

CITY OF MENASHA  
COMMON COUNCIL  
Third Floor Council Chambers  
140 Main Street, Menasha  
Monday, October 5, 2015  
MINUTES

A. CALL TO ORDER

Meeting called to order by Mayor Merkes at 7:02 p.m.

B. PLEDGE OF ALLEGIANCE

Pledge of Allegiance was recited.

C. ROLL CALL/EXCUSED ABSENCES

PRESENT: Aldermen Langdon, Keehan, Zelinski, Spencer, Benner, Nichols, Taylor, Krautkramer.

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

D. PUBLIC HEARING

NONE

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

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

Steve Krueger, 942 Clovis Avenue, Menasha. Concerns with parking downtown. Resolution R-33-15 requires taxpayers to pay for parking taken away by developers of parking ramp.

Tyler Doemel, 57 Appleton Street, Menasha, 1) Comments on Loop the Little Lake trail not going downtown Menasha; 2) City employees health care premiums.

Jim Zelinski, 1662 Lakeshore Drive, Menasha. Delay in 441 Bridge project impact on City residents and businesses.

F. REPORT OF DEPARTMENT HEADS/STAFF/CONSULTANTS

1. Amy Barker, Executive Director of Future Neenah - Update on Loop the Little Lake project fundraising.

Amy Barker reported the fundraising for the Loop the Little Lake project is going well. She is receiving positive responses from citizens and business. She played a marketing video they prepared. She explained the obligation of the Cities of Neenah and Menasha toward the project.

2. FC Auxier - Introduction of Deputy Fire Chief Victor Voss.

FC Auxier introduce new Deputy Fire Chief Victor Voss. DFC Voss has been with the Fire Department since 1990 and was part of the merger of the Neenah-Menasha Fire Rescue. DFC Voss has a vast of knowledge regarding fire protection.

3. FC Auxier – Introduction of new Firefighter, Evan Forster, and administer the oath.

FC Auxier introduced the newest NMFR Firefighter Evan Forster and his family. Firefighter Forster attended UW-Oshkosh and Fox Valley Technical College and has worked as a firefighter for Town of Grand Chute and Outagamie County Regional Airport.

Clerk Galeazzi administered the Oath of Office to Firefighter Forster. Firefighter Forster was presented with his firefighter badge. His wife, Emily, assisted in pinning the badge.

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

Minutes to receive:

- a. [Administration Committee, 09/21/15.](#)
- b. [Board of Public Works, 09/21/15.](#)
- c. [Library Board, 09/17/15.](#)
- d. [NMFR Joint Finance & Personnel, 09/22/15.](#)
- e. [NMFR Joint Fire Commission, 09/23/15.](#)
- f. [Police Commission, 07/23/15.](#)
- g. [Special Water and Light Commission, 08/05/15.](#)

Communications:

- h. [ASD Steeno; Deferred Special Assessment Example.](#)
- i. [Notice of Public Hearing Concerning Establishment of Village of Harrison Utility District No. 1, Village of Harrison Utility District No. 2.](#)

Moved by Ald. Taylor seconded by Ald. Keehan to approve Minutes and Communications A-I  
Motion carried on roll call 8-0.

#### 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, 09/21/15.](#)

Board of Public Works, 09/21/15 – Recommends the Approval of:

2. [Development Agreement between the City of Menasha and Van's Realty and Construction of Appleton, Inc., with a two year deferral on special assessments rather than the five year deferral as per the municipal code, and the developer pays for the backbone sewer and water system and storm water management facilities.](#)
3. [Recommendation to modify lane assignments on Washington Street North of Nicolet Boulevard.](#)

NMFR Joint Finance & Personnel, 9/22/15 – Recommends the Approval of:

4. Authorizing NMFR to fill the vacated firefighter position after December 1, 2015.

Ald. Nichols requested to remove item 2 from Consent Agenda.

