

CITY OF MENASHA
COMMON COUNCIL
Third Floor Council Chambers
140 Main Street, Menasha
Monday, February 20, 2017
MINUTES
AMENDED

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.

A Moment of Silence was observed for Sylvester (Sy) Swederski, former Public Works Street Superintendent, who passed away on Feb. 17, 2017.

C. ROLL CALL/EXCUSED ABSENCES

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

ALSO PRESENT: Mayor Merkes, CA Captain, PC Styka, FC Kloehn, CDD Buck, PRD Tungate, PHD McKenney, FM Sassman, ES Montour, Clerk Galeazzi.

D. PUBLIC HEARING

1. [Proposed Resolution Authorizing Public Improvement and Levying Special Assessments against benefited property \(Province Terrace\)](#)

ES Montour described the street improvements to the section of Province Terrace from Midway Road to Province Link. The improvements will be special assessed to the property owners. He explained the special assessment policy including deferred payment options.

Tammy Thompson, 1492 Province Terrace. Requested waiting to complete the work to give businesses more time to pay the assessment. She requests simply repairing the road instead of reconstructing until the whole street can be done.

ES Montour explained funding for installation of a new street on Province Terrace from Midway Road to Province Link is part of the 2017 budget. The street currently only has a temporary asphalt surface and does not hold up to commercial traffic. The new street will be concrete.

No one else spoke. Mayor Merkes closed the public hearing.

2. [Proposed Rezoning of 216, 221, and 222 Washington Street from I-2 General Industrial District to C-1 General Commercial District](#)

CDD Buck explained the rezoning is part of the Comprehensive Plan. These properties will be zoned the same as other properties in that area.

No one spoke. Mayor Merkes closed the public hearing.

3. [Special Use Permit by City of Menasha for the use of 100 Fox Street as parkland in the R-1 Single Family Residence District](#)

CDD Buck explained the City recently purchased 100 Fox Street as part of the Loop the Lake trail. The property will be improved with parking and landscaping, and will be designated as parkland.

Kathy Stahl, 225 Railroad Street, Menasha. Encourages Council to approve Special Use Permit as it will apply park rules to the parcel.

No one else spoke. Mayor Merkes closed the public hearing.

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

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

No one spoke.

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, 2/6/17](#)
- b. [Board of Health, 1/11/17](#)
- c. [Board of Public Works, 2/6/17 \(Special\) & 2/6/17 \(Regular\)](#)
- d. [Committee on Aging, 10/13/16 & 12/8/16](#)
- e. [Joint Parks and Recreation Board and Landmarks Commission, 2/14/17](#)
- f. [Landmarks Commission, 2/8/17](#)
- g. [Library Board, 1/25/17](#)
- h. [Plan Commission, 2/7/17](#)
- i. [Water & Light Commission, 1/25/17](#)

Communications:

- j. [Quarterly Financial & Activities Update, 2/16/17 Memorandum, Mayor Merkes and Jennifer Sassman Finance Manager](#)

Moved by Ald. Benner seconded by Ald. Keehan to receive Minutes and Communications a-j. General discussion ensued on Quarterly Financial & Activities Update Memorandum. 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, 2/6/2017](#)

Administration Committee, 2/6/2017, Recommends the Approval of

2. [Gold Cross Ambulance Service, Inc. to Participate in Tax Refund Intercept Program \(TRIP\).](#)

Board of Public Works, 2/6/2017, Recommends the Approval of

3. [Change Order – 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; ADD: \\$37,935.98 \(Change Order No. 1\)](#)
4. [Payment - 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; \\$107,665.71 \(Payment No. 6 and Final\)](#)
5. [Change Order – J&R Underground; Midway Loop Work Order 01-15-084; ADD: \\$5,915 \(Change Order No. 1, Menasha Utilities\)](#)
6. [Change Order – J&R Underground; Midway Loop Work Order 01-15-084; ADD: \\$5,700 \(Change Order No. 2, Menasha Utilities\)](#)

Plan Commission, 2/7/2017, Recommends the Approval of

7. [Special Use Permit for 100 Fox Street](#)

Joint Parks Board and Plan Commission, 2/14/2017, Recommend the Approval of

8. [Mill Street terminus conceptual design including the reuse of the four former First National Bank building columns](#)

Ald. Taylor requested to remove items 3&8; Ald. Zelinski requested to remove item 2.

Moved by Ald. Benner seconded by Ald. Keehan to approve Consent Agenda items 1, 4, 5, 6, 7. Motion carried on roll call 8-0.

H. ITEMS REMOVED FROM THE CONSENT AGENDA

1. Moved by Ald. Benