A. CALL TO ORDER
   Meeting called to order by Mayor Merkes at 6:00 p.m.

B. PLEDGE OF ALLEGIANCE
   The Pledge of Allegiance was recited.

C. ROLL CALL/EXCUSED ABSENCES
   PRESENT: Aldermen Collier, Krueger, Zelinski, Grade, Benner, Nichols, Taylor, Sevenich.
   ALSO PRESENT: Mayor Merkes, CA Captain, PC Styka, FC Kloehn, CDD Buck, ASD Jacobs, PHD McKenney, ES Montour, FM Sassman, PP Schroeder, Clerk Galeazzi.
   DEPT. HEAD EXCUSED: PRD Tungate

D. PUBLIC HEARING
   None

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. FC Kloehn—Introduction of new firefighter—Adam Lemke
      FC Koehn introduced Adam Lemke and gave a brief background on his experience and qualifications. The Council welcomed Firefighter Lemke. Clerk Galeazzi administered the Official Oath to Firefighter Lemke. FC Koehn presented FF Lemke with his badge and his fiancé pinned the badge to his uniform.
   2. CDD Buck—Introduction of Principle Planner Sam Schroeder
      CDD Buck introduced Sam Schroeder and gave a brief background on his qualifications, experience, and duties as Principle Planner. The Council welcomed PP Schroeder.
   3. Tax Increment Districts (TID) 2016 Annual Report
      CDD Buck and ASD Jacobs presented and reviewed the Tax Increment Districts 2016 Annual Report. They gave a summary of the City’s 11 active TIDs. They explained the cash flow projections of each TIDs. They stated staff is pleased with the current status of the TIDs.
      General discussion ensued on the status and performance of the TIDs.
   4. Clerk Galeazzi - the following minutes and communications have been received and placed on file:
      Minutes to receive:
      a. Administration Committee, 8/7/2017
      b. Board of Health, 6/30/2017
      c. Board of Public Works, 8/7/2017
      d. Committee on Aging, 6/7/2017
      e. Landmarks Commission, 8/9/2017
      f. Redevelopment Authority, 8/1/2017
Communications:
g. 2018 Budget Workshop Dates/Times Memorandum, 8/17/2017, ASD Jacobs
h. Diversity & Inclusion Training Reminder Memorandum, 8/17/2017, Human Resource Coordinator, Candi Huber
i. 2017 Preliminary City Population Memorandum, 8/17/2017, ASD Jacobs
j. Wis. State Stats. §66.1333(3)
k. 2017 Equalized Valuation, including Tax Incremental Financing (TIF) Districts
l. Elisha D. Smith Public Library 2017 Annual Report

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 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, 8/7/2017
   Administration Committee, 8/7/2017, Recommends the Approval of:
2. Code Compliance and Enforcement Property Survey with a friendly approach followed with hardline approach
   Board of Public Works, 8/7/2017, Recommends the Approval of:
3. Street Use Application – Menasha High School Homecoming Parade; Friday, October 6, 2017; 5:30 PM – 6:15 PM
4. Change Order – Sommers Construction; Contract Unit 2017-01; New Street Construction Including Asphalt Trail and Concrete Sidewalk; Province Terrace from Province Link to Midway Road; ADD: $10,129.02 (Change Order No. 1)
5. Payment – Sommers Construction; Contract Unit 2017-01; New Street Construction Including Asphalt Trail and Concrete Sidewalk; Province Terrace from Province Link to Midway Road; $21,081.74 (Payment No. 3 and Final)
6. Payment – MCC, Inc.; Contract Unit 2017-02; New Street Construction, Reconstruction and Rehabilitation – Various Streets; $87,395.88 (Payment No. 1)

Ald. Taylor requested to remove item 1 and Ald. Nichols requested to remove item 2 from Consent Agenda.

Moved by Ald. Sevenich seconded by Ald. Krueger to approve Consent Agenda items 3-6.
Motion carried on roll call 8-0.

H. ITEMS REMOVED FROM THE CONSENT AGENDA
Moved by Ald. Taylor seconded by Ald. Sevenich to postpone until the next meeting Consent Agenda item 1, Common Council minutes of 8/7/2017.
General discussion ensued on parliamentary actions not included in the minutes.
Motion carried on roll call 7-1. Ald. Nichols voted no.

