

**CITY OF MENASHA
COMMON COUNCIL
Third Floor Council Chambers
140 Main Street, Menasha
Monday January 5, 2009
Minutes**

A. CALL TO ORDER

Meeting called to order by Mayor Merkes at 6:00 p.m.

B. PLEDGE OF ALLEGIANCE

C. ROLL CALL/EXCUSED ABSENCES

PRESENT: Ald. Michalkiewicz, Benner, Pamerter, Taylor, Wisneski, Pack, Hendricks, Zelinski
ALSO PRESENT: Mayor Merkes, CA/HRD Brandt, PC Stanke, FC Vander Wyst, DPW Radtke,
CDD Keil, C/T Stoffel, PRD Tungate, Clerk Galeazzi, and the Press.

DEPT. HEAD EXCUSED: PHD Nett

D. PUBLIC HEARING

1. [Proposed ordinance to amend the City of Menasha Year 2030 Comprehensive Plan](#)

No one spoke.

2. [Special Use Permit Application of Commonwealth Development Corporation for parcel #4-783-2 \(Terrace Avenue extended\)](#)

No one spoke.

3. [Special Use Permit Application of the Veterans of Foreign Wars\(VFW\) for 546 3rd St.](#)

No one spoke.

4. [Rezoning of a portion of #4-762 \(St. John's Polish Cemetery, Valley Road, Outlot 2\)](#)

No one spoke.

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. Mary Bach – Housing Program

Mary Bach explained her duties and responsibilities for administering the City's Community Development Block Grant (CDBG) housing program. She provides these services under contract with the City and works with residents to determine their eligibility for funding for purchase or remodeling of homes. She manages the CDBG Revolving Loan Fund Program. She works with the County on securing funds for housing programs and the Health Dept. on lead paint cases.

2. [Mayor Merkes & C/T Stoffel – State Trust Fund Exemption Requirement](#)

Mayor Merkes explained City staff has made application to the Wisconsin State Trust Fund program to allow the City to increase their current loan limits. This doesn't commit the City to any borrowing just gives another financing option for refinancing of steam plant debt. Submitting the application is the first step in the process. Current loan rates are favorable.

3. Clerk Galeazzi - the following minutes and communications have been received and placed on file:

Minutes to receive:

- a. [Administration Committee, 12/15/08](#)
- b. [Board of Public Works, 12/15/08](#)
- c. [Board of Health, 11/12/08](#)
- d. [NM Sewerage Commission, 11/25/08](#)
- e. [Public Works & Parks Safety Committee, 11/18/08](#)
- f. [IT Steering Committee, 12/17/08](#)
- g. [Sustainability Board, 12/16/08](#)
- h. [NM Fire Rescue Joint Finance & Personnel, 12/16/08](#)

- i. [Plan Commission, 12/16/08](#)
- j. [Water & Light Commission Regular Meeting, 11/19/08, 12/17/08](#)
- k. [Water & Light Commission Special Meeting, 11/7/08, 11/13/08, 12/1/08](#)
- l. [Water & Light Commission Closed Session, 12/1/08](#)

Communications:

- m. [Mayor Takagi, Maebashi Japan to Mayor Merkes, 11/18/08; Junior High Student's Exchange Program](#)
- n. [Menasha Utilities Steam Plant Financials, 11/30/08](#)
- o. [Menasha Utilities, The Wire Newsletter](#)
- p. [WisDNR to Mayor Merkes, 12/18/08; Lower Fox River Total Maximum Daily Load.](#)
- q. [PRD Tungate, 12/19/08; Landscape Improvements Along The Friendship Trail](#)

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 place 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, 12/15/08](#)

Administration Committee, 12/15/08 – Recommends Approval of:

- 2. [Division of Public Health Contract Agreement #16617, Jan. 1-Dec. 31, 2009, and authorize signature.](#)
- 3. [Amendment to Listing Contract with Bomier Properties Inc., Province Terrace and Midway Business Park.](#)

Board of Public Works, 12/15/08 – Recommends Approval of:

- 4. [Change Order – National Power Rodding Corporation; City of Menasha Wastewater Collection System Rehabilitation Improvements Project – Phase 3; Contract No. E145-07-01B Sanitary Sewer Rehabilitation; ADD: \\$2,500.00 \(Change Order No. 3\)](#)
- 5. [Change Order – National Power Rodding Corporation; City of Menasha Wastewater Collection System Rehabilitation Improvements Project – Phase 3; Contract No. E145-07-01B Sanitary Sewer Rehabilitation; DEDUCT: \\$46,702.11 \(Change Order No. 4\)](#)
- 6. [Payment – Insituform Technologies, USA, Inc.; City of Menasha Wastewater Collection System Rehabilitation Improvements Project – Phase 3; Contract No. E145-07-01A; Sanitary Sewer Lining; \\$212,047.00 \(Payment No. 7\)](#)
- 7. [Payment – DeGroot, Inc.; City of Menasha Wastewater Collection System Rehabilitation Improvements Project – Phase 3; Contract No. E145-07-01C; Sanitary Sewer Replacement: \\$10,393.62 \(Payment No. 2 and Final\)](#)
- 8. [Payment – Infrastructure Technologies, Inc.; City of Menasha Wastewater Collection System Rehabilitation Improvements Project – Phase 3, Contract No. E145-07-01D; Sanitary Manhole Lining; \\$45,873.92 \(Payment No. 9\)](#)

Plan Commission, 10/21/08 – Recommends Approval of:

- 9. [Plan Commission Resolution 04-2008 recommending changes to the Comprehensive Plan, with the following changes:](#)
 - a. [Add Comprehensive Plan Ordinance adoption date.](#)
 - b. [Add a reference regarding the reference map.](#)
- 10. [Special Use Permit for Commonwealth Development with the following conditions:](#)
 - a. [That the following plans are submitted for approval by July 31, 2009:](#)
 - 1) Lighting/photometrics, 2) Landscaping/paving/parking, 3) Erosion Control,
 - 4) Stormwater Management, 5) Grading/Drainage, 6) Building Elevations,
 - 7) Dumpster Enclosure detail, 8) Any other materials as requested by staff for site plan review, 9) A Payment In Lieu of Taxes (PILOT) agreement
 - b. [That the owner study the addition of a second access point and review fire access to all buildings with the fire department.](#)
- 11. [Special Use Permit for 546 Third Street with the following conditions:](#)
 - a. [The Appleton Street terrace, except for point of ingress and egress, is restored to grass with a minimum of three street trees to be planted. The curb must be replaced and specially assessed at the time of road reconstruction.](#)
 - b. [A minimum six-foot landscaped front setback must be added to the Appleton Street frontage.](#)
 - c. [The handicap stall must be moved to the west side of the parking lot.](#)

12. [Rezoning of Outlot 2 of CSM 6330 from R-1 Single Family Residential to I-1 Industrial contingent on the approval of the proposed land use plan amendment and with the following findings:](#)
 - a. [The proposed use is consistent with surrounding land uses;](#)
 - b. [That the change in land use was not anticipated at the time of plan adoption.](#)

IT Steering Committee, 12/17/08 – Recommends Approval of:

13. [Enter into an agreement with Common Sense Solutions LLC for consulting services for 2009 and authorize signatures.](#)
14. [Proposal from Avastone Technologies LLC to provide Website transfer and modifications and authorize signatures](#)

N-M Fire Rescue, Finance and Personnel Committee, 11/17/08–Recommends Approval of:

15. [Ratification of Collective bargaining Agreement Extension – NMFR Local 275 1/1/09-12/31/10](#)

Ald. Hendricks requested Items 13 & 14 be removed from the Consent Agenda.

Ald. Benner requested Item 11 be removed from the Consent Agenda

Moved by Ald. Hendricks, seconded by Ald. Benner to approve Items 1-10, 12 & 15.
Motion carried on roll call 8-0.

H. ITEMS REMOVED FROM CONSENT AGENDA

Moved by Ald. Michalkiewicz, seconded by Ald. Taylor to approve Item 11
Discussion

Moved by Ald. Benner, seconded by Ald. Michalkiewicz to require replacement of screening on the west side of the property within 180 days of the current landscape screening being removed.

Discussion

Ald. Benner withdrew his motion, Ald. Michalkiewicz withdrew his second

Moved by Ald. Benner, seconded by Ald. Michalkiewicz to remove condition B – A minimum six-foot landscaped front setback must be added to the Appleton Street frontage.

Motion carried on roll call 8-0.

Moved by Ald. Benner, seconded by Ald. Michalkiewicz to require a six-foot transitional area on the west side of the property.

Discussion

Motion carried on roll call 8-0.

Moved by Ald. Wisneski, seconded by Ald. Pamerter to remove condition C – The handicap stall must be moved to the west side of the parking lot.

Discussion

Motion carried on roll call 8-0.

Motion to approve Item 11 as amended carried on roll call 8-0.

Moved by Ald. Pack, seconded by Ald. Wisneski to approve Item 13

Discussion

Motion carried on roll call 8-0.

Moved by Ald. Wisneski, seconded by Ald. Pack to approve Item 14

Discussion

Motion carried on roll call 8-0.

I. ORDINANCES AND RESOLUTIONS

1. [O-22-08 An Ordinance Relating to Post Construction Storm Water Management](#)

Moved by Ald. Hendricks, seconded by Ald. Wisneski to adopt O-22-08

Motion carried on roll call 8-0.

2. [O-23-08 Ordinance Relating to Public Sites and Open Spaces \(Recommended by the Parks and Recreation Board, introduced by Ald. Taylor and Wisneski\)](#)

Moved by Ald. Taylor, seconded by Ald. Wisneski to adopt O-23-08
Motion carried on roll call 8-0.

3. [O-24-08 Ordinance Relating to Rezoning Notices \(Recommended by the Plan Commission, introduced by Ald. Benner\)](#)

Moved by Ald. Benner, seconded by Ald. Hendricks to adopt O-24-08
Motion carried on roll call 8-0.

4. [O-1-09 An Ordinance Amending The City of Menasha Comprehensive Plan](#)

Moved by Ald. Wisneski, seconded by Ald. Pack to adopt O-1-09
Motion carried on roll call 8-0.

5. [O-3-09 An Ordinance Amending Title 13 by Making Certain Changes in the District \(St. John's Polish Cemetery \(part\), Valley Road\)](#)

Moved by Ald. Benner, seconded by Ald. Michalkiewicz to adopt O-3-09
Motion carried on roll call 8-0.

6. [R-23-08 A Resolution Establishing the Equivalent Runoff Unit \(ERU\) Charge for the Storm Water Utility](#)

Moved by Ald. Wisneski, seconded by Ald. Pack to adopt R-23-09
Motion carried on roll call 8-0.

J. ACTION ITEMS

1. [Accounts Payable and Payroll for the term 12/18/08-12/31/08 in the amount of \\$696,836.05](#)

Moved by Ald. Wisneski, seconded by Ald. Pack to approve Accounts Payable and Payroll.
Discussion
Motion carried on roll call 8-0.

K. APPOINTMENTS

None

L. CLAIMS AGAINST THE CITY

None

M. HELD OVER BUSINESS

None

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. Pamerter, seconded by Ald. Hendricks to adjourn at 7:40 p.m.
Motion carried on voice vote.

Respectfully submitted by
Deborah A. Galeazzi, City Clerk