

CITY OF MENASHA  
COMMON COUNCIL  
Third Floor Council Chambers  
140 Main Street, Menasha  
Monday, March 19, 2012  
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 Krueger, Zelinski, Englebort, Benner, Klein, Taylor, Sevenich, Langdon

ALSO PRESENT: Mayor Merkes, CA/HRD Captain, PC Styka, FC Auxier, DPW Radtke, CDD Keil, C/T Stoffel, PRD Tungate, PHD Nett, LD Lenz, MUGM Sturm, MUGM Krause, Clerk Galeazzi and the Press

D. PUBLIC HEARING

E. PUBLIC COMMENTS ON ANY MATTER OF CONCERN TO THE CITY

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

Aaron Zemlock, President of Menasha Rotary. Comments on Special Event Policy.

Richard Meyer, Commander of Menasha VFW #2126, 1201 Grove Street. Comments on Special Event Policy.

Peter Pfundtner, 1157 Debra Court, Menasha Rotary. Comments on Special Event Policy

Tim Jacobson, 732 Paris Street. Comments on Special Event Policy

Dan Mitchell, 212 Old Pulley Lane. Inquired on how to help people be proud to live in Menasha

Daniel Hermans, 370 Winnebago Avenue. Return one-side parking on Winnebago Ave.

Dick Sturm, 1203 Greenwood Court, Park Board Chairman, Comments on Special Event Policy

F. REPORT OF DEPARTMENT HEADS/STAFF/CONSULTANTS

1. Menasha Utilities – Overbilling to NM Sewerage Commission

Co-General Managers Krause and Sturm reported Electric Utilities discovered an error to a particular circuit, and field inspections were done on those customers. It was identified that NM Sewerage Treatment Facility on that circuit had a multiplier that was incorrectly calculated based on the set-up of the meter. The overbilling had occurred for the past six years. The rest of the customers on that circuit were under-billed. The Utility proposed a refund over the next two years. This could result in approximately \$1 per month for the normal residential customer.

Utility staff will be reviewing and updating policies and are continuing on the path of doing field inspections in order to provide assurances to customers that meters and bills are accurate. Staff will be checking all meters and documentation and will be developing a documentation program that will cover meter installations from the concept and plans right through the multiplier that goes into the billing. WPPI Energy is also taking part in that effort and forming a best practices team to make a joint effort on putting together a program and documentation to prevent these errors from occurring.

2. Clerk Galeazzi – Update on Photo ID Law

Clerk Galeazzi reported on Wisconsin Act 23 that made changes in Election laws starting in 2012. The Voter Photo ID part of Act 23 is currently not being enforced due to a court injunction.

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

Minutes to receive:

- a. [Administration Committee, 3/5/12](#)
- b. [Board of Public Works, 3/5/12](#)
- c. [Parks & Recreation Board, 2/14/12](#)
- d. [Personnel Committee, 3/5/12](#)
- e. [Police Commission, 2/21/12](#)
- f. [Redevelopment Authority, 2/29/12](#)

Communications:

- g. [Customers First! The Wire newsletter, March 2012](#)
- h. [Dan Rippl, Menasha Rotary to Park & Rec. Director Tungate, 3/14/12; Menasha Rotary donations](#)

Moved by Ald. Sevenich, seconded by Ald. Langdon to receive Minutes and Communications A-H  
Motion carried on voice vote.

#### 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, 3/5/12](#)

Administration Committee, 3/5/12; recommends approve of:

2. [Special Event Policy](#)

Board of Public Works, 3/5/12; recommends approval of:

3. [Street Use Application – Memorial Day Parade; Monday, May 28, 2012; 8 AM – 10:30 AM \(American Legion Post 152\)](#)
4. [Payment – Terra Engineering & Construction Corporation; City of Menasha Wastewater Collection System Rehabilitation Improvements, Phase 4 Project; Sanitary Sewer Rehabilitation; Contract E145-11-01A; \\$41,857.26 \(Payment No. 2\)](#)
5. [Recommendation to Award – Menasha Utilities Water Main Replacement; Contract M0002-910578.08; Donald Hietpas & Sons; \\$829,133.35](#)

Ald. Sevenich requested to remove item 1 (Common Council minutes) from Consent Agenda

Ald. Englebert requested to remove item 2 (Special Event Policy) from Consent Agenda

Moved by Ald. Sevenich, seconded by Ald. Langdon to approve Constant Agenda items 3, 4, 5  
Motion carried on roll call 8-0.

