

CITY OF MENASHA  
COMMON COUNCIL  
Third Floor Council Chambers  
140 Main Street, Menasha  
Monday April 4, 2011  
MINUTES

A. CALL TO ORDER

Meeting called to order by Mayor Merkes at 6:05 p.m.

B. PLEDGE OF ALLEGIANCE

C. ROLL CALL/EXCUSED ABSENCES

PRESENT: Aldermen Zelinski, Englebert, Benner, Roush, Taylor, Wisneski, Langdon, Hendricks.

ALSO PRESENT: Mayor Merkes, CA/HRD Captain, FC Auxier, Lt. Brunn, DPW Radtke, CDD Keil, C/T Stoffel, PRD Tungate, Clerk Galeazzi and the Press

DEPT. HEAD EXCUSED: PHD Nett

D. PUBLIC HEARING

None

E. RESOLUTIONS

1. [R-14-11 – Resolution congratulating Thomas Allen](#)

Moved by Ald. Hendricks, seconded by Ald. Taylor to adopt R-14-11

Motion carried on voice vote.

Mayor Merkes read the Resolution and presented it to Thomas Allen.

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

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

Michael Schanke, Gardens of Fountain Way. Questions/concerns about Pond of Menasha LLC Development Agreement.

Dan Gueths, 7255 Manitowoc Road. Law suit filed against City on incident with Police Dept. Mr. Gueths presented information on the incident to the Council.

Steve Krueger, 943 Clovis Avenue. Amend Street Use Permit for Moose Fest.

Bob Middlestead, Alliance Industries. Change ordinance to allow semi-parking on Fourth Street

Michael Taylor, 545 Broad Street. Presented checks to PRD Tungate from Intertape Polymer Group employees for Park & Rec programs.

G. 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, 3/21/11](#)

b. [Board of Public Works, 3/21/11](#)

c. [Library Board, 3/17/11](#)

d. [NM Sewerage Commission, 3/15/11](#)

e. [NM Fire Rescue Joint Finance & Personnel Committee; 3/22/11](#)

f. [Police Commission, 3/17/11](#)

Communications:

g. [Dept. of the Army Corps of Engineers, 3/14/11; Lake Winnebago fill up strategy](#)

h. [Union President Mike Janke to CA/HRD Captain; 3/24/11; NM Fire Rescue Contract](#)

i. [Update on State ex rel. American Bank v. City of Menasha, et al. & LaFayette Life Ins. Co., et al. v. City of Menasha, et al.](#)

j. [East Central WI Regional Planning Commission, 3/28/11; 2011 Navigation season operating dates/hours for the bridges on the Fox River System](#)

k. [The Ponds of Menasha, LLC](#) and [Cypress Homes LLC](#) final development agreements

Ald. Taylor: Minutes B (Board of Public Work), correction to minutes.

#### H. 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, 3/21/11](#)
2. [Special Common Council, 3/24/11](#)

Board of Public Works, 3/21/11; recommends approval of:

3. [Street Use Application – Moose Fest; Saturday, May 7, 2011, 9:00 AM – 7:00 PM; Sunday, May 8, 2011, 9:00 AM – 5:00 PM; \(Steve & Deanna Krueger\)](#)
4. [Change Order; MOD# 0022-00; Neenah-Menasha Fire Rescue Station 36; Miron Job #101520; Add: \\$300.00](#)
5. [Change Order; MOD# 0023-00; Neenah-Menasha Fire Rescue Station 36; Miron Job #101520; Add: not to exceed \\$350](#)
6. [Change Order; MOD# 0024-00; Neenah-Menasha Fire Rescue Station 36; Miron Job #101520; Add: \\$600.00](#)
7. [Authorization to Execute WisDOT Bridge Operation Agreement for Fiscal Year 2011](#)

Neenah-Menasha Fire Rescue Joint Finance & Personnel Committee, 3/22/11 recommends approval of:

8. [Contract for the State-Wide Structural Collapse team for a one year-term with the maximum amount of team members set at 10 which would require a maximum payment from the State of Wisconsin of \\$14,400 for training](#)

Ald. Langdon requested item 3 (Street Use Application) be removed from Consent Agenda.