Moved by Ald. Krueger seconded by Ald. Zelinski to approve Consent Agenda item 2, Code Compliance and Enforcement Property Survey with a friendly approach followed with hardline approach.
General discussion ensued on concerns of amount of staff time needed to implement program; other funding options available to property owners to help with needed repairs.
Motion carried on roll call 7-1. Ald. Nichols voted no.
I. **ACTION ITEMS**

1. Accounts payable and payroll for the term of 8/10/2017—8/17/2017 in the amount of $3,052,994.44.

   Moved by Ald. Krueger seconded by Ald. Benner to approve accounts payable and payroll.
   General discussion ensued on expenditures.
   Motion carried on roll call 8-0.


   Moved by Ald. Krueger seconded by Ald. Collier to approve Beverage Operators License Applications for the 2017-2019 licensing period as listed in memo dated 8/16/17.
   Motion carried on roll call 8-0.

3. Update on Real Estate Purchase and Sale Agreement—460 Ahnaip Street (R.R. Donnelley & Sons Company)

   CA Captain updated the Council on Real Estate Purchase and Sale Agreement for 460 Ahnaip Street. Staff received the Environmental Review of the property. The environmental documents were given to the City’s consultant, Omni Associates, for their assessment. The City has 30 days to determine if they want to move forward on the purchase of the property. Redevelopment Authority will review and any recommendations will come to Common Council for action.


   PC Styka explained the Police Department is eligible to participate in the Winnebago County Traffic Enforcement Taskforce. Grant funds are available for participants to use for traffic enforcement. The focus of the grant will be on seatbelt and child safety seat related violations. The grant requires the City to match 25%. The match will be done through traffic enforcement on regularly scheduled time and will not have an impact on the budget.

   Motion carried on roll call 8-0.

5. Sidewalk Project at Main & Tayco, CA Captain 8/17/2017

   CA Captain explained work on the sidewalks at the intersection of Main & Tayco streets uncovered an underground vault at 1 Main Street, known as the Brin Building. Part of the basement of the building was also exposed. Part of the lower level of the building extends into the City right of way.
   A structural engineer inspected the situation and suggested options to close off the area. Staff discovered a Revocable Occupancy Permit was issued for the property in 1990. The terms of the permit state the owner is responsible to remove the encroaching vault. The owner has been notified of the situation.

   General discussion ensued on how the vault was discovered; the Revocable Occupancy Permit; maps and documentation of any other underground vaults.

   Mr. Robert Ziesemer, owner of 1 Main Street, spoke to the Council. He asked why it was not noted there was a vault before the sidewalk work was started, what cost he is responsible for, and if the City will revoke the occupancy permit.

6. Village of Harrison Annexation & Waverly Sanitary District

   CA Captain explained the Village of Harrison recently annexed the remaining territory of the Town of Harrison, with the exception of a part of a parcel owned by the City of Menasha. This includes all of the City’s growth area identified in the boundary agreement between City of Menasha and Town of Harrison. Any challenge to an annexation must be done 90 days after adoption of the annexation ordinance.
Moved by Ald. Sevenich seconded by Ald. Collier to challenge Village of Harrison Annexation. General discussion ensued on the other annexation the City challenged; boundary agreement between City of Menasha and Town of Harrison. Motion carried on roll call 7-1. Ald. Zelinski voted no.

CA Captain explained how the annexation by Harrison affects the Waverly Sanitary District. City staff have met with Harrison Village Administrator who indicated the Village will take over the managing/operating of Waverly Sanitary District and continue to provide water and sanitary sewer services to City residents. General discussion ensued on having Menasha Utilities provide services to the residents currently in Waverly Sanitary District.

Moved by Ald. Benner seconded by Ald. Taylor to pursue a study for the City to provide water and sanitary sewer services to resident in the Waverly Sanitary District area. Motion carried on roll call 8-0.

7. Amendment to Listing Agreement with Newmark Grubb Pfefferle for 901 Airport Road
CDD Buck explained the terms of the listing agreement for the vacant parcel at 901 Airport Road. Newmark Grubb Pfefferle owns the adjoining parcel and they are marketing both properties with the expectation of selling both properties for a larger area for development. The amendment is to extend the listing agreement to September 2018.

Moved by Ald. Sevenich seconded by Ald. Krueger to approve Amendment to Listing Agreement with Newmark Grubb Pfefferle for 901 Airport Road. Motion carried on roll call 7-1. Ald. Taylor voted no.