Moved by Ald. Taylor seconded by Ald. Keehan to approve Consent Agenda items 1, 3, 4.  
Motion carried on roll call 8-0.

#### H. ITEMS REMOVED FROM CONSENT AGENDA

Moved by Ald. Nichols seconded by Ald. Keehan to approve Consent Agenda 2, Development Agreement between City of Menasha and Van's Realty and Construction of Appleton, Inc., with a five year deferral as per the Municipal Code and the developer pays for the backbone sewer and water system and storm water management facilities.

General discussion ensued on following City code regarding deferred assessments; access to Woodland Park from this proposed subdivision; making changes to deferred assessments policy.

Motion carried on roll call 5-3.

Ald. Nichols, Krautkramer, Keehan, Spencer, Benner voted yes. Ald. Taylor, Langdon, Zelinski voted no.

#### I. ACTION ITEMS

1. [Accounts payable and payroll for the term of 09/22/15 to 10/01/15 in the amount of \\$1,063,520.45.](#)

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 2015-2017 licensing period.](#)

Moved by Ald. Nichols seconded by Ald. Keehan to approve beverage operator's license applications as listed on memo dated 9/30/15.

Motion carried on roll call 8-0

2. [Beverage Operators License Applications for the 2015-2017 licensing period. \(cont'd\)](#)

Police Department recommends denying beverage operator's license application of Junior M. Blow as he does not meet the criteria under the established guidelines.

Unanimous consent from Council to allow Junior M. Blow to speak.

Junior M. Blow addressed the Council on the incidents that appeared on his background check. Incidents happen more than four years ago and he has since straightened out his life. He has moved his family to the Fox Valley for better opportunities and life style.

Mr. Blow answered questions from CA Captain and the Council.

Moved by Ald. Langdon seconded by Ald. Keehan to approve beverage operator's license application for Junior M. Blow.

Motion carried on roll call 6-2.

Ald. Krautkramer, Langdon, Keehan, Zelinski, Spencer, Benner voted yes. Ald. Nichols, Taylor voted no.

3. ["Class A" Liquor License Application for Kwik Trip, Inc., 1499 Appleton Road, Menasha, Tera M. Girdauskas, agent for the 2015-2016 licensing year.](#)

Moved by Ald. Langdon seconded by Ald. Keehan to approve "Class A" Liquor License Application for Kwik Trip, Inc., 1499 Appleton Road, Menasha, Tera M. Girdauskas, agent for the 2015-2016 licensing year.

Motion carried on roll call 8-0.

4. ["Class A" Liquor License Application for Shopko, 1578 Appleton Road, Menasha, Martha Bednarowski, agent for the 2015-2016 licensing year.](#)

Moved by Ald. Langdon seconded by Ald. Keehan to approve "Class A" Liquor License Application for Shopko, 1578 Appleton Road, Menasha, Martha Bednarowski, agent for the 2015-2016 licensing year.

Motion carried on roll call 8-0.

5. [Alcohol Traffic Enforcement Grant 2015-16.](#)

PC Styka explained this is a \$20,000 grant that is similar to previous traffic enforcement grants the Police Department has received. The focus of the grant will be on alcohol related violations. The grant requires a local match of 25%. The match will be done through traffic enforcement on regularly scheduled time and will not have an impact on the budget.

Moved by Ald. Langdon seconded by Ald. Zelinski to approve accept and spend the awarded Alcohol Traffic Enforcement Grant for October 2015 to September 2016.

Motion carried on roll call 8-0.

6. [Property Assessment Services 2015 – 2018.](#)

ASD Steeno explained proposals were received from Associates Appraisal Consultants and Accurate Appraisal for property assessment services. Staff conducted interviews and did reference checks. Staff recommends continuing with Associated Appraisal Consultants as they feel Associated Appraisal is better positioned to handle critical items associated with property assessment duties. Associates Appraisal has been doing assessor duties for the City since 2008. ASD Steeno commented that some issues that have occurred in the past with Associated Appraisal have been resolved.

