

**CITY OF MENASHA
COMMON COUNCIL
First Floor Conference Room
100 Main Street, Menasha
Monday, December 4, 2017
MINUTES**

A. CALL TO ORDER

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

B. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was recited.

C. ROLL CALL/EXCUSED ABSENCES

PRESENT: Aldermen Grade, Benner, Nichols, Taylor, Sevenich, Collier, Krueger, Zelinski.

ALSO PRESENT: Mayor Merkes, CA Captain, PC Styka, FC Kloehn, PRD Tungate, ASD Jacobs, DPW Radomski, PHD McKenney, PP Schroeder, HRC Huber, WUM Gosz, Clerk Galeazzi.

D. PUBLIC HEARING

None

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

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

Dan Pamerter, 2725 W. Capital Drive, Appleton. Concerns on how City Ordinances regarding refuse disposal and collection are followed.

Sandra Dabill-Taylor, 545 Broad Street, Menasha. Comments on; Plan Commission's plan to only meet once a month in 2018, Cty Hwy LP Agreement with Village of Harrison, questions on accounts payable, the amendment to Paint & Restore Program and Property Listing of 140 Main Street (former City Hall).

F. REPORT OF DEPARTMENT HEADS/STAFF/CONSULTANTS

1. Presentation to K-9 Corp from Veterans Honor Guard

Dave Mix, VFW Post 2126, presented a donation to Lt. Albrecht for the K-9 Corp fundraiser. The donation was from the Military Honor Guard which is made up of veterans from the Cities of Neenah and Menasha.

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

Minutes to receive:

- a. Ad-hoc Protocol Committee, 11/20/2017
- b. Board of Public Works, 11/20/2017
- c. NMFR Joint Finance and Personnel Committee, 11/28/2017
- d. NMFR Joint Fire Commission, 11/27/2017
- e. Neenah-Menasha Sewerage Commission, 10/24/2017
- f. Plan Commission, 11/21/2017
- g. Redevelopment Authority, 11/16/2017

Communications:

- h. Third Quarter 2017 Financial Overview, Memorandum 11/30/2017, ASD Jacobs
- i. Order of Dismissal on Summary Judgment, 16CV983 City of Menasha, Wisconsin vs. Village of Fox Crossing, Wisconsin & Town of Menasha, Wisconsin

Moved by Ald. Sevenich seconded by Ald. Krueger to receive Minutes and Communications a-i. General discussion ensued on Minutes a-AdHoc Protocol Committee.

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 placed 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, 11/20/2017

Board of Public Works, 11/20/2017, Recommends the Approval of:

2. Change Order—Pheifer Bros. Construction Co. Inc.; Contract Unit 2017-04; Fox River “Loop the Lake” Bridge Crossings; ADD: \$19,500.00 (Change Order No. 1)
3. Change Order—Pheifer Bros. Construction Co. Inc.; Contract Unit 2017-04; Fox River “Loop the Lake” Bridge Crossings; DEDUCT” \$10,000.00 (Change Order No. 2)
4. County Highway LP Intergovernmental Jurisdictional Agreement with the Village of Harrison

Ald. Sevenich requested to remove item 4 and Ald. Zelinski requested to remove item 2 from the Consent Agenda.

Moved by Ald. Sevenich seconded by Ald. Krueger to approve Consent Agenda items 1&3.
Motion carried on roll call 8-0.

H. ITEMS REMOVED FROM THE CONSENT AGENDA

Moved by Ald. Sevenich second by Ald. Benner to approve Consent Agenda item 2, Change order for Pheifer Bros. Construction Co. Inc., Contract Unit 2017-04 for Fox River “Loop the Lake” Bridge Crossings, add \$19,500.00 (Change Order No. 1)

Motion carried on roll call 7-1. Ald. Zelinski voted no

Moved by Ald. Benner seconded by Ald. Collier to approve Consent Agenda item 4, County Highway LP Intergovernmental Jurisdictional Agreement with the Village of Harrison.

General discussion ensued on Calumet County turning over responsibility of Highway LP (Lake Park) to City and Village, use of LP by non-City residents, LP being the gateway to the City, and lights at intersection of Highway LP and STH 114.

Motion carried on roll call 5-4.

Ald. Nichols, Collier, Zelinski, Benner, Mayor Merkes voted yes.

Ald. Taylor, Sevenich, Krueger, Grade voted no.

I. ACTION ITEMS

1. Accounts payable and payroll for the term of 11/22/2017--11/30/2017 in the amount of \$1,392,399.75

Moved by Ald. Krueger seconded by Ald. Grade to approve accounts payable and payroll.
General discussion ensued on expenditures.

Ald. Collier stated Point of Order – discussion is getting off topic.

Mayor Merkes recognized Point of Order and encouraged Council to stay on topic.

Motion carried on roll call 8-0.

2. Beverage Operators License Applications for the 2017-2019 licensing period.

Moved by Ald. Krueger seconded by Ald. Benner to approve beverage operator’s license application for the 2017-2019 licensing period as listed in memo dated 11/29/17

Motion carried on roll call 8-0.

3. Amendment to the Paint and Restore Program

Moved by Ald. Krueger seconded by Ald. Collier to approve the amended Paint and Restore Program adding to the ineligible properties list, *Properties that are currently part of another non-profit, governmental, or quasi-governmental program or have received funding or assistance from such within the same calendar year for projects/items that would be eligible under the Paint and Restore Program.*

PP Schroeder explained the amendment restricts property owners working with other governmental, quasi-governmental, or non-profit organizations for similar improvements from being eligible for the City's Paint and Restore Program.

