

CITY OF MENASHA
Common Council
City Hall-140 Main St.-Council Chambers-3rd Floor
June 2, 2008

MINUTES

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1. CALL TO ORDER

Meeting called to order by Mayor Merkes at 7:20 p.m.

2. PLEDGE OF ALLEGIANCE

A. [Pledge of Allegiance](#)

Ald. Taylor requested a Moment of Silence for Harold Barkholtz, member of Menasha American Legion Post 152.

Ald. Pack requested a Moment of Silence for Ralph McClone, Menasha business owner.

3. ROLL CALL/EXCUSED ABSENCES

A. [Roll Call](#)

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

4. MINUTES TO APPROVE-MINUTES & COMMUNICATIONS TO RECEIVE

Minutes to approve:

A. [Special Common Council, 5/19/08](#)

B. [Common Council, 5/19/08](#)

Moved by Alderman Hendricks, seconded by Alderman Pack to approve Minutes A&B

Motion Carried on voice vote

Results:

Minutes to receive:

C. [Administration Committee, 5/19/08](#)

D. [Board of Public Works, 5/19/08](#)

E. [Board of Health, 4/9/08](#)

- F. [IT Steering Committee, 4/16/08](#)
- G. [Landmarks Commission, 4/23/08](#)
- H. [Library Board, 5/15/08](#)
- I. [N-M Sewerage Commission, 4/22/08](#)
- J. [NM Fire Rescue, 5/27/08; Finance and Personnel Committee](#)
- K. [NM Fire Rescue, 5/28/08; Joint Fire Commission](#)
- L. [Plan Commission, 5/20/08](#)
- M. [Police Commission, 5/15/08](#)
- N. [Safety Committee, 4/2/08; City Hall](#)
- O. [Safety Committee, 4/17/08; Police](#)
- P. [Safety Committee, 4/29/08; Public Works and Parks](#)

Communications:

- A. [Cities and Villages Mutual Insurance Company, 5/19/08; Certificate of Attendance for Jeff Brandt in the Contractual Risk Transfer training](#)
- B. [Cities and Villages Mutual Insurance Company, 5/19/08; Certificate of Attendance for Jeff Brandt in the Introduction to Succession Planning training](#)
- C. [Heckrodt Wetland Reserve, 5/29/08; Fox Cities Passport to Nature Brochure](#)
- D. [Menasha Utilities, 4/08; Steam detail for the four months ending April 30, 2008](#)
- E. [Menasha Utilities, 5/20/08; Letter from McMahon regarding Water Treatment Plant Modifications](#)
- F. [AP Beckendorf, 5/29/08; Plan Commission Resolution 01-2008](#)
- G. [Public Works Facility, 5/19/08; Jan-April 2008 Disposal Violations](#)
- H. [CDD Keil, 5/23/08; TIF District Maps \(Ald. Taylor request\)](#)

Moved by Alderman Wisneski, seconded by Alderman Pack to approve Minutes to Receive C-P and Communications A-H

Ald. Wisneski-Minutes to Receive J & K, N-M Fire Rescue minutes are draft, haven't been approved by Committee; Comm. F, hold workshops on fifth Monday of the month, not part of regularly scheduled Council meeting.

CA/HRD Brandt explained Minutes to Receive are only for Council to receive, not to approve.

Ald. Taylor-Comm H., Thanked CDD Keil for TIF maps.

Ald. Hendricks-Minutes to Receive F, IT Steering Committee mentioned a fourth camera for Council Chambers, continue to look into; Comm. D, Utilities' Steam Detail Report, request a representative from Utilities to be at next meeting.

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](#)

Larry Briar, 1016 Lugano Street. Drainage and flooding problem in the subdivision could be a liability problem; safety issues with proposed trail.

Bill Mayer, 728 Lakecrest Drive. Interested in purchasing lot at 87 Racine St.

Tim Poklinkoski, 1017 Tana Lane. Against Lugano/Tana Trail, cost to maintain and repair.

Dan Scharenbrock, 1012 Lugano Street. Against Lugano/Tana Trail, safety issue.

Jeff Riedl, 408 Appleton Street. Ordinance O-8-08, spot zoning not fair to business owners/residents.

Tom Hanson, 951 7th Street. Excessive weeds a Jefferson Park boat landing.