General discussion ensued on including a performance clause in contract.

Moved by Ald. Langdon seconded by Ald. Taylor to approve Associated Appraisal Consultants, LLC as the City's Assessor for the period of October 1, 2015-July 31, 2018.

Motion carried on roll call 8-0.

7. [Agreement with Ken Saiki Design, Inc. for Main, Mill Street and Walkway Design Services.](#)

CDD Keil explained as part of the City's obligation for a walkway to connect the office tower and parking ramp Request for Proposals were sent out for the design work. Included in the RFP was an evaluation of the area of Mill Street to connect with the Riverwalk and extend to Mill and Main Street. A committee consisting of City staff and committee members reviewed the four proposals received and recommend Ken Saiki Design. CA Captain recommends using the City's standard terms and conditions not the consultant's.

General discussion ensued on cost of the design work; following with downtown design.

Moved by Ald. Langdon seconded by Ald. Nichols to approve agreement with Ken Saiki Design for Main, Mill Street and Walkway Design Services with City standard terms and conditions.

Motion carried on roll call 8-0.

J. HELD OVER BUSINESS

None

K. ORDINANCES AND RESOLUTIONS

1. [O-16-15; An Ordinance Amending Title 11, Chapter 2 of the Code of Ordinances \(Residential Outdoor Lighting\) \(Introduced by Ald. Zelinski and Ald. Taylor\) \(Recommended by the Administration Committee\).](#)

Moved by Ald. Taylor seconded by Ald. Zelinski to adopt O-16-16 An Ordinance Amending Title 11, Chapter 2 of the Code of Ordinances (Residential Outdoor Lighting).

General discussion ensued on language changes as it relates to residential uses.

Moved by Ald. Benner seconded by Ald. Nichols to postpone to the next Common Council meeting.

Motion to postpone carried on roll call 7-1, Ald. Taylor voted no.

2. [O-17-15; An Ordinance Amending Title 13, Chapter 1 of the Code of Ordinances \(Zoning\) \(Recommended by the Plan Commission\).](#)

Moved by Ald. Benner seconded by Ald. Keehan to adopt O-17-15 An Ordinance Amending Title 13, Chapter 1 of the Code of Ordinances (Zoning).

CDD Keil explained the change applies to mini-warehouses in C-1 & C-4 Districts. This will allow expansion of mini-warehouses in existence prior to 1/1/1991

General discussion ensued on which properties this effects.

Motion carried on roll call 6-2.

Ald. Krautkramer, Langdon, Keehan, Zelinski, Spencer, Benner voted yes. Ald. Nichols, Taylor voted no.

3. [O-19-15; An Ordinance Amending Title 9, Chapter 6 of the Code of Ordinances. \(Methodology for Billing Stormwater Charges for Duplexes\) \(Recommended by the Board of Public Works\).](#)

Moved by Ald. Zelinski seconded by Ald. Langdon to adopt O-19-15 An Ordinance Amending Title 9, Chapter 6 of the Code of ordinances (Methodology for Billing Stormwater Charges for Duplexes).

Moved by Ald. Zelinski seconded by Ald. Langdon to amend to charge each parcel 1 ERU.

General discussion ensued on how change will effect storm water utility fund; zero lot line properties. Ald. Zelinski provided storm water billing from other municipalities; request for more information before making a decision.

Ald. Taylor stated Point of Order, there is an amendment to be voted on.

Mayor Merkes ruled Point of Order not germane.

Moved by Ald. Benner seconded by Ald. Nichols to postpone to next Common Council meeting.

Motion to postpone carried on roll call 5-3.

Ald. Nichols, Taylor, Keehan, Spencer, Benner voted yes. Ald. Krautkramer, Langdon, Zelinski voted no.

