

CITY OF MENASHA
COMMON COUNCIL
Council Chambers, 3rd Floor
140 Main Street, Menasha
Tuesday, September 5, 2006

MINUTES

I. Meeting called to order by Mayor Laux at 8:47 p.m.

II. PLEDGE OF ALLEGIANCE

III. ROLL CALL/EXCUSED ABSENCES

Present: Ald. Wisneski, Pack, Eckstein, Hendricks, Chase, Merkes, Taylor.

Excused: Ald. Michalkiewicz

Also Present: Mayor Laux, CA/HRD Brandt, PC Stanke, DFC Auxier, DPW Radtke, CDD Keil, PRD Tungate, Comp/Treas Stoffel, Clerk Galeazzi, and the Press.

IV. MINUTES TO APPROVE-MINUTES & COMMUNICATIONS TO RECEIVE

Minutes to approve:

- A. Administration Committee, 8/21/06
- B. Board of Public Works, 8/21/06
- C. Common Council, 8/21/06
- D. Special Common Council, 8/23/06

Moved by Ald. Eckstein, seconded by Ald. Taylor to approve Minutes A-D.

Motion carried on voice vote.

Minutes to receive:

- E. Library Board, 8/15/06
- F. NM Sewerage Commission, 7/25/06
- G. NM Fire Rescue Joint Finance & Personnel Committee, 8/22/06
- H. NM Fire Rescue Joint Fire Commission, 8/23/06
- I. Board of Health, 6/28/06
- J. Health Insurance Sub-Committee Meeting, 8/11/06
- K. Red, White & Blue Committee, 8/16/06
- L. Park & Recreation Board, corrected; 7/10/06
- M. Housing Authority, 4/13/06
- N. Water & Light Commission, 8/23/06
- O. Park and Recreation Board, 8/14/06
- P. Plan Commission, 8/29/06
- Q. Public Hearing, 8/21/06; Rezoning of parcel #7-24 (Oneida St. & Natures Way)

Communications:

- 1. League of Wisconsin Municipalities, 8/22/06; League Letter
- 2. Time Warner Cable to Clerk Galeazzi, 8/22/06; Network renaming
- 3. Winnebago County Legislative Committee Minutes, 7/24/06
- 4. Wisconsin Taxpayers Alliance, 8/14/06
- 5. Winn. Cnty Corporation Counsel, 8/28/06; Foreclosure notice of 535 First St.
- 6. Lisa Martens (Laemmrich Funeral Home), 8/22/06; 354 Third St.
- 7. Mayor Laux to Lisa Martens, 8/30/06; response to letter re: 354 Third St.
- 8. Mayor Laux, 8/23/06; Communication with Carrie Wagner re: reduction of streetlights
- 9. Dept. of Natural Resources, 8/29/06; Air Pollution Construction Permit for 800 Midway Rd. (Banta Co.)
- 10. Winn. Cnty Corporation Counsel, 8/28/06; Foreclosure notice of parcel #701-0290-99 (Racine St.)
- 11. Paul Brunette (Wreath Factory) to AP Beckendorf, 8/24/06; nomination in WCREW Showcase
- 12. Ald. Taylor, 8/31/06; memo from Jeff Jorgenson to PC Stanke regarding street light reduction

Moved by Ald. Wisneski, seconded by Ald. Eckstein to approve Minutes E-Q and Communications 1-12.

Discussion: Ald. Hendricks, Minutes Q (Public Hearing), misspelled words need to be corrected.

Ald. Chase, Minutes K (Red, White, Blue Comm), invite Aldermen to attend 9-11 Never Forget event.

Ald. Wisneski, Comm. #10, address of property. CDD Keil explained the property is a walkway.

Motion carried on voice vote.

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

VI. APPOINTMENTS

VII. CLAIMS AGAINST THE CITY

VIII. REPORT OF DEPARTMENT HEADS/STAFF/CONSULTANTS

IX. REPORT OF COMMITTEES/BOARDS/COMMISSIONS

A. Neenah-Menasha Fire Rescue, Joint Finance & Personnel Comm. recommends:

1. Accepting the proposal from Theda Care at Work for a total not to exceed \$19,214.00 for annual physicals for Neenah-Menasha Fire Rescue to be performed in 2007.

Moved by Ald. Wisneski seconded by Ald. Pack to approve.

Motion carried on roll call 7-0.

B. Plan Commission, 8/29 /06, recommends approval of:

1. Rezoning – C3 to PUD- Lot 1 of Certified Survey Map 1911 Nature's Way Parcel # 7-24

Moved by Ald. Merkes seconded by Ald. Hendricks to approve.

Motion carried on roll call 7-0.

2. Preliminary/Final Plat – Nature's Way
Community Development Dept. Variance Request From Subdivision Regulations-
Right of Way width: 30'
Cul de Sac radius: 41'

Moved by Ald. Merkes seconded by Ald. Eckstein to approve.

Motion carried on roll call 7-0.

3. Extraterritorial Plat Oakwood Estates – Town of Harrison

Moved by Ald. Merkes seconded by Ald. Eckstein to approve.

Motion carried on roll call 7-0.

C. Administration Committee, 9/5/06:

1. License: 'Class A" application of U.S. Oil Co., Inc., Gerald G. Smith, Agent for the premises at 700 Third Street for the 2006-2007 licensing year.

Moved by Ald. Eckstein seconded by Ald. Wisneski to approve.

Motion carried on roll call 7-0.

2. Agreement with Excel Properties, LLC, 428 Third Street, and authorize signatures.

Moved by Ald. Eckstein seconded by Ald. Pack to approve.

Discussion.

Motion carried on roll call 5-2.

Ald. Wisneski, Pack, Hendricks, Eckstein, Chase - yes

Ald. Merkes, Taylor – no

3. Release and Settlement Agreement between City of Menasha & Time Warner Cable regarding franchise fee dispute, and authorize signatures.

Moved by Ald. Merkes seconded by Ald. Hendricks to approve with condition that one-half of funds be segregated to be used to provide service back to cable subscribers.

Discussion.

Motion carried on roll call 6-1.

**Ald. Merkes, Taylor, Wisneski, Hendricks,
Eckstein, Chase-yes.**

Ald. Pack – no.

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IX. REPORT OF COMMITTEES/BOARDS/COMMISSIONS

C. Administration Committee, 9/5/06:

4. Agreement between ACE/Wisconsin II, LLC and City of Menasha, and authorize signatures.

Moved by Ald. Eckstein seconded by Ald. Wisneski to approve.

Discussion.

Motion carried on roll call 7-0.

5. Accounts payable and payroll for the period 8-24-06/8-31-06 for the amount of \$846,931.91.

Moved by Ald. Eckstein seconded by Ald. Taylor to approve.

Motion carried on roll call 7-0.

D. Board of Public Works, 9/5/06:

1. Street Use Applications:

- A. Oktoberfest; Friday, September 29, 2006, 5:00 PM -10:30 PM; Saturday, September 30, 2006, 12:00 PM-10:30 PM (Calumet Publishing)

Moved by Ald. Taylor seconded by Ald. Merkes to approve.

Discussion.

Moved by Ald. Wisneski seconded by Ald. Taylor to amend the time on Sept. 30, 1:00 p.m. to 10:30 p.m.

Motion carried on amendment on voice vote.

Motion to approve as amended on roll call 7-0.

- B. Harvest Fest; Saturday, September 30, 2006, 7:00 AM – 12:00 PM; (M.A.C Advocacy Group)

Moved by Ald. Wisneski seconded by Ald. Eckstein to approve.

Motion carried on roll call 7-0.

2. Payments:

- A. Miron Construction Co., Inc.; Elevated Walkway Construction; Contract Unit No. 2005-03; \$2,992.50 (Payment No. 6)

Moved by Ald. Taylor seconded by Ald. Eckstein to approve.

Motion carried on roll call 7-0.

- B. Miron Construction Co., Inc.; Elevated Walkway Construction; Contract Unit No. 2005-03; \$12,869.05 (Payment No. 7)

Moved by Ald. Taylor seconded by Ald. Eckstein to approve.

Motion carried on roll call 7-0.

3. Review of Elimination of Selected Street Lights City Wide (Ald. Merkes)
No Action.
4. Request for 4-Way Stop Signs at Deerhaven Drive and Southfield Drive (Ald. Chase)
Acted on in Board of Public Works – 90-Day Trial.
5. Request for 4-Way Stop Traffic Control at First Street and Appleton Street; 500-600 Blocks of First Street; Neighborhood Watch (Ald. Taylor)
Acted on in Board of Public Works – 90-Day Trial.
6. Authorization to Execute Agreement with Canadian National Regarding River Street.
Acted on in Board of Public Works – Deferred to Sept. 18, 2006 meeting.

X. ORDINANCES AND RESOLUTIONS

- A. O-28-06 – An Ordinance Relating to the Mayoral Budget

Moved by Ald. Wisneski seconded by Ald. Eckstein to reject O-28-06.

Motion carried on roll call 7-0.

XI. HELD OVER BUSINESS

XII. COUNCIL DIRECTIVES

- A. CA/HRD Brandt - 1) Annexation of Heckrodt Wetland Reserve (Ald. Chase)
CA/HRD Brandt reported he will be publishing the annexation notice and preparing the ordinance.
- 2) Status of Gatehouse property (Ald. Merkes)
CA/HRD Brandt reported he has sent the legal description to Dan Schott one of the owners of the condominium association and asked to schedule an appointment to discuss the issue of the legal description. He is waiting to hear from him.
- B. CDD Keil - 1) Status of 81 & 87 Racine St. (Ald. Taylor)
CDD Keil reported on 87 Racine Street the groundwater sampling has been completed. When he receives the report, he will send it to the DNR. He hopes to hear back from the DNR before the ground starts to freeze so they can make a decision on what to do with the property.
81 Racine Street, waiting to receive quote on removing the hydraulic lifts. He is working with Public Works Dept. on securing the property. He plans on using a snow fence to secure the property.
- 2) Status of 535 First St. (Ald. Taylor)
CDD Keil reported he has talked to the County Treasurer to confirm the procedure to obtain the property. There is a court date set for Oct. 19 for the County to take possession of the property. The City will need to wait until after that date to proceed with acquiring the property. He has the approval of the Housing Authority and Plan Commission to acquire the property.
- 3) Update on Grocery Store (Ald. Taylor)
CDD Keil reported he is working with an interested party. They are looking at using the current building on the site and part of the adjacent property. A plan will be presented to the RDA at it's next meeting (Sept. 6). The next step will be to formalize a development agreement and then bring it to the Council for approval.
- C. Ald. Taylor – Mayor's trip to Japan (Ald. Taylor)
Ald. Taylor read a definition of economic value. Discussion ensued if the Mayor's trip to Japan had any economic value to the City.

- NEXT AGENDA: Ald. Merkes – 1) Status of gatehouse property
2) Maintenance and repair of bricks on riverwalk.
- Ald. Wisneski – 1) Status of engineering study of Lincoln & Manitowoc Street
2) Completion date of River Street
- Ald. Taylor – 1) 81 & 87 Racine Street; 2) Status of grocery store
- Ald. Chase – 1) Status of HWR annexation.
2) Status of stop lights at intersection of STH 114 & LP.
3) Update on Friendship Trail

XIII. CITIZEN REPRISE (People from the gallery to be heard; only pertaining to matters on the agenda – five (5) minute time limit for each person)

XIV. ADJOURNMENT

Moved by Ald. Wisneski seconded by Ald. Pack to adjourn at 9:32 p.m.

Motion carried on voice vote.

Deborah A. Galeazzi
City Clerk