

CITY OF MENASHA  
COMMON COUNCIL  
Third Floor Council Chambers  
140 Main Street, Menasha  
Monday, December 1, 2014  
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 Langdon, Keehan, Zelinski, Englebort, Benner, Nichols, Taylor, Sevenich

ALSO PRESENT: Mayor Merkes, CA/HRD Captain, PC Styka, FC Auxier, DPW Radtke, CDD Keil, ASD Steeno, PRD Tungate, PHD McKenney, LD Lenz, Clerk Galeazzi

D. PUBLIC HEARING

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

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

Connie and Roger Kanitz, 516 Riverway, Menasha. Encourage more recycling pickups in the City.

Kathy Thunes, 2392 Trumpeter Swan Lane, Menasha. Encourage more recycling pickups in the City.

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. [Board of Health, 10/08/14.](#)
- b. [Board of Public Works, 11/17/14.](#)
- c. [Committee on Aging, 10/09/14.](#)
- d. [Neenah-Menasha Sewerage Commission, 10/28/14.](#)
- e. [Personnel Committee, 11/17/14.](#)
- f. [Plan Commission, 11/18/14.](#)

Communications:

- g. [Mayor Merkes to The Common Council, 11/26/14; Website Renovation Update.](#)
- h. [ASD Steeno to Mayor Merkes, 11/24/14; Website Renovation Recommendation.](#)
- i. [CA/HRD Captain to Town Board, Town of Harrison, 11/25/14; Intermunicipal Agreement dated October 28, 1999 and Recent Village of Harrison Annexations.](#)
- j. [Dale Youngquist, Neenah-Menasha Sewerage Commission, to DPW Radtke, 9/23/14; Flow Monitoring & Sampling Stations and Sonoco Contracted User Status.](#)
- k. [Menasha Historical Society News, December 2014.](#)
- l. [League of Wisconsin Municipalities, Capitol Buzz, November 20, 2014; State's Financial Condition.](#)
- m. [Fox Cities Regional Partnership, Investor Relations Council Quarterly Update, Third Quarter 2014.](#)

Moved by Ald. Benner seconded by Ald. Langdon to receive Minutes and Communications A-M  
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, 11/17/14.](#)

Board of Public Works, 11/17/14 – Recommends the Approval of:

2. [Street Use Application for FirstEve, Wednesday, December 31, 2014, 10:30 pm – 12:30 am \(DIDC/Community Forward, Inc.\) contingent on all insurance requirements be met.](#)
3. [Payment – MCC, Inc.; Contract Unit No. 2014-02; Street Reconstruction – London Street, Lakecrest Drive, Sunset Drive, Emily Street, Ninth Street, DePere Street, Parkview Place; \\$308,225.57 \(Payment No. 3\)](#)

Personnel Committee, 11/17/14 – Recommends the Approval of:

4. A 1% salary increase for [City non-represented employees](#), excluding Library and Police Supervisory Lieutenants, effective 1/4/15.

Ald. Nichols requested to remove from Consent Agenda item 2, Street Use Application for FirstEve.

Moved by Ald. Benner seconded by Ald. Langdon to approve Consent Agenda items 1, 3, 4.

Motion carried on roll call 8-0.

#### H. ITEMS REMOVED FROM CONSENT AGENDA

Moved by Ald. Sevenich seconded by Ald. Langdon to approve Consent Agenda item 2, Street Use Application for FirstEve, Wednesday December 31, 2014, 10:30pm-12:30am (DIDC/Community Forward) contingent on all insurance requirement be met.

Ald. Nichols stated as President of DIDC she will abstain.

Ald. Taylor stated as President of Community Forward he will abstain.

CA/HRD Captain reported the insurance requirements have been met.

Motion carried on roll call 6-0. Ald. Nichols and Taylor abstained.

#### I. ACTION ITEMS

1. [Accounts payable and payroll for the term of 11/20/14 to 11/26/14 in the amount of \\$710,771.67.](#)

Moved by Ald. Nichols seconded by Ald. Keehan to approve accounts payable and payroll.

Motion carried on roll call 8-0.

2. [Beverage Operators License Applications for the 2013-2015 licensing period.](#)

Moved by Ald. Nichols seconded by Ald. Keehan to approve beverage operator's license application as listed in memo dated 11/25/14.

