A. CALL TO ORDER
   Meeting called to order by Mayor Merkes at 6:08 p.m.

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

C. ROLL CALL
   PRESENT: Alderman Randy Ropella, Rebecca Nichols, James Taylor, Stan Sevenich, Steve Krueger, Tom Grade, Ted Grade.
   ABSENT: Alderman Mark Langdon.
   ALSO PRESENT: Mayor Merkes, CA Captain, PC Styka, AFC Green, ASD Jacobs, CDD Schroeder, DPW Radomski, PHD McKenney, FM Sassman, Clerk Galeazzi.
   DEPT. HEAD EXCUSED: PRD Tungate.

D. PUBLIC HEARING
   1. Proposed amendment to Title 13, Chapter 1, Article G of the Menasha Code of Ordinances pertaining to mobile storage regulations specifically the exemption of licensed semi-trailers within the industrial zoning districts.
      CDD Schroeder updated the Council on the amendments pertaining to semi-trailer parking within industrial districts.
      Sandra Dabill-Taylor, 545 Broad Street, Menasha. She stated her opposition to how public hearing notices are published.

   2. Proposed amendments to Title 13, Chapter 1, Article C of the Menasha Code of Ordinances pertaining to allowable uses within the commercial zoning districts and to Title 13, Chapter 1, Article M of the Menasha Code of Ordinances relating to the definition of said commercial land uses.
      CDD Schroeder updated the Council on the proposed amendments to the ordinance. The amendments will allow for additional special uses within the C-1 district.
      Sandra Dabill-Taylor, 545 Broad, Menasha. She stated the public hearing notice was not properly noticed. She is opposed to spot zoning and spoke against the proposed amendments.
      CDD Schroder explained staff is following State Statute when publishing public hearing notices.

E. REPORT OF DEPARTMENT OFFICERS/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, 8/5/19
      b. Board of Health, 6/21/19
      c. Board of Public Works, 8/5/19
      d. Committee on Aging, 7/12/19
      e. Landmarks Commission, 7/24/19
      f. Plan Commission, 8/6/19
      g. Redevelopment Authority, 8/6/19
      h. Water & Light Commission, 7/24/19
Communications:
i. ASD Jacobs Memo, 8/15/19; 2019 Equalized Valuation, including TIF Districts
j. CDD Schroeder Memo, 8/5/19; Commercial Building Inspection
k. PHD McKenney Memo, 8/14/19; Deputy Public Health Director

Moved by Ald. Sevenich seconded by Ald. Krueger to receive Minutes and Communications a-k.
Motion carried on voice vote.

F. PUBLIC COMMENTS ON ANY MATTER OF CONCERN TO THE CITY
(five (5) minute time limit for each person)
Kathy Bauer, 709 Lincoln Street, Menasha. She commented on Resolution R-22-19; she is concerned with some of the items referred to in the bonding.

Arnie Collier, 941 Tayco Street, Menasha. He commented on Resolution R-22-19; concerned with what will happen down the road with the bonding.

Sandra Dabill Taylor, 545 Broad, Menasha. She commented on Resolution R-22-19, she is concerned with the cost of the bonding; how the League of Wisconsin Municipalities defines a public hearing; would like Plan Commission minutes to state she opposed both public hearings and also she was not opposed to rezoning of 528 Milwaukee; does not agree with what was listed in the Common Council minutes on her comments on the Fire Dept’s proposed agreement with Village of Fox Crossing for fire services; the Hotel Study proposal; the proposal to hire from within for DPW; CSM of Gosling Way.

Barb Wilson, Wilzski’s Pub, 528 Milwaukee Street, Menasha. She commented on meeting with City staff on the rezoning of her property. She is opposed to the rezoning of 528 Milwaukee St.

Bill Paveletzke, Wilzski’s Publ, 528 Milwaukee Street, Menasha. He commented on the rezoning of 528 Milwaukee St.

There was no objection to the Mayor Merkes’ request to move to Item K-7.

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, 8/5/19
   Administration Committee, 8/5/19, Recommends Approval of:
2. CVMIC Dividend – Option 2
   Board of Public Works, 8/5/19, Recommends Approval of:
   3. Payment – Janke General Contractors, Inc. Contract Unit No.: 2019-02; Province Terrace Trail; Nature’s Way to USH 10/STH 114 $70,162.73 (Payment No. 7)
   4. Payment – Northeast Asphalt, Inc. Contract Unit No.: 2019-03; Street Reconstruction – Various Locations $274,098.56 (Payment No 1)
   5. Set Fee In Lieu of Onsite Stormwater Best Management Practice (BMP) at $16,007 per acre
   Plan Commission, 8/6/19, Recommends Approval of:
6. Certified Survey Map, 906 and 914 Gosling Way Court, Menasha
7. Certified Survey Map, 528 Milwaukee Street, Menasha, with the following condition:
   a. The parcel is rezoned from I-1 Heavy Industrial to C-1 General Commercial.
(Contingent upon approval of Ordinance O-12-19)
Ald. Sevenich requested to remove items 3, 4, 5, & 7 from the Consent Agenda.