4. [O-20-15; An Ordinance Amending Title 3, Chapter 1 of the Code of Ordinances. \(Budget Hearings\) \(Introduced by Alderman Taylor\).](#)

Moved by Ald. Taylor seconded by Ald. Langdon to adopt O-20-15 An Ordinance Amending Title 3, Chapter 1 of the Code of Ordinances. Budget Hearings).

Moved by Ald. Taylor seconded by Ald. Langdon to amend to insert 9AM as start time.

General discussion ensued on date of an all-day session, all-day sessions vs multiple evening sessions.

Motion on amendment carried on roll call 5-4. (Clerk's note: Mayor Merkes voted to break a tie.)

Ald. Taylor, Krautkramer, Keehan, Zelinski, Mayor Merkes voted yes.

Ald. Nichols, Langdon, Spencer, Benner voted no.

Original motion as amended failed on roll call 2-6.

Ald. Taylor, Zelinski voted yes. Ald. Nichols, Krautkramer, Langdon, Keehan, Spencer, Benner voted no.

5. [R-25-15; A Resolution Pertaining to Equivalent Runoff Unit \(ERU\) Charges for Storm Water Utility \(Introduced by Mayor Merkes\).](#)

No action.

6. [R-34-15; A Resolution Pertaining to Equivalent Runoff Unit \(ERU\) Charges for Storm Water Utility. \(Introduced by Mayor Merkes\).](#)

No action.

7. [R-32-15; A Resolution Celebrating 35 Years of Municipal Joint Action for Public Power Utilities. \(Introduced by Alderman Zelinski\).](#)

Moved by Ald. Zelinski seconded by Ald. Keehan to approve R-33-15 A Resolution Celebrating 35 Years Of Municipal Joint Action for Public Power Utilities.

Motion carried on roll call voice vote.

8. [R-33-15; A Resolution Approving a 2015 Budget Adjustment of \\$65,075 for Initial Loop The Little Lake Project Expenses \(Introduced by Alderman Langdon\).](#)

Moved by Ald. Langdon seconded by Ald. Benner to approve R-33-15 A Resolution Approving a 2015 Budget Adjustment of \$65,075 for initial Loop the Little Lake Project expenses.

PRD Tungate explained funds are from a DNR grant applied for by Cities of Neenah and Menasha. Some grant funds can be used for preparation work of the trail. Part of the advance funding will be used for engineering work and part for soil boring work on the river beds.

General discussion ensued on grant funds advanced; meetings held with neighborhood where trail will be located; alternatives for placement of the trail; parking in the area; maintenance of trails; renovation to Shepard Park bathroom facilities.

Mayor Merkes commented on use of the trail by cyclist and pedestrians.

Ald. Taylor stated Point of Order, Mayor Merkes cannot participate in the debate.

Mayor Merkes ruled Point of Order not well taken.

Motion carried on roll call 6-2.

Ald. Nichols, Krautkramer, Langdon, Keehan, Spencer, Benner voted yes. Ald. Taylor, Zelinski voted no.

9. [R-35-15; A Resolution Approving a 2015 Budget Adjustment for the Purchase of Land to Replace Parking Displaced by the Construction of the Parking Ramp Within the Broad Street Parking Lot and the Accompanying Borrowing to be Included Within the 2016 Capital Improvement Program Borrowing. \(Introduced by Mayor Merkes\).](#)

CA Captain explained the Council approved the Offer to Purchase for the parking lot at 320 Chute Street. This Resolution is for the funding of the purchase of the parking lot. The purchase of this parking lot is to replace parking spaces displaced by the construction of the parking ramp in the Broad Street and as required by the City's obligation to McClone Downtown Development. This type of action requires a positive vote of 2/3 of the Council.

General discussion ensued on the 1997 development agreement with McClone Downtown Development; the Offer to Purchase 320 Chute Street.

Ald. Nichols stated Point of Order, no questions have been asked.  
Mayor Merkes ruled Point of Order well taken.

