

CITY OF MENASHA  
COMMON COUNCIL  
Third Floor Council Chambers  
140 Main Street, Menasha  
TUESDAY, September 6, 2011  
MINUTES

A. CALL TO ORDER

Meeting called to order by Mayor Merkes at 6:12 p.m.

B. PLEDGE OF ALLEGIANCE

C. ROLL CALL/EXCUSED ABSENCES

PRESENT: Aldermen Langdon, Krueger, Zelinski, Englebert, Benner, Klein, Taylor, Sevenich

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

DEPT. HEAD EXCUSED: PHD Nett

D. PUBLIC HEARING

1. [Proposed Amendment of the City of Menasha Year 2030 Comprehensive Plan](#)

CDD Keil explained the amendment is to correct a mapping error in the City's Comprehensive Plan on a Racine Road parcel from Parks and Recreation to Community Commercial.

No one from the public spoke.

2. [Proposed Rezoning of Properties in the vicinity of Lake Park Road and STH 114](#)

CDD Keil explained the proposed rezoning is for the vacant land owned by the City in Lake Park Villas Plat. The development agreements with The Ponds of Menasha LLC and Cypress Homes require the land to be rezoned from R-1 Single Family to PUD Planned Unit Development.

No one from the public spoke.

3. [Proposed Final Resolution Authorizing Public Improvement and Levying Special Assessments Against Benefited Property](#)

DPW Radtke explained the final resolution is to assess property owners in the Woodland Hills and Ribblesdale Subdivisions for the street improvement without concrete walk.

Dan Ferris, 2365 Woodland Hills. Questioned requiring street trees as part of the assessment. Recommended giving property owners option on where to plant trees.

Tim Moy, 2488 Whistling Swan Court. Happy with street construction, but not with planting street trees. Questioned what the Engineering and Administration fees cover.

Jim Longo, 1064 Kernan Ave. Questioned the planting of street trees when most properties are landscaped.

Paul Ziemer, 2449 Whistling Swan Court. Opposed to street trees.

JoAnn Van Abel, 2483 Whistling Swan Court. Opposed to street trees.

Linda White, 2463 Whistling Swan Court. Commented on street trees, did not know it was going to be part of street construction.

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

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

Linda White, 2463 Whistling Swan Court. Commented on metal signs at round-a-bout.

Karen Ziemer, 2449 Whistling Swan Court, Commented on signs at roud-a-bout.

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

### 1. Patty Wollerman - donation of pet scanner

Patty Wollerman presented to the Police Department a scanner that will scan the micro-chips that are embedded in pets to help locate their owners without going through the Humane Society.

### 2. Clerk Galeazzi - the following minutes and communications have been received and placed on file:

#### Minutes to receive:

- a. [Administration Committee, 8/15/11](#)
- b. [Board of Health, 7/25/11](#)
- c. [Board of Public Works, 8/15/11](#)
- d. [Committee on Aging, 6/9/11](#)
- e. [Library Board, 8/18/11](#)
- f. [Library Board of Trustees, 7/26/11, 8/11/11](#); [Personnel and Policies Committee](#)
- g. [Library Investment Committee, 9/7/11](#)
- h. [NM Fire Rescue, Joint Finance & Personnel Committee, 8/23/11, 8/30/11](#)
- i. [NM Fire Rescue, Fire Commission, 8/24/11](#)
- j. [Parks & Recreation Board, 8/8/11](#)
- k. [Plan Commission, 8/16/11](#)
- l. [Police Commission, 8/29/11](#)
- m. [Safety Committee, 7/7/11; City Hall](#)
- n. [Safety Committee, 7/8/11, 7/26/11](#); [Public Works/Parks](#)

#### Communications:

- o. [9-11 Remembrance Ceremony for the 10 year anniversary invitation](#)
- p. [CA/HRD Captain, 8/18/11; Mr. Taco LLC, reserve liquor license grant](#)
- q. [CA/HRD Captain, 8/18/11; Whiting LLC, reserve liquor license grant](#)
- r. [CDD Keil & PRD Tungate, 9/1/11; Gilbert Site Stewardship Grant](#)
- s. [Comp Stoffel, 8/22/11; Statement of Equalized Values for 2010-2011](#)
- t. [Council President Sevenich, 8/30/11; Labor Day Parade & rules for holding an item](#)
- u. [Derek Hughes \(Bike Race\), 8/15/11; Otto Grunski Criterium](#)
- v. [Menasha Historical Society Newsletter & brochure, September 2011](#)
- w. [Menasha Senior Center open house information](#)
- x. [PRD Tungate, 9/1/11; Koslo Park fundraising](#)
- y. [VFW 1<sup>st</sup> Annual Isle of Valor Patriot Essay Award & Outstanding Citizen Banquet invitation](#)
- z. [WI Dept. of Administration, 8/10/11; Preliminary estimate of January 1, 2011 Population for Winnebago and Calumet Counties](#)

Moved by Ald. Sevenich, seconded by Ald. Langdon to receive Minutes and Communications A-Z.

