

CITY OF MENASHA
COMMON COUNCIL
Third Floor Council Chambers
140 Main Street, Menasha
Monday, November 7, 2016
MINUTES

A. CALL TO ORDER

Meeting called to order by Mayor Merkes at 6:00 p.m.

B. PLEDGE OF ALLEGIANCE

Pledge of Allegiance was recited.

C. ROLL CALL/EXCUSED ABSENCES

PRESENT: Aldermen Krautkramer, Collier, Keehan, Zelinski, Spencer, Benner, Nichols

EXCUSED: Alderman Taylor

ALSO PRESENT: Mayor Merkes, CA Captain, PC Styka, CDD Buck, ASD Steeno, PRD Tungate, Engineer Supv. Montour, Clerk Galeazzi.

DEPT HEAD EXCUSED: PHD McKenney

D. PUBLIC HEARING

1. [Proposed resolution authorizing public improvement and levying special assessments against benefited property \(Lake Cottage Estates\)](#)

Engineering Supervisor Montour explained the improvements to the Lake Cottage Estates Development are relocating sanitary sewer laterals, water laterals, storm sewer laterals, final asphalt pavement, and electrical service.

No one spoke. Mayor called public hearing to a close.

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

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

Sandra Dabill-Taylor, 545 Broad Street, Menasha. Comments on amendments to TIFs.

Stan Sevenich, 645 9th Street, Menasha. Comments on lease agreement with MJSD for 100 Main St.

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. [Board of Public Works, 10/17/2016](#)
- b. [Library Board, 10/26/2016](#)
- c. [NMFR Joint Finance and Personnel Committee, 10/25/2016](#)
- d. [NMFR Joint Fire Commission, 10/26/2016](#)
- e. [Neenah-Menasha Sewerage Commission, 09/27/2016](#)
- f. [Plan Commission, 10/18/2016](#)
- g. [Water & Light Commission, 10/12/2016](#)
- h. [Winnebago County Joint Review Board, 10/18/2016](#)

Communications:

- i. [3rd Quarter Financials](#)
- j. [WPRA Park Design Award](#)
- k. [Public Service Commission of Wisconsin Notice of Investigation \(Buyout of WPPI Lease Agreement\)](#)
- l. [Update on Unit 2016-02 and Third Street Bridge Replacement \(WisDOT Project Number 4992-01-71\)](#)
- m. [City of Menasha, Wisconsin vs. Village of Fox Crossing, Wisconsin & Town of Menasha, Wisconsin Case No. 16CV983BR3](#)

Moved by Ald. Benner seconded by Ald. Keehan to receive Minutes and Communications a-m.

General discussion on WPRA Park Design Award and PSC Notice of Investigation for WPPI Lease Buyout.

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, 10/17/2016](#)

Board of Public Works, 10/17/2016, Recommends the Approval of:

2. [Payment No. 5 – Northeast Asphalt, Inc.; New Street Construction and Reconstruction, Concrete Curb and Gutter, Concrete Sidewalk, Asphalt Pavement within Parking Area, 8' Wide Asphalt Trail and Storm Sewer; Sixth Street, Ninth Street, Grandview Avenue, Manitowoc/Plank Road \(8' Wide Asphalt Trail\), Menasha Utilities Office \(Parking Area Paving\), and Community Way; Contract Unit No. 2016-02; \\$108,225.92.](#)

Moved by Ald. Benner seconded by Ald. Keehan to approve Consent Agenda items 1&2.
Motion carried on roll call 7-0.

H. ITEMS REMOVED FROM THE CONSENT AGENDA

None

I. ORDINANCES AND RESOLUTIONS

1. [O-17-16 An Ordinance Approving the Attachment of Territory to the City of Menasha from the Village of Fox Crossing Owned by R. Lewis & R. Lewis, LLC \(As Recommended by the Plan Commission; Introduced by Mayor Merkes\)](#)

Moved by Ald. Benner seconded by Ald. Keehan to suspend the rules and take up O-17-16.
Motion carried on roll call 6-1. Ald. Collier voted no.