6. APPOINTMENTS

A. [Accept resignation letter of Amy Ristow from the Police Commission](#)

Moved by Alderman Wisneski, seconded by Alderman Pack to accept resignation letter

Motion Carried on voice vote

Results:

B. [Mayor's Appointment to the Police Commission: 1. Craig Wussow, 608 First St., for the term of June 2, 2008 - May 1, 2010](#)

Moved by Alderman Taylor, seconded by Alderman Hendricks to approve Mayor's Appointment

Discussion

Motion Carried on voice vote

Results:

C. [Mayor's Committee Appointment 1. Approval of appointment of Alderman Jason Pamerter to the Landmarks Commission \(April 2008-April 2009\) 2. Approval of appointment of Alderman Dan Zelinski to the NM Fire Rescue Joint Finance & Personnel Committee \(April 2008-April 2009\)](#)

Moved by Alderman Wisneski, seconded by Alderman Hendricks to approve Mayor's Committee Appointments 1&2

Discussion

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. [5/20/08; Recommends that the city retain ownership of 81 Racine and 504 Broad with the understanding that staff will work with the businesses desiring parking to identify needs and alternatives.](#)

Moved by Alderman Hendricks, seconded by Alderman Taylor to approve Plan Commission

Recommendation

Discussion

Roll Call:

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

NAYS: Pack (1)

2. 5/20/08; recommends approval of the transfer of Outlot 1 of Southfield West plat for stormwater pond purposes.

Moved by Alderman Wisneski, seconded by Alderman Benner to approve Plan Commission Recommendation

Motion Carried on voice vote

Results:

B. Administration Committee:

1. Accept Report on 2008 Financings for Capital Projects and Refinancing Existing Debt - Carol Wirth, RBC Capital Markets (documentation to be available at meeting)

Moved by Alderman Wisneski, seconded by Alderman Michalkiewicz to accept report

Roll Call:

AYES: Benner , Hendricks , Michalkiewicz , Pack , Pamenter , Taylor , (8)
Wisneski , Zelinski

2. Licenses: Renewal liquor and malt beverage applications on file for the licensing year July 1, 2008-June 30, 2009

Moved by Alderman Wisneski, seconded by Alderman Hendricks to approve renewal applications on file except for The Vault Lounge, Korona Klub and Menasha Grill

Roll Call:

AYES: Benner , Hendricks , Michalkiewicz , Pack , Pamenter , Taylor , (8)
Wisneski , Zelinski

3. Offer to Purchase for 81 Racine Street and 504 Broad Street, Parcels #71-0006200 & #71-000610, Riverside Builders, Inc. not to exceed \$36,000 (Held 5/19/08)

Moved by Alderman Hendricks, seconded by Alderman Taylor to deny Offer to Purchase

Roll Call:

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

NAYS: Pack (1)

4. Accounts payable and payroll for 5/20/08-5/29/08 in the amount of \$973,452.48

Moved by Alderman Hendricks, seconded by Alderman Pack to approve accounts payable and payroll

Roll Call:

AYES: Benner , Hendricks , Michalkiewicz , Pack , Pamenter , Taylor , (8)

Wisneski , Zelinski

C. Board of Public Works:

1. Street Use Application - Communityfest Parade; Thursday, July 3, 2008; 7:00 PM - 10:15 PM (Communityfest Committee)

Moved by Alderman Pack, seconded by Alderman Wisneski to approve Street Use Application

Motion Carried on voice vote

Results:

2. Change Order - CD Smith Construction, Inc.; Water Treatment Plant Modifications; Contract Unit No. M002-940266.02; Add: \$4,104.00 (Change Order No. 15)

Moved by Alderman Pack, seconded by Alderman Taylor to approve Change Order-CD Smith Construction, Inc.

Roll Call:

AYES: Benner , Hendricks , Michalkiewicz , Pack , Pamenter , Taylor , (8)
Wisneski , Zelinski

3. Recommendation to Reject Bids, Contract Unit No. PRD 2008-02; Pleasants Park Tennis Courts Armor Crack Repair and Color Coating

Moved by Alderman Pack, seconded by Alderman Hendricks to approve recommendation to reject bids

Roll Call:

AYES: Benner , Hendricks , Michalkiewicz , Pack , Pamenter , Taylor , (8)
Wisneski , Zelinski

4. Request for Change Order to Eliminate Pedestrian Trail Connecting Tana Lane and Lugano Street; Contract Unit No. 2008-01

Moved by Alderman Hendricks, seconded by Alderman Benner to approve request for change order

Discussion

Moved by Ald. Pack, seconded by Ald. Michalkiewicz to hold.

5. Request to Change Lugano/Tana Trail from 8' Wide Asphalt Trail to 5' Wide Concrete Walk (Held)

Moved by Alderman Pack, seconded by Alderman Wisneski to deny request to change

Discussion

Moved by Alderman Benner, seconded by Alderman Hendricks to table request to change

Roll Call:

AYES: Benner , Hendricks , Michalkiewicz , Pack , Pamenter , Taylor , (8)
Wisneski , Zelinski

6. Authorization to Execute WisDOT Bridge Operation Agreement for Fiscal Year 2009

Moved by Alderman Pack, seconded by Alderman Michalkiewicz to approve Authorization to Execute

Roll Call:

AYES: Benner , Hendricks , Michalkiewicz , Pack , Pamentner , Taylor , (8)
Wisneski , Zelinski