8. Fox River Kayak Company Lease
Moved by Ald. Krueger seconded by Ald. Sevenich to approve Fox River Kayak Company Lease. General discussion ensued on the lease has already been approved by Parks and Recreation Board; proper procedure to approve the lease; authority of Parks and Recreation Board. Ald. Zelinski stated Point of Order-discussion is getting off the topic of the lease. Mayor Merkes ruled Point of Order well taken-instructed Council to stay on topic of the lease. Motion carried on roll call 8-0.

J. HELD OVER BUSINESS
None

K. ORDINANCES AND RESOLUTIONS
1. R-17-17 A Resolution approving the City of Menasha’s Liability insurance renewal through Cities and Villages Mutual Insurance Company (CVMIC) (Introduced by Mayor Merkes; Recommended by Administration Committee)
Moved by Ald. Benner seconded by Ald. Taylor to approve R-17-17 A Resolution approving the City of Menasha’s Liability insurance renewal through Cities and Villages Mutual Insurance Company (CVMIC)
Motion carried on roll call 8-0.

2. R-18-17 A Resolution Approving a Property Tax Rescission (Wisconsin Department of Transportation) (Introduced by Mayor Merkes)
Moved by Ald. Benner seconded by Ald. Taylor to approve R-18-17 A Resolution Approving a Property Tax Rescission (Wisconsin Department of Transportation). Motion carried on roll call 8-0.
3. R-19-17 A Resolution Approving a Property Tax Refund (1044 Lugano Street) (Introduced by Mayor Merkes)
Moved by Ald. Benner seconded by Ald. Taylor to approve R-19-17 A Resolution Approving a Property Tax Refund (1044 Lugano Street).
Motion carried on roll call 8-0.

L. APPOINTMENTS
None

M. CLAIMS AGAINST THE CITY
1. Scot M. Clavers v. Cities and Villages Mutual Ins. Co. et al., Winnebago County Case No. 16 CV 348
CA Captain explained this case has been settled and therefore no action is required.

2. A motion is in order for the Common Council to issue a formal notice of disallowance for the claim for Pekin Insurance (regarding 850 Racine Street) and that they be advised of their statutory rights pursuant to Wis. Stats §893.80.
CA Captain explained the City received notice from Pekin Insurance for their client Primitive Gatherings LLC, 850 Racine Street, in regard to water damage to the business’s basement. Pekin Insurance has been informed it was a State not a City project that allegedly caused the damage. Staff recommends denying the claim.
Moved by Ald. Krueger seconded by Ald. Taylor to issue a formal notice of disallowance for the claim for Pekin Insurance (regarding 850 Racine Street) and they be advised of their statutory rights pursuant to Wis. Stats §893.80.
Motion carried on roll call 8-0.

3. Jerome, Steven, & Jan Hoelzel
Claim regarding Lilly O’Connell vs. Jerry Hoelzel, Jan Hoelzel, & Steve Hoelzel Case No. 17 CV 0029
CA Captain updated the Council on the claim filed by Lilly O’Connell. It is in the early process of the claim. CVMIC has been notified. No action is required at this time.

N. PUBLIC COMMENTS ON ANY MATTER LISTED ON THE AGENDA
(five (5) minute time limit for each person)
Dick Sturm, Chairman of Parks & Recreation Board. Commented the Parks and Recreation Board was following the rules when they approved the Fox River Kayak Company Lease.

O. RECESS TO COMMITTEES
Moved by Ald. Benner seconded by Ald. Taylor to recess to committees at 9:28 p.m.
Motion carried on voice vote.
Reconvened at 9:48 p.m.

P. ACTION ITEMS
1. Moved by Ald. Benner seconded by Ald. Krueger to Adjourn into Closed Session pursuant to Wis Stats. §19.85(1)(e)(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 advice concerning strategy to be adopted by the body with respect to litigation in which it is or is likely to become involved. (995 Brighton Drive)
Motion carried on roll call 8-0.
2. May reconvene into Open Session to take action on items discussed in Closed Session
   No action.

Q. ADJOURNMENT
   Moved by Ald. Krueger seconded by Ald. Sevenich to adjourn at 10:13 p.m.
   Motion carried on voice vote.

Deborah A. Galeazzi, WCMC
City Clerk