

CITY OF MENASHA
COMMON COUNCIL
Third Floor Council Chambers
140 Main Street, Menasha
Monday, December 7, 2009
MINUTES

A. CALL TO ORDER

Meeting called to order by Mayor Merkes at 6:36 p.m.

B. PLEDGE OF ALLEGIANCE

C. ROLL CALL/EXCUSED ABSENCES

PRESENT: Ald. Hendricks, Englebert, Benner, Roush, Taylor, Wisneski, Pack

EXCUSED: Ald. Zelinski

ALSO PRESENT: Mayor Merkes, CA/HRD Captain, PC Stanke, FC Auxier, DPW Radtke, CDD Keil, PHD Nett, C/T Stoffel, PWS Jacobson, Clerk Galeazzi and the Press.

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

Minutes to receive:

- a. [Administration Committee, 11/16/09](#)
- b. [Board of Public Works, 11/16/09](#)
- c. [Committee on Aging, 10/8/09](#)
- d. [Complete Count Census Committee, 11/4/09](#)
- e. [Housing Authority, 11/3/09](#)
- f. [Library Board, 11/19/09](#)
- g. [NM Fire Rescue, Joint Finance & Personnel Committee, 11/18/09](#)
- h. [NM Sewerage Commission, 10/27/09](#)
- i. [NM Sewerage Commission, Closed Session, 10/27/09](#)
- j. [Plan Commission, 11/17/09](#)
- k. [Safety Committee; Parks and Public Works; 10/27/09](#)
- l. [Safety Committee; Police, 9/17/09](#)
- m. Sustainability Board; [10/20/09, 11/17/09](#)
- n. [Water & Light Commission, 11/18/09](#)

Communications:

- o. [Customers First! Newsletter, The Wire, December 2009](#)
- p. [Menasha Historical Society Newsletter, 12/09](#)
- q. [Paul Brunette \(Wreath Factory\), 11/30/09; Thank you to Jim Card \(Sign Shop\)](#)
- r. [Winnebago Cnty, 11/13/09; Sale of tax deed property \(428 6th St. Menasha\)](#)

Ald. Wisneski: Minutes D (Complete Count Census Comm.), change outline of minutes.

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 in the "Items removed from the Consent Agenda" section. 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 2010 Budget Review Session; [11/5/09, 11/9/09, 11/12/09](#)
2. [Common Council, 11/16/09](#)
3. [Special Joint Council & Utilities Commission, 11/16/09](#)

Administration Committee, 11/16/09 – Recommends Approval of:

4. [Revised City Proposed Fee Schedule](#)
5. [Neighborhood Stabilization Program Agreement with the Winnebago County Housing Authority \(WCHA\)](#)

G. CONSENT AGENDA, Cont'd.

Board of Public Works, 11/16/09 – Recommends Approval of:

6. [Street Use Application – 16th Annual Fox Cities New Year's Eve Celebration; Thursday, December 31, 2009; 10:30 PM to 12:30 AM, Community Forward, Inc.](#)
7. [Recommendation to Execute Agreement with Kaempfer & Associates for Preparation of Wastewater Collection System Operation and Maintenance \(O&M\) Manual](#)

Plan Commission, 11/17/09 – Recommends Approval of:

8. [Certified Survey Map on Fieldview Drive with the correction to the street name](#)

Ald. Wisneski requested to remove items 4&8 from the Consent Agenda.

Moved by Ald. Hendricks, seconded by Ald. Wisneski to approve Items 1, 2,3, 5, 6, 7 of Consent Agenda
Motion carried on roll call 7-0.

H. ITEMS REMOVED FROM CONSENT AGENDA

Moved by Ald. Wisneski, seconded by Ald. Englebert to approve item 4 of Consent Agenda

Discussion ensued on adjusting 1st Escalation-Late Fee of parking tickets.

Moved by Ald. Wisneski, seconded by Ald. Taylor to amend fee schedule to increase 1st Escalation-Late Fee for parking tickets from \$10 to \$15.

Motion carried on roll call 7-0.

Motion to approve City proposed fee schedule as amended carried on roll call 7-0.

Moved by Ald. Wisneski, seconded by Ald. Pack to approve item 8 of Consent Agenda with condition that the Certified Survey Map be corrected to show Plank Road re-named to Manitowoc Road.

Motion carried on roll call 7-0.

I. ACTION ITEMS

1. [Accounts payable and payroll for the term 11/19/09-12/3/09 in the amount of \\$1,093,173.81](#)

Moved by Ald. Wisneski, seconded by Ald. Pack to approve accounts payable and payroll

Discussion ensued on questions on expenditures

Moved by Ald. Taylor, seconded by Ald. Hendricks to exclude check #23658 (McMahon)

Motion carried on voice vote.

Motion to approve accounts payable and payroll excluding check #23658 carried on roll call 7-0.

Moved by Ald. Wisneski, seconded by Ald. Pack to approve check #23658.

Motion carried on roll call 6-0. Ald. Taylor – abstained

2. [Sale of proposed Lot 3 \(part of existing Lot 2, Lake Park Villas Plat\), Whisper Falls Lane, Menasha.](#)

CDD Keil explained two offers for the property were received. One from Robert Gregorski and the other from the Lake Park Villas Homeowners Association. Both offers are for the same amount, \$15,000, but with different stipulations. The offer from Mr. Gregorski would require rezoning of the property. Staff recommends not rezoning as the lot is part of the residential area of Lake Park Villas. There is also the issue of negotiating a release from JLKP Investments who claims an ownership interest in the garage/storage facility located on the parcel of land.

Bob Gregorski, N8418 North Shore Road, Menasha, spoke to the Council. He withdrew his offer.

Moved by Ald. Pack, seconded by Ald. Taylor to counter-offer with \$20,000.

Discussion ensued on who would be responsible for a CSM and whether any income is generated by JLKP Investments on this parcel. Staff was given direction to negotiate a release of claim with JLKP Investments and bring back to Council.

Ald. Pack & Taylor withdrew their motion.

Possible Motion to Adjourn into Closed Session pursuant to Wis. Stats. §19.85(1)(e): 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. (Negotiate sale of proposed Lot 3 (part of existing Lot 2, Lake Park Villas Plat), Whisper Falls Lane, Menasha)

Not necessary

Motion to Reconvene into Open Session immediately following any Closed Session

Not necessary

J. ORDINANCES AND RESOLUTIONS

1. [O-21-09 - Relating to Refuse Collection and Recycling Materials and Collection](#)

Moved by Ald. Taylor, seconded by Ald. Pack to adopt O-21-09
Motion carried on roll call 7-0.

2. [R-30-09 – Authorizing a preliminary asset sale agreement with WPPI Energy Inc. for the sale of certain City of Menasha electric utility assets](#)

Moved by Ald. Wisneski, seconded by Ald. Pack to adopt R-30-09
Motion carried on roll call 7-0.

K. APPOINTMENTS

L. CLAIMS AGAINST THE CITY

1. [Motion to reconsider denial of claim for Cheryle Stoneman, 211 Cleveland St. \(Ald. Roush\)](#)

Moved by Ald. Roush, seconded by Ald. Hendricks to reconsider denial of claim for Cheryle Stoneman
Motion carried on roll call 6-1. Ald. Wisneski – no.

Discussion ensued on additional information provided by Ms. Stoneman.

Cheryle Stoneman, 211 Cleveland Street, Menasha spoke to the Council. Ms. Stoneman obtained a statement from a resident and spoke with other residents in the area of where her vehicle was damaged by a manhole cover. There had been reports to the Police Dept. of problems with vandalism to the manhole cover in the past. She received a seconded estimate to repair her vehicle.

CA/HRD Captain reported staff did investigate and found no problems with the manhole cover

A second vote was taken on the original motion of 11/16/09 to deny the claim.

Motion to deny the claim carried on roll call 5-2.

Ald. Taylor, Wisneski, Pack, Englebert, Benner - yes

Ald. Roush, Hendricks – no.

Moved by Ald. Roush, seconded by Ald. Hendricks to pay 50% of repair costs to the vehicle.

Motion failed on roll call 2-5.

Ald. Roush, Hendricks – yes.

Ald. Taylor, Wisneski, Pack, Englebert, Benner – no.

M. HELD OVER BUSINESS

N. PUBLIC COMMENTS ON ANY MATTER LISTED ON THE AGENDA

(five (5) minute time limit for each person)

Stan Sevenich, 645 Ninth Street. Council misunderstands claims against the City procedure.

O. ADJOURNMENT

Moved by Ald. Pack, seconded by Ald. Englebert to adjourn at 7:46 p.m.

Motion carried on roll call.

Respectfully submitted by
Deborah A. Galeazzi, WCMC
City Clerk