

**CITY OF MENASHA**  
**Common Council**  
**City Hall-140 Main St.-Council Chambers-3rd Floor**  
July 7, 2008

**MINUTES**

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**1. CALL TO ORDER**

Meeting called to order by Mayor Merkes at 7:11 p.m.

**2. PLEDGE OF ALLEGIANCE**

A. [Pledge of Allegiance](#)

**3. ROLL CALL/EXCUSED ABSENCES**

A. [Roll Call](#)

PRESENT: Ald. Benner, Pamenter, Taylor, Wisneski, Pack, Hendricks, Zelinski

EXCUSED: Ald. Michalkiewicz

ALSO PRESENT: Mayor Merkes, CA/HRD Brandt, PC Stanke, FC Vander Wyst, DPW Radtke, CDD Keil, C/T Stoffel, PRD Tungate, Clerk Galeazzi and the Press

DEPT. HEAD EXCUSED: PHD Nett

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

**Minutes to approve:**

A. [Common Council, 6/16/08](#)

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

Motion Carried on voice vote

Results:

**Minutes to receive:**

B. [Administration Committee, 6/19/08](#)

C. [Board of Public Works, 6/16/08](#)

D. [Board of Health, 5/14/08](#)

E. [IT Steering Committee, 5/21/08](#)

F. [Library Board, 6/19/08](#)

G. [NM Fire Rescue, Finance & Personnel Committee, 6/24/08](#)

- H. [Parks and Recreation Board; 5/12/08, 6/9/08](#)
- I. [Plan Commission; 5/27/08, 6/17/08](#)
- J. [Safety Committee, 5/7/08; City Hall](#)
- K. [Safety Committee, 5/27/08; Public Works and Parks](#)

**Communications:**

- A. [Comp. Stoffel, 7/3/08; Instructions for preparation of year 2009 Operations/Capital Budget](#)
- B. [CA/HRD Brandt to Brenda Jorgensen, 7/1/08; Letter regarding Claim against the City of Menasha](#)
- C. [CA/HRD Brandt to Charles Meyers, 7/1/08; Letter regarding Claim against the City of Menasha](#)
- D. [CA/HRD Brandt, 7/2/08; Green River Ordinance \(door-to-door solicitation\)](#)
- E. [Carol Wirth, RBC to Comp. Stoffel, 6/30/08; Important announcement regarding the Milwaukee Public Finance Office](#)
- F. [Chief Stanke, 6/18/08; Polaris Ranger, donated through U.S. Tobacco Grant](#)
- G. [Michael Austin, 7/1/08; Letter pertaining to the rezoning of his property at 121 River St.](#)
- H. [Menasha Utilities, 6/08; Steam Detail for the five months ending May 31, 2008](#)
- I. [Mayor Merkes, 6/23/08; email from Deputy Clerk Sewall detailing cost difference of color paper versus white paper for Council packets](#)
- J. [Park Supt Huss, 6/26/08; Vandalism in the park system](#)
- K. [PWD Radtke, 7/2/08; Railroad crossing quiet zones](#)
- L. [Town of Menasha Board of Supervisors; 5/5/08, 5/19/08](#)
- M. [Engineering Supvr. Montour, 6/9/08; Town of Menasha Utility District Watermain Reconstruction](#)
- N. [Time Warner Cable to Clerk Galeazzi, 6/12/08; TWX and TWC separation](#)
- O. [Chris Donner \(The Vault Lounge\), 6/30/08; Letter surrendering liquor license](#)
- P. [Waverly Sanitary District, 5/13/08](#)
- Q. [DPW Radtke to Wis. DOT, 6/26/08; Letter of support for HSIP Application](#)

Moved by Ald. Wisneski, seconded by Ald. Pack to accept Minutes to Receive B-K and Communications A-Q.

Discussion: Ald. Taylor-Minutes H (Park & Rec Board of 6/9/08) are not correct.

Moved by Ald. Taylor, seconded by Ald. Pack to not accept Parks and Recreation Board minutes. Motion carried on voice vote.

Ald. Hendricks-Minutes I (Plan Comm. of 6/17/07) need to be corrected, he did not vote on an item, he is not a member of the committee.

Ald. Pack-Comm. K (DPW Radtke memo on Quiet Zones).

DPW Radtke explained the history and options to reinstate the Quiet Zones at railroad crossings. Motion as amended carried on voice vote.