Ald. Taylor requested item 5 (Change Order MOD #0023-00) and item 7 (Bridge Operation Agreement) be removed by the Consent Agenda.

Ald. Roush requested item 8 (Structural Collapse Team Contract) be removed from the Consent Agenda.

Moved by Ald. Hendricks, seconded by Ald. Benner to approve items 1, 2, 4, 6 of Consent Agenda.  
Motion carried on roll call 8-0.

#### I. ITEMS REMOVED FROM CONSENT AGENDA

1. Moved by Ald. Taylor, seconded by Ald. Langdon to approve item 3 (Street Use Application)  
Moved by Ald. Taylor, seconded by Ald. Zelinski to amend Street Use Application to include May 5 for the west end of the Broad Street lot and on May 6 the west and east end of the Broad Street lot.  
Discussion: Steve Krueger explained extra time is needed to set up for the carnival.  
Discussion ensued on how it will affect parking for the downtown businesses; staff and business owners should have input.  
Ald. Taylor and Zelinski withdrew their motion to amend.  
Motion to approve Street Use Application carried on roll call 8-0.
2. Moved by Ald. Taylor, seconded by Ald. Wisneski to hold item 5 (Change Order MOD #0023-00)  
Item held.
3. Moved by Ald. Taylor, seconded by Ald. Wisneski to approve item 7 (Bridge Operation Agreement) with change in wording as recommended by the Board of Public Works.  
Motion carried on roll call 8-0.
4. Moved by Ald. Wisneski, seconded by Ald. Englebert to approve item 8 (Structural Collapse Team Contract)  
FC Auxier explained this program is a good training tool for fire dept.; Oshkosh and Appleton are local municipalities that participate; there are already jurisdictional agreements in place for responding  
Motion carried on roll call 8-0.

J. ACTION ITEMS

1. [Accounts payable and payroll for the term of 3/23/11 to 3/31/11 in the amount of \\$1,133,775.96](#)

Moved by Ald. Wisneski, seconded by Ald. Hendricks to approve accounts payable and payroll  
Discussion/Questions/Answers on expenditures  
Motion carried on roll call 8-0.

2. [Approval of WPPI Sale/Leaseback transaction documents](#)

CA/HRD Captain explained the Council authorized a preliminary asset sale agreement with WPPI Energy for the sale of the electric utility assets and a leaseback agreement. Some additional agreements are necessary for the WPPI transaction. CA/HRD Captain is requesting the Common Council vote to approve 2 agreements that were not initially contemplated when the City executed the asset sale agreement with WPPI Energy although they arise out of the asset sale agreement. One of the agreements is with RBC Capital Markets. It is a mutual release that describes RBC's assistance in funding the settlement of the litigation. The other agreement would be a Note and Loan Agreement to pay WPPI Energy for its external expenses of approximately \$531,481.90 up to the date of closing associated with the WPPI transaction acknowledging that another Note and Loan Agreement will be coming when everything is completed.

Moved by Ald. Hendricks, seconded by Ald. Roush to approve an Agreement between RBC Capital Markets, LLC and the City of Menasha substantially similar to the agreement presented this evening and acknowledging that there may be some minor changes to the final Agreement with the consent of the City Attorney.

Motion carried on roll call 8-0

Moved by Ald. Hendricks, seconded by Ald. Roush to approve the Note and Loan Agreement between WPPI Energy and the City of Menasha substantially similar to documents presented this evening and acknowledging that there may be some changes to the final Note and Loan Agreement with the consent of the City Attorney.

Motion carried on roll call 8-0.

K. ORDINANCES AND RESOLUTIONS

L. APPOINTMENTS

1. Mayor's Appointment to the Ad-Hoc Sustainability Board:

a. [Paul Van de Sand](#)

Moved by Ald. Hendricks, seconded by Ald. Wisneski to approve appointment.

Motion carried on voice vote.

M. HELD OVER BUSINESS

None

N. CLAIMS AGAINST THE CITY

None

O. PUBLIC COMMENTS ON ANY MATTER LISTED ON THE AGENDA

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

No one spoke

P. ADJOURNMENT

Moved by Ald. Hendricks, seconded by Ald. Wisneski to adjourn at 7:40 p.m.

Motion carried on voice vote.