#### H. ITEMS REMOVED FROM CONSENT AGENDA

Moved by Ald. Sevenich, seconded by Ald. Langdon to approve Constant Agenda item 1 (Common Council Minutes)

Motion carried on roll call 8-0.

Moved by Ald. Krueger, seconded by Ald. Klein to approve Constant Agenda item 2 (Special Event Policy)  
Lengthily discussion ensued on offering discounts to Special Events sponsored by non-profit organizations.  
Moved by Ald. Zelinski, seconded by Ald. Klein to charge 80% of actual cost to all Special Event sponsors.  
Motion failed on roll call 3-5.

Ald. Klein, Taylor, Zelinski – yes

Ald. Sevenich, Langdon, Krueger, Englebert, Benner – no

Motion to approve Special Event Policy carried in roll call 5-3

Ald. Klein, Taylor, Langdon, Krueger, Zelinski – yes

Ald. Sevenich, Englebert, Benner – no

I. ACTION ITEMS

1. [Accounts payable and payroll for the term of 3/8/12 to 3/15/12 in the amount of \\$561,699.70](#)

Moved by Ald. Klein, seconded by Ald. Krueger to approve accounts payable and payroll.  
Motion carried on roll call 8-0.

J. ORDINANCES AND RESOLUTIONS

1. [Substitute amendment to O-3-12 - An Ordinance Amending Section 11-1-1 of the Municipal Code – Offenses Against State Laws Subject to Forfeiture \(Trespassing\) \(Introduced by Ald. Taylor\) \(Recommended by Administration Committee \)\(1<sup>st</sup> introduction\)](#)

No Action

2. [R-5-12 Preliminary Resolution Declaring Intent to Exercise Special Assessment Powers Under Section 66.0703, Wisconsin Statutes – Woodland Hills Subdivision/Kelly Lake Drive\(Recommended by Board of Public Works\)\(Introduced by Ald. Taylor\)](#)

Moved by Ald. Taylor, seconded by Ald. Krueger to adopt R-5-12.  
Motion carried on roll call 8-0.

3. [R-8-12 – Resolution Authorizing a representative of the city of Menasha to file applications for financial assistance from the state of Wisconsin Environmental Improvement Fund \(Introduced by Mayor Merkes\)](#)

Moved by Ald. Sevenich, seconded by Ald. Krueger to adopt R-8-12.  
Motion carried on roll call 8-0.

K. APPOINTMENTS

L. PUBLIC COMMENTS ON ANY MATTER LISTED ON THE AGENDA

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

Tim Jacobson, 732 Paris Street. Comments on non-profit and fundraisers

Mary Nebel, 713 First Street. Tax payers subsidizing things in the City

Aaron Zemlock, Menasha Rotary. Rotary will continue to support Menasha activities

M. RECESS TO ADMINISTRATION COMMITTEE, BOARD OF PUBLIC WORKS AND PERSONNEL COMM

Moved by Ald. Benner, seconded by Ald. Krueger to recess at 7:46 p.m.  
Motion carried on voice vote

Reconvened at 10:43 p.m.

N. CLAIMS AGAINST THE CITY

1. [Notice of injury and circumstances of claim - Town of Harrison, Celine Romenesko, Rick Kindschi](#)

CA/HRD Captain explained the procedure when filing a claim against a municipality.

CA/HRD Captain suggested going into Closed Session if Council had questions.

2. Update on PCB Litigation

CA/HRD Captain suggested going into Closed Session to update the Council.

- O. Moved by Ald. Benner, seconded by Ald. Langdon to Adjourn into Closed Session at 10:46 p.m. 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. (PCB Litigation and Notice of Circumstance of Town of Harrison, Romenesko and Kindschi)

Motion carried on roll call 8-0.

P. ADJOURN

Moved by Ald. Sevenich, seconded by Ald. Klein to adjourn at 11:08 p.m.

Motion carried on voice vote.

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