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

**Five (5) minute time limit for each person**

- A. [PUBLIC HEARING: Special use permit application of Consolidated Construction Managers, LLC for improvement to a nonconforming property in the I-1 district - 330 Milwaukee Street.](#)

No one spoke

- B. [PUBLIC HEARING: Rezoning of 121 River Street from R-1 Single Family Residential to R-2 Two Family Residential.](#)

Michael Austin, 141 River Street. Original plan submitted to Plan Commission was from 2007, have made a few changes; will have no problem finding qualified tenants if converted to two family dwelling; neighbors support plan.

- C. [Public comments on any matter of concern to the city](#)

No one spoke.

## 6. APPOINTMENTS

- A. [Accept resignation letter for Joseph Cruickshank 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. Ronald Duuck, 825 Kelsey Brook Court, for the term of July 7, 2008 to May 1, 2012](#)

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

Motion Carried on voice vote

Results:

- C. [Mayor's reappointment to the Housing Authority](#)

- [1. Michael Sheleski, 1400 Maria Ln., for the term of July 21, 2008 to July 21, 2011](#)

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

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. 6/17/08; Recommends approval of the rezoning of 121 River St. from R-1 Single Family Residential to R-2 Two-Family Residential](#)

Acted on under item 10C

- [2. 6/17/08; Recommends approval of the special use permit for 330 Milwaukee St. for improvement to a nonconforming property in the I-1 district with the following conditions: 1\) The special use permit shall apply to the use of the property as a pottery manufacturing facility only. 2\) The light pole on the east side of the property shall remain out of service until photometrics are submitted for review and approval. 3\) Upon parking lot paving or reconstruction, the full transitional area will be brought into compliance](#)

Moved by Alderman Benner, seconded by Alderman Hendricks to approve Special Use Permit

Motion Carried on voice vote

Results:

#### **B. Administration Committee:**

- [1. License: Class "B" Application for Oscar Sandoval and Antonio Sandoval, d/b/a El Jaripeo #2 for the premises at 14 Tayco Street for the 2008-2009 licensing year.](#)

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

Motion Carried on voice vote

Results:

- [2. Accounts payable and payroll for 6/19/08-7/3/08 in the amount of \\$1,158,305.20](#)

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

Roll Call:

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

ABSENT:Michalkiewicz (1)

#### **C. Board of Public Works:**

- [1. Street Use Application - Race the Lake; Sunday, August 17, 2008; 7:30 AM - 8:30 AM \(Midwest Sports Events and Wisconsin Bureau of Tourism\)](#)

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

Motion Carried on voice vote

Results:

- [2. Street Use Application - National Night Out; Tuesday, August 5, 2008; 4:00 PM - 8:00 PM \(Trinity Lutheran Church\)](#)

Moved by Alderman Pack, seconded by Alderman Benner to hold Street Use Application

- [3. Street Use Application - 38th Otto Grunski Family Festival; Saturday, July 26, 2008; 7:00 AM - 5:00 PM \(Community Forward, Inc.\)](#)

Moved by Alderman Taylor, seconded by Alderman Hendricks to approve Street Use Application beyond 6 hour limit due to the activites scheduled

Discussion

Roll Call:

AYES: Benner , Hendricks , Taylor , Wisneski , Zelinski (5)

NAYS: Pack , Pamerter (2)

ABSENT:Michalkiewicz (1)

**4. Change Order - Badger Highways Co., Inc.; Contract Unit 2008-01; Elimination of 8' Wide Asphalt Trail; DEDUCT: \$6,441.93 (Change Order No. 1)**

Moved by Alderman Pack, seconded by Alderman Wisneski to approve change order

Roll Call:

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

ABSENT:Michalkiewicz (1)

**5. Payment - Badger Highways Co., Inc.; New Street Construction/Street Reconstruction; Contract No. 2008-01; \$18,732.38 (Payment No. 1)**

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

Roll Call:

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

ABSENT:Michalkiewicz (1)

**6. Payment - Insituform Technologies, USA, Inc.; City of Menasha Wastewater Collection System Rehabilitation Improvements Project - Phase 3; Contract No. E145-07-01A; Sanitary Sewer Lining; \$171,410.40 (Payment No. 2)**

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

Roll Call:

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

ABSENT:Michalkiewicz (1)

