

**CITY OF MENASHA**

**Council Chambers, 3rd Floor- 140 Main St., Menasha**

140 Main Street, Menasha

May 7, 2007

**MINUTES**

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**I. CALL TO ORDER**

**A. [Call to Order](#)**

**Item Action:**  
None

**Motions**

Motion Type	Motion Text Comments	Made By	Seconded By	Motion Result
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Meeting called to order by Mayor Laux at 7:35p.m.

**II. PLEDGE OF ALLEGIANCE**

**A. [Pledge of Allegiance](#)**

**Item Action:**  
None

**III. ROLL CALL/EXCUSED ABSENCES**

**A. [Roll Call](#)**

**Item Action:**  
None

**Motions**

Motion Type	Motion Text Comments	Made By	Seconded By	Motion Result
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PRESENT: Ald. Taylor, Wisneski, Pack, Hendricks, Eckstein, Michalkiewicz, Chase, Merkes.

Comments

ALSO PRESENT: Mayor Laux, CA/HRD Brandt, PC Stanke, FC Vander Wyst, DPW Radtke, CDD Keil, PRD Tungate, PHD Nett, C/T Stoffel, Lt. Brunn, Clerk Galeazzi, and the Press.

**IV. MINUTES TO APPROVE-MINUTES & COMMUNICATIONS TO RECEIVE**

**Minutes to approve:**

**A. [New Common Council, 4/17/07](#)**

**Item Action:**  
Approved

**Motions**

Motion Type	Motion Text	Made By	Seconded By	Motion Result
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approve New Common Council minutes, 4/17/07

Alderman Michalkiewicz

Alderman Eckstein

Passed

Motion carried on voice vote.

**B. [Common Council, 4/17/07](#)**

**Item Action:**  
None

**Motions**

<b>Motion Type</b>	<b>Motion Text</b>	<b>Made By</b>	<b>Seconded By</b>	<b>Motion Result</b>
approve	Common Council minutes, 4/17/07	Alderman Michalkiewicz	Alderman Eckstein	

Discussion: Ald. Merkes asked to include in Item VIII. B-2 - Ald. Merkes is not opposed to the banner for Police Week, however believes that Section 13-1-62(j) grants the authority to approve off premises special event signage such as this to the Public Works Director not the City Council.

move	to hold for 2 weeks.	Alderman Merkes	Alderman Hendricks	
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**Minutes to receive:**

**C. [Administration Committee, 4/17/07](#)**

**Item Action:**  
Approved

**Motions**

<b>Motion Type</b>	<b>Motion Text</b>	<b>Made By</b>	<b>Seconded By</b>	<b>Motion Result</b>
approve	Minutes to Receive C-N and Communications 1-14	Alderman Michalkiewicz	Alderman Eckstein	Passed

Discussion: Ald. Michalkiewicz-Comm. #10, Calumet Cty Treasurer, Delinquent taxes. Ald. Chase-Comm. #7, Winnebago Cty Board of Canvass Minutes. Ald. Wisneski-Comm. #8, WisDOT, Appleton Road/STH 47 project. Ald. Merkes-Comm. #2, Alderman & Mayoral Salaries.

Comments

Motion carried on voice vote.

**D. [New Administration Committee, 4/17/07](#)**

**Item Action:**  
Approved

**E. [Board of Public Works, 4/17/07](#)**

**Item Action:**  
Approved

**F. [New Board of Public Works, 4/17/07](#)**

**Item Action:**  
Approved

**G. [Board of Health, 3/14/07](#)**

**Item Action:**  
Approved

**H. [Information Technology Steering Committee, 3/28/07](#)**

**Item Action:**  
Approved

**I. [Library Board, 4/17/07](#)**

**Item Action:**  
Approved

**J. [N-M FireRescue, 4/24/07; Finance & Personnel Committee](#)**

**Item Action:**  
Approved

**K. [N-M Fire Rescue, 4/25/07; Joint Fire Commission](#)**

**Item Action:**  
Approved

**L. [Plan Commission, 5/1/07](#)**

**Item Action:**  
Approved

**M. [Water and Light Commission, 4/25/07](#)**

**Item Action:**  
Approved

**N. [Water & Light Commission, 4/25/07; Closed Session](#)**

**Item Action:**  
Approved

**Communications:**

1.

