

CITY OF MENASHA
COMMON COUNCIL
Third Floor Council Chambers
140 Main Street, Menasha
Monday, April 7, 2014
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 Benner, Nichols, Taylor, Sevenich, Langdon, Keehan, Zelinski

EXCUSED: Alderman Englebert

ALSO PRESENT: Mayor Merkes, CA/HRD Captain, PC Styka, FC Auxier, DPW Radtke CDD Keil, ASD Steeno, PHD Nett, PRD Tungate, LD Lenz, Clerk Galeazzi

D. PUBLIC HEARING

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

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

Brandon Ribble, 1308 Oneida Street, Menasha. Agreement between City of Menasha and Ribble Trust.

James Taylor, 340 Broad Street, Menasha. Condition of Racine Street; 198 River Street (Steam Plant)

F. REPORT OF DEPARTMENT HEADS/STAFF/CONSULTANTS

1. [Mayor Merkes – Electronic and Household Goods Recycling Event, April 26, 2014.](#)

Judy Zaretzke, representing St. Vincent de Paul spoke on how St. Vincent de Paul helps the communities. She also spoke on the upcoming e-recycling events in Menasha & Neenah.

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

Minutes to receive:

- a. [Administration Committee, 3/17/14](#)
- b. [Board of Health, 2/12/14](#)
- c. [Board of Public Works, 3/17/14](#)
- d. [City Hall Safety Committee, 2/6/14](#)
- e. [Committee on Aging, 2/13/14](#)
- f. [Landmarks Commission, 3/27/14](#)
- g. [Library Board, 3/20/14](#)
- h. [NMFR Joint Finance & Personnel, 3/25/14](#)
- i. [NMFR Joint Fire Commission, 3/26/14](#)
- j. [Neenah-Menasha Sewerage Commission, 2/25/14](#)
- k. [Park and Recreation Board, 3/18/14](#)
- l. [Plan Commission, 3/18/14](#)
- m. [Public Works/Parks Safety Committee, 2/25/14](#)
- n. [Water and Light Commission, 2/26/14](#)

Communications:

- o. [Mayor Merkes, 3/17/14, APPA Legislative Rally, APTA Legislative Conference.](#)
- p. [CA/HRD Captain, 3/28/14, City of Kaukauna et al. v. Village of Harrison et al. and City of Menasha v. Waverly Sanitary district et al.](#)
- q. [Town of Harrison, 3/14/14, Letter referencing their decision regarding the intergovernmental agreement to help pay for a portion of the County Truck LP upgrade.](#)
- r. [Notice of Lodging of Three Proposed Consent Decrees \(PCB Litigation\), 3/31/14.](#)

- s. [ASD Steeno, 4/7/14, Public Health Director Recruitment Update.](#)
- t. [Memorial Day Parade Committee, 3/17/14, Invitation for Participation.](#)
- u. [Department of the Army, 3/20/14, Letter referencing an upcoming interagency conference call.](#)
- v. [PWD Radtke; 2013 WDNR Annual Report under MS4.](#)
- w. [Menasha Historical Society News, January-February-March 2014.](#)

Moved by Ald. Benner, seconded by Ald. Keehan to receive Minutes and Communications A-W.
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, 3/17/14](#)
- 2. [Special Common Council, 3/24/14](#)

Board of Public Works, 3/3/14 – Recommends the Approval of:

- 3. [Reconfiguration of London Street/Plank Road Intersection as presented.](#)

Joint Fire Commission, 3/26/14 – Recommends the Approval of:

- 4. [Renewal of the Fox Valley Technical College's Regional Fire Department Hiring Process Agreement from March 2014 through March 2015.](#)

Plan Commission, 3/18/14 – Recommends the Approval of:

- 5. [Certified Survey Map – Eden Court.](#)
- 6. [Certified Survey map – Seventh Street \(Menasha High School\).](#)

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

Moved by Ald. Benner, seconded by Ald. Keehan to approve Consent Agenda items 2-6.

Motion carried on roll call 7-0.

H. ITEMS REMOVED FROM CONSENT AGENDA

Moved by Ald. Zelinski, seconded by Ald. Keehan to approve Consent Agenda item 1, Common Council minutes of 3/17/14

It was requested to have an update on status of Ribble Trust property at a future meeting.

Motion carried on roll call 7-0.