Motion carried on roll call 8-0.

Kristin Schupp asked the Council to approve her beverage operator's license application. The Police Dept is recommending denial based on City policy of a habitual offender. Ms. Schupp explained the circumstances.

Fred Schroeder, owner of The Locker Room, spoke on Ms. Schupp work ethic.

General discussion on type and circumstances of citations issued to Ms. Schupp.

Moved by Ald. Taylor, seconded by Ald. Langdon to approve beverage operator's license application for Kristin Schupp.

Motion carried on roll call 5-4.

Ald. Taylor, Sevenich, Langdon, Englebert, Mayor Merkes voted yes.

Ald. Nichols, Keehan, Zelinski, Benner voted no.

3. [Land swap among WLS Investments and the City of Menasha \(Menasha Conservancy\).](#)

CDD Keil explained the parcels involved and the request for the swap. CA/HRD Captain stated she received a notice from the attorneys for WLS Investments they are claiming adverse possession of a parcel within the conservancy.

Moved by Ald. Englebert seconded by Ald. Keehan to approve the land transfer within Menasha Conservancy property boundaries as set forth in 11/14/2014 DNR memo and direct and authorize staff to proceed with the conditions set forth in the DNR memo.

General discussion ensued on the parcels, use of the parcels, requirements of DNR.

Motion carried on roll call 8-0.

4. [Street Use Application – Menasha Football Parade; Friday, December 5; 5:00PM – 6:00 PM \(Menasha High School\)](#)

Moved by Ald. Sevenich seconded by Ald. Langdon to approve Street Use Application for Menasha Football Parade, Friday December 5, 2014, 5:00-6:00pm (Menasha High School)  
Motion carried on roll call 8-0.

J. ORDINANCES AND RESOLUTIONS

K. APPOINTMENTS

L. HELD OVER BUSINESS

1. Budget Review Sessions, [11/05/14](#), [11/06/14](#), [11/10/14](#), [11/12/14](#).

Moved by Ald. Taylor seconded by Ald. Sevenich to table Budget Review Sessions minutes.

Motion carried on roll call 5-3.

Ald. Taylor, Sevenich, Langdon, Keehan, Zelinski voted yes.

Ald. Nichols, Englebert, Benner voted no.

M. CLAIMS AGAINST THE CITY

N. PUBLIC COMMENTS ON ANY MATTER LISTED ON THE AGENDA

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

No one spoke

O. RECESS TO ADMINISTRATION COMMITTEE AND BOARD OF PUBLIC WORKS

Moved by Ald. Benner seconded by Ald. Langdon to recess at 7:00 p.m.

Motion carried on voice vote.

Reconvened at 7:40 p.m.

P. ACTION ITEMS

Moved by Ald. Benner seconded by Ald. Keehan to adjourn into Closed Session pursuant to Wis. Stats. §19.85(1)(e) and (g): Deliberating or negotiating the purchasing of public properties, the investing of public funds, or conducting other specified public business, whenever competitive or bargaining reasons require a closed session; Conferring with legal counsel for the governmental body who is rendering oral or written advise concerning strategy to be adopted by the body with respect to litigation in which it is or is likely to become involved.

Motion carried on roll call 8-0.

1. Workers Compensation Case #2014-004297.

2. Intermunicipal Agreement dated October 28, 1999, between City of Menasha, Town of Harrison and Waverly Sanitary District and Village of Harrison November 11, 2014 annexations.

3. City of Menasha vs. Waverly Sanitary District et al. Circuit Court Case Number 2013CV00189.

Appellate case number 2014AP001576.

Moved by Ald. Sevenich seconded by Ald. Langdon to reconvene into open session to take action on closed session item 2. Wis. Stat. 19.85(2).

Motion carried on voice vote.

Moved by Ald. Keehan seconded by Ald. Benner to authorize City Attorney to challenge annexation of Smarzinski and Bodway properties by Village of Harrison including filing law suit.

Motion carried on roll call 8-0.

Q. ADJOURNMENT

Moved by Ald. Nichols seconded by Ald. Langdon to adjourn at 8:45 p.m.

Motion carried on voice vote.

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