CA Captain explained the action taken by Village of Fox Crossing to detach the property. This leaves the property open to be attached to the City of Menasha. CA Captain also explained the stipulation that is part of the detachment/attachment. The stipulation states the detachment of the property by the Village and the attachment by the City is not admittance that the Intergovernmental Agreement is valid nor shall it prejudice the right of the City of Menasha to assert or the Village to defend various causes of action in a recently filed law suit.

Garritt Bader, representing of the owners, explained the plans to combine the adjoining lots for future development.

Moved by Ald. Benner seconded by Ald. Keehan to adopt O-17-16 An Ordinance approving the attachment of territory to the City of Menasha from the Village of Fox Crossing owned by R. Lewis & R. Lewis LLC and approve Stipulation between Village of Fox Crossing and City of Menasha.
Motion carried on roll call 7-0.

2. [R-30-16 – Final Resolution Authorizing Public Improvements and Levying Special Assessments Against Benefited Property \(Lake Cottage Estates\) \(As Recommended by the Board of Public Works; Introduced by Ald. Krautkramer\).](#)

Moved by Ald. Krautkramer seconded by Ald. Collier to adopt R-30-16 Final Resolution Authorizing Public Improvements and Levying Special Assessments Against Benefited Property (Lake Cottage Estates)

Motion carried on roll call 7-0.

3. [R-31-16 Resolution Approving a Project Plan Amendment for Tax Incremental District No. 5 City of Menasha, Wisconsin](#)

Moved by Ald. Benner seconded by Ald. Keehan to adopt R-31-16 Resolution Approving a Project Plan Amendment for Tax Incremental District No. 5 City of Menasha, Wisconsin.

CDD Buck explained the amendment is to allocate positive increment for TID 5 to TID 3 to close out TID 3 at end of 2016.

Motion carried on roll call 7-0.

4. [R-32-16 Resolution Approving a Project Plan Amendment for Tax Incremental District No. 10 City of Menasha, Wisconsin](#)

Moved by Ald. Benner seconded by Ald. Keehan to adopt R-32-16 Resolution Approving a Project Plan Amendment for Tax Incremental District No. 10 City of Menasha, Wisconsin.

CDD Buck explained the project plan amendment to expend funds within a ½ mile radius of the plan's boundaries to capitalize the Housing Rehabilitation Fund.

Motion carried on roll call 7-0.

5. [R-33-16 Resolution approving application to the Board of Commissioners of Public Lands to borrow \\$1,362,372 from the State Trust Fund and authorizing the borrowing and the issuance of certificates of indebtedness and levying a tax in connection therewith](#)

Moved by Ald., Nichols seconded by Ald. Keehan to adopt R-33-16 Resolution approving application to the Board of Commissioners of Public Lands to borrow \$1,362,372 from the State Trust Fund and authorizing the borrowing and the issuance of certificates of indebtedness and levying a tax in connection therewith.

ASD Steeno explained the borrowing is for 2016 Capital Improvement projects.

Motion carried on roll call 7-0.

6. [R-34-16 Resolution approving application to the Board of Commissioners of Public Lands to borrow \\$337,000 from the State Trust Fund and authorizing the borrowing and the issuance of certificates of indebtedness and levying a tax in connection therewith](#)

Moved by Ald. Nichols seconded by Ald. Keehan to adopt R-34-16 Resolution approving application to the Board of Commissioners of Public Lands to borrow \$337,000 from the State Trust Fund and authorizing the borrowing and the issuance of certificates of indebtedness and levying a tax in connection therewith.

ASD Steeno explained the borrowing is for TID 13 infrastructure improvements.

Motion carried on roll call 7-0.

7. [R-35-16 Resolution approving application to the Board of Commissioners of Public Lands to borrow \\$478,315 from the State Trust Fund and authorizing the borrowing and the issuance of certificates of indebtedness and levying a tax in connection therewith](#)

Moved by Ald. Nichols seconded by Ald. Keehan to adopt R-35-16 Resolution approving application to the Board of Commissioners of Public Lands to borrow \$478,315 from the State Trust Fund and authorizing the borrowing and the issuance of certificates of indebtedness and levying a tax in connection therewith.