Discussion: Ald. Taylor-Comm. T (memo from Council President Sevenich), would like to make changes to how an item can be held; request this be put on next agenda for discussion.

**Motion carried on voice vote.**

## 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, 8/15/11](#)

#### Administration Committee, 8/15/11; recommends approval of:

2. [Amendment to Listing Contract with Drifka Group Inc. for Midway Business Park and Province Terrace](#)
3. [Loan between TIF #10 and TIF #5](#)
4. [Rejection of offer to Purchase from Riverside Building, Inc. \(Dr. Vernon Larsen\) for 81 & 87 Racine Street and 504 Broad Street](#)

G. CONSENT AGENDA, cont'd.

Board of Public Works, 8/15/11; recommends approval of:

5. [Street Use Application – Community First Fox Cities Marathon; Sunday, September 18, 2011; 6:00 AM – 2:00 PM](#)
6. [Street Use Application – St. Mary Central High School Homecoming Parade; Friday, September 30, 2011; 5:45 PM – 6:00 PM](#)
7. [Payment – Van Straten Construction Co., Inc.; City of Menasha Wastewater Collection System Rehabilitation Improvements – Phase 4 Project: Sanitary Sewer Replacement; Contract E145-11-01B; \\$83,000.08 \(Payment No. 1\)](#)

Plan Commission, 8/16/11; recommends approval of:

8. [Amending the Future Land Use Map of the City of Menasha Year 2030 Comprehensive Land Use Plan to change the future land use classification of Parcel # 4-00762-03 from “Parks and Recreation” to “Community Commercial” in accordance with the procedures for amending the comprehensive plan.](#)
9. [Rezoning of Lot 2 of CSM 3275, Lot 4 of CSM 3276, and Lot 1 and Outlots 1, 2 and 3 of CSM 3277 from R-1 Single Family Residential to PUD Planned Unit Development \(Ponds of Menasha\)](#)
10. [Rezoning of Lots 1 and 2 of CSM 3276 from R-1 Single Family Residence to PUD Planned Unit Development \(The Cottages at Lake Park Condominiums\)](#)

NM Fire Rescue, Joint Finance & Personnel Committee, 8/23/11; recommends approval of:

11. [Purchase order #11-74 for the purchase of three MDC's for a total of \\$17,897.25](#)

NM Fire Rescue, Joint Finance & Personnel Committee, 8/30/11; recommends approval of:

12. [The commencement of the training of the NMFR Dive Team](#)
13. [The contract with Dive Team International for a total of \\$16,020.00](#)

Ald. Taylor requested item 6 be removed from Consent Agenda

Ald. Klein requested item 4 be removed from Consent Agenda

Ald. Krueger requested item 9 be removed from Consent Agenda

Ald. Zelinski requested items 10, 12 & 13 be removed from Consent Agenda

Moved by Ald. Sevenich, seconded by Ald. Krueger to approve Consent Agenda items 1, 2, 3, 5, 7, 8, 11.

**Motion carried on roll call 8-0.**

H. ITEMS REMOVED FROM CONSENT AGENDA

1 Consent Agenda item 4 (Rejection of Offer to Purchase- lots at 81 & 87 Racine/504 Broad)

Moved by Ald. Klein, seconded by Ald. Krueger to submit a counter-offer as follows:

- a. Purchase price to be \$115,000; b. Binding acceptance by 9/12/11; c. Property sold “as is”;
- d. Any tests or inspections to be completed by Buyer at Buyer’s expense;
- e. Buyer to provide survey at Buyer’s expense; f. Buyer to pay Seller’s closing costs

General discussion ensued on the counter offer and what the property should be used for.

**Motion carried on roll call 6-2.**

**Ald. Klein, Taylor, Sevenich, Langdon, Krueger, Zelinski – yes.**

**Ald. Englebert, Benner – no**

2. Consent Agenda item 6 (Street Use Application-St. Mary’s Central)

Moved by Ald. Taylor, seconded by Ald. Sevenich to approve Street Use Application.

Moved by Ald. Taylor, seconded by Ald. Sevenich to change start time from 5:45pm to 5:00pm.

**Motion on amendment carried on voice vote.**

**Motion as amended carried on roll call 8-0.**

3. Consent Agenda item 9 (Rezoning of Lots-Ponds of Menasha)

Moved by Ald. Krueger, seconded by Ald. Sevenich to approve rezoning of lots from R-1 Single Family To PUD Planned Unit Development for Ponds of Menasha.

