CITY OF MENASHA
COMMON COUNCIL
First Floor Conference Room
100 Main Street
Monday, March 5, 2018
Minutes

A. CALL TO ORDER
Meeting called to order by Mayor Merkes at 6 pm

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

C. ROLL CALL/EXCUSED ABSENCES
Present: Ald. Nichols, Taylor, Sevenich, Collier, Krueger, Zelinski, Grade, & Benner
Excused:
Also Present: Mayor Merkes, CA Captain, PC Styka, FC Kloehn, PRD Tungate, PHD McKenney, ASD Jacobs, DPW Radomski, CDD Schroeder, Deputy Clerk Cheslock

D. PUBLIC HEARING

E. PUBLIC COMMENTS ON ANY MATTER OF CONCERN TO THE CITY
1. Soroosh Werner Karamyar—415 S Olde Oneida St, Appleton—Owner of Fox River Kayak Company—Shared information regarding first year of Kayak Company open in Menasha; excited to answer questions regarding the lease on the agenda.
2. Chris Evenson—523 Broad St.—comments regarding R-15-17; Racine Street Bridge reconstruction/repair; suggests independently investigating the 30 ton weight limit put on the bridge by the DOT.
3. Sandra Dabill-Taylor—545 Broad St.—comments regarding Protocol Committee’s focus, open meetings law, how the consent agenda is used, how department heads are hired/appointed, Housing Authority, IT Steering Committee, Mayor’s Facebook page, Kayak Company Lease, and televising of Council meetings

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. Administration Committee, 2/19/2018
   b. Board of Public Works, 2/19/2018
   c. Landmarks Commission, 2/14/2018
   d. Neenah Menasha Sewerage Commission, 1/23/2018
   e. Park and Recreation Board, 1/9/2018
   Communications:
   f. City of Menasha Foundation Drain and Sump Pump Inspections (Second Letter)
   g. Spring Primary Election Results, 2/20/2018
   h. Recommendation for Award Memorandum, 2/28/2018, Melanie Krause MUGM
   i. 2018 CDBG Small Cities Non-Regional Housing Grant Memorandum, 3/5/2018, CDD Schroeder

   Moved by Ald. Sevenich seconded by Ald. Collier to receive Minutes and Communications a-i. Motion carried on voice vote.
G. CONSENT AGENDA

Minutes to approve:

1. Common Council, 2/19/2018
   Board of Public Works, 2/19/2018, Recommends the Approval of:
   2. Recommendation to Award – Contract Unit 2018-01; City of Menasha New Concrete Street Construction Including Concrete Sidewalk and Street Lighting – Main Street from Tayco Street to 300’ East of Mill Street; Vinton Construction Company; $666,817.64
   3. Recommendation to Award – Contract No. M0002-9-17-00839; 2018 Water Main & Sanitary Sewer Reconstruction – First Street Water Main, Broad Street Water Main and Broad Street Water Main & Sanitary Sewer; Donald Hietpas & Sons, Inc.; $552,864.15

   Ald. Sevenich requested to remove item 2 & 3
   Moved by Ald. Sevenich seconded by Ald. Krueger to approve Consent Agenda Items 1
   Motion carried on roll call 8-0

H. ITEMS REMOVED FROM THE CONSENT AGENDA

1. Moved by Ald. Taylor seconded by Ald. Krueger to approve Consent Agenda Item 2
   General discussion ensued on decision made by Board of Public Works, increased pricing if delayed in replacing lamp poles.
   Moved by Ald. Benner seconded by Ald. Collier to table until we have the necessary information to make a decision.
   Motion to table fails on roll call 4-4; Ald. Collier, Zelinski, Grade, and Benner voted yes; Ald. Nichols, Taylor, Sevenich, and Krueger voted no. Mayor voted no to break tie.
   General discussion ensued on Downtown merchants and residents expecting this construction to occur this summer, delays putting the whole project in jeopardy; whether or not we plan to replace the light poles; when the work is set to begin and what a delay will do to the timeline, the impact to special events and downtown activities if there is a delay,
   CA Captain reminded Council that what is on the agenda tonight is accepting the bid or not. If the project changes it will have to go back through the bid process
   General discussion ensued on the long term plans for downtown construction, whether or not the City has the equipment required for the project, retrofitting the light poles, and clarification on what the plan has in place.
   Motion carried on roll call 6-2. Ald. Collier and Benner voted no.

2. Moved by Ald. Taylor seconded by Ald. Collier to approve Consent Agenda Item 3
   General discussion ensued on if this is a mandatory replacement and funding assistance for residents.
   Motion carried on roll call 8-0

I. ACTION ITEMS
1. Accounts payable and payroll for the term of 2/22/2018—3/1/2018 in the amount of $1,582,000.89
   Moved by Ald. Krueger seconded by Ald. Grade to approve Accounts payable and payroll for the term of 2/22/2018—3/1/2018 in the amount of $1,582,000.89
   Motion carried on roll call 8-0

   Moved by Ald. Krueger seconded by Ald. Collier to approve Beverage operator’s license applications for the 2017-2019 licensing period as outlined in memorandum dated 2/28/2018
   Motion carried on roll call 8-0

   Police Department recommends denying beverage operator’s license application of Steven Sager due to not meeting the criteria under the Guidelines for Operator Licenses approved by the Common Council.