I. ACTION ITEMS

- 1. [Accounts payable and payroll for the term of 3/20/14 to 4/3/14 in the amount of \\$1,407,049.61.](#)

Moved by Ald. Nichols, seconded by Ald. Langdon to approve accounts payable and payroll.

Ald. Taylor requested to separate check #45782 (McMahon). He will abstain from voting on the check.

Motion to approve accounts payable and payroll minus check #45782 carried on roll call 7-0.

Motion to approve check #45782 carried on roll call 6-0. Ald. Taylor abstained.

- 2. [Reserve "Class B" liquor license application for Alchemy-Fox Cities, LLC, 890 Lake Park Road, Menasha to deal in intoxicating liquor and fermented malt beverages, April 8, 2014 to June 30, 2014.](#)

Moved by Ald. Nichols, seconded by Ald. Langdon to approve Reserve "Class B" liquor license application for Alchemy-Fox Cities. LLC

Motion carried on roll call 7-0.

- 3. [Outdoor Alcohol Beverage Permit for 2013-2014 licensing year for Alchemy-Fox Cities LLC, 890 Lake Park Road, Menasha.](#)

Moved by Ald. Nichols, seconded by Ald. Langdon to approve Outdoor Alcohol Beverage permit for Alchemy-Fox Cities LLC.

Motion carried on roll call 7-0.

4. [Change of Agent for Margaritaville Lounge, LLC, 6 Tayco Street, Menasha from Marco A. Rodriguez Contreras to Jennifer Almeida-Sandoval.](#)

Moved by Ald. Nichols, seconded by Ald. Langdon to change of agent for Margaritaville Lounge, LLC.
Motion carried on roll call 7-0.

5. [Beverage Operators License Applications for the 2013-2015 licensing period.](#)

Moved by Ald. Nichols, seconded by Ald. Langdon to approve beverage operator's license application as per memo of 4/3/14
Motion carried on roll call 7-0.

6. [Third Amendment to Development Agreement Among City of Menasha and Cypress Homes and Realty, Inc. Dated June 20, 2011.](#)

Moved by Nichols, seconded by Ald. Langdon to approve Third Amendment to Development Agreement among City of Menasha and Cypress Homes and Realty, Inc dated June 20, 2011.
CA/HRD Captain explained the amendment changes the date of closing on the purchase of a lot by Cypress Homes and Realty from March 31, 2014 to April 30, 2014. Final closing documents need to be prepared.
Motion carried on roll call 6-1. Ald. Zelinski voted no.

J. ORDINANCES AND RESOLUTIONS

1. [O-6-14 An Ordinance Amending Title 8, Chapter 3 of the Code of Ordinances \(Unauthorized Disposal of Refuse and Recyclable Materials\) \(Introduced by Ald. Zelinski\).](#)

Moved by Ald. Zelinski, seconded by Ald. Keehan to adopt O-6-14.
Discussion ensued on process of issuing citation for violation of this ordinance.
Motion carried on roll call 7-0.

K. APPOINTMENTS

L. HELD OVER BUSINESS

1. Beverage Operator License Application Denial (Held 3/17/14).
Mayor Merkes stated the person has withdrawn the Beverage Operator License Application. No action.

M. CLAIMS AGAINST THE CITY

N. PUBLIC COMMENTS ON ANY MATTER LISTED ON THE AGENDA

(five (5) minute time limit for each person)
No one spoke.

O. RECESS TO BOARD OF PUBLIC WORKS

Moved by Ald. Benner, seconded by Ald. Keehan to recess to Board of Public Works at 6:38 p.m.
Reconvened at 7:01 p.m.

P. ACTION ITEMS

1. Purchase and Development Agreement for Sale of 198 River Street Power Plant (Steam Plant).

CA/HRD Captain recommended adjourning into closed session.

2. Moved by Ald. Benner, seconded by Ald. Keehan to adjourn into Closed Session Pursuant to Wisconsin Statute § 19.85(1)(e) and (f), 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; Considering financial information of specific persons which, if discussed in public, would be likely to have a substantial adverse effect upon the reputation of any person referred to in such histories or data. (Purchase and Development Agreement for Sale of 198 River Street Power Plant (Steam Plant)).
Motion carried on roll call 7-0.

3. May reconvene into Open Session to act on what was discussed in Closed Session.
No action.

Q. ADJOURNMENT

Moved by Ald. Nichols, seconded by Ald. Keehan to adjourn at 7:40 p.m.
Motion carried on voice vote.

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