

CITY OF MENASHA
COMMON COUNCIL
Third Floor Council Chambers
140 Main Street, Menasha
Monday, July 20, 2015
MINUTES

A. CALL TO ORDER

Meeting called to order by Mayor Merkes at 6:02 p.m.

B. PLEDGE OF ALLEGIANCE

C. ROLL CALL/EXCUSED ABSENCES

PRESENT: Aldermen Benner, Nichols, Taylor (6:05pm), Krautkramer, Langdon, Keehan

EXCUSED: Alderman Zelinski

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

D. PUBLIC HEARING

1. [An application for a Special Use Permit amendment by the Menasha Joint School District to construct a garage for the football club at 1600 Midway Road, which includes Parcel Number 6-0162-02.](#)

No one spoke

Mayor Merkes called the Public Hearing to a close.

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

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

No one spoke.

F. REPORT OF DEPARTMENT HEADS/STAFF/CONSULTANTS

1. DPW Radtke – Stormwater Plan Grant Status.

Nick Vandehey from McMahon & Associates gave an update and status on the Stormwater Plan Grant.

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

Minutes to receive:

- a. Board of Public Works, [07/06/15-1](#) and [07/06/15-2](#).
- b. [Committee on Aging, 06/11/15.](#)
- c. [Landmarks Commission, 07/15/15.](#)
- d. [Plan Commission, 07/07/15.](#)
- e. [Water and Light Commission, 06/30/15.](#)

Communications:

- f. Waverly Sanitary District, [06/11/15](#) and [06/25/15.](#)
- g. [ES Montour, 07/09/15; City of Menasha Sewer System Evaluation Survey \(SSES\), Phase No. 3, Segments 4b & 5a Foundation Drain and Sump Pump Inspections.](#)
- h. [Mayor Merkes and Alderman Zelinski to Governor Scott Walker, 07/10/15; State Budget Bill 2015-17 Veto Request.](#)
- i. [Shannon Full, President/CEO of Fox Cities Chamber, 07/14/15; Resignation of Fox Cities Regional Partnership Executive Vice President, Larry Burkhardt.](#)
- j. [Fox Cities Regional Partnership; 2013-2015 Expansion and Attraction Project Outcomes.](#)
- k. [Fox Cities of Wisconsin; Fox Cities Visitor Spending 2014 Summary of Key Findings.](#)

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

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 placed 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, 07/06/15.](#)

Board of Public Works, 07/06/15 – Recommends the Approval of:

2. [Street Use Application – Race the Lake; Sunday, August 16, 2015; 7:00 AM – 9:00 AM; \(DuTriRun\).](#)
3. [Street Use Application – Twisted Pistons, Thursday, August 20, 2015; 2:00 PM – 10:00 PM; \(Twisted Pistons, Inc.\).](#)
4. [Street Use Application – Community First Fox Cities Marathon Presented by Miron Construction; Sunday, September 20, 2015; 7:00 AM – 2:00 PM; \(Community First Credit Union\).](#)
5. [Payment – Janke General Contractors; Gilbert Riverfront Trail; Contract No. 2014-03; \\$83,760.00 \(Payment No. 3\).](#)
6. [Payment – Northeast Asphalt, Inc.; New Street Construction and Reconstruction, Concrete Curb and Gutter, Asphalt Pavement, Storm Sewer – Southfield West/Natures Way Subdivision Streets, Barker Farm VI Subdivision Streets, River Lea Court, Broad Street, Ida Street, Manitowoc Street and Lincoln Street; Contract No. 2015-01; \\$180,509.35 \(Payment No. 1\).](#)
7. [Recommendation to Award – Fox River Crossing Contract \(Menasha Utilities\); Henkels & McCoy; \\$175,378.46.](#)

Plan Commission, 07/07/15 – Recommends the Approval of:

8. [Special Use Permit Amendment Application for 1600 Midway Road, Parcel #6-01262-02.](#)

Ald. Benner requested to remove item 6 from Consent Agenda.

Moved by Ald. Benner seconded by Ald. Keehan to approve Consent Agenda items 1,2,3,4,5,7,8.
Motion carried on roll call 6-0.

H. ITEMS REMOVED FROM CONSENT AGENDA

Moved by Ald. Benner seconded by Ald. Keehan to approve Consent Agenda item 6, Payment to Northeast Asphalt, Inc. for new street construction and reconstruction, concrete curb and gutter, asphalt pavement, storm sewer for Southfield West/Natures Way Subdivision Streets, Barker Farm VI Subdivision Streets, River Lea Court, Broad Street, Ida Street, Manitowoc Street and Lincoln Street, Contract No. 2015-01 in the amount of \$180,509.35 (Payment No. 1)

General discussion on terrace restoration.

Motion carried on roll call 6-0.

I. ACTION ITEMS

1. [Accounts payable and payroll for the term of 07/09/15 to 07/16/15 in the amount of \\$912,800.70.](#)

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

Motion carried on roll call 6-0.

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 in memo dated 7/16/15.

Motion carried on roll call 6-0.

Moved by Ald. Nichols seconded by Ald. Keehan to deny beverage operator's license application for Thomas Neville as he does not meet the criteria under Guidelines for Operator Licenses.

Motion carried on roll call 6-0.

3. [Ground Lease Agreement - Broad Street Parking Lot.](#)

CA Captain explained the Ground Lease Agreement for the Broad Street Parking Lot is connected with Item I-7 and no action is needed on this until after the Development Agreement is discussed.

No action taken.

4. [Extension Agreement for Assessment and Tax Listing Services for the City of Menasha by Associated Appraisal Consultants, Inc.](#)

Moved by Ald. Nichols seconded by Ald. Keehan to approve Extension Agreement for Assessment and Tax Listing Services for the City of Menasha by Associated Appraisal Consultants, Inc.

Motion carried on roll call 6-0

5. [Recognition Plaque Request from Landmarks Commission.](#)

Moved by Ald. Taylor seconded by Ald. Langdon to approve recognition plaque request from Landmarks Commission.

Motion carried on voice vote.

6. [Accept letter of resignation from Alderman Rollins-Jump and plan to fill vacancy.](#)

Moved by Ald. Benner seconded by Ald. Keehan to accept letter of resignation from Ald. Rollins-Jump and plan to fill vacancy.

Moved by Ald. Taylor seconded by Ald. Langdon to amend motion, to direct City Clerk to advertise for the position of District 7 Alderman with a term ending April 2016 and hold interviews at second Common Council meeting in August (Aug 17, 2015).

Moved by Ald. Langdon seconded by Ald. Keehan to amend the amendment, to appoint for the remain term (April 2017).

Motion on amendment carried on roll call 5-1. Ald. Taylor voted no.

Moved by Ald. Benner seconded by Ald. Langdon to amend the amendment, to hold a Special Common Council meeting to interview and fill vacancy.

General discussion ensued on when to hold the Special Common Council meeting.

Motion on amendment failed on roll call 0-6.

Moved by Ald. Benner seconded by Ald. Keehan to amend the amendment, to hold a Special Common Council meeting on August 17, 2015 at 5:00pm to interview and fill vacancy.

Motion on amendment carried on roll call 6-0.

Original motion as amended carried on roll call 6-0.

(Accept letter of resignation from Ald. Rollins-Jump, instruct City Clerk to advertise for the position of District 7 Alderman to serve out the remaining term (April 2017) and hold a Special Common Council meeting on August 17, 2015 at 5:00pm to interview and fill vacancy.)

7. Update and possible Amendment to Development Agreement by and between The City of Menasha, Wisconsin and Menasha Downtown Development, LLC.

CDD Keil explained staff is still waiting to hear on the WEDC Grant.

No action taken.

J. ORDINANCES AND RESOLUTIONS

1. [R-21-15 Resolution Approving Application to Board of Commissioners of Public Lands to Borrow \\$745,000 From the State Trust Funds, and Authorizing the Borrowing and the Issuance of Certificates of Indebtedness and Levying a Tax in Connection Therewith. \(Introduced by Mayor Merkes\).](#)

ASD Steeno explained the purpose of the four Resolutions; refinance for a better interest rate, funds for projects approved in the 2015 budget, TID #9 balloon payment, Call Notice for Promissory Note date August 1, 2008.

Moved by Ald. Nichols seconded by Ald. Keehan to adopt R-21-15 Resolution Approving Application to Board of Commissioners of Public Lands to Borrow \$745,000 from the State Trust funds and Authorizing the Borrowing and the Issuance of Certificates of Indebtedness and Levying a Tax in Connection Therewith.

Motion carried on roll call 6-0.

2. [R-22-15 Resolution Approving Application to Board of Commissioners of Public Lands to Borrow \\$2,045,000 From the State Trust Funds, and Authorizing the Borrowing and the Issuance of Certificates of Indebtedness and Levying a Tax in Connection Therewith. \(Introduced by Mayor Merkes\).](#)

Moved by Ald. Nichols seconded by Ald. Keehan to adopt R-22-15 Resolution approving Application to Board of Commissioners of Public Lands to Borrow \$2,045,000 from the State Trust Funds and Authorizing the Borrowing and the Issuance of Certificates of Indebtedness and Levying a Tax in Connection Therewith.

Motion carried on roll call 6-0.

3. [R-23-15 Resolution Approving Application to Board of Commissioners of Public Lands to Borrow \\$875,000 From the State Trust Funds, and Authorizing the Borrowing and the Issuance of Certificates of Indebtedness and Levying a Tax in Connection Therewith. \(Introduced by Mayor Merkes\).](#)

Moved by Ald. Nichols seconded by Ald. Keehan to adopt R-23-15 Resolution Approving Application to Board of Commissioners of Public Lands to Borrow \$875,000 from the State Trust Funds and Authorizing the Borrowing and the Issuance of Certificates of Indebtedness and Levying a Tax in Connection Therewith.

Motion carried on roll call 6-0.

4. [R-24-15 Resolution Authorizing the Redemption of General Obligation Promissory Notes Dated August 1, 2008. \(Introduced by Mayor Merkes\).](#)

Moved by Ald. Nichols seconded by Ald. Keehan to adopt R-24-15 Resolution Authorizing the Redemption of General obligation Promissory Notes Dated August 1, 2008.

Motion carried on roll call 6-0.

K. APPOINTMENTS

1. Mayor's reappointment of Kip Golden, 1009 Tana Lane, Menasha, to the Redevelopment Authority for the term of 9/1/15 – 8/31/20.

Moved by Ald. Benner seconded by Ald. Keehan to approve reappointment of Kip Golden to the Redevelopment Authority for the term 9/1/2015-8/31/2020.

Motion carried on voice vote.

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)

Representatives from Gunderson spoke on street closure during Twisted Piston event.

O. RECESS TO ADMINISTRATION COMMITTEE AND BOARD OF PUBLIC WORKS.

Moved by Ald. Taylor seconded by Ald. Keehan to recess at 7:15 p.m.

Motion carried on voice vote.

Reconvened at 8:45 p.m.

P. ACTION ITEMS

1. CA Captain – Update on Litigation.

- a. City of Menasha vs. Village of Harrison, Calumet Circuit Court Case Number 2015CV000017.

CA Captain updated the Council on the status of the City of Menasha vs. Village of Harrison case.

She is working on the briefs. Next hearing is scheduled for November 2, 2015.

2. If necessary, motion to adjourn into Closed Session pursuant to Wis. Stats. §19.85(1)(g): 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 (City of Menasha vs. Village of Harrison, Calumet Circuit Court Case Number 2015CV000017).

No action taken.

3. If necessary, 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 taken.

Q. ADJOURNMENT

Moved by Ald. Keehan seconded by Ald. Langdon to adjourn at 8:47 p.m.

Motion carried on voice vote.

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