Moved by Ald. Taylor seconded by Ald. Zelinski to table R-35-15  
Motion failed on roll call 3-5.

Ald. Taylor, Langdon, Zelinski voted yes. Ald. Nichols, Krautkramer, Keehan, Spencer, Benner voted no.

Mayor Merkes commented on the previous meetings where there was action or discussion on the City's contractually obligations to McClone regarding the 120 parking stalls.

Ald. Taylor stated Point of Order, Mayor Merkes cannot participate in the debate.  
Mayor Merkes ruled Point of Order not well taken.

Moved by Ald. Benner seconded by Ald. Nichols to approve R-35-15 A Resolution Approving a 2015 Budget Adjustment for the purchase of land to replace parking displaced by the construction of the parking ramp within the Broad Street parking lot and the accompanying borrowing to be included within the 2016 Capital Improvement Program borrowing.

Motion failed on roll call 5-3 (Clerk's note: A 2/3 vote was required to approve this Resolution).

Ald. Nichols, Krautkramer, Keehan, Spencer, Benner voted yes. Ald. Taylor, Langdon, Zelinski voted no.

Ald. Taylor was excused from the meeting at 10:55 p.m.

L. APPOINTMENTS

1. [Council Appointment to Water and Light Commission.](#)

Moved by Ald. Zelinski seconded by Ald. Langdon to approve appointment of James Smolinski, 1220 Airport Road, to Water and Light Commission for the term 10/6/2015 to 10/1/2020.

Motion carried on voice vote.

2. Reappointment of Lisa Hopwood, 1028 Manitoba St., to the Parks and Recreation Board, for the term of 10/01/2015-10/01/2018.

Moved by Ald. Keehan seconded by Ald. Benner to approve reappointment of Lisa Hopwood, 1028 Manitoba Street, to the Parks and Recreation Board for the term 10/1/2015-10/01/2018

Motion carried on voice vote.

M. CLAIMS AGAINST THE CITY

None

N. PUBLIC COMMENTS ON ANY MATTER LISTED ON THE AGENDA

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

Greg Keil, 1831 Lakeshore Drive, Menasha. Read a statement from the owners of Germania Hall stating their disappointment in the outcome of the Council's decision on 320 Chute Street.

CDD Keil asked where people should be told to park.

Kathy Stahl, 44 DePere Street, Menasha. Commented that more than just bicyclist will be using the Loop the Little trail.

Tyler Doemer, 52 Appleton Street, Menasha. Commented that all elected officials should be asking questions.

O. RECESS TO ADMINISTRATION AND BOARD OF PUBLIC WORKS

Moved by Ald. Nichols seconded by Ald. Benner to recess at 11:10 p.m.

Motion carried on voice vote.

Reconvened at 11:34 p.m.

P. REPORT OF DEPARTMENT HEADS

1. [CA Captain – Memo Re: City of Menasha v. Waverly Sanitary District et al.](#)

CA Captain updated the Council that the Court of Appeals issued a decision affirming the order of the Circuit Court which dismissed the City of Menasha's action for declaratory judgement against Waverly Sanitary District. Court ruled there is a contract in place between City of Menasha and Waverly Sanitary District and that contract should be followed.

Q. ACTION ITEMS

1. Moved by Ald. Benner seconded by Ald. Keehan to Adjourn at 11:50 p.m. 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; and 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.(Incorporation of a portion of lands comprising the Town of Menasha, Winnebago County, WI. Richard Jones et al vs. Town of Menasha Case No.15-CV-452; City of Menasha vs. Waverly Sanitary District et al. Circuit Court Case Number 2013CV00189, Appellate Case Number 2014AP001576)  
Motion carried on roll call 7-0.

2. May reconvene into Open Session to act on what was discussed in Closed Session.  
No action.

R. ADJOURNMENT

Moved by Ald. Keehan seconded by Ald. Spencer to adjourn at 12:04 a.m. on October 6, 2015  
Motion carried on voice vote.

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