ASD Steeno explained the borrowing is for the money owed to WPPI for the 2011 transaction.

Motion carried on roll call 7-0.

8. [R-36-16 Resolution approving application to the Board of Commissioners of Public Lands to borrow \\$1,159,685 from the State Trust Fund and authorizing the borrowing and the issuance of certificates of indebtedness and levying a tax in connection therewith](#)

Moved by Ald. Nichols seconded by Ald. Keehan to adopt R-36-16 Resolution approving application to the Board of Commissioners of Public Lands to borrow \$1,159,685 from the State Trust Fund and authorizing the borrowing and the issuance of certificates of indebtedness and levying a tax in connection therewith

ASD Steeno explained the borrowing is for public infrastructure for the Van's and Woodlands Development Agreements that will be special assessed.

Motion carried on roll call 7-0.

9. [R-37-16 Resolution approving application to the Board of Commissioners of Public Lands to borrow \\$343,200 from the State Trust Fund and authorizing the borrowing and the issuance of certificates of indebtedness and levying a tax in connection therewith](#)

Moved by Ald. Nichols seconded by Ald. Keehan to adopt R-37-16 Resolution approving application to the Board of Commissioners of Public Lands to borrow \$343,200 from the State Trust Fund and authorizing the borrowing and the issuance of certificates of indebtedness and levying a tax in connection therewith.

ASD Steeno explained the borrowing is for the purchase and improvements to the 867 Valley Road property.

Motion carried on roll call 7-0.

10. [R-38-16 Resolution approving application to the Board of Commissioners of Public Lands to borrow \\$3,039,013.14 from the State Trust Fund and authorizing the borrowing and the issuance of certificates of indebtedness and levying a tax in connection therewith](#)

Moved by Ald. Nichols seconded by Ald. Keehan to adopt R-38-16 Resolution approving application to the Board of Commissioners of Public Lands to borrow \$3,039,013.14 from the State Trust Fund and authorizing the borrowing and the issuance of certificates of indebtedness and levying a tax in connection therewith.

ASD Steeno explained the borrowing is a refinance for a lower interest rate which will save interest cost over the life of the loan.

Motion carried on roll call 7-0.

11. [R-39-16 Resolution approving application to the Board of Commissioners of Public Lands to borrow \\$3,002,187.13 from the State Trust Fund and authorizing the borrowing and the issuance of certificates of indebtedness and levying a tax in connection therewith](#)

Moved by Ald. Nichols seconded by Ald. Keehan to adopt R-39-16 Resolution approving application to the Board of Commissioners of Public Lands to borrow \$3,002,187.13 from the State Trust Fund and authorizing the borrowing and the issuance of certificates of indebtedness and levying a tax in connection therewith.

ASD Steeno explained the borrowing is a refinance for a lower interest rate which will save interest cost over the life of the loan.

Motion carried on roll call 7-0.

12. [R-40-16 Resolution approving application to the Board of Commissioners of Public Lands to borrow \\$680,195.13 from the State Trust Fund and authorizing the borrowing and the issuance of certificates of indebtedness and levying a tax in connection therewith](#)

Moved by Ald. Nichols seconded by Ald. Keehan to adopt R-40-16 Resolution approving application to the Board of Commissioners of Public Lands to borrow \$680,195.13 from the State Trust Fund and authorizing the borrowing and the issuance of certificates of indebtedness and levying a tax in connection therewith.

ASD Steeno explained the borrowing is a refinance for a lower interest rate which will save interest cost over the life of the loan.

Motion carried on roll call 7-0.

