CITY OF MENASHA
COMMON COUNCIL
Third Floor Council Chambers
140 Main Street, Menasha
Monday June 18, 2012

Minutes

A. CALL TO ORDER
Meeting called to order by Mayor Merkes at 6:00 p.m.

B. PLEDGE OF ALLEGIANCE
Moment of silence for the passing of Robert Pack and Marsellies Bayer, two men who were very active in this community.

C. ROLL CALL/EXCUSED ABSENCES
PRESENT: Aldermen Langdon, Krueger, Zelinski, Englebert, Benner, Klein, Taylor, Sevenich
ALSO PRESENT: Mayor Merkes, CA/HRD Captain, PC Styka, FC Auxier, DPW Radtke, CDD Keil, PRD Tungate, LD Lenz, Comp. Stoffel, PHD Nett, Deputy Clerk Sewall

D. PUBLIC HEARING
1. O-8-12 An Ordinance Amending Title 11, Article C of the Code of Ordinances – Parking Regulations (Mobile Restaurants)
Attorney Captain explained how this ordinance amends the city's code.
No one spoke.

2. Proposed Rezoning of the property located to the rear of W7011 Manitowoc Road from R-1 Single Family to R2A Multi-Family Zero Lot Line (Held in Plan Commission 6/12/12)
CDD Keil reported that the developer involved with this property is no longer pursuing this property and that makes this rezoning moot at this point.

Aimee McClure, 1143 Morgan Taylor Court – Submitted a petition in opposition to this rezoning to the clerk's office. Explained why she and her neighbors opposed this rezoning.

3. Proposed Rezoning of 901 Airport Road from R-1 Single Family to C-1 General Commercial
CDD Keil explained the purpose of this rezoning.
No one spoke.

E. PUBLIC COMMENTS ON ANY MATTER OF CONCERN TO THE CITY
(five (5) minute time limit for each person)

Daniel Gueths, W7255 Manitowoc Rd. – Submitted a DVD to the clerk's office and spoke about his claim.

Frederick Schroeder, The Locker Room, 800 Plank Rd. – He expressed his support for paving the terrace at the Third Street/Plank Road bus stop.

Joe DeGoya, W2070 Manitowoc Rd. – Concerned about the safety of the Manitowoc Rd. corridor as it pertains to bikes and pedestrians.

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, 6/4/12
b. Board of Public Works, 6/4/12
c. Parks and Recreation Board, 6/7/12, 6/12/12
d. Personnel Committee, 6/4/12
e. Plan Commission, 6/12/12
f. Police Commission, 6/1/12

Communications:

g. Ald. Taylor, 6/11/12; Letter from Heckrodt Wetland Reserve to PRD Tungate and Mayor Merkes
h. CDD Keil, 6/11/12; resident concern regarding proposed rezoning of W7011 Manitowoc Road
i. City of Menasha June 5, 2012 Election Results
j. Comp Stoffel, 6/14/12; Financing from Board of Commissioners of Public Lands
k. PRD Tungate, 6/14/12; Information requested by Ald. Taylor relating to structures in parks

Moved by Ald. Sevenich, seconded by Ald. Langdon to receive Minutes A-F and Communications G-K.
Discussion ensued.
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, 6/4/12
2. Special Common Council, 6/6/12

Administration Committee, 6/4/12; recommends approval of:

3. Development Agreement between City of Menasha and CR Structures Group Inc, as amended

Board of Public Works, 6/4/12; recommends approval of:

4. Change Order – Terra Engineering & Construction Corporation; City of Menasha Wastewater Collection System Rehabilitation Improvements, Phase 4 Project; Sanitary Sewer Rehabilitation; Contract E145-11-01A; 60 Day Contract Extension (Change Order No. 6)
5. Request Authorization to Execute Intergovernmental Agreement to Satisfy Eligibility for Recycling Consolidation Grant for Calendar Year 2013

Personnel Committee, 6/4/12; recommends approval of:

6. Clothing/Uniform Allowance – Court Liaison Position of $200 for 2012, but deny request to reimburse of 2009-2011 and change language in Employee Handbook to include Court Liaison position for clothing/uniform allowance.

