

CITY OF MENASHA
COMMON COUNCIL
Third Floor Council Chambers
140 Main Street, Menasha
Monday, February 16, 2015
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 Zelinski, Englebert, Benner, Nichols, Taylor, Sevenich, Keehan

EXCUSED: Alderman Langdon

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

1. [The Proposed Preliminary Resolution Authorizing Public Improvement and Levying Special Assessments Against Benefited Property.](#)

DPW Radtke explained street improvements in Southfield West Subdivision, Barker Farm Estates subdivision, Natures Way, and River Lea Court.

Heather and Dustin Loudon, 1068 Durham Lane, Menasha. Questioned the cost of asphalt, how and when they will be notified when street construction begins, and since their property already has blacktop driveway apron will it be replaced by the City.

DPW Radtke responded to their questions.

No one else spoke. Mayor Merkes closed the Public Hearing.

2. [The proposed rezoning of property located immediately east of 934 Plank Road, which includes parcel number 5-00493-00.](#)

CDD Keil explained a review of the Comprehensive Plan recommends this parcel be zoned as C-1 General Commercial District due to the size of the lot and environmental concerns. The lot is unbuildable in its current zoning of I-1 Heavy Industrial District without a variance. Variety of options for lot if zoned C-1 General Commercial.

Laurie Spiegel, 943 Marquette Street, Menasha. Questioned why rezone property if there are environmental issues and lot is unbuildable. She would rather have zoning remain at I-1 Heavy Industrial.

No one else spoke. Mayor Merkes closed the Public Hearing.

3. [The proposed rezoning of property located on the west side of the 600 block of Racine Street including parcel numbers 1-00513-00 and 1-00514-00.](#)

CDD Keil explained a review of the Comprehensive Plan recommends this parcel be rezoned from a R-1 Single Family District to a C-1 General Commercial District to coincide with the Boys and Girls Club parcels.

No one spoke. Mayor Merkes closed the Public Hearing.

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

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

Anita Parsons, 338 Elm Street, Menasha. Parking issues on Elm Street.

Laurie Spiegel, 943 Marquette Street, Menasha. Housing issues in Menasha.

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, 01/14/15.](#)
- b. [Board of Public Works, 02/02/15.](#)
- c. [Committee on Aging, 01/15/15.](#)
- d. [IT Steering Committee, 01/20/15.](#)
- e. Parks & Recreation Board, [01/26/15](#) and [02/09/15.](#)
- f. [Personnel Committee, 02/02/15.](#)
- g. [Plan Commission, 02/03/15.](#)
- h. [Redevelopment Authority, 02/03/15.](#)
- i. [Water & Light Commission, 01/28/15.](#)

Communications:

- j. [CDD Keil, 02/12/15; Hotel Block Redevelopment – Status and Timeline.](#)
- k. [Tom Buchholz, Wisconsin Dept. of Transportation, System Development, 02/06/15; WIS 441 Tri-County Project Local Officials Meeting.](#)
- l. [Harrison Sturgis, Jr. to Kathy Casperson, copy to Mayor Merkes, 02/10/15; North County Dog Park.](#)

Moved by Ald. Benner seconded by Ald. Keehan to receive Minutes and Communications A-L.

General discussion ensued on Minutes G (Plan Commission).

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, 02/02/15.](#)

Board of Public Works, 02/02/15 – Recommends the Approval of:

2. [Recommendation to Award – 2015 Water Main Reconstruction Project M0002-940733; Donald Hietpas & Sons, Inc.; \\$618,358.50; \(Menasha Utilities\).](#)

Parks and Recreation Board, 01/12/15 – Recommends the Approval of:

3. [Revising the current park fee policy for non-profit groups to coincide with the current Special Event fee policy.](#)

Parks and Recreation Board, 02/09/15 – Recommends the Approval of:

4. [Renewal of reciprocity agreements with the Town of Menasha and City of Appleton for 2015-2016.](#)
5. [Extending the Jefferson Park curfew on July 4, 2015 from 11:00 p.m. to 11:30 p.m. to aid in traffic congestion following the fireworks show.](#)

Personnel Committee, 02/02/15 – Recommends the Approval of:

6. [To authorize the creation of one additional Lead Person position in the Parks, Forestry, Facilities and Cemetery Division, adding it to the table of organization without increasing the number of employees in the division with the recommended pay range.](#)
7. [The proposed changes to the Personal Policy Handbook Overtime Policy as submitted.](#)

Plan Commission, 02/03/15, Recommends the Approval of:

8. [The rezoning of property located on the west side of the 600 block of Racine Street, parcel numbers 1-00513-00 and 1-0514-00 from R-1 – Single Family Residence District to C-1 – General Commercial District.](#)
9. [The rezoning of the property located immediately east of 934 Plank Road, parcel number 5-00493-00 from I-1 – Heavy Industrial District to C-1 – General Commercial District.](#)
10. The proposed amendments to Section 13-1-67 pertaining to Electronic Message Center Signage.
11. [The Extraterritorial Certified Survey Map at Racine Road and Century Oaks Drive in the Town of Menasha.](#)

Ald. Sevenich requested to remove from Consent Agenda items 3&9; Ald. Zelinski requested to remove from Consent Agenda item 5; Ald. Englebort requested to remove from Consent Agenda item 7.

Moved by Ald. Benner seconded by Ald. Englebort to approve Consent Agenda items 1, 2, 4, 6, 8, 10, 11.

Motion carried on roll call 7-0.

H. ITEMS REMOVED FROM CONSENT AGENDA

Moved by Ald. Sevenich seconded by Ald. Benner to hold Consent Agenda item 3, Revising the current park fee policy for non-profit groups to coincide with the current Special Event fee policy.
Item held.

Moved by Ald. Zelinski seconded by Ald. Sevenich to approve Consent Agenda item 5, Extending Jefferson Park curfew on July 4, 2015 from 11:00 p.m. to 11:30 p.m. to aid in traffic congestion following the fireworks show.

General discussion ensued on concerns of noise issues after 11:00 p.m., safety of those attending fireworks show, similar situation during Seafood Fest.

Motion carried on roll call 5-2. Ald. Nichols, Sevenich, Keehan, Englebert, Benner voted yes; Ald. Zelinski, Taylor voted no.

Moved by Ald. Englebert seconded by Ald. Sevenich to approve Consent Agenda item 7, Proposed changes to the Personal Policy Handbook Overtime Policy as amended to include all non-represented full time employees.

Motion carried on roll call 7-0.

Consent Agenda item 9 - The rezoning of the property located immediately east of 934 Plank Road, parcel #5-004930-00 from I-1 Heavy Industrial District to C-1 General Commercial District.

No Action.

I. ACTION ITEMS

1. [Accounts payable and payroll for the term of 02/05/15 to 02/12/15 in the amount of \\$1,062,354.80.](#)

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

Motion carried on roll call 7-0.

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 applications for 2013-2015 licensing period as listed in memo date 2/11/15.

Motion carried on roll call 7-0.

3. ["Class B" Liquor License Application for 5 O'Clock Somewhere RD LLC, d/b/a 5 O'Clock Somewhere, 600 Broad Street, Menasha, Rebecca Harrell, agent for the 2014-2015 licensing year.](#)

Moved by Ald. Nichols seconded by Ald. Keehan to approve "Class B" liquor license application for 5 O'Clock Somewhere RD LLC.

General discussion ensued on the condition of the building to be licensed, violation of any ordinances. Rebecca Harrell-Durant addressed the concerns of the Council.

Moved by Ald. Taylor, seconded by Ald. Zelinski to table.