13. [R-41-16 Resolution approving application to the Board of Commissioners of Public Lands to borrow \\$1,989,000.00 from the State Trust Fund and authorizing the borrowing and the issuance of certificates of indebtedness and levying a tax in connection therewith](#)

Moved by Ald. Nichols seconded by Ald. Keehan to adopt R-41-16 Resolution approving application to the Board of Commissioners of Public Lands to borrow \$1,989,000.00 from the State Trust Fund and authorizing the borrowing and the issuance of certificates of indebtedness and levying a tax in connection therewith.

ASD Steeno explained the borrowing is a refinance for a lower interest rate which will save interest cost over the life of the loan.

Motion carried on roll call 7-0.

14. [R-42-16 Resolution approving application to the Board of Commissioners of Public Lands to borrow \\$1,480,000.00 from the State Trust Fund and authorizing the borrowing and the issuance of certificates of indebtedness and levying a tax in connection therewith](#)

Moved by Ald. Nichols seconded by Ald. Keehan to adopt R-42-16 Resolution approving application to the Board of Commissioners of Public Lands to borrow \$1,480,000.00 from the State Trust Fund and authorizing the borrowing and the issuance of certificates of indebtedness and levying a tax in connection therewith.

ASD Steeno explained the borrowing is a refinance for a lower interest rate which will save interest cost over the life of the loan.

Motion carried on roll call 7-0.

15. [R-43-16 Resolution approving application to the Board of Commissioners of Public Lands to borrow \\$820,500.00 from the State Trust Fund and authorizing the borrowing and the issuance of certificates of indebtedness and levying a tax in connection therewith](#)

Moved by Ald. Nichols seconded by Ald. Keehan to adopt R-43-16 Resolution approving application to the Board of Commissioners of Public Lands to borrow \$820,500.00 from the State Trust Fund and authorizing the borrowing and the issuance of certificates of indebtedness and levying a tax in connection therewith.

ASD Steeno explained the borrowing is a refinance for a lower interest rate which will save interest cost over the life of the loan.

Motion carried on roll call 7-0.

16. [R-44-16 Resolution approving application to the Board of Commissioners of Public Lands to borrow \\$763,441.58 from the State Trust Fund and authorizing the borrowing and the issuance of certificates of indebtedness and levying a tax in connection therewith](#)

Moved by Ald. Nichols seconded by Ald. Keehan to adopt R-44-16 Resolution approving application to the Board of Commissioners of Public Lands to borrow \$763,441.58 from the State Trust Fund and authorizing the borrowing and the issuance of certificates of indebtedness and levying a tax in connection therewith.

ASD Steeno explained the borrowing is a refinance for a lower interest rate which will save interest cost over the life of the loan.

Motion carried on roll call 7-0.

17. [R-45-16 Resolution approving application to the Board of Commissioners of Public Lands to borrow \\$882,200.00 from the State Trust Fund and authorizing the borrowing and the issuance of certificates of indebtedness and levying a tax in connection therewith](#)

Moved by Ald. Nichols seconded by Ald. Keehan to adopt R-45-16 Resolution approving application to the Board of Commissioners of Public Lands to borrow \$882,200.00 from the State Trust Fund and authorizing the borrowing and the issuance of certificates of indebtedness and levying a tax in connection therewith.

ASD Steeno explained the borrowing is a refinance for a lower interest rate which will save interest cost over the life of the loan.

Motion carried on roll call 7-0.

18. [R-46-16 Resolution approving application to the Board of Commissioners of Public Lands to borrow \\$875,000.00 from the State Trust Fund and authorizing the borrowing and the issuance of certificates of indebtedness and levying a tax in connection therewith](#)

Moved by Ald. Nichols seconded by Ald. Keehan to adopt R-46-16 Resolution approving application to the Board of Commissioners of Public Lands to borrow \$875,000.00 from the State Trust Fund and authorizing the borrowing and the issuance of certificates of indebtedness and levying a tax in connection therewith.

ASD Steeno explained the borrowing is a refinance for a lower interest rate which will save interest cost over the life of the loan.

Motion carried on roll call 7-0.