Plan Commission, 6/5/12; recommends approval of:

7. The rezoning of 901 Airport Road from R-1 Single Family Residential to C-1 General Commercial
8. The Bowe Annexation with a zoning classification of C-1 General Commercial to be applied to Parcels B & C, and with a recommendation on the zoning classification on Parcel A to be deferred until a future meeting.
9. The FP One Annexation with a zoning classification of C-1 General Commercial to be applied to Parcels A & B
10. The Certified Survey Map combining the lots at 800 and 804 DePere Street

Parks and Recreation Board, 6/12/12; recommends approval of:

11. City of Menasha Donation Policy

Ald. Sevenich requested item 3, Development Agreement between City of Menasha and CR Structures Group Inc, as amended and item 11, City of Menasha Donation Policy be removed from the Consent Agenda

Moved by Ald. Sevenich, seconded by Ald. Langdon to approve Consent Agenda items 1, 2 and 4-10.
Motion carried on roll call 8-0.

H. ITEMS REMOVED FROM CONSENT AGENDA

Consent Agenda item 3 requires no action, as CR Structures Group withdrew from the development agreement.
Moved by Ald. Sevenich, seconded by Ald. Krueger to approve Consent Agenda item 11, City of Menasha Donation Policy.
Discussion ensued. Attorney Captain noted that this doesn't require action at this time, as this item will come through the Administration Committee.
Motion carried on roll call 8-0.

I. ACTION ITEMS

1. Accounts payable and payroll for the term of 6/7/12 to 6/14/12 in the amount of $1,774,674.75
   Moved by Ald. Klein, seconded by Ald. Langdon to approve accounts payable and payroll.
   Motion carried on roll call 8-0.

2. Renewal of Liquor License for 2012-2013 licensing year
   Deputy Clerk Sewall reported that of the three applications with outstanding financial obligations to the city, two of them are compliant; Hanks Fifth Ward Tavern and The Bar at Lake Park, LLC.
   Moved by Ald. Klein, seconded by Ald. Langdon to approve renewal liquor license applications and include Hanks Fifth Ward Tavern, 600 Broad Street, Dawn Vanvonderen/Agent and The Bar at Lake Park, LLC, d/b/a/ Sliders, 890 Lake Park Road, Brian Sias/Agent and notify Korona Klub, 190 Main St., Juana Bevers/Agent in accordance with §125.12(3), Wis. Stats., of the city's intention not to renew their license and provide Korona Klub with an opportunity for a hearing.
   Ald. Zelinski requested that NP Mart, 209 Racine Street be separated from the motion.
   Motion carried on roll call 8-0.
   Discussion ensued.
   Motion to approve liquor license for NP Mart, 209 Racine Street, Buddi Subedi/Agent carried on roll call 7-1 (Ald. Zelinski - no.)

3. Outdoor Serve applications for the 2012-2013 licensing year
   Moved by Ald. Klein, seconded by Ald. Englebert to approve the outdoor serve applications for the 2012-2013 licensing year.
   Discussion ensued.
   Motion carried on roll call 8-0

4. Recommendation to Parks & Recreation Board to return section of fence in southeast corner of Marina to original location eliminating small green space. (Ald. Zelinski)
   Moved by Ald. Zelinski, seconded by Ald. Krueger to return section of fence in southeast corner of Marina to original location eliminating small green space.
   Discussion ensued.
   Motion fails on roll call 2-6 (Ald. Klein, Zelinski-yes).

J. ORDINANCES AND RESOLUTIONS

1. O-8-12 An Ordinance Amending Title 11, Article C of the Code of Ordinances – Parking Regulations (Introduced by Ald. Klein) (Recommended by Administration Committee)
   Moved by Ald. Klein, seconded by Ald. Krueger to adopt O-8-12.
   Discussion ensued.
   Motion carried on roll call 6-2 (Ald. Englebert, Benner-no.)

2. O-9-12 An Ordinance Amending Section 7-1-1 and Section 7-1-6 of the Code of Ordinances Licensing of Dog, Cat or Ferret and Regulation of Animals (Introduced by Ald. Krueger, recommended by Administration Committee)
   Moved by Ald. Krueger, seconded by Ald. Zelinski to adopt O-9-12.
   Motion carried on roll call 8-0.

3. O-10-12 – An Ordinance amending title 13 by making certain changes in the district (901 Airport Road)
   Moved by Ald. Benner, seconded by Ald. Englebert to adopt O-10-12.
   Discussion ensued.
   Motion carried on roll call 8-0.