**7. Payment - Insituform Technologies, USA, Inc.; City of Menasha Wastewater Collection System Rehabilitation Improvements Project - Phase 3; Contract No. E145-07-01A; Sanitary Sewer Lining; \$252,779.80 (Payment No. 3)**

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

Roll Call:

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

ABSENT:Michalkiewicz (1)

**8. Recommendation to Award - Valley Sealcoat; Contract Unit No. PRD 2008-02; Pleasants Park Tennis Courts Armor Crack Repair and Color Coating; \$49,225.00**

Moved by Alderman Pack, seconded by Alderman Wisneski to approve recommendation to award

Roll Call:

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

ABSENT:Michalkiewicz (1)

**10. ORDINANCES AND RESOLUTIONS**

**A. O-9-08 - An Ordinance Relating to City Government and Elections**

Moved by Alderman Taylor, seconded by Alderman Wisneski to adopt O-9-08

Motion Carried on voice vote

Results:

**B. O-10-08 An Ordinance Relating to Dogs in Parks**

Moved by Alderman Wisneski, seconded by Alderman Pack to - send back to Parks and Recreation Board

Discussion

Motion Carried on voice vote

Results:

**C. O-11-08- An Ordinance Amending Title 13 by Making Certain Changes in the District (121 River Street)**

Moved by Alderman Pack, seconded by Alderman Pamenter to adopt O-11-08

Roll Call:

AYES: Hendricks , Pack , Pamenter , Taylor , Wisneski , Zelinski (6)  
NAYS: Benner (1)  
ABSENT:Michalkiewicz (1)

**D. R-13-08- Resolution Acknowledging Review of City of Menasha 2007 Compliance Maintenance Annual Report Under Wisconsin Administrative Code NR 208 (Ald. Hendricks)**

Moved by Alderman Hendricks, seconded by Alderman Taylor to adopt R-13-08

Roll Call:

AYES: Benner , Hendricks , Pack , Pamenter , Taylor , Wisneski , Zelinski (7)  
ABSENT:Michalkiewicz (1)

**11. COUNCIL DIRECTIVES**

**A. Comp. Stoffel- Report on projected 1) State levy limit increase %. 2) Available tax stabilization fund, if any. 3) Past 5 year history on average money applied to levy from general fund. 4) Current projection for steam utility debt. 5) Current projection for Lake Park Villas debt. 6) Impact of spending decisions on #1-5. 7) Effect on levy if Common Council closes any TID. (Ald. Pack)**

C/T Stoffel reported: 1) City is held to the 2% increase allowed by State law. Based on current numbers, the City's new construction is not high enough to allow over the 2%.

2) The City's Tax Stabilization Fund was depleted in 2005.

3) Over the past five years, the City has applied \$4.6 million against the general fund. There are no figures available for 2009.

4) The current projection for Steam Utility debt is \$40 million. The City's portion is \$780,000 which will be part of the 2009 tax levy to pay the interest due on the General Obligation Bonds. Currently there is no principle being retired on the bonds.

5) Lake Park Villas outstanding debt is \$7.5 million. Debt is being repaid through sale of lots. Lot sales have not been what was expected. This debt is added to the tax levy.

6) There is no impact of the spending for items 1,2,4,5; excessive spending is determined by what's left over for item 3.

7) TID 1&2 do not have outstanding debt. However there is still amounts owing to the taxpayers. Retiring TID 1&2 before repayment to taxpayers could cost approx. \$160,000 in revenue. He recommends keeping them open until there official retire date.

**B. MU GM Young - Udate on Menasha Utilities**

Doug Young reported the Steam Utility is making progress. Staff is working on tasks assigned from

the workout plan. The #3 Boiler had some parts replace and other repairs will be made in 2009. The noise issue has been resolved. The #5 back pressure turbine/generator, manufactured by Dresser Rand, is making progress correcting operating issues. There were some delays recently. Representatives from Dresser Rand were on site to make the necessary repairs. Financially, the Steam Utilities have been showing a positive since December 2007. This is partly due to the strong electric market.

The Water Treatment Plant is about 97% completed on the reconstruction project. Final DNR approval of the project could take 6-9 months to complete.

**12. 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 matter pertaining to the agenda**

No one spoke

**13. ADJOURNMENT**

**A. Adjournment**

Moved by Alderman Pack, seconded by Alderman Taylor to adjourn at 8:44 p.m.

Motion Carried on voice vote

Results:

Respectfully submitted by Deborah A. Galeazzi, City Clerk