General discussion on status of development agreement with Ponds of Menasha. Concerns of making zoning changes before the development agreement is signed.

**Motion failed on roll call 3-5.**

**Ald. Taylor, Sevenich, Benner – yes**

**Ald. Klein, Langdon, Krueger, Zelinski, Englebert – no**

H. ITEMS REMOVED FROM CONSENT AGENDA, cont'd

4. Consent Agenda item 10 (Rezoning of Lots-Cottages at Lake Park Condominiums)  
Moved by Ald. Zelinski, seconded by Ald. Krueger to approve rezoning of lots from R-1 Single Family to PUD Planned Unit Development for Cottage at Lake Park Condominiums.  
General discussion on status of development and the need to rezone.

**Motion carried on roll call 8-0.**

5. Consent Agenda item 12 (Training of NMFR Dive Team )

Moved by Ald. Zelinski, seconded by Ald. Krueger to approve commencement of the training of the NMFR Dive Team.

General discussion on status of dive team and the need for a dive team.

**Motion carried on roll call 8-0.**

6. Consent Agenda item 13 (Contract with Dive Team International)

Moved by Ald. Zelinski, seconded by Ald. Krueger to approve contract with Dive Team International for a total of \$16,020.00.

**Motion carried on roll call 8-0.**

I. ACTION ITEMS

1. ["Class B" Liquor License Application, Mr. Frogs Nightclub LLC, Luis A. Morales/agent, for the premises at 6 Tayco Street for the 2011-2012 licensing year](#)

Moved by Ald. Klein, seconded by Ald. Krueger to approve "Class B" liquor license for Mr. Frog's Nightclub.

**Motion carried on roll call 8-0.**

2. [Accounts payable and payroll for the term of 8/18/11 to 9/1/11 in the amount of \\$ 1,103,896.85](#)

Moved by Ald. Klein, seconded by Ald. Krueger to approve accounts payable and payroll.

Questions/Answers/Discussion on expenditures.

**Motion carried on roll call 8-0.**

J. ORDINANCES AND RESOLUTIONS

1. [O-9-11 An Ordinance relating to riding bicycles on sidewalks](#) (Introduced by Ald. Taylor, recommended by Board of Public Works)(1<sup>st</sup> introduction)

**No action.**

2. [O-10-11 – An Ordinance relating to bicycles on sidewalks \(Introduced by Ald. Sevenich\)\(1<sup>st</sup> Introduction\)](#)

**No action.**

3. [O-11-11 – An Ordinance amending title 13 by making certain changes in the district \(Lake Park Road and STH 114 Vicinity\) \(Ponds of Menasha\)\(Introduced by Ald. Benner\)\(Recommended by Plan Commission\)\(1<sup>st</sup> Introduction\)](#)

**Moved by Ald. Benner, seconded by Ald. Sevenich to hold.**

4. [O-12-11 - An Ordinance amending title 13 by making certain changes in the district \(Lake Park Road and STH 114 Vicinity\) \(The Cottages at Lake Park Condominiums\)\(Introduced by Ald. Benner\) \(Recommended by Plan Commission\)\(1<sup>st</sup> Introduction\)](#)

Moved by Ald. Benner, seconded by Ald. Krueger to adopt O-12-11.

**Motion carried on roll call 8-0.**

5. [O-13-11 – An Ordinance amending the City of Menasha Comprehensive Plan\(Introduced by Mayor Merkes\)\(Recommended by Plan Commission\)\(1<sup>st</sup> Introduction\)](#)

Moved by Ald. Benner, seconded by Ald. Sevenich to adopt O-13-11

**Motion carried on roll call 8-0.**

6. [R-33-11 – A resolution authorizing public improvements and levying special assessments against benefited property \(Woodland Hills\)](#)

Moved by Ald. Benner, seconded by Ald. Sevenich to adopt R-33-11.

General discussion on requiring street trees to be part of the assessment.

**Moved by Ald. Benner, seconded by Ald. Zelinski to hold R-33-11.**

K. APPOINTMENTS

None

L. HELD OVER BUSINESS

None

M. CLAIMS AGAINST THE CITY

None

N. PUBLIC COMMENTS ON ANY MATTER LISTED ON THE AGENDA

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

Linda White, 2463 Whistling Swan Court. Thanked Council for holding R-33-11. Comments on type of grass seed used on terrace in Woodland Hills and Ribblesdale Subdivisions street improvements.

O. ADJOURNMENT

Moved by Ald. Sevenich, seconded by Ald. Krueger to adjourn at 8:00 p.m.

**Motion carried on voice vote.**

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