[CA/HRD Brandt, 5/1/07; City of Menasha Collective Bargaining Agreements, Locals 603, 1035, 1035B](#)

**Item Action:**

Approved 2.

[CA/HRD Brandt, 4/25/07; Alderman & Mayoral Salaries](#)

**Item Action:**

Approved 3.

[CA/HRD Brandt, 5/2/07; CVMIC Work Plan](#)

**Item Action:**

Approved 4.

[Mayor Laux to Ald. Merkes, 4/24/07; Per diem request](#)

**Item Action:**

Approved 5.

[Mayor Laux, 4/30/07; IT Steering Committee](#)

**Item Action:**

Approved 6.

[CA/HRD Brandt, 4/23/07; Christopher Donner d/b/a The Vault](#)

**Item Action:**

Approved 7.

[Clerk Galeazzi, 5/1/07; Winnebago County Board of Canvass Minutes](#)

**Item Action:**

Approved 8.

[WisDOT, 4/30/07; Appleton Road, STH 47 project](#)

**Item Action:**

Approved 9.

[Public Works Department, 5/2/07; February/March/April 2007 Disposal Violations](#)

**Item Action:**

Approved 10.

[Calumet County Treasurer, 4/16/07; Delinquent 2003 and prior Real Estate Taxes](#)

**Item Action:**

Approved 11.

[Winnebago County Legislative Committee; 11/27/07](#)

**Item Action:**

Approved 12.

[UW-Oshkosh to PHD Nett, 4/13/07; Thank you note](#)

**Item Action:**

Approved 13.

[CDD Keil, 5/1/07; Letters from North Star Asset Management and Dr. Larsen's office regarding developments at 100 block of Racine St.](#)

**Item Action:**

Approved 14.

[CA/HRD Brandt, 4/27/07; Milwaukee Journal Sentinel article \*School leaders broke meetings law, official says\*](#)

**Item Action:**

Approved

**V. PUBLIC COMMENTS ON ANY MATTER OF CONCERN TO THE CITY**

**Five (5) minute time limit for each person**

**A. [Public Comments on any Matter of Concern to the City](#)**

**Item Action:**

None

**Motions**

Motion Type	Motion Text	Made By	Seconded By	Motion Result
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Comments

A. Geoffrey Cook, 68 Racine St. Allow dogs on leashes on Friendship Trail.

Comments

B. Don Fahrenkrug, 723 Broad St. Dogs on Friendship Trail would help eliminate goose problem.

Comments

C. Aaron Madsen, 708 Paris St. Dogs on Friendship Trail.

Comments

D. Mary Jo Weigert, 841 Broad St. Dog on Friendship Trail.

Comments

E. Shirley Johnston, 835 Broad St. Dogs in parks.

Comments

F. Ann Maas, 728 Appleton Road. Dogs in parks and on trail.

Comments

G. Nancy Wilkinson, 853 Marquette St. What is dogs license fee used for?

Comments

H. James Taylor, 340 Broad St. Dogs on Friendship Trail.

**VI. APPOINTMENTS**

**A. [Mayor's Appointments to NM Fire-Rescue Joint Finance & Personnel Committee:](#)**

**Item Action:**

None

**[1. Appointment of Alderman Steve Pack, 823 Emily St., for the term of April](#)**

2007 to April 2008

**Motions**

Motion Type	Motion Text	Made By	Seconded By	Motion Result
approve	Mayor's appointment to NM Fire Rescue Joint Finance and Personnel Committee	Alderman Michalkiewicz	Alderman Wisneski	Passed

Motion carried on voice vote.

- B.** [Mayor's Reappointment to the Plan Commission:](#) **Item Action:**  
[1. Reappointment of Dave Schmidt, 709 Parkview, for the term of May 1, 2007 to May 1, 2010](#) None

**Motions**

Motion Type	Motion Text	Made By	Seconded By	Motion Result
approve	Mayor's reappointment to Plan Commission	Alderman Wisneski	Alderman Pack	Passed

Motion carried on voice vote.

- C.** [Mayor's Reappointment to the Board of Health:](#) **Item Action:**  
[1. Reappointment of Dorothy Jankowski, 354 Winnebago Ave., for the term of May1, 2007 to May 1, 2010](#) None

**Motions**

Motion Type	Motion Text	Made By	Seconded By	Motion Result
approve	Mayor's reappointment to Board of Health	Alderman Wisneski	Alderman Eckstein	Passed

Motion carried on voice vote.

- D.** [Mayor's Appointments to the Protocol Committee:](#) **Item Action:**  
[1. Council President Tom Michalkiewicz; 2. Mayor Joe Laux; 3. Attorney Jeff Brandt; 4. Police Chief Bob Stanke; 5. Alderman Terry Eckstein \(at large member\)](#) None

**Motions**

Motion Type	Motion Text	Made By	Seconded By	Motion Result
approve	Mayor's Appointment to Protocol Committee	Alderman Wisneski	Alderman Chase	Passed

Motion carried on voice vote.

**VII. CLAIMS AGAINST THE CITY**

- A.** [None](#) **Item Action:** None

**VIII. REPORT OF DEPARTMENT HEADS/STAFF/CONSULTANTS**

- A.** [CA/HRD Brandt - Lake Park Villas](#) **Item Action:** None

**Motions**

Motion Type	Motion Text	Made By	Seconded By	Motion Result
	Comments			

CA/HRD Brandt reported he received notice from the receivership of Lake Park Villas that a Stipulation between the City and Wisco Enterprises LLP has been prepared and signed by the receiver allowing the City to market the lots at Lake Park Villas Subdivision. He hasn't received the stipulation for review yet. If the Council wants to review the stipulation, a special Council meeting can be schedule. Or he can review the stipulation and sign it if it meets with his approval.

**Comments**

Discussion ensued on holding a special meeting or having CA/HRD Brandt review and sign the stipulation.

move	to discuss the Wisco Enterprises Stipulation at the May 21, 2007 Council meeting.	Alderman Hendricks	Alderman Taylor	Passed
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Motion carried on roll call 7-1. Ald. Michalkiewicz - no.

**IX. REPORT OF COMMITTEES/BOARDS/COMMISSIONS**

**A. Plan Commission:**

1.

[5/1/07; Recommends approval of the sale of 535 First Street to Habitat for Humanity with a request that Habitat for Humanity will work with the Plan Commission on the home design](#)

**Item Action:**

None

**Motions**

Motion Type	Motion Text	Made By	Seconded By	Motion Result
move	to deny offer and prepare a counter offer to include the footprints and design for approval by Council.	Alderman Taylor		Died for lack of Second
approve	Plan Commission Recommendation	Alderman Eckstein	Alderman Michalkiewicz	Failed

Discussion ensued. Motion failed on roll call 1-7. Ald. Hendricks - yes.

2.

[5/1/07; Recommends approval of the proposed ordinance amendment allowing for watchman's quarters in the I-1 Industrial District](#)

**Item Action:**

None

**Motions**

Motion Type	Motion Text	Made By	Seconded By	Motion Result
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Comments

Acted on under Ordinance/Resolution.

**B. Administration Committee:**

1.

[License \(6-month\): Class "B" application of Menasha Athletic Assn. \(Macs\) to sell fermented malt beverages, Koslo Park concession, May 8, 2007-Oct. 31, 2007, Dave Romnek, Agent](#)

**Item Action:**

None

**Motions**

Motion Type	Motion Text	Made By	Seconded By	Motion Result
approve	6 month Class B License for Menasha Athletic Assn.	Alderman Wisneski	Alderman Eckstein	Passed

Motion carried on voice vote.

2.

[License \(6-month\): Class "B" application of Menasha Twins Baseball \(Legion Team\) to sell fermented malt beverages, Koslo Park concession, May 8, 2007-Oct. 31, 2007, Debbie Chew, Agent](#)

**Item Action:**

None

**Motions**

Motion Type	Motion Text	Made By	Seconded By	Motion Result
approve	6 month Class B license for Menasha Twin Baseball	Alderman Wisneski	Alderman Eckstein	Passed

Motion carried on voice vote.

3.

[Accept quote of The Post-Crescent as the official City newspaper, May 2007-May 2008](#)

**Item Action:**

None

**Motions**

Motion Type	Motion Text	Made By	Seconded By	Motion Result
approve	Quote of The Post Crescent	Alderman Wisneski	Alderman Eckstein	Passed

Motion carried on roll call 8-0.

4.

[Accounts payable and payroll for 4/19/07 to 5/3/07 in the amount of \\$1,738,052.97](#)

**Item Action:**

None

**Motions**

Motion Type	Motion Text	Made By	Seconded By	Motion Result
approve	Accounts payable and payroll	Alderman Wisneski	Alderman Eckstein	Passed

Motion carried on roll call 8-0.

5.

[Disposal of Surplus Cell Phones](#)

**Item Action:**

None

**Motions**

Motion Type	Motion Text	Made By	Seconded By	Motion Result
	Disposal of surplus cell phones and donate to	Alderman	Alderman	

approve Winnebago County Crime Prevention Fund  
Motion carried on roll call 8-0.

Wisneski

Eckstein

Passed

6.

[Offer to Purchase from Habitat for Humanity for the Greater Fox Cities Area for 535 First Street](#)

**Item Action:**

None

**Motions**

Motion Type	Motion Text	Made By	Seconded By	Motion Result
approve	Offer to Purchase	Alderman Wisneski	Alderman Michalkiewicz	Passed

Discussion: Ald. Taylor wanted it noted that he always voted for Habitat for Humanity projects and is disappointed the footprint and design for the home was not available for review.

Comments

Motion carried on roll call 8-0.

**C. Board of Public Works:**

1.

[Payment - Cover-All of Wisconsin, LLC; Road Salt Storage Facility; Contract Unit No. 2006-09; \\$16,658.26](#)

**Item Action:**

None

**Motions**

Motion Type	Motion Text	Made By	Seconded By	Motion Result
approve	Payment - Cover-All of Wisconsin, LLC	Alderman Pack	Alderman Eckstein	Passed

Motion carried on roll call 8-0.

2.

[Approval of Relocation Order for WisDOT Third Street \(STH 114\) Reconstruction Project](#)

**Item Action:**

None

**Motions**

Motion Type	Motion Text	Made By	Seconded By	Motion Result
approve	Relocation Order for WisDOT Third Street (STH 114) Reconstruction Project	Alderman Pack	Alderman Eckstein	Passed

Motion carried on roll call 8-0.

3.

[Authorization to Enter into Agreement for Real Estate Services for Third Street Reconstruction Project with OMNI Associates in the amount of \\$5,300](#)

**Item Action:**

None

**Motions**

Motion Type	Motion Text	Made By	Seconded By	Motion Result
approve	Authorization to Enter into Agreement for Real Estate Services	Alderman Pack	Alderman Eckstein	Passed

Motion carried on roll call 8-0.

4.

[Request for Calumet County Participation in Seeking Improvements at the intersection of Manitowoc Road and Lake Park Road \(CTH LP\) \(Ald. Taylor\)](#)

**Item Action:**

None

**Motions**

Motion Type	Motion Text	Made By	Seconded By	Motion Result
move	to direct DPW Radtke to correspond with Calumet County and Town of Harrison to participate in the State Highway Safety Improvement Program.	Alderman Taylor	Alderman Merkes	Passed

Motion carried on roll call 8-0.

**X. ORDINANCES AND RESOLUTIONS**

**A. [R-10-07 - A Resolution Continuing Appropriations](#)**

**Item Action:**  
None

**Motions**

Motion Type	Motion Text	Made By	Seconded By	Motion Result
adopt	R-10-07	Alderman Michalkiewicz	Alderman Merkes	Passed

Motion carried on roll call 8-0.

**B. [O-8-07 - An Ordinance Relating to City of Menasha Sidewalk Policy](#)**

**Item Action:**  
None

**Motions**

Motion Type	Motion Text	Made By	Seconded By	Motion Result
	Comments			

No Action

**C. [R-11-07 - A Resolution Transferring/Appropriating Funds](#)**

**Item Action:**  
None

**Motions**

Motion Type	Motion Text	Made By	Seconded By	Motion Result
adopt	R-11-07	Alderman Michalkiewicz	Alderman Eckstein	Passed

Motion carried on roll call 8-0.

**D. [O-7-07 - An Ordinance Relating to Dwellings for Watchmen](#)**

**Item Action:**  
None

**Motions**

Motion Type	Motion Text	Made By	Seconded By	Motion Result
adopt	O-7-07	Alderman Pack	Alderman Michalkiewicz	Passed

Motion carried on roll call 6-2. Ald. Taylor, Wisneski, Pack, Eckstein, Michalkiewicz, Chase - yes. Ald. Merkes, Hendricks - no.

**XI. HELD OVER BUSINESS**

- A. [None](#) **Item Action:**  
None

**XII. COUNCIL DIRECTIVES**

- A. [CDD Keil - Permanent signs at mini warehouse units on Plank Rd.\(Ald. Hendricks\)](#) **Item Action:**  
None

**Motions**

Motion Type	Motion Text Comments	Made By	Seconded By	Motion Result
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The temporary signs have been removed and the permits have been taken out for permanent signage.

- B. [CDD Keil - Electronic message center and other sign at Solea Mexican Grill \(Ald. Hendricks\)](#) **Item Action:**  
None

**Motions**

Motion Type	Motion Text Comments	Made By	Seconded By	Motion Result
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The temporary sign has been removed. Staff has observed the electronic message center and it is being operated in compliance with the City code.

- C. [CDD Keil - History of permanent and temporary sign placement at Badger Ice Cream \(Ald. Hendricks\)](#) **Item Action:**  
None

**Motions**

Motion Type	Motion Text Comments	Made By	Seconded By	Motion Result
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A permit for the permanent sign was issued in 2005 and was later found to be located too close to the street right of way. Staff is working with the new owner/operator to address setback violations. The temporary sign has been removed from the front yard.

- D. [CDD Keil - Temporary sign at Watters Plumbing \(Ald. Hendricks\)](#) **Item Action:**  
None

**Motions**

Motion Type	Motion Text Comments	Made By	Seconded By	Motion Result
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A notice was sent to the owner advising them the portable sign is in violation of the sign ordinance. Owner did call and inform staff the sign will be removed. Staff sent out 12 other notices to business in the area informing them of sign violations.

- E. [CDD Keil- Issues with retention pond on Oneida Street \(Ald. Chase\)](#) **Item Action:**  
None

**Motions**

Motion Type	Motion Text Comments	Made By	Seconded By	Motion Result
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Storm water management is required. This pond is designed to have water in it all the time. The amount and type of algae and other vegetation present may change over time. The litter in and around the pond has been removed.

- F. [CDD Keil - Status of Shops at Waverly Strip Mall on Oneida St. \(Ald. Chase\)](#) **Item Action:**  
None

**Motions**

Motion Type	Motion Text	Made By	Seconded By	Motion Result
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Comments

The listing realtor has informed the City that the property is still owned by Hall Development and they are still marketing the properties for lease. Currently they have no signed leases.

- G. [CA/HRD Brandt - Status of Gatehouse Property \(Ald. Hendricks\)](#)** **Item Action:**  
None

**Motions**

Motion Type	Motion Text	Made By	Seconded By	Motion Result
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Comments

The closing was held on April 30, 2007. All documents have been signed and Tom Grade is the official owner of the Gatehouse property.