19. [R-47-16 Resolution approving application to the Board of Commissioners of Public Lands to borrow \\$738,820.87 from the State Trust Fund and authorizing the borrowing and the issuance of certificates of indebtedness and levying a tax in connection therewith](#)

Moved by Ald. Nichols seconded by Ald. Keehan to adopt R-47-16 Resolution approving application to the Board of Commissioners of Public Lands to borrow \$738,820.87 from the State Trust Fund and authorizing the borrowing and the issuance of certificates of indebtedness and levying a tax in connection therewith.

ASD Steeno explained the borrowing is a refinance for a lower interest rate which will save interest cost over the life of the loan.

Motion carried on roll call 7-0.

J. ACTION ITEMS

1. [Accounts payable and payroll for the term of 10/20/2016—11/03/2016 in the amount of \\$1,751,643.28](#)

Moved by Ald. Nichols seconded by Ald. Keehan to approve accounts payable and payroll.
Motion carried on roll call 7-0.

2. [Beverage Operators License Applications for the 2015-2017 licensing period.](#)

Moved by Ald. Nichols seconded by Ald. Keehan to approve beverage operator's license applications as listed in memo dated 11/2/16.

Motion carried on roll call 7-0.

Police Dept. recommends denial of beverage operator's license application of Ashley Wilz as she does not meet the criteria under the Guidelines for Operator Licenses.

Ashley Wilz was present and there was unanimous consent to hear from her.

Ms. Wilz explained the citations she received were Juvenile Alcohol offenses. She realizes the mistakes she has made. A beverage operator's license will allow her extra responsibility at her job at Dollar General.

Moved by Ald. Keehan seconded by Ald. Collier to approve beverage operator's license application of Ashley Wilz.

Motion carried on roll call 7-0.

Police Dept. recommends denial of beverage operator's license application of Caitlin Roper as she does not meet the criteria under the Guidelines for Operator Licenses.

Moved by Ald. Keehan seconded by Ald. Spencer to deny beverage operator's license application of Caitlin Roper as she does not meet the criteria under the Guidelines for Operator Licenses.

Motion carried on roll call 7-0.

3. [Certified Survey Map for Appleton Road—Lot Combination \(As Recommended by Plan Commission\)](#)

Moved by Ald. Keehan seconded by Ald. Krautkramer to approve certified survey map for Appleton Road-lot combination.

Motion carried on roll call 7-0.

K. HELD OVER BUSINESS

None

L. APPOINTMENTS

1. [Mayor's Appointment of Sean Gehin as Public Works Director, including an advanced vacation schedule](#)

Mayor Merkes stated Mr. Gehin has declined to accept the position of Public Works Director.

M. CLAIMS AGAINST THE CITY

None

N. PUBLIC COMMENTS ON ANY MATTER LISTED ON THE AGENDA

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

Stan Sevenich, 645 9th Street, Menasha. Commends the Council on adopting the resolutions to refinance for a lower interest rate to save money.

O. RECESS TO COMMITTEES

Moved by Ald. Benner seconded by Ald. Keehan to recess at 7:20 p.m.

Motion carried on voice vote.

Reconvened at 8:08 p.m.

P. ACTION ITEMS

1. Water Street Trail Easement/95 Broad Street

Mayor Merkes stated the Council did direct staff to move forward on negotiating with the property owner on the easement.

CDD Buck explained he has had discussions with the property owner.

2. Adjourn into Closed Session pursuant to Wis. Stats. §19.85(1) (e) 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 (Water Street Trail Easement/95 Broad Street) (Alderman Taylor)

No action taken.

3. 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 advice concerning strategy to be adopted by the body with respect to litigation in which it is or is likely to become involved. (Appvion, Inc. and NCR Corp. v. P. H. Gladfelter Co., et al., Case No. 08-CV-16 "PCB Litigation")

No action taken.

Q. ADJOURNMENT

Moved by Ald. Keehan seconded by Ald. Krautkramer to adjourn at 8:25 p.m.

Motion carried on voice vote.

Deborah A. Galeazzi, WCMC
City Clerk