

CITY OF MENASHA  
COMMON COUNCIL  
Third Floor Council Chambers  
140 Main Street, Menasha  
Monday June 21, 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: Aldermen Hendricks, Zelinski, Englebert, Benner, Roush, Taylor, Wisneski, Langdon  
ALSO PRESENT: Mayor Merkes, CA/HRD Captain, PC Stanke, FC Auxier, DPW Radtke, CDD Keil,  
C/T Stoffel, PRD Tungate, 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)

Mary Nebel, 713 First Street. Look into moving Utilities e-mail program under City's program.

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, 6/7/10
- b. Board of Public Works, 6/7/10
- c. IT Steering Committee, 6/16/10
- d. Landmarks Commission, 6/9/10
- e. Library Board, 5/20/10
- f. Police Commission, 5/2010

Communications:

- g. Menasha Utilities, 6/15/10; Customers First!, the Wire newsletter
- h. PRD Tungate, 6/16/10; Gilbert Mill Site Development Plan – Vierbicher & Associates
- i. PRD Tungate, 6/16/10; DVD of May 19<sup>th</sup> Waterfront Renewal Presentation (viewable on city website)
- j. Public Works Dept., 6/15/10; May 2010 Disposal Violations
- k. Residents on Fieldview Dr., 6/15/10; Province Terrace rezoning concerns

Ald. Wisneski: Comm. H (Gilbert Mill Site Development Plan) asked if any brickwork from the Gilbert Mill building has been saved. Mayor Merkes & CDD Keil responded some items have been saved, but not sure about the bricks.

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, 6/7/10

Administration Committee, 6/7/10; recommends approval of:

2. Agreement to Administer a Retail Food Program for the Department of Agricultural Trade and Consumer Protection
3. Memorandum of Understanding for Tuberculosis Clinical Services

G. CONSENT AGENDA , cont'd

Board of Public Works, 6/7/10; recommends approval of:

4. Street Use Application – Parade of Lights; Saturday, July 3, 2010; 9:15 PM -10:15 PM (CommunityFest Committee)
5. Request to Install Street Light on Utility Pole No. 888 on Lake Street (Ald. Taylor)  
IT Steering Committee 6/16/10 recommends approval of:
6. Motion to direct staff to study the feasibility of a unified IT Department serving all departments of the City including Utilities.

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

H. ITEMS REMOVED FROM CONSENT AGENDA

None

I. ACTION ITEMS

1. Accounts payable and payroll for the term of 6/3/10 to 6/17/10 in the amount of \$1,973,543.60

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.

2. “Class B” Liquor and Malt Beverage License Transfer-Premises to Premises for the 2009-2010 licensing year for Hotel Pub LLP from 177 Main Street to 1010 Manitowoc Road
3. Renewal “Class B” Liquor and Malt Beverage License for the licensing year July 1, 2010-June 30, 2011 for Hotel Pub LLP, Brian K. Ritchie and Thomas P. Theisen, d/b/a Tonic, 1010 Manitowoc Road
4. Renewal Reserve “Class B” Liquor and Malt Beverage License for the licensing year July 1, 2010-June 30, 2011 for The Bar on Lake Park LLC, d/b/a Sliders, 890 Lake Park Road, David Schepp, agent
5. Renewal Reserve “Class B” Liquor and Malt Beverage License for the licensing year July 1, 2010-June 30, 2011 for Americanos Drum & Bugle Corps, Inc., d/b/a Americanos Centre, 1615 Drum Corp. Drive, Sandra Barlow, agent
6. Reserve “Class B” Liquor and Malt Beverage License for the licensing year July 1, 2010-June 30, 2011 for Mario Nunez, d/b/a Mi Casa Mexican Grill, 14 Tayco Street
7. Reserve “Class B” Liquor and Malt Beverage License for the licensing year July 1, 2010-June 30, 2011 for Historical Hotel Pub LLC, d/b/a Hotel Pub, 177 Main Street, Laura Biechler, agent
8. Request for Outdoor Alcoholic Beverage Permits for Mario Nunez, d/b/a Mi Casa Mexican Grill, 14 Tayco Street for the licensing year July 1, 2010-June 30, 2011.
9. Request for Outdoor Alcoholic Beverage Permits for The Bar on Lake Park LLC, d/b/a Sliders, 890 Lake Park Road for the licensing year July 1, 2010-June 30, 2011
10. Request for Outdoor Alcoholic Beverage Permit for Jitters Bar LLC, d/b/a Jitters Bar, 23 Main Street For the licensing year July 1, 2010-June 30, 2011

Moved by Ald. Wisneski, seconded by Ald. Hendricks, to approve items 2-10.  
Motion carried on roll call 8-0.

J. ORDINANCES AND RESOLUTIONS

1. O-9-10 – An ordinance amending title 13 by making certain changes in the district (Province Terrace) (Introduced by Mayor Merkes, recommended by Plan Commission)

Moved by Ald. Hendricks, seconded by Ald. Benner to adopt O-9-10  
Motion carried on roll call 8-0.

2. R-14 -10 Acknowledging Review of City of Menasha 2009 Compliance Maintenance Annual Report Under Wisconsin Administrative Code NR 208 (Introduced by Alderman Hendricks, recommended by Administration Committee)

Moved by Ald. Hendricks, seconded by Ald. Wisneski, to adopt R-14-10  
Motion carried on roll call 8-0.

K. APPOINTMENTS

None

L. HELD OVER BUSINESS

None

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. RECESS TO ADMINISTRATION COMMITTEE AND BOARD OF PUBLIC WORKS

CA/HRD Captain updated the Council on the claim filed by LaFayette Life Insurance and WERC case. One of the plaintiffs in the LaFayette Life Insurance case, American Bank, filed a petition with the 7<sup>th</sup> Court of Appeals. They also filed an appeal of the federal judge's decision in the Indiana District Court case. The Court did not accept the petition and the appeal is pending. Ice Miller was appointed lead counsel for all the bondholders for the federal case filed in the Indiana District Court. An amended complaint has been filed by the bondholders. The City is expecting to file a motion to dismiss the case. A complaint was filed in Winnebago County by Wisconsin Employment Relation Commission (WERC) on behalf of Police Union Local 603. The complaint questions the role of the Police Commission pertaining to disciplinary actions. The Judge did uphold the WERC decision. The City can appeal. CA/HRD Captain will be contacting Attorney Jim Macy who is representing the City and will update the Council.

CA/HRD Captain stated if the Council wanted to discuss either of these items it should be done in Closed Session.

Moved by Ald. Wisneski, seconded by Ald. Hendricks to recess to Administration Committee and Board of Public Works.

Motion carried on voice vote.

Reconvened at 7:45 p.m.

P. ADJOURNMENT

Motion to Adjourn into Closed Session pursuant to Wis. Stats. §19.85(1)(g): Conferring with legal counsel for the governmental body who is rendering oral or written advise concerning strategy to be adopted by the body with respect to litigation in which it is or is likely to become involved. (Update on LaFayette Life Ins. Co., et al. vs. City of Menasha Case No. 4:09CV0064 and WERC et al vs City of Menasha Case No. 09CV2490)

Moved by Ald. Wisneski, seconded by Ald. Hendricks to adjourn into Closed Session at 7:45 p.m.

Motion carried on roll call 8-0.

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