- H. [PWD Radtke - South side \(Alcan Property\) of River St. \(Ald. Wisneski\)](#)** **Item Action:**  
None

**Motions**

Motion Type	Motion Text	Made By	Seconded By	Motion Result
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Comments

Alcan will be completing the parking lot and landscaping of this area by second or third quarter of 2007.

- I. [PC Stanke - Status/Satisfaction of Police Department cleaning company \(Ald. Wisneski\)](#)** **Item Action:**  
None

**Motions**

Motion Type	Motion Text	Made By	Seconded By	Motion Result
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Comments

Lt. Brunn reported they are very satisfied with the new cleaning service they contracted with at the beginning of the year. They have no complaints from employees.

- J. [Comp. Stoffel - Status of franchise fees for Cable TV \(Receipt of Negative lump sum payment\) and potential audio-visual upgrade. \(Ald. Wisneski\)](#)** **Item Action:**  
None

**Motions**

Motion Type	Motion Text	Made By	Seconded By	Motion Result
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Comments

The City received a lump sum payment of \$62,300 from Time Warner Cable in Jan. 2007. As directed by the Council, half of the amount was set aside to provide services to cable subscribers. Staff has been working with the vendor on the recent audio problems and they think they have it resolved.

- K. [Comp. Stoffel - Explanation of Delinquent Taxes, Headwaters Condominium, 515 Broad St. \(Ald. Pack\)](#)** **Item Action:**  
None

**Motions**

Motion Type	Motion Text	Made By	Seconded By	Motion Result
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Comments

The City is not out the amount due for delinquent taxes as the County reimburses the City. After July 31 of each year, the City submits a list of delinquent property taxes to the County, the County reimburses the City and the County is then responsible to collect the unpaid taxes.

Comments

Comments

Comments

Next Agenda: Ald. Wisneski - Alcan property on south side of River Street. Ald. Hendricks - 1. Permanent and temporary signs at Badger Ice Cream; 2. Permanent signs at mini warehouse units on Plank Road; 3. Banners at Broad Street Condominium and Senior Living Apartments. Ald. Taylor - 1. Rear facade of buildings on Main Street; 2. Status of

elevator at 175 Main Street. Ald. Chase - Residents concerns at Province Terrace. Ald. Eckstein - Status of whitewater park.

**L. [CDD Keil - Update on residents concerns at Province Terrace \(Ald. Taylor\)](#)**

**Item Action:**  
None

**Motions**

<b>Motion Type</b>	<b>Motion Text</b>	<b>Made By</b>	<b>Seconded By</b>	<b>Motion Result</b>
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Atty. Richard Carlson has been reviewing the City's current ordinance and zoning codes to see if we they are in-line with other municipalities. He has completed his review and will be meeting with staff to make some recommendations. A special workshop will be scheduled with the Council to discuss Atty. Carlson's findings. Staff has also been meeting with residents to discuss their concerns.

**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)**

**A. [Public Comments on matters pertaining to the agenda](#)**

**Item Action:**  
None

**Motions**

<b>Motion Type</b>	<b>Motion Text</b>	<b>Made By</b>	<b>Seconded By</b>	<b>Motion Result</b>
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A. Ken Kubiak, 1214 Fieldview. Workshop for zoning should be held when all can attend.

Comments

B. Mary Nebel, 713 First Street. Issues with sale of 535 First Street to Habitat to Humanity.

**XIV. ADJOURNMENT**

**A. [Adjournment](#)**

**Item Action:**  
None

**Motions**

<b>Motion Type</b>	<b>Motion Text</b>	<b>Made By</b>	<b>Seconded By</b>	<b>Motion Result</b>
move	to adjourn at 9:37p.m.	Alderman Pack	Alderman Eckstein	Passed

Motion carried on voice vote.

Comments

Comments

Comments

Respectfully submitted by Deborah A. Galeazzi, City Clerk