

CITY OF MENASHA
COMMON COUNCIL
Third Floor Council Chambers
140 Main Street, Menasha
Monday, September 20, 2010
MINUTES

A. CALL TO ORDER

Meeting called to order by Mayor Merkes at 6:02 p.m.

B. PLEDGE OF ALLEGIANCE

C. ROLL CALL/EXCUSED ABSENCES

PRESENT: Aldermen Langdon, Hendricks, Zelinski, Englebert, Benner, Roush Taylor, Wisneski

ALSO PRESENT: Mayor Merkes, CA/HRD Captain, PC Stanke, Lt. Schultz, DPW Radtke, CDD Keil, C/T Stoffel, PRD Tungate, Pk Supt Maas, 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)

Chris Klein, 730 Keyes Street. Comments on resolution to keep Oshkosh Post Office facility open; lots on Racine Street; oppose to requiring permit to re-roof; Lake Park Villas listing on MLS; 2011 budget

Dan Gueths, 7255 Manitowoc Road. Filed a Notice of Claim Against the City for incident on May 30, 2010 with City of Menasha police officers.

James Hietpas, 1298 Appleton Road. Questions on the annexation of his property to the City.

Stan Sevenich, 645 9th Street. Commended Mayor and Council for taking property steps with Lake Park Villas development.

Mary Nebel, 713 1st Street. Comments on Economic Development position.

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, 9/7/10](#)
- b. [Board of Public Works, 9/7/10](#)
- c. [NM Fire-Rescue Joint Fire Commission, 8/25/10](#)
- d. [Plan Commission, 9/14/10](#)
- e. [Personnel Committee, 9/7/10](#)
- f. [Sustainability Board, 8/17/10](#)

Communications:

- g. [Clerk Galeazzi, 9/14/10; Partisan Primary Election results](#)
- h. [Comp Stoffel, 9/15/10; Budget information request by Ald. Englebert](#)
- i. [Customers First!, 9/10 The Wire newsletter](#)

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, 9/7/10](#)

G. CONSENT AGENDA, cont'd.

Administration Committee, 9/7/10; recommends approval of:

2. [Vision Insurance Plan of America 3 Year Renewal](#)
3. [Agreement with Spielbauer Fireworks Co., Inc for fireworks programs on July 4, 2011 and July 4, 2012](#)
4. [Loan to City of Menasha Sewage Utility](#)

Board of Public Works, 9/7/10; recommends approval of:

5. [Street Use Application – Menasha High School Homecoming Parade; Friday, October 15, 2010; 5:30 PM – 6:10 PM](#)
6. [Recommendation of Established Fees for Post Construction Storm Water Management Permit](#)

Board of Public Works, 9/20/10; recommends approval:

7. To award contract for Manitowoc Road/Province Terrace – Fire Station #36 (Neenah-Menasha Fire Rescue)

Personnel Committee, 9/7/10; recommends approval of:

8. [Economic Development Position](#)

Plan Commission, 9/14/10; recommends approval of:

9. [The Golden Eagle Properties, LLC annexation with the temporary zoning classification as follows:](#)
[Parcel "A" – R-4 Multi Family](#)
[Parcel "B" – C-1 Commercial](#)
[Parcel "C" – C-1 Commercial](#)

Ald. Hendricks requested item 8 (Economic Development Position) be removed from Consent Agenda.

Ald. Zelinski requested item 3 (Agreement with Spielbauer Fireworks) be removed from Consent Agenda.

Ald. Roush requested item 9 (Temporary zoning classification) be removed from Consent Agenda.

Moved by Ald. Hendricks, seconded by Ald. Wisneski to approve items 1, 2, 4, 5, 6, 7

Motion carried on roll call 8-0.

H. ITEMS REMOVED FROM CONSENT AGENDA

Moved by Ald. Taylor, seconded by Ald. Hendricks to approve item 3 (Agreement with Spielbauer Fireworks)

Discussion: Mayor Merkes explained this agreement would guarantee 2010 prices of fireworks for 2011 and 2012. When asked about an "opt-out" option, CA/HRD Captain reviewed the agreement and did not find an option. The agreement listed the options for a fireworks show.

Motion carried on roll call 7-1. Ald. Roush-no

Moved by Ald Hendricks, seconded by Ald. Englebert to approve item 8 (Economic Development Position)

Discussion: Mayor Merkes explained the salary range was set based on what other communities have experienced. Council is being asked to approve creation of the position. Lengthily discussion on funding the position and working with local businesses.

Motion carried on roll call 5-3.

Ald. Roush, Taylor, Hendricks, Englebert, Benner – yes

Ald. Wisneski, Langdon, Zelinski - no

Moved by Ald. Hendricks, seconded by Ald. Benner to approve item 9 (Temporary zoning classification)

Discussion: CDD Keil explained the Parcel B (Hietpas property) is currently zoned commercial and will remain as commercial when it is annexed. Boundary agreement with Town of Menasha allows for the annexing of smaller undeveloped parcels when other parcels are being annexed.

Motion carried on roll call 8-0.

I. ACTION ITEMS

- a. [Accounts payable and payroll for the term of 9/9/10 to 9/16/10 in the amount of \\$1,384,284.04](#)
Moved by Ald. Wisneski, seconded by Ald. Langdon to approve accounts payable and payroll
Discussion/Questions/Answers on expenditures.
Motion carried on roll call 8-0.
- b. Lake Park Villas proposals
Mayor Merkes provided a spreadsheet with two different financial scenarios based on proposals from Lexington Homes, Cypress Homes and Van's Construction for development at Lake Park Villas. The financial information was broken down by land sales and improvements and how it would be applied to the City's debt service. One scenario was based on proposals from Lexington Homes and Cypress Homes, and the other scenario was on proposals from Cypress Homes and Van's Construction.

The Council asked Mayor Merkes to provide an executive summary of the financial scenarios at the next meeting.

J. ORDINANCES AND RESOLUTIONS

1. [O-12-10 An Ordinance Relating to Application of Menasha Building Code\(Recommended by Administration Committee, introduced by Ald. Wisneski\)](#)
CA/HRD Captain stated the motion to amend the ordinance and the language on the ordinance do not match. She asked for clarification from the Council.
Discussion ensued on the intent of the amendment. CA/HRD Captain was asked to provide the proper language for the amendment to exempt homeowners from having to get a permit if they themselves are re-roofing their home.
2. [O-13-10 Ordinance Relating to Restricted Parking \(Milwaukee Street\) \(Recommended by Board of Public Works, introduced by Ald. Wisneski & Taylor\)](#)
No Action
3. [O-14-10 An Ordinance Making Changes to Budget Review Dates \(Recommended by Administration Committee, introduced by Ald. Taylor\)](#)
No Action
4. [O-15-10 – An ordinance making changes to Chapter 2, Fire Prevention Code \(Recommended by NM Fire Rescue Joint Finance & Personnel Committee, introduced by Ald. Wisneski\)](#)
No Action
5. [R-20-10 – A resolution supporting application of a 2011 Wisconsin Dept. of Natural Resources-Urban Forestry Grant for Emerald Ash Borer implementation plan and tree planting](#)
Moved by Ald. Hendricks, seconded by Ald. Langdon to adopt R-20-10
Discussion: Pk Supt Mass explained funds received from the 2010 DNR Urban Forestry Grant were used to hire an intern to inventory Ash trees in the City. Currently there are no trees in the City that are infected with EAB. Funds received from this grant will be used to remove trees that are in critical and poor condition.
Motion carried on roll call 8-0.

K. APPOINTMENTS

None

L. HELD OVER BUSINESS

1. Lake Park Villas garage offer
CA/HRD Captain explained JLKP's offer is for them to remove the garage from the land and the City would take care of the delinquent taxes due to Calumet County.
Discussion ensued on how JLKP obtained the parcel, who is maintaining the property, if the LPV Homeowner's Assoc. is still interested in purchasing the parcel, who would restore the property back to the original condition, what permits are required to move the garage.
Moved by Ald. Benner, seconded by Ald. Wisneski to deny JLKP offer.
Motion carried on roll call 8-0.

M. CLAIMS AGAINST THE CITY

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. Hendricks, seconded by Ald. Langdon to adjourn at 8:28 p.m.

Motion carried on voice vote.

Respectfully submitted by Deborah A. Galeazzi, City Clerk