Motion failed on roll call 2-5. Ald. Taylor, Zelinski voted yes; Ald. Nichols, Sevenich, Keehan, Englebert Benner voted no.

Motion to approve carried on roll call 5-2. Ald. Nichols, Sevenich, Keehan, Englebert, Benner voted yes; Ald. Taylor, Zelinski voted no.

J. ORDINANCES AND RESOLUTIONS

1. [O-1-15; Request to Allow Overnight Parking on the West Side of Elm Street from Nicolet Boulevard to Keyes Street during the Period of April 1 through October 31. \(Introduced by Ald. Nichols\). \(Recommended by Board of Public Works\).](#)

No Action.

2. [O-2-15; An Ordinance Amending Title 13 by Making Certain Changes to the District \(Racine Street, Parcel #1-00513-00 and Parcel #1-00514-00\). \(Introduced by Mayor Merkes\). \(Recommended by the Plan Commission\).](#)

Moved by Ald. Englebert seconded by Ald. Sevenich to adopt O-2-15 An Ordinance Amending Title 13 by Making Certain Changes to the District (Racine Street, Parcel #1-00513-00 & Parcel #1-00514-00).

General discussion ensued on reason for rezoning to coincide with adjacent parcels, Boys and Girls Club.
Motion carried on roll call 7-0.

3. [O-3-15; An Ordinance Amending Title 13 by Making Certain Changes to the District \(Plank Road, Parcel #5-00493-00\). \(Introduced by Mayor Merkes\). \(Recommended by the Plan Commission\).](#)

Moved by Ald. Benner seconded by Ald. Englebert to adopt O-3-15 An Ordinance Amending Title 13 by Making Certain Changes to the District (Plank Road, Parcel #5-00493-00).

General discussion ensued on process to approve a variance for a property.

Motion carried on roll call 5-2.

Ald. Nichols, Taylor, Sevenich, Englebert, Benner voted yes; Ald. Keehan, Zelinski voted no.

4. [O-4-15; An Ordinance Repealing and Recreating Title 13, Chapter 1, Article F, Section 13-1-67\(d\)\(1\) and Section 13-1-67\(d\)\(4\). Requirements by Sign Type. \(Recommended by the Plan Commission\).](#)

Moved by Ald. Sevenich seconded by Ald. Taylor to hold O-4-15 An Ordinance Repealing and Recreating Title 13, Chapter 1, Article F, Section 13-1-67(d)(1) and Section 13-1-67(d)(4). Requirement by Sign Type. Item held.

5. [R-8-15; Final Resolution Authorizing Public Improvements and Levying Special Assessments Against Benefited Property. \(Introduced by Alderman Sevenich\).](#)

Moved by Ald. Sevenich seconded by Ald. Englebert to adopt R-8-15 Final Resolution Authorizing Public Improvements and Levying Special Assessments Against Benefited Property.

Motion carried on roll call 7-0.

K. APPOINTMENTS

L. HELD OVER BUSINESS

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. Nichols seconded by Ald. Keehan to recess at 7:40 p.m.

Motion carried on voice vote.

Reconvened at 8:15 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)(g): Conferring with legal counsel for the governmental body that is rendering oral or written advice concerning strategy to be adopted by the body with respect to litigation in which it is or is likely to become involved. (City of Menasha vs. Waverly Sanitary District et al. Circuit Court Case Number 2013CV00189, Appellate case number 2014AP001576; City of Menasha vs. Village of Harrison, Calumet County Circuit Court Case Number 2015CV00017; and Intermunicipal Agreement dated October 28, 1999, between City of Menasha, Town of Harrison and Waverly Sanitary District.

Motion carried on roll call 7-0.

May reconvene into open session immediately following any closed session in order to take action on the closed session items. Wis. Stat. 19.85(2).

No Action.

Q. ADJOURNMENT

Moved by Ald. Englebert seconded by Ald. Keehan to adjourn at 8:51 p.m.

Motion carried on voice vote.

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