Receive, not approve.

Ald. Wisneski-Minutes N, receive records back from previous Safety Committee Manager; Communication C, increase in City population should be update on City signs.

Ald. Merkes requested Minutes to Receive Q be separated out.

Moved by Alderman Merkes, seconded by Alderman Taylor to deny Minutes to Receive Q.

Motion Failed

Results:

Roll Call:

AYES: Hendricks , Merkes , Taylor , Wisneski (4)

NAYS: Chase , Eckstein , Michalkiewicz , Pack (4)

Moved by Alderman Michalkiewicz, seconded by Alderman Eckstein to approve Minutes to Receive Q.

Motion Passed

Results:

Roll Call:

AYES: Chase , Eckstein , Michalkiewicz , Pack , Wisneski (5)

NAYS: Hendricks , Merkes , Taylor (3)

Moved by Alderman Michalkiewicz, seconded by Alderman Eckstein to approve Minutes B - P and R and Communications A - G.

Motion Carried on voice vote

Results:

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

Five (5) minute time limit for each person

A. [Public Comments on any Matter of Concern to the City](#)

Bob Accord, Architect for CrossroadsChurch. Changes relating to Site Plan Review.

Pastor Mike Huff, 120 Lorraine Ave., Neenah. Changes relating to Site Plan Review.

Kathy Bauer, 709 Lincoln St. Steam Plant 2008 Budget; Menasha 2008 Budget.

Chris Evenson, 523 Broad St. Offer to Purchase, 81 Racine St./504 Broad St.

Micki Coenen, 901 7th St. Problems in City parks; gang and drug issues in the City.

Mary Nebel, 713 1stSt. Marketing of City properties; 81 Racine St./504 Broad St.

Tony Weinandt, 829 Ida St. Council needs to work together, discuss items.

Joanne Roush, 409 Cleveland St. GM Young attending meetings; 81 Racine St./504 Broad St.

Mary Ann Mulvey, 274 Misty Meadows. Comments by CA/HRD Brandt on eminent domain

Terry Bomier, Bomier Properties. Proposal for marketing City-owned commercial properties.

Jeff Riedl, 408 Appleton St. Fair market value of City property; Increase Police Officers; Sale of 81 Racine St. /504 Broad St.

Jeff Harvey, 514 Broad St.81 Racine St/504 Broad St.

6. APPOINTMENTS

A. [None](#)

7. CLAIMS AGAINST THE CITY

A. [None](#)

8. REPORT OF DEPARTMENT HEADS/STAFF/CONSULTANTS

A. [CA/HRD Brandt - Report on e-mails received by all Aldermen considered open records](#)

E-mails received or sent are considered open records. As elected officials, Aldermen need to find a system to manage their open records. If asked, they will need to provide the documents. Newsletters sent by Aldermen and any correspondence, sent or received, regarding City business are considered open records. Aldermen interested in obtaining more information on open records can attend a seminar or talk to CA/HR Brandt.

9. REPORT OF COMMITTEES/BOARDS/COMMISSIONS

A. **Plan Commission:**

1. [10/30/07; Recommends approval of the sale of 81 Racine Street and 504 Broad Street with the inclusion of a twenty-foot wide easement along the Racine Street frontage of 81 Racine Street for pedestrian trail and landscaping development.](#)

NO ACTION

2. [10/30/07; Recommends approval of the Special Use Permit for Express Convenience Center at 700 Third Street.](#)

Moved by Alderman Merkes, seconded by Alderman Taylor to approve .

Motion Passed

Results:

Roll Call:

AYES: Chase , Eckstein , Hendricks , Merkes , Michalkiewicz , Pack , Taylor ,(8)
Wisneski

3. [10/30/07; Recommends approval of the amendments to 13-1-29, 13-1-30, 13-1-36, 13-1-37, 13-1-35, 13-1-27, 13-1-28 and 13-1-12 Relating to Site Plan Review an Design Standards for Building Alterations.](#)

Acted in Item 10 B-I.