4. R-15-12 – A Resolution approving application to Board of Commissioners of Public Lands to borrow $1,480,000.00 from the State Trust Funds. Authorizing the borrowing and the issuance of certificates of indebtedness and levying a tax in connection therewith
5. R-16-12 – A Resolution approving application to Board of Commissioners of Public Lands to borrow $3,920,000.00 from the State Trust Funds. Authorizing the borrowing and the issuance of certificates of indebtedness and levying a tax in connection therewith

6. R-17-12 – A Resolution approving application to Board of Commissioners of Public Lands to borrow $900,000.00 from the State Trust Funds. Authorizing the borrowing and the issuance of certificates of indebtedness and levying a tax in connection therewith
7. R-18-12 – A Resolution approving application to Board of Commissioners of Public Lands to borrow $1,170,000.00 from the State Trust Funds. Authorizing the borrowing and the issuance of certificates of indebtedness and levying a tax in connection therewith
8. R-19-12 – A Resolution approving application to Board of Commissioners of Public Lands to borrow $2,786,026.00 from the State Trust Funds. Authorizing the borrowing and the issuance of certificates of indebtedness and levying a tax in connection therewith
9. R-20-12 – A Resolution approving application to Board of Commissioners of Public Lands to borrow $3,656,754.00 from the State Trust Funds. Authorizing the borrowing and the issuance of certificates of indebtedness and levying a tax in connection therewith
10. R-21-12 – A Resolution approving application to Board of Commissioners of Public Lands to borrow $13,463,550.00 from the State Trust Funds. Authorizing the borrowing and the issuance of certificates of indebtedness and levying a tax in connection therewith
11. R-22-12 – A Resolution approving application to Board of Commissioners of Public Lands to borrow $1,170,673.00 from the State Trust Funds. Authorizing the borrowing and the issuance of certificates of indebtedness and levying a tax in connection therewith
12. R-23-12 – A Resolution approving application to Board of Commissioners of Public Lands to borrow $350,000.00 from the State Trust Funds. Authorizing the borrowing and the issuance of certificates of indebtedness and levying a tax in connection therewith

Moved by Ald. Sevenich, seconded by Ald. Langdon to approve R-15-12, R-16-12, R-17-12, R-18-12, R-19-12, R-20-12, R-21-12, R-22-12, and R-23-12.
Mayor Merkes and Common Council thanked Comp. Stoffel for his diligence in finding ways to reduce interest payments on city loans.
Motion carried on roll call 8-0.

K. APPOINTMENTS

1. Mayor's reappointment to the Board of Appeals
   a. Tom Gloede, 649 Appleton St. for the term of June 18, 2012 to February 1, 2015

   Moved by Ald. Sevenich, seconded by Ald. Englebert to approve reappointment of Tom Gloede.
   Motion carried on voice vote.

2. Mayor's appointments to Library Board
   a. Nicholas Kiley, 76 Mathewson St., for the term of July 1, 2012 to July 1, 2015
   b. Reappointment of Kathy Wicihowski, 341 Willow Ln., for the term of July 1, 2012 to July 1, 2015

   Moved by Ald. Sevenich, seconded by Ald. Krueger to approve appointment of Nicholas Kiley and reappointment of Kathy Wicihowski.
   Motion carried on voice vote.

3. Mayor's appointment to the Board of Review
   a. Jeff Nichols, 402 Elm St., for the term of July 1, 2012 to June 30, 2017

   Moved by Ald. Sevenich, seconded by Ald. Englebert to approve appointment of Jeff Nichols.
   Motion carried on voice vote.

L. HELD OVER BUSINESS

1. Plan Commission recommendation of 7/12/11; That the site at 901 Airport Rd. (Old Fire Station #36) be cleared and that the lot be marketed for an appropriate use (Held 6/4/12)

   Moved by Ald. Benner, seconded by Ald. Zelinski to clear site at 901 Airport Rd. (Old Fire Station #36) and that the lot be marketed for an appropriate use.
   Discussion ensued.
   Moved by Ald. Ald. Sevenich, seconded by Ald. Klein to table this item until the insurance claim is settled.
   Motion carried on roll call 6-2 (Ald. Benner, Zelinski-no).

M. CLAIMS AGAINST THE CITY

1. Notice of Claim against the City of Menasha and its Employees - Daniel L. Gueths
   Atty. Captain provided this for informational purposes only. No action is required at this time.

N. PUBLIC COMMENTS ON ANY MATTER LISTED ON THE AGENDA
(five (5) minute time limit for each person)
No one spoke.

O. ADJOURN
Moved by Ald. Sevenich, seconded by Ald. Krueger to adjourn at 7:40 pm.
Motion carried on voice vote.

Respectfully submitted by Kristin Sewall, Deputy City Clerk