Motion carried on roll call 6-2.

Ald. Nichols, Sevenich, Collier, Krueger, Grade, Benner voted yes. Ald. Taylor, Zelinski voted no.

4. Liquor License Application for Tayco Tap LLC., Tony Eikland Agent, d/b/a Tayco Tap, 10 Tayco Street, for the 2017-2018 licensing year

Moved by Ald. Krueger seconded by Ald. Collier to approve liquor license application for Tayco Tap LLC, Tony Eikland, Agent, d/b/a Tayco Tap, 10 Tayco Street for the 2017-2018 licensing year. Motion carried on roll call 8-0.

5. City of Menasha—Property Listing—140 Main Street—“Former City Hall”

Moved by Ald. Sevenich seconded by Ald. Zelinski to approve listing property at 140 Main Street with Newmark Grubb Pfefferle through Oct 31, 2018.

General discussion ensued on the market value of the property.

Motion carried on roll call 8-0.

Moved by Ald. Sevenich seconded by Ald. Krueger to set a listing price of \$432,000 for 140 Main Street, Menasha property.

Motion carried on roll call 7-1. Ald. Nichols voted no.

J. HELD OVER BUSINESS

None

K. ORDINANCES AND RESOLUTIONS

1. O-14-17 An Ordinance Regarding Lead Water Service (Introduced by Alderman Taylor; Recommended by Board of Public Works)

Ald. Taylor requested to have his name removed from this ordinance.

Moved by Ald. Nichols seconded by Ald. Sevenich to approve O-14-17 An Ordinance Regarding Lead Water Service.

Ald. Nichols stated she will add her name to this ordinance.

General discussion ensued on how changes in State Legislation affect this ordinance.

Ald. Taylor stated he will be abstaining as he may be eligible for the grant program when Broad Street, where he lives, is reconstructed.

General discussion ensued on changes in State law that allows for grant funds to be available and how long grant funds will last.

Moved by Ald. Krueger seconded by Ald. Sevenich to rescind this ordinance when grant funds from Safe Drinking Water loan are depleted.

General discussion ensued on the funding source and the intended purpose of the ordinance.

Water Utility Manager Gosz explained the requirement from Federal and State entities for the Utilities to replace a portion of lead and galvanized water service laterals to qualify for any loan program funding. He stated Utilities is working on a program to allow property owners to pay back the cost of replacing private laterals through a revolving loan program. He explained the current program will reimburse property owners up to 95% of cost to replace private laterals.

General discussion ensued on the current program implemented by Utilities, who is eligible for the program, requirements to qualify for the Safe Drinking Water Loan Program, and including sunset clause in ordinance.

Ald. Sevenich stated Point of Order-discussion is getting off topic of the amendment.

Mayor Merkes ruled against Point of Order as the general discussion has been off topic

Ald. Sevenich challenged the Mayor's ruling

Mayor Merkes explained if the Council wants to sustain Mayor's ruling to allow discussion to continue on entire ordinance, not just the amendment, vote yes.

Motion failed on roll call 3-5.

Ald. Nichols, Collier, Benner voted yes. Ald. Taylor, Sevenich, Krueger, Zelinski, Grade voted no.

Ald. Nichols stated Point of Order-Ald. Taylor said he was abstaining from voting on this item.

Mayor Merkes stated if Ald. Taylor is abstaining he should not participate in the discussion or vote.

Motion on amendment failed on roll call 3-4.

Ald. Sevenich, Krueger, Zelinski voted yes. Ald. Nichols, Collier, Grade, Benner voted no.

Ald. Taylor abstained.

General discussion ensued on previous lead ordinance that was introduced last year, grant program was retroactive for a recent water main replacement project, and who is eligible for grant program.

Ald. Nichols stated Point of Order- Ald. Taylor stated at beginning of discussion that he would abstain, now he is participating in the discussion.

Mayor Merkes recognized Point of Order-asked Ald. Taylor if he will be abstaining.

Ald. Taylor said he will no longer be abstaining.

General discussion ensued on waiting until the revolving loan program is in place before voting on this ordinance, availability of grant funds, when property owners are notified when capital improvement projects involving public water mains or replacement will happen.

Original motion carried on roll call 6-2.

Ald. Nichols, Taylor, Sevenich, Collier, Grade, Benner voted yes. Ald. Krueger, Zelinski voted no.

L. APPOINTMENTS

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)

Tim Gosz, 98 Fox Street, Menasha. Thanked Council for passing Ordinance O-14-17.

Sandra Dabill Taylor, 545 Broad Street, Menasha. Comments on; O-14-17 confused people on what grant funds are available, Personnel Committee item authorizing Mayor to give bonus to City employees, and Board of Public Works item Traffic Calming.

Moved by Ald. Taylor seconded by Ald. Zelinski to have referendum question regarding Racine Street Bridge placed on Common Council agenda12/18/17.

Ald. Nichols stated Point of Order-the item is not on this agenda.

Mayor Merkes recognized Point of Order and explained he has previously denied an item Ald.

Taylor had requested be put on the Common Council agenda. Mayor instructed to ask Council if they want this item on the next agenda.

Motion to have referendum question on next agenda carried on roll call 5-3.

Ald. Taylor, Sevenich, Krueger, Zelinski, Grade voted yes. Ald. Nichols, Collier, Benner voted no.

O. ADJOURNMENT

Moved by Ald. Sevenich seconded by Ald. Krueger to adjourn at 8:15 p.m.
Motion carried on voice vote.

Deborah A. Galeazzi, WCMC
City Clerk