B. **Administration Committee:**

1. [Authorization of additional commitment of \\$3,000 for continued Davis and Kuelthau representation regarding the issue of Fox River PCB Contamination.](#)

Moved by Alderman Wisneski, seconded by Alderman Eckstein to approve .

Motion Passed

Results:

Roll Call:

AYES: Chase , Eckstein , Hendricks , Merkes , Michalkiewicz , Pack , Taylor ,(8)
Wisneski

2. [Offer to Purchase, 81 Racine Street and 504 Broad Street, Dr. Vernon A. Larson of Riverside Building](#)

Inc., \$29,450.00.

Moved by Ald. Hendricks, seconded by Ald. Taylor to reject offer and direct Redevelopment Authority to review the Racine Street corridor to include 81 Racine St and 504 Broad Street.

CA/HRD Brandt explained this is not a valid motion.

Moved by Alderman Hendricks, seconded by Alderman Taylor to recommend to reject offer.

Motion Passed

Results:

Roll Call:

AYES: Chase , Eckstein , Hendricks , Merkes , Michalkiewicz , Taylor , (7)
Wisneski

NAYS: Pack (1)

3. Selection of brokerage firm for City-owned commercial properties and authorization to enter into listing contract.

Moved by Alderman Chase, seconded by Alderman Wisneski to recommend to select Bomier Properties for brokerage firm and enter into a listing contract for one year. Discussion.

Motion Passed

Results:

Roll Call:

AYES: Chase , Eckstein , Hendricks , Merkes , Michalkiewicz , Pack , Taylor ,(8)
Wisneski

4. Accounts payable and payroll for 10/18/07-11/1/07 in the amount of \$1,086,629.55.

Moved by Alderman Wisneski, seconded by Alderman Pack to approve .

Motion Passed

Results:

Roll Call:

AYES: Chase , Eckstein , Hendricks , Merkes , Michalkiewicz , Pack , Taylor ,(8)
Wisneski

5. Motion to have GM Doug Young, Menasha Utilities, attend Common Council Administration Committee Meetings. (Ald. Taylor)

Moved by Alderman Taylor, seconded by Alderman Hendricks to recommend to ask Utilities Commission to have GM Young be cordially invited to attend Common Council Administration Committee meetings. Discussion.

Motion Failed

Results:

Roll Call:

AYES: Hendricks , Merkes , Taylor (3)

NAYS: Chase , Eckstein , Michalkiewicz , Pack , Wisneski (5)

Menasha Steam Plant Noise Issue (Ald. Taylor).

6.

NO ACTION

7. [Menasha Health Department Relocation \(Ald. Taylor\).](#)

NO ACTION

8. [Athletica Fitness LLC Health Club, Lake Park \(Ald. Taylor\).](#)

NO ACTION

9. [Schreiber-Anderson Report, Racine Street Corridor \(Ald. Taylor\).](#)

NO ACTION

10. [81 Racine Street Property \(Ald. Taylor\).](#)

NO ACTION

C. Board of Public Works:

1. [Change Order - Badger Highways Company, Inc.; Kaukauna Street/High Street, Street Rehabilitation - Pulverize/Resurface Asphalt Pavement; Contract Unit No. 2007-01; ADD: \\$7,037.75 \(Change Order No. 1 and Final\)](#)

Moved by Alderman Pack, seconded by Alderman Merkes to approve .

Motion Passed

Results:

Roll Call:

AYES: Chase , Eckstein , Hendricks , Merkes , Michalkiewicz , Pack , Taylor ,(8)
Wisneski

2. [Payment - Badger Highways, Inc.; Kaukauna Street/High Street Rehabilitation - Pulverize/Resurface Asphalt Pavement; Contract Unit No. 2007-01; \\$9,733.85 \(Payment No. 3 and Final\)](#)

Moved by Alderman Pack, seconded by Alderman Eckstein to approve .