   CA Captain reviewed the application and because the felony was from 27 years ago she recommends not taking the felony into account when review the application.

   Moved by Ald. Krueger seconded by Ald. Sevenich to approve beverage operator’s license application for the 2017-2019 licensing year of Steven Sager
   Motion carried on roll call 8-0

3. Appeal of 2017 Wrongful Property Tax, Parcel #6-00648-00, Madison Pentecostal Assembly Inc.
   Moved by Ald. Krueger seconded by Ald. Grade to approve Appeal of 2017 Wrongful Property Tax, Parcel #6-00648-00, Madison Pentecostal Assembly Inc.

   Captain explained that new information was found since the appeal was filed that the church did operate into the calendar year of 2017.

   Motion carried on roll call 8-0

4. Fox River Kayak Company Lease
   General discussion ensued about why this lease is on the agenda again, what the owner is looking for in a lease, what this lease would do to the current permitting process in place for the property,

   Unanimous consent requested to hear from the owner; Not given. Ald. Zelinski said no.

   Roll Call Vote to hear from Owner of the Kayak Company—Soroosh Werner Karamyar Passes 5-3; Ald. Collier, Zelinski, and Grade voted no

   Mr. Werner Karamyar stated he is looking for a stable relationship with the City, which the permit does not give him; is concerned about the 50% increase in fee from year one to two; wants to set a solid foundation going forward.
General discussion ensued on history of the issue and how many boards and committees the issue of leasing or permitting the building has come before.

Moved by Ald. Krueger seconded by Ald. Zelinski to postpone indefinitely.

Ald. Sevenich called Point of Order—questioning what lease is being voted on.

General discussion ensued on what it means for a business to build a foundation in Menasha, the other business and economic development brought to the City due to this business, and whether or not a final decision had already been made by the Council.

Ald. Krueger called Point of Order—this discussion should be about the postponement.

Mayor agreed and general discussion ensued on what happens if this is postponed indefinitely, this lease overriding the current permit if it is passed, the ability to sublease the space, and length of current permit.

Motion carried on roll call 6-2; Ald. Benner and Nichols voted no.

5. Owner Request City Purchase of 995 Brighton Drive, Menasha CA

   Captain explained why it is on the agenda and a brief history of the property and the current owner’s desire for the City to purchase it. She asked that the Council Postpone item until necessary information is received.

   Moved by Ald. Krueger seconded by Ald. Nichols to postpone until next meeting

   General discussion ensued on the property being removed from the Jefferson Park Vision Plan and why the city would purchase the property as it is not usable to the city.

   Motion carried on roll call 6-2; Ald. Grade and Zelinski voted no

J. HELD OVER BUSINESS

K. ORDINANCES AND RESOLUTIONS

1. O-2-18 Substitute Amendment to An Ordinance Amending Title 2, Chapter 4 of the Code of Ordinances (Library Board) (Recommended by Administration Committee; Introduced by Ald. Nichols).

   Moved by Ald. Nichols seconded by Ald. Krueger to approve O-2-18

   Motion carried on roll call 8-0

2. O-3-18 An Ordinance Creating Title 11, Chapter 4, Section 2 of the Code of Ordinances (Sexting) (Recommended by Administration Committee; Introduced by Ald. Sevenich).

   Moved by Ald. Sevenich seconded by Ald. Krueger to approve O-3-18

   Motion carried on roll call 8-0
3. R-4-18 A Resolution Authorizing the Execution and Delivery of Documents Relating to the Fox Cities Exhibition Center Project (Introduced by Mayor Merkes)

ASD Jacobs discussed the financing on the project and the communities involved; Appleton's part of the process and the reimbursement they may ask for; and explained the time restraints on the vote.

Mayor shared the suggested motion: Motion to approve R-4-18 Authorizing the execution and delivery of documents related to the Fox Cities Exhibition Center project. The issuance shall not include $803,130 reimbursement costs requested by the City of Appleton for; Phase IV legal fees, Phase V legal fees, financial advisor fees, and accrued lost interest.

General discussion ensued on the history of this issue, not paying for the actions Appleton took, presenting a united front to Appleton, Appleton's lack of response to the other communities, the possibility of having a special meeting after other communities have taken action,

Mayor stated he will not sign the resolution until Grand Chute and other major players have passed this and would prefer to pass this and not have a special meeting.

Moved by Ald. Sevenich seconded by Ald. Grade to approve R-4-18 Authorizing the execution and delivery of documents related to the Fox Cities Exhibition Center project. The issuance shall not include $803,130 reimbursement costs requested by the City of Appleton for; Phase IV legal fees, Phase V legal fees, financial advisor fees, and accrued lost interest.

Motion carried on roll call 8-0

L. APPOINTMENTS

M. CLAIMS AGAINST THE CITY

N. PUBLIC COMMENTS ON ANY MATTER LISTED ON THE AGENDA

1. Sandra Dabill-Taylor—545 Broad St.—comments on wording of items on the agenda, open meetings law, and the Kayak Company Lease.

O. ADJOURNMENT

Moved by Ald. Krueger seconded by Ald. Collier to adjourn at 7:56pm
Motion carried on voice vote.

Stephanie Cheslock, Deputy Clerk