10. ORDINANCES AND RESOLUTIONS

A. O-7-08 - An Ordinance Relating to Construction Site Erosion Control

Moved by Alderman Hendricks, seconded by Alderman Pack to adopt O-7-08

Roll Call:

AYES: Benner , Hendricks , Michalkiewicz , Pack , Pamentner , Taylor , (8)
Wisneski , Zelinski

B. O-8-08 - An Ordinance Relating to Outdoor Food and Alcoholic Beverages Service

Moved by Alderman Hendricks, seconded by Alderman Michalkiewicz to amend to add Substitute Amendment #1 to title

Motion Carried on voice vote

Results:

Moved by Alderman Hendricks, seconded by Alderman Wisneski to adopt Substitute Amendment #1 to O-8-08

Roll Call:

AYES: Benner , Hendricks , Michalkiewicz , Pack , Pamentner , Taylor , (8)
Wisneski , Zelinski

Moved by Alderman Hendricks, seconded by Alderman Michalkiewicz to adopt O-8-08

Roll Call:

AYES: Benner , Hendricks , Michalkiewicz , Pack , Pamentner , Taylor , (8)
Wisneski , Zelinski

11. HELD OVER BUSINESS

A. Motion to remove from table - Request of Wiseguys Pizzeria & Pub to serve alcohol beverages and food on their outside patio from May 19-Oct. 31, 2008 (Ald. Benner)

Moved by Alderman Benner, seconded by Alderman Michalkiewicz to - remove from the table

Roll Call:

AYES: Benner , Hendricks , Michalkiewicz , Pack , Pamentner , Taylor , (8)
Wisneski , Zelinski

Moved by Alderman Hendricks, seconded by Alderman Pack to approve request of Wiseguys Pizzeria & Pub to service alcohol beverage and food on their outside patio from June 2 to Oct. 31, 2008

Discussion

Roll Call:

AYES: Benner , Hendricks , Michalkiewicz , Pack , Pamenter , Taylor , (8)
Wisneski , Zelinski

12. COUNCIL DIRECTIVES

A. CA/HRD Brandt - Motions to hold vs. Motions to table (Ald. Taylor)

CA/HRD Brandt referred to his memo dated 5/29/08. He explained the differences between a Motion to Hold and a Motion to Table. The motion to hold is unique to the City of Menasha and can only be held once. The motion to table is recognized in Robert's Rules of Order. Both motions are ways used by the minority to slow down the process or to defer an item to gain additional information. Both motions require a second Alderman to second the motion.

B. 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 timelines. (Ald. Taylor)

CDD Keil explained there has been nothing new to report since the last meeting. He did explain the action taken by the Plan Commission. Ald. Taylor spoke on neighbors asking when the lots will be cleaned up. CA/HRD Brandt explained staff is waiting for direction from the Council.

C. CDD Keil - Update on Planning Grant for Gilbert Site (Ald. Taylor)

CDD Keil explained staff has submitted the Planning Grant application to the Dept. of Commerce about a month ago prior to Governor Doyle's announcement of the new water front program. The Planning Grant application is being review with other applications for the water front program and should hear back around June 18.

D. CDD Keil - Explanation of fence issue on the corner of 2nd Street and Racine Street. (Ald. Taylor)

CDD Keil explained the City ordinance relating to fences on corner lots. The owner of the property was granted a permit based on the application and design submitted. The owner did not following the design submitted. A notice has been sent to the owner informing him that he is not in compliance with the ordinance. Staff is following up and will contact the owner.

E. Comp Stoffel - Information on TIF #3, date created, retirement date, expenditures. (Ald. Taylor)

C/T Stoffel referred to the information he provided. TIF #3 was created in 1990 and is scheduled to retire in 2016. The City starting receiving State Aid for computers in 2000. This has now stopped with RR Donnelly purchasing Banta Corp. and the vacating of the office building at 225 Main Street. Funds from TIF #3 have been helping TIFs #1&2.

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

Dan Scharenbrock, 1012 Lugano Street. Lugano/Tana Trail-receiving new information, lack of communication, need to move forward on this issue.

Larry Baier, 1016 Lugano Street. Lugano/Tana Trail-liability/safety issues, concrete vs asphalt.

Mary Nebel, 713 First Street. 81/87 Racine and 504 Broad Street-Plan Commission and RDA have made recommendations not to sell, how will property be marketed.

Jeff Riedl, 408 Appleton Street. 81 Racine and 504 Broad Street-offer to purchase price does not cover funds put into property.

14. ADJOURNMENT

A. [Adjournment](#)

Moved by Alderman Pack, seconded by Alderman Taylor to adjourn at 8:48 p.m.

Motion Carried on voice vote

Results:

Respectfully submitted by Deborah A. Galeazzi, City Clerk