Motion Passed

Results:

Roll Call:

AYES: Chase , Eckstein , Hendricks , Merkes , Michalkiewicz , Pack , Taylor ,(8)
Wisneski

3. [Payment - Vinton Construction Co.; River Street Relocation Roadway Construction; Contract Unit No. 2006-06; \\$1,000.00 \(Payment No. 8 and Final\)](#)

Moved by Alderman Pack, seconded by Alderman Michalkiewicz to approve .

Motion Passed

Results:

Roll Call:

AYES: Chase , Eckstein , Hendricks , Merkes , Michalkiewicz , Pack , Taylor ,(8)
Wisneski

4. Recommendation to Award - City of Menasha Wastewater Collection System Rehabilitation Improvements - Phase 3 Project; Contract E145-07-01A; Insituform Technologies USA of Lemont, IL; \$1,582, 723.00

Moved by Alderman Michalkiewicz, seconded by Alderman Eckstein to approve .

Motion Passed

Results:

Roll Call:

AYES: Chase , Eckstein , Hendricks , Merkes , Michalkiewicz , Pack , Taylor ,(8)
Wisneski

5. Recommendation to Award - City of Menasha Wastewater Collection System Rehabilitation Improvements - Phase 3 Project; Contract E145-07-01B; National Power Rodding Corporation of Chicago, IL; \$150,459.73

Moved by Alderman Pack, seconded by Alderman Taylor to approve .

Motion Passed

Results:

Roll Call:

AYES: Chase , Eckstein , Hendricks , Merkes , Michalkiewicz , Pack , Taylor ,(8)
Wisneski

6. Recommendation to Award - City of Menasha Wastewater Collection System Rehabilitation Improvements - Phase 3 Project; Contract E145-07-01C; DeGroot, Inc. of Green Bay, WI; \$212,233.57

Moved by Alderman Pack, seconded by Alderman Taylor to approve .

Motion Passed

Results:

Roll Call:

AYES: Chase , Eckstein , Hendricks , Merkes , Michalkiewicz , Pack , Taylor ,(8)
Wisneski

7. Recommendation to Award - City of Menasha Wastewater Collection System Rehabilitation Improvements - Phase 3 Project; Contract E145-07-01D; Infrastructure Technologies, Inc.; \$312,491.00

Moved by Alderman Pack, seconded by Alderman Taylor to approve .

Motion Passed

Results:

Roll Call:

AYES: Chase , Eckstein , Hendricks , Merkes , Michalkiewicz , Pack , Taylor ,(8)
Wisneski

D. NEENAH-MENASHA FIRE RESCUE:

1. 10/23/07, N-M Fire Rescue, Finance and Personnel Committee; recommends approval to accept the DNR Grant and to fund the required 50% match of \$5,859.00 from Neenah-Menasha Fire Rescue's

Public Safety Trust Fund, line item of fire equipment.

Moved by Alderman Wisneski, seconded by Alderman Pack to approve . Discussion

Motion Passed

Results:

Roll Call:

AYES: Chase , Eckstein , Hendricks , Merkes , Michalkiewicz , Pack , Taylor ,(8)
Wisneski

2. 10/23/07, N-M Fire Rescue, Finance and Personnel Committee; recommends approval of Theda Care as the provider and double check the quote from them is for 68 department members and the physicals be performed in 2008 and paid for from the 2008 budget.

Moved by Ald. Wisneski, seconded by Ald. Pack to approve. Discussion

Moved by Alderman Wisneski, seconded by Alderman Pack to hold until next meeting.

Motion Held

Results:

10. ORDINANCES AND RESOLUTIONS

A. 0-29-07 - An ordinance relating to controlled intersections (Marquette St. and Elizabeth St.)

Moved by Alderman Hendricks, seconded by Alderman Pack to recommend to suspend the rules and take up 0-29-07.

Motion Passed

Results:

Roll Call:

AYES: Chase , Eckstein , Hendricks , Michalkiewicz , Pack , Taylor , (7)
Wisneski

NAYS: Merkes (1)

Moved by Alderman Hendricks, seconded by Alderman Pack to adopt 0-29-07

Motion Passed

Results:

Roll Call:

AYES: Chase , Eckstein , Hendricks , Merkes , Michalkiewicz , Pack , Taylor ,(8)
Wisneski

NAYS: (0)

B. 0-30-07 - An ordinance relating to Building materials and Site Plan Review

Moved by Alderman Michalkiewicz, seconded by Alderman Eckstein to adopt 0-30-07.

Motion Passed

Results:

Roll Call:

AYES: Chase , Eckstein , Hendricks , Michalkiewicz , Pack , Taylor , (7)
Wisneski

NAYS: Merkes (1)

C. [O-31-07 - An ordinance relating to R-3 multi-family, medium density residence district](#)

Moved by Alderman Michalkiewicz, seconded by Alderman Eckstein to adopt 0-31-07.

Motion Passed

Results:

Roll Call:

AYES: Chase , Eckstein , Hendricks , Michalkiewicz , Pack , Taylor , (7)
Wisneski

NAYS: Merkes (1)

D. [O-32-07 - An ordinance relating to R-4 multi-family, high density residence district](#)

Moved by Alderman Michalkiewicz, seconded by Alderman Eckstein to adopt 0-32-07.

Motion Passed

Results:

Roll Call:

AYES: Chase , Eckstein , Hendricks , Michalkiewicz , Pack , Taylor , (7)
Wisneski

NAYS: Merkes (1)

E. [O-33-07 - An ordinance relating to C-1 general commercial district](#)

Moved by Alderman Michalkiewicz, seconded by Alderman Eckstein to adopt 0-33-07.

Motion Passed

Results:

Roll Call:

AYES: Chase , Eckstein , Hendricks , Michalkiewicz , Pack , Taylor , (7)
Wisneski

NAYS: Merkes (1)

F. [O-34-07 - An ordinance relating to C-2 central business district](#)

Moved by Alderman Michalkiewicz, seconded by Alderman Eckstein to adopt 0-34-07.

Motion Passed

Results:

Roll Call:

AYES: Chase , Eckstein , Hendricks , Michalkiewicz , Pack , Taylor , (7)
Wisneski

NAYS: Merkes (1)

G. [O-35-07 - An ordinance relating to R-2A multi-family, zero lot line residence district](#)

Moved by Alderman Michalkiewicz, seconded by Alderman Eckstein to adopt 0-35-07

Motion Passed

Results:

Roll Call:

AYES: Chase , Eckstein , Hendricks , Michalkiewicz , Pack , Taylor , Wisneski (7)

NAYS: Merkes (1)

H. [O-36-07 - An ordinance relating to C-3 business and office district](#)

Moved by Alderman Michalkiewicz, seconded by Alderman Eckstein to adopt 0-36-07

Motion Passed

Results:

Roll Call:

AYES: Chase , Eckstein , Hendricks , Michalkiewicz , Pack , Taylor , Wisneski (7)

NAYS: Merkes (1)

I. [O-37-07 - An ordinance relating to C-4 business park district](#)

Moved by Alderman Michalkiewicz, seconded by Alderman Eckstein to adopt 0-37-07

Motion Passed

Results:

Roll Call:

AYES: Chase , Eckstein , Hendricks , Michalkiewicz , Pack , Taylor , Wisneski (7)

NAYS: Merkes (1)

J. [O-38-07 - An ordinance relating to the annexation of certain property to the City of Menasha, Wisconsin \(Andrysczyk Annexation\)](#)

Moved by Alderman Wisneski, seconded by Alderman Michalkiewicz to recommend to suspend the rules and take up 0-38-07.

Motion Passed

Results:

Roll Call:

AYES: Chase , Eckstein , Hendricks , Michalkiewicz , Pack , Wisneski (6)

NAYS: Merkes , Taylor (2)

Moved by Alderman Wisneski, seconded by Alderman Eckstein to adopt 0-38-07.

Motion Passed

Results:

Roll Call:

AYES: Chase , Eckstein , Hendricks , Merkes , Michalkiewicz , Pack , Taylor , Wisneski (8)

NAYS: (0)

K. [R-18-07 - Resolution approving the City of Menasha's liability insurance renewal through Cities and Villages Mutual Insurance Company \(CVMIC\)](#)

Moved by Alderman Wisneski, seconded by Alderman Michalkiewicz to adopt R-18-07.

Motion Passed

Results:

Roll Call:

AYES: Chase , Eckstein , Hendricks , Merkes , Michalkiewicz , Pack , Taylor ,(8)
Wisneski

11. HELD OVER BUSINESS

- A. [Change Order-Argo Contracting, Inc.; Water Treatment Plant Modifications; Contract Unit No. M0002-940266.06; DEDUCT: \\$18,249.80 \(Change Order No. 1\) \(Held 10/15/07\)](#)

NO ACTION

- B. [Change Order - CD Smith Construction, Inc.; Water Treatment Plant Modifications; Contract Unit No. M002-940266.02; ADD: \\$20,263.00 \(Change Order No. 11\) \(Held 10/15/07\)](#)

NO ACTON

12. COUNCIL DIRECTIVES

- A. [Street Supt. Jacobson - Improper placement of garbage cans on property at Midway Suites \(Midway Rd.\) \(Ald. Chase\)](#)

DPW Radtke reported a notice has been sent to the owner of the building requesting that all refuse containers be put behind the gated area.

CDD Keil reported his staff has contacted the owner on leaving the refuse containers out in the back. If he doesn't cooperate, a citation will need to be issued.

- B. [Comp Stoffel - Explanation of State budget affects on City budget \(Ald. Merkes\)](#)

A correspondence from the Legislative Fiscal Bureau was in the packet. It is the Legislative Fiscal Bureau's estimate of how the proposed State budget would affect property tax bills statewide. The estimate of 2.9% in 2008 and .6% in 2009 of the rise in property taxes is only an estimate. It is not any allowable increase but what would happen regardless of what the City does.

- C. [Comp Stoffel - Headwaters Condominium back taxes \(Ald. Taylor\)](#)

Headwaters Condominium is currently paid in full for all real estate taxes on properties in the City of Menasha. However, WinnebagoCountyholds the lien on the seven units with delinquent real estate property taxes.

Request of Ald. Merkes to return to Items 11 A&B.

Moved by Alderman Merkes, seconded by Alderman Pack to approve change order for Argo Contracting, Inc.; Water Treatment Modifications; Contract Unit No. M0002-940266.06; DEDUCT: \$18,249.80 (Change Order No. 1). Discussion

Motion Passed

Results:

Roll Call:

AYES: Chase , Eckstein , Hendricks , Merkes , Michalkiewicz , Pack , (7)
Wisneski

NAYS: Taylor (1)

Moved by Alderman Merkes, seconded by Alderman Hendricks to approve change order for CD Smith Construction, Inc.; Water Treatment Plant Modifications; Contract Unit No. M002-940266.02; ADD: \$20,263.00 (Change Order No. 11)

Motion Passed
Results:

Roll Call:

AYES: Chase , Eckstein , Hendricks , Merkes , Michalkiewicz , Pack , (7)
Wisneski
NAYS: Taylor (1)

13. CITIZEN REPRISE (People from the gallery to be heard; only pertaining to matters on the agenda - five (5) minute time limit for each person)

A. Public comments on matters pertaining to the agenda

Mary Ann Mulvey, 275 Misty Meadows. Mayor can answer questions for Utilities Commission.

Mary Nebel, 713 1st Street. 81 Racine Street and 504 Broad Street listed as commercial property.

14. ADJOURNMENT

A. Adjournment

Moved by Alderman Michalkiewicz, seconded by Alderman Pack to adjourn at 9:15 p.m.

Motion Carried on voice vote
Results:

Respectfully submitted dby Deborah A. Galeazzi, City Clerk