

CITY OF MENASHA  
COMMON COUNCIL  
Third Floor Council Chambers  
140 Main Street, Menasha  
Monday February 21, 2011  
MINUTES

A. CALL TO ORDER

Meeting called to order by Mayor Merkes at 6:00 p.m.

B. PLEDGE OF ALLEGIANCE

C. ROLL CALL/EXCUSED ABSENCES

PRESENT: Aldermen Taylor, Wisneski, Langdon, Hendricks, Zelinski, Englebort, Benner, Roush

ALSO PRESENT: Mayor Merkes, CA/HRD Captain, FC Auxier, Lt. Brunn, DPW Radtke, CDD Keil, Dpty Treasurer Sassman, Clerk Galeazzi, Jeff Marlow (Lexington Homes), and the Press

DEPT. HEAD EXCUSED: PHD Nett, PRD Tungate

D. PUBLIC HEARING

None

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

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

No one spoke

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. [Administration Committee, 2/7/11](#)

b. [Board of Public Works, 2/7/11](#)

c. [Landmarks Commission, 2/9/11](#)

d. [Police Commission, 1/20/11](#)

Communications:

e. [City of Menasha February 15, 2011 Election Results](#)

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, 2/7/11](#)

2. [Special Common Council, 2/16/11](#)

Administration Committee, 2/7/11; recommends approval of:

3. [Division of Public Health Contract Agreement #18303 with City of Menasha Health Department, 1/1/11 – 12/31/11, and authorize signature](#)

4. [Termination of parking lot agreement with BDD&G Holdings of Appleton, d/b/a Germania Hall](#)

5. [Listing Contract Extension with Drifka Group Inc. for Midway Business Park and Province Terrace](#)

Board of Public Works, 2/7/11; recommends approval of:

6. [Approval of City of Menasha 2011 Minimum Wage Rates](#)

Ald. Taylor requested to remove item 6 (2011 Minimum Wage Rates) from the Consent Agenda.

Moved by Ald. Hendricks, seconded by Ald. Zelinski to approve items 1-5.

Motion carried on roll call 8-0.

H. ITEMS REMOVED FROM CONSENT AGENDA

Moved by Ald. Zelinski, seconded by Ald. Wisneski to table item 6 (2011 Minimum Wage Rates) as no action is needed on this item to keep the 2011 Minimum Wage Rate the same as 2010.  
Motion carried on voice vote.

I. ACTION ITEMS

1. [Accounts payable and payroll for the term of 2/10/11-2/17/11 in the amount of \\$3,804,816.05](#)

Moved by Ald. Wisneski, seconded by Ald. Roush to approve accounts payable and payroll.  
Motion carried on roll call 8-0.

2. [Development Agreements between City of Menasha and The Ponds of Menasha, LLC](#)

Moved by Ald. Roush, seconded by Ald. Wisneski to approve Development Agreement between City of Menasha and The Ponds of Menasha LLC.

Discussion: CA/HRD Captain and CDD Keil gave a presentation explaining the development agreement and the development of the Lake Park Villas lots.

Moved by Ald. Roush, seconded by Ald. Wisneski to have a closed session with a qualified third party real estate attorney to give guidance on the development agreement.

Motion carried on roll call 8-0.

Jeff Marlow from Lexington Homes answered questions from the Council.

The discussion was opened to people in the gallery who wanted to speak.

Gary Bath, 858 Fountain Way, President of Lake Park Villas Homeowners Assoc.,  
Bernie Sandlin, 866 Eden Court and Mary Nebel, 713 1<sup>st</sup> Street provided comments regarding development agreement and development in general.

Moved by Ald. Benner, seconded by Ald. Roush to hold until more information is available.

J. ORDINANCES AND RESOLUTIONS

1. [O-2-11 An Ordinance Relating to Adoption of State Fire Prevention Codes](#)

(Recommendation of NMFR Joint Finance & Personnel) (Introduced by Ald. Wisneski & Zelinski)

Moved by Ald. Taylor, seconded by Ald. Wisneski to adopt O-2-11.

Motion carried on roll call 8-0.

2. [R-5-11 A Resolution Declaring Official Intent to Reimburse Expenditures for Clean Water Fund Loan Program](#) (Recommendation of Board of Public Works) (Introduced by Ald. Taylor)

Moved by Ald. Taylor, seconded by Ald. Langdon to adopt R-5-11.

Motion carried on roll call 8-0.

3. [R-6-11 Preliminary Resolution Declaring Intent to Exercise Special Assessment Powers under Section 66.0703, Wisconsin Statutes – Ribblesdale Subdivision and Woodland Hills Subdivision](#)

(Recommendation of Board of Public Works) (Introduced by Ald. Taylor)

Moved by Ald. Taylor, seconded by Ald. Hendricks to adopt R-6-11.

Motion carried on roll call 8-0.

4. [R-7-11 Preliminary Resolution Declaring Intent to Exercise Special Assessment Powers under Section 66.0703, Wisconsin Statutes – Silver Birch Estates Subdivision](#)

(Recommendation of Board of Public Works) (Introduced by Ald. Taylor)

Moved by Ald. Taylor, seconded by Ald. Hendricks to adopt R-7-11.

Motion carried on roll call 8-0.

K. APPOINTMENTS

1. [Accept resignation of Liz Derouin from Library Board](#)

2. Mayor's appointment to the Library Board

a. [Mary Cramer, 1345 Lucerne Drive, Menasha for the term Feb. 21, 2011 to July 1, 2011 \(fill remaining term of Liz Derouin\)](#)

Moved by Ald. Wisneski, seconded by Ald. Hendricks to accept resignation of Liz Derouin and approve appointment of Mary Cramer.

Motion carried on voice vote.

L. HELD OVER BUSINESS

None

M. CLAIMS AGAINST THE CITY

LaFayette Life Insurance Co. v. City of Menasha et al., U.S. District Court (Northern District, IN.) Case No. 4:09-CV-64-TLS; and State ex rel. American Bank v. City of Menasha et al. Case No. 10CV77 Br. 4)

CA/HRD Captain explained the City and the three plaintiffs in the putative class action lawsuit are working toward finalizing an agreement to settle the litigation for the sum of \$17.5 million. The settlement is subject to a number of conditions. Any final settlement will need approval from the Courts and Common Council.

N. PUBLIC COMMENTS ON ANY MATTER LISTED ON THE AGENDA

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

No one spoke.

Mayor Merkes thanked Council President Hendricks for fill in for him at the Feb. 7, 2011 Council meeting.

O. ADJOURNMENT

Moved by Ald. Benner, seconded by Ald. Wisneski to adjourn at 8:19 p.m.

Motion carried on voice vote.

Respectfully submitted by Deborah A. Galeazzi, WCMC, City Clerk