

CITY OF MENASHA
COMMON COUNCIL
Third Floor Council Chambers
140 Main Street, Menasha
Monday, February 1, 2010
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. Roush, Taylor, Wisneski, Pack, Hendricks, Zelinski, Englebert, Benner

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

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. PHD Nett – 2010 Census update

PHD Nett reported the Complete Count Census Committee has been meeting every two weeks. They have received a few posters and brochures that they have disbursed through out the City. They are waiting for more supplies. Information on the census has been put in several City mailings.

2. CDD Keil – Status of Wayfinding Signage

CDD Keil reported on a recent meeting with Lynn Peters from the Fox Cities Convention and Visitors Bureau. Wayfinding signage is a cost-share program with the Convention and Visitors Bureau. Staff presented a proposal for signage that the Convention and Visitors Bureau will review. After the proposal has been finalized, it will be presented to the Common Council for acceptance.

3. Representative Dean Kaufert – Legislative Report

Representative Kaufert reported on the recently passed State Budget and Legislation. He answered questions from Council members.

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

Minutes to receive:

a. [Administration Committee, 1/18/10](#)

b. [Board of Public Works, 1/18/10](#)

c. [Board of Health, 11/4/09](#)

d. [Committee on Aging, 12/10/09](#)

e. Complete Count Committee; [12/2/09](#), [1/6/10](#)

f. [IT Steering Committee, 1/20/10](#)

g. [NM Fire Rescue, Joint Finance & Personnel Committee, 1/26/10](#)

h. [NM Fire Rescue, Fire Commission, 1/27/10](#)

i. [NM Sewerage Commission, 12/22/09](#)

j. [Parks and Recreation Board, 1/11/10](#)

k. [Plan Commission, 1/19/10](#)

l. [Safety Committee, 11/5/09; City Hall](#)

m. Safety Committee, [11/24/09](#), [12/21/09](#); Public Works/Parks

n. [Water & Light Commission, 1/18/10; Special meeting](#)

Communications:

o. [Mayor Merkes, 1/28/10; Support and sponsorship for the Fox Cities Regional Transit Authority](#)

p. [Public Works Asst. Supt. Jeff Nieland, 1/26/10; Automated Single Stream Recycling Collection](#)

q. [Public Works Facility, 1/24/10; November & December 2009 Disposal Violations Report](#)

r. [Public Service Commission, 1/21/10; Request for Comments-General Directory Publication Issues – AT&T Wisconsin](#)

F. REPORT OF DEPARTMENT HEADS/STAFF/CONSULTANTS, Cont'd.

4. Clerk Galeazzi - the following minutes and communications have been received and placed on file, Cont'd.
s. [Winnebago County, 1/27/10; Notice of commencement of proceedings in rem to foreclose tax liens by Winnebago County under Wis. Stats. 75.521](#)

Ald. Wisneski: Comm. R (Public Service Comm.), AT&T is doing disservice to residents that do not have a computer.

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, 1/18/10](#)

Administration Committee, 1/18/10 – Recommends Approval of:

2. [Division of Public Health Contract #17382 for Childhood Lead, Immunization, Maternal Child Health, Prevention, and Radon Outreach, Jan. 1, 2010-Dec. 31, 2010, and authorized signature](#)
3. [Approval of the proposed parochial school fees for school year 2010-2011](#)

Board of Public Works, 1/18/10 – Recommends Approval of:

4. [Street Use Application – Team Hailey 5K Run/Walk for a Cure; Saturday, April 17, 2010; 8:00 AM – 10:30 AM](#)

Plan Commission, 1/19/10 – Recommends Approval of

5. [Certified Survey Map – Midway Road, subject to the City Attorney's review of the notation on the CSM relative to the driveway easement.](#)

NM Fire Recue, Joint Finance & Personnel Committee, 1/26/10 – Recommends Approval of:

6. The purchase of one additional Firehouse Software license in the amount of \$1,310.00 and the funding source to be carry forward funds from Account #8114 from 2009 budget

Ald. Benner requested to remove item 5 from Consent Agenda.

Moved by Ald. Hendricks, seconded by Ald. Wisneski to approve items 1-4 and 6 on Consent Agenda.
Motion carried on roll call 8-0.

H. ITEMS REMOVED FROM CONSENT AGENDA

Moved by Ald. Benner, seconded by Ald. Wisneski to approve item 5 (Certified Survey Map – Midway Road)
Discussion: CA/HRD Captain reported she has reviewed the CSM and recommends a condition of an ingress/egress easement.

Moved by Ald. Benner, seconded by Ald. Hendricks to amend and add as a condition: an ingress/egress easement for Lot 2 acceptable to the Menasha Plan Commission and in a form approved by the City Attorney shall be recorded prior to the issuance of a building permit for either Lot 1 or Lot 2 of the CSM.

Motion on amendment carried by voice vote.

Motion as amended carried on roll call 8-0.

I. ACTION ITEMS

1. [Accounts payable and payroll for the term 1/19/10-1/28/10 in the amount of \\$ 897,506.88](#)

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

Discussion/Questions on expenditures.

Motion carried on roll call 8-0.

J. ORDINANCES AND RESOLUTIONS

1. [O-3-10 Ordinance Pertaining to Excavation Permits \(Alderman Michael Taylor\)](#)

No action

2. [R-2-10 – Resolution Relating to Reduction of Poll Workers \(Introduced by Mayor Merkes\)](#)

Moved by Ald. Wisneski, seconded by Ald. Pack to adopt R-2-10.

Motion carried on voice vote.

J. ORDINANCES AND RESOLUTIONS, Cont'd.

3. [R-4-10 – Resolution in Support of AB 661 to Repeal State Statute Requiring Minimum Expenditures for Emergency Services \(Introduced by Aldermen Roush & Hendricks\)](#)

Moved by Ald. Roush, seconded by Ald. Hendricks to adopt R-4-10

Discussion: Ald. Wisneski requested a similar resolution be prepared addressing the Library.

Motion carried on voice vote.

K. APPOINTMENTS

1. Mayor's appointment to the AD-HOC Sustainability Board

- a. [Christopher Bohne, 2413 Woodland Hills Dr., Menasha](#)

Moved by Ald. Pack, seconded by Ald. Zelinski to approve appointment.

Motion carried on voice vote.

2. Mayor's appointment to the Committee on Aging

- a. Mary Lueke, 836 Ida Street, for the term of February 1, 2010 to February 1, 2013

- b. Joyce Klundt, 976 8th Street, for the term of February 1, 2010 to February 1, 2013

Moved by Ald. Roush, seconded by Ald. Hendricks to approve appointments.

Motion carried on voice vote.

L. HELD OVER BUSINESS

None

M. PUBLIC COMMENTS ON ANY MATTER LISTED ON THE AGENDA

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

No one spoke.

N. RECESS TO ADMINISTRATION COMMITTEE AND BOARD OF PUBLIC WORKS

Moved by Ald. Wisneski, seconded by Ald. Hendricks to recess at 7:06 p.m.

Motion carried on voice vote.

Reconvened at 7:45 p.m.

O. CLAIMS AGAINST THE CITY

1. State ex rel. American Bank vs. City of Menasha et al., Case No. 10-cv-0077, Winnebago County Circuit Court

Attorneys from Hunton & Williams, Andrew Kintzinger, Terence Rasmussen and Edward Fuhr attended via the telephone.

CA Captain explained the law suit that was filed by American Bank of Fond du Lac alleging that the City and Utilities denied a public records request by American Bank regarding the Steam Plant project. A quick response was necessary so CA Captain filed a Motion to Stay and Preliminary Response Showing Cause in Winnebago County Circuit Court and Hunton & Williams had a motion filed in the federal law suit in Indiana seeking a protective order.

Questions and discussion on both cases (American Bank and LaFayette Life Insurance).

Representative from Hunton & Williams recommended going into Closed Session to discuss further.

2. [LaFayette Life Insurance Co. et al. vs. City of Menasha et al., Case No. 4:09CV0064, US District Court Northern District of Indiana](#)

3. Motion to Adjourn into Closed Session pursuant to Wis. Stats. §19.85(1)(e)&(g): 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; and Conferring with legal counsel for the governmental body who is rendering oral or written advice concerning strategy to be adopted by the body with respect to litigation in which it is or is likely to become involved. (American Bank vs. City of Menasha and LaFayette Life Ins. Co., et al. vs. City of Menasha)

Moved by Ald. Wisneski, seconded by Ald. Pack to adjourn into Closed Session at 7:55 p.m.

Motion carried on roll call 8-0.

O. CLAIMS AGAINST THE CITY, Cont'd.

4. Return into Open Session

Moved by Ald. Wisneski, seconded by Ald. Pack to return to open session at 9:00 p.m.
Motion carried on voice vote.

5. Actions if any needed as a result of the Closed Sessions Discussion

Moved by Ald. Wisneski, seconded by Ald. Englebert to direct Mayor and City Attorney to sign a contract with Barnes & Thornburg LLP for legal services.
Motion carried on roll call 8-0.

P. ADJOURNMENT

Moved by Ald. Pack, seconded by Ald. Wisneski to adjourn at 9:03 p.m.
Motion carried on roll call.

Respectfully submitted by Deborah A. Galeazzi, WCMC, City Clerk