Moved by Ald. Sevenich seconded by Ald. Tom Grade to approve Consent Agenda items 1, 2, & 6.
Motion carried on roll call 7-0.

H. ITEMS REMOVED FROM THE CONSENT AGENDA
1. Moved by Ald. Krueger seconded by Ald. Ted Grade to approve Consent Agenda item 3, Payment – Janke General Contractors, Inc. Contract Unit No.: 2019-02; Province Terrace Trail; Nature’s Way to USH 10/STH 114 $70,162.73 (Payment No. 7).
Motion carried on roll call 7-0.

Motion carried on roll call 7-0.

3. Moved by Ald. Krueger seconded by Ald. Ted Grade to approve Consent Agenda item 5, Set Fee In Lieu of Onsite Stormwater Best Management Practice (BMP) at $16,007 per acre. DPW Radomski explained the fee is to allow developers the use of any stormwater pond.
Motion carried on roll call 7-0.

4. Moved by Ald. Nichols seconded by Ald. Krueger to approve Consent Agenda item 7, Certified Survey Map, 528 Milwaukee Street, Menasha, with the following condition:
   a. The parcel is rezoned from I-1 Heavy Industrial to C-1 General Commercial.

CDD Schroeder explained the CSM and rezoning need to be approved together. City Code requires bring a property into compliance if any changes to the property. The rezoning is a volunteer request of the property owner.

General discussion ensued on the:
- lot modification
- property owners request to rezone
- legal owner of the property

Ald. Taylor asked for unanimous consent to allow Barb Wilson and Bill Paveletzke to speak. Ald. Nichols objected as they were given time to speak at the beginning of the meeting. Motion to allow Barb Wilson and Bill Paveletzke to speak carried on roll call 4-3.

Ms. Wilson and Mr. Paveletzke stated the property owner did not intend to rezone the property, she just wanted Certified Survey Map approved so they could complete their purchase of the property.

General discussion ensued on:
- type of businesses permitted in C-1 and I-1 districts
- CSM needed to complete sale of property
- recommendation from Plan Commission
- should hear from legal property owner

Motion to approve CSM carried on roll call 5-2.

I. ACTION ITEMS
1. Accounts payable and payroll for the term of 8/8/19-8/15/19 in the amount of $3,293,757.20
Moved by Ald. Nichols and Ald. Tom Grade to approve accounts payable and payroll.
Motion carried on roll call 7-0.
2. Beverage Operators License Applications for the 2019-2021 licensing period.
   Moved by Ald. Nichols seconded by Ald. Krueger to approve beverage operator's license application for the 2019-2021 licensing period as listed in memo dated 8/15/19.
   Motion carried on roll call 7-0.

   The Police Department recommends denial of beverage operator's license application for Derek Pataska. Based on the City's guidelines Mr. Pataska is considered a habitual law offender and does not qualify for a beverage operator's license.

   Mr. Pataska explained the circumstances of the convictions listed in letter from the Police Department. Mr. Pataska stated he recently accepted a management position and an operator's license is required.

   CA Captain asked Mr. Pataska about some of the convictions. She explained the State Statute requirements regarding bartenders responsibilities and offenses substantially related to license activity.

   Moved by Ald. Krueger seconded by Ald. Ted Grade to deny beverage operator's license application for Derek Pataska
   Motion carried on roll call 7-0.

   **There was no objection to the Mayor Merkes' request to returned to the rest of the agenda starting with Item G.**

3. Intergovernmental Agreement For a Concrete Reconstruction/Urbanization Project; City of Appleton/City of Menasha/Village of Fox Crossing; Valley Road – West of Chain Drive to East of Forestview Court - Cost Update.
   DPW Radomski explained the original intergovernmental agreement was approved in 2018. Some cost associated with the project have increased which has increased the City's portion of the project. Some property owners affected by the project will see a significant increase in their assessment. Staff is seeking Council recommendation as to whether to continue forward with this project due to the increase on costs.

   General discussion ensued on cost and Appleton and Village of Fox Crossing plans to move forward with this project.

   Moved by Ald. Krueger seconded by Ald. Ted Grade to not pursue because of the increased cost.
   Motion carried on roll call 7-0.

   Moved by Ald. Krueger seconded by Ald. Sevenich to accept the proposal by Place Dynamics in the amount of $16,000.
   CDD Schroeder explained the difference between the proposals received.
   Motion carried on roll call 7-0.

J. HELD OVER BUSINESS

K. ORDINANCES AND RESOLUTIONS
   1. O-12-19 An Ordinance Amending Title 13, By Making Certain Changes to the District (528 Milwaukee Street—Parcel #1-00396-00); Introduced by Alderman Nichols; Recommended by Plan Commission.
   Moved by Ald. Nichols seconded by Ald. Krueger to approve O-12-19 An Ordinance Amending Title 13, By Making Certain Changes to the District (528 Milwaukee Street—Parcel #1-00396-00); Introduced by Alderman Nichols; Recommended by Plan Commission.

   General discussion ensued on the request of the legal property owner to rezone the property.
Moved by Ald. Sevenich seconded by Ald. Krueger to postpone to the next meeting. Motion carried on roll call 5-2.

2. O-18-19 An Ordinance Amending Title 2, Chapter 4 of the Code of Ordinances (Public Hearing Notices). Introduced by Ald. Sevenich; Recommended by Administration Committee.
CDD Schroeder requested this item be tabled as staff is working on another ordinance to accompany this ordinance.
Moved by Ald. Sevenich seconded by Ald. Krueger to table O-18-19 An Ordinance Amending Title 2, Chapter 4 of the Code of Ordinances (Public Hearing Notices). Introduced by Ald. Sevenich; Recommended by Administration Committee. Motion carried on voice vote.

3. O-19-19 An Ordinance Amending Title 13, Chapter 1, Article G of the Code of Ordinances (Mobile Storage Regulations) Introduced by Ald. Sevenich; Recommended by Plan Commission.
Moved by Ald. Sevenich seconded by Ald. Krueger to approve O-19-19 An Ordinance Amending Title 13, Chapter 1, Article G of the Code of Ordinances (Mobile Storage Regulations) Introduced by Ald. Sevenich; Recommended by Plan Commission.
CDD Schroeder clarified the exemptions within the mobile storage regulations in R-1 and R-2 districts.
General discussion ensued on timeframe for compliance and impact to certain businesses.
Ald. Sevenich stated he would like to withdraw his motion. Mayor Merkes explained Council rules requires unanimous consent to withdraw a motion that is on the floor. Ald. Sevenich asked for unanimous consent to withdraw his motion. No objection, motion was withdrawn.

CA Captain explained State Statute for public hearing notices and staff did publish the notices correctly.
CDD Schroeder explained the amendments. This will allow for additional special uses within the C-1 district. He explained some of the other uses for C-1 district
Motion carried on roll call 7-0.

5. R-20-19 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. Nichols seconded by Ald. Krueger to approve R-20-19 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. Motion carried on roll call 7-0.
6. R-21-19 Resolution Requiring The Repair Of At-Grade Crossings Of Racine Street, Appleton Street And De Pere Street. Introduced by Mayor Merkes
   Moved by Ald. Krueger seconded by Ald. Tom Grade to approve R-21-19 Resolution Requiring The Repair Of At-Grade Crossings Of Racine Street, Appleton Street And De Pere Street. Introduced by Mayor Merkes
   DPW Radomski explained staff has tried unsuccessfully to work with Canadian National Railroad to get the tracks fixed in the City. This Resolution is a legal request to the railroad to fix the tracks. If CN does not reply within 30 days, the City will petition the Office of the Commission of Railroad to investigate and issue an order for the repair.
   Motion carried on roll call 7-0.

7. R-22-19 Resolution Authorizing the Issuance and Sale of $4,090,000 General Obligation Refunding Bonds, Series 2019A. Introduced by Mayor Merkes
   Greg Johnson and Jonathan Schatz from Ehlers reviewed the Financing Plan. They updated the information that was presented at the Special Common Council meeting on the amount being requested and the interest rates. The amount is being reduced to $4,090,000.
   General discussion ensued on:
   - restructuring debt
   - financing for Public Works Facility
   - repayment of the sewer advance
   - new borrowing during certain years
   - paying off State Trust Fund Loans
   - reduction in interest rate
   Motion carried on roll call 5-2.

   There was no objection to the Mayor Merkes' request to move to Items I-2.

L. APPOINTMENTS
   1. Mayor’s reappointment of Matt Vanderlinden to the Redevelopment Authority for the term 9/1/2019-9/1/2024.
      Moved by Ald. Nichols seconded by Ald. Tom Grade to approve reappointment. Motion carried on voice vote.

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. ADJOURNMENT
   Moved by Ald. Krueger seconded by Ald. Ted Grade to adjourn at 9:30 p.m.
   Motion carried on voice vote.

Deborah A. Galeazzi, WCMC
City Clerk