

**CITY OF MENASHA**  
**Common Council**  
**City Hall-140 Main St.-Council Chambers-3rd Floor**  
May 5, 2008

**MINUTES**

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**1. CALL TO ORDER**

Meeting called to order by Mayor Merkes at 7:29 p.m.

**2. PLEDGE OF ALLEGIANCE**

A. [Pledge of Allegiance](#)

**3. ROLL CALL/EXCUSED ABSENCES**

A. [Roll Call](#)

PRESENT: Ald. Pack, Hendricks, Zelinski, Michalkiewicz, Benner, Taylor, Wisneski  
ALSO PRESENT: Mayor Merkes, CA/HRD Brandt, PC Stanke, FC Vander Wyst, DPW Radtke,  
CDD Keil, C/T Stoffel, PRD Tungate, PHD Nett, Clerk Galeazzi, and the Press.

**4. MINUTES TO APPROVE-MINUTES & COMMUNICATIONS TO RECEIVE**

Minutes to approve:

A. [Common Council, 4/21/08](#)

Moved by Alderman Pack, seconded by Alderman Hendricks to approve minutes

Motion Carried on voice vote

Results:

Minutes to receive:

B. [Administration Committee, 4/21/08](#)

C. [Board of Public Works, 4/21/08](#)

D. [Board of Health, 3/12/08](#)

E. [Personnel Committee, 4/21/08](#)

F. [Library Board, 4/17/08](#)

G. [NM Fire Rescue, Finance & Personnel Committee; 4/22/08](#)

H. [NM Fire-Rescue, Joint Fire Commission, 4/23/08](#)

I. [Plan Commission, 4/22/08](#)

- J. [Safety Committee, 3/5/08; City Hall](#)
- K. [Safety Committee, 3/27/08; Police](#)
- L. [Safety Committee, 3/25/08; Public Works and Parks](#)
- M. [Sustainability Board, 4/22/08](#)
- N. [Water and Light Commission, 3/26/08, 4/23/08; Regular Meeting](#)
- O. [Water and Light Commission, 4/10/08; Special Meeting](#)
- P. [Water and Light Commission, 9/26/08, 1/30/08; Closed Session](#)

**Communications:**

- A. [Comp Stoffel, 4/25/08; City of Menasha Chart of Accounts](#)
- B. [CA/HRD Brandt, 4/30/08; Interplay between DPPA and Wisconsin Public Records Law](#)
- C. [Menasha Utilities, 4/28/08; Steam detail for the three months ending March 31, 2008](#)
- D. [Dick Sturm \(Menasha Utilities\), 4/30/08; Steam Plant Noise Update](#)
- E. [Menasha Police Dept., 4/28/08; Code Enforcement Program information](#)
- F. [PC Stanke, 4/29/08; Travel Calumet Newsletter](#)
- G. [Chief Stanke, 4/29/08; Wisconsin Reporter, Traffic Safety Newsletter](#)
- H. [Calumet County Treasurer, 4/13/08; Foreclosure Notice \(3062 Winnepeg St.\)](#)
- I. [Larry Buck, 4/18/08; letter of resignation from Police Commission](#)
- J. [Customers First!, 5/08; The Wire Newsletter](#)

Moved by Alderman Wisneski, seconded by Alderman Pack to accept Minutes to Receive B-P and Communications A-J

Discussion: Ald. Wisneski, Comm. D, Congratulations to Dick Sturm and Utilities Staff for correcting noise issue.

Ald. Taylor, Comm. E, appreciate information on Code Enforcement Program.

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](#)**

Bruce Heyl, 548 Riverway. Support replacing street light on Riverway near Elm St.

Lou Lepore, 545 Riverway. Support replacing street light on Riverway near Elm St.

Paul Eisner, 1807 Brighton Beach. Winn County approved agreement with DNR for removal of contamination at 204 Railroad St.

Ken Kubiak, 1214 Fieldview Dr. Improvements to 3rd St /STH 114 could help attract new business to Menasha.

Mary Nebel , 713 First St. Improvements to 3rd St /STH 114, need to make it look nice.

Dave Bartelme, 813 Second St. Improvements to 3rd St /STH 114, can get by on spending very little, widen street to make it bike friendly.

## 6. APPOINTMENTS

### A. Mayor's appointment to the Police Commission: 1. Terri Ruess, 452 Nicolet Blvd., for the term of May 1, 2008 to May 1, 2013

Moved by Alderman Wisneski, seconded by Alderman Hendricks to approve appointment

Discussion

Motion Carried on voice vote

Results:

### B. Mayor's appointment to the Neenah-Menasha Joint Fire Commission: 1. Gary Schmude, W7176 Manitowoc Rd., for the term of May 1, 2008 to May 1, 2011

Moved by Alderman Pack, seconded by Alderman Hendricks to approve appointment

Discussion

Motion Carried on voice vote

Results:

### C. Mayor's reappointment to the Board of Health: 1. Lori Asmus, 1155 Fieldview Dr., for the term of May 1, 2008 to May 1, 2011

Moved by Alderman Wisneski, seconded by Alderman Hendricks to approve appointment

Motion Carried on voice vote

Results:

### D. Mayor's reappointment to the Plan Commission: 1. Norm Sanders, 804 Jefferson St., for the term of May 1, 2008 to May 1, 2011

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

Motion Carried on voice vote

Results:

## 7. CLAIMS AGAINST THE CITY

### A. None

## 8. REPORT OF DEPARTMENT HEADS/STAFF/CONSULTANTS

### A. None

## 9. REPORT OF COMMITTEES/BOARDS/COMMISSIONS

### A. Plan Commission:

#### 1. 4/22/08; Recommends approval of the proposed State Highway 114 enhancements to include colored concrete terraces, crosswalks and landscaping as presented by DPW Radtke.

Moved by Alderman Michalkiewicz, seconded by Alderman Wisneski to approve recommendation of Plan Commission

Discussion

Roll Call:

AYES: Benner , Hendricks , Michalkiewicz , Wisneski (4)  
NAYS: Pack , Taylor , Zelinski (3)

**2. [4/22/08; Recommends approval of the amendment to Section 13-1-12 \(h\)\(5\) regarding lighting canopies.](#)**

Refer to item 10. D (O-6-08)

**B. Administration Committee:**

**1. [License \(6-month\): Class "B" application of Menasha Athletic Association \(MACs\) to sell fermented malt beverages, Koslo Park Concession, May 6, 2008-Oct. 31, 2008, Paul S. Johnson, agent.](#)**

Moved by Alderman Wisneski, seconded by Alderman Pack to approve Class "B" license

Motion Carried on voice vote

Results:

**2. [License \(6-month\): Class "B" application of Menasha Twins Baseball \(Legion Team\) to sell fermented malt beverages, Koslo Park Concession, May 6, 2008-Oct. 31, 2008, Debbie Chew, agent.](#)**

Moved by Alderman Wisneski, seconded by Alderman Taylor to approve Class "B" license

Motion Carried on voice vote

Results:

**3. [Agreement between The Board of Regents of the University of Wisconsin System on Behalf of the University of Wisconsin Oshkosh and Menasha Health Dept. for the conduct of a Clinical Education Program, June 1, 2008-May 31, 2011, and authorize signature](#)**

Moved by Alderman Wisneski, seconded by Alderman Michalkiewicz to approve agreement

Roll Call:

AYES: Benner , Hendricks , Michalkiewicz , Pack , Taylor , Wisneski , (7)  
Zelinski

**4. [Program Memorandum between University of Wisconsin-Oshkosh College of Nursing and Menasha Health Dept., June 1, 2008-May 31, 2011, and authorize signature](#)**

Moved by Alderman Wisneski, seconded by Alderman Pack to approve program memorandum

Roll Call:

AYES: Benner , Hendricks , Michalkiewicz , Pack , Taylor , Wisneski , (7)  
Zelinski

**5. [Approval of fees for the licensing period July 1, 2008-June 30, 2009; 1\) DHFS Agent of the State; 2\) Tattoo Parlor/Body Piercing Establishments; 3\) DATCP Agent of the State \(Recommendation of Board of Health\)](#)**

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

Roll Call:

AYES: Benner , Hendricks , Michalkiewicz , Pack , Taylor , Wisneski , (7)  
Zelinski

**6. Approval of Mobile Home Parks fee for the licensing period July 1, 2008-June 30, 2010 (Recommendation of Board of Health)**

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

Roll Call:

AYES: Benner , Hendricks , Michalkiewicz , Pack , Taylor , Wisneski , (7)  
Zelinski

**7. Request of Wiseguys Pizzeria & Pub to serve alcohol beverages and food on their outside patio from May 5 - Nov. 1, 2008**

Held in Administration Committee

**8. Accounts payable and payroll for 4/23/08-5/1/08 in the amount of \$1,713,709.37**

Moved by Alderman Wisneski, seconded by Alderman Michalkiewicz to approve accounts payable and payroll

Roll Call:

AYES: Benner , Hendricks , Michalkiewicz , Pack , Taylor , Wisneski , (7)  
Zelinski

**C. Board of Public Works:**

**1. Consideration of Additional Traffic Control Devices at Intersections in Vicinity of Melissa Street and Grove Street (Ald. Benner)**

Staff to conduct engineering study.

**2. Request for Street Light at Riverway Near Elm Street (Pole #122)**

Moved by Ald. Pack, seconded by Ald. Zelinski to reinstate street light.

Roll Call:

AYES: Benner , Hendricks , Michalkiewicz , Pack , Taylor , Wisneski , (7)  
Zelinski

**3. Request for Street Light at Northridge Court/Highridge Drive**

Held in Board of Public Works

**4. Consideration of Community Sensitive Design Proposal Enhancements for STH 114 (Third Street from Tayco Street to Plank Road)**

Acted on under item 9.A.1

**D. Personnel Committee:**

**1. Options relating to non-represented employee bonuses-Article V.A.14 of Personnel Policy Handbook - pg 10 1. Amendment requiring justification (Alderman Hendricks) 2. Elimination of bonus policy (Alderman Pack)**

Moved by Alderman Hendricks, seconded by Alderman Michalkiewicz to amend Personnel Policy Article V.A.14 to include "written justification along with supporting documentation constituting

said bonus are to be filed in employee's personnel file" and "limit to six per year".

Roll Call:

AYES: Benner , Hendricks , Michalkiewicz , Pack , Taylor , Wisneski , (7)  
Zelinski

## 10. ORDINANCES AND RESOLUTIONS

### A. [O-3-08 - An ordinance relating to prohibited parking \(River Street\)](#)

Moved by Alderman Wisneski, seconded by Alderman Michalkiewicz to adopt O-3-08

Roll Call:

AYES: Benner , Hendricks , Michalkiewicz , Pack , Taylor , Wisneski , (7)  
Zelinski

### B. [O-4-08 - An ordinance relating to prohibited parking \(Baldwin Street\)](#)

Moved by Alderman Wisneski, seconded by Alderman Pack to adopt O-4-08

Roll Call:

AYES: Benner , Hendricks , Michalkiewicz , Pack , Taylor , Wisneski , (7)  
Zelinski

### C. [O-5-08 An ordinance relating to Operators' Licenses](#)

No Action

### D. [O-6-08 - An ordinance relating to site, architectural, landscaping and lighting plan review](#)

No Action

### E. [R-10-08 Proclamation for Municipal Clerks Week, May 4-May 10, 2008](#)

Moved by Alderman Wisneski, seconded by Alderman Hendricks to adopt R-10-08

Motion Carried on voice vote

Results:

### F. [R-11-08 Designating May 11-May 17, 2008 National Police Week and May 15, 2008 Peace Officers' Memorial Day](#)

Moved by Alderman Wisneski, seconded by Alderman Hendricks to adopt R-11-08

Motion Carried on voice vote

Results:

## 11. HELD OVER BUSINESS

### A. [None](#)

## 12. COUNCIL DIRECTIVES

### A. [CDD Keil - Update on 81 & 87 Racine Street and 504 Broad Street. Other issues: site clearance and preparation of site to a grassy area timeline. Possible transfer of properties to RDA for sale and marketing. Curb area restored on Racine Street. Removal of telephone pole and telephone lines](#)

**timeline. (Ald. Taylor)**

CDD Keil explained the history of 81 & 87 Racine Street and 504 Broad Street parcels and the different committees that have discussed this item. Currently there is no specific plan or timeline. Staff has been given no direction. Before grass can be planted, the gravel will need to be removed and new top soil added. There is a process that the Redevelopment Authority will need to have in place before any property can be transferred to them. A plan would need to be established. Staff would need direction to determine the cost and timeline.

Moved by Ald. Taylor, seconded by Ald. Hendricks to clean up site, plant grass and restore curb on Racine Street.

Discussion ensued on having a plan on what should be done and the cost, and what the marketing options are.

Ald. Taylor and Hendricks withdrew their motion.

**B. PWD Radtke - Is there a discrepancy between our costs for repairs of streets for watermain breaks and what we are reimbursed by the water department/utilities? (Ald. Zelinski)**

DPW Radtke explained the City's excavation policy and the permits required by all contractors including Utilities. Normally, there are no discrepancies between the costs for repairs and what the Utilities pays. During 2007 there were more water main breaks than normal. Therefore there was a larger than normal bill to the Utilities for street repair work completed by City street crews. Because of budget overruns, MU has not paid the full invoice amount to the City. They still owe approximately \$34,000, but GM Doug Young indicated to DPW Radtke that MU will be making full payment to the City in the near future. The standing practice has been for the City street crews to restore the street area where the water main break occurred. Rates charged have not increased since 2004.

**C. Comp Stoffel - Provide the balance for the Marina Fund; provide a 12 month spreadsheet; what department or person has access to the Marina Fund; where do the funds come from; and the date when the fund was created. (Ald. Zelinski)**

C/T Stoffel explained the Marina fund was created in 1987. He provided a spreadsheet for 2007 showing revenues and expenditures. During 2007 the expenditures exceeded the revenues. There was a balance remaining of approx. \$45,000 which has been set aside over several years for repairs. The parks crew is working on reconditioning some of the piers. All revenues to the Marina fund comes from user fees. No City tax money goes into this fund. The Marina does pay a PILOT to the City for administrative work performed by City staff. Brian Tungate, Bob Huss, Diane Schabach and Tom Stoffel have access to the Marina Fund.

**D. Comp Stoffel - Provide the date of creation for the Marina TIF, the date of retirement, the dollar amount invested and the balance owed. (Ald. Zelinski)**

C/T Stoffel explained the Marina is in TIF #1 which was created in 1986. The retirement date is 2012. The original dollar amount of this TIF was \$3,370,000. All general obligation debt for TIF #1 has been paid. TIF #1 still owes the City taxpayers almost \$1,000,000 which is being paid back by the increments from the TIF. TIF #1 can be dissolved by Council action, however C/T Stoffel doesn't recommend it. Asked when TIF #1 will be repaid, C/T Stoffel responded that he thought there will be a balance of \$50,000 to \$100,000 unpaid when TIF #1 must close in 2012.

**E. PRD Tungate/Comp Stoffel - Check #016472 (Beck Electric Inc.), specifically \$3,264.66 for Marina Pedestal Repair: 1) Are there other quotes for this project? 2) What dollar amount needs to be met before other quotes are needed? (Ald. Zelinski)**

PRD Tungate explained no other quotes were obtained for the project of repairing the pedestals at

the Marina . The City has a long standing good working relationship with Mike Beck from Beck Electric. Staff does check prices of other electricians periodically and Beck Electric is very competitive on their prices. It was also noted that Beck Electric has invaluable knowledge of the city's electrical systems. CA/HRD Brandt explained the current policy pertains more to the purchasing of items, not service. Discussion ensued on checking other sources when the services for a project is not an emergency or when time is not an issue.

**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**

Mayor Merkes reminded Council member of the Special Council meeting to be held on May 19 at 6:30 p.m. for the appointment of a District 1 Alderman.

**14. ADJOURNMENT**

**A. Adjournment**

Moved by Alderman Wisneski, seconded by Alderman Pack to adjourn at 8:38 p.m.

Motion Carried on voice vote

Results:

Respectfully submitted by Deborah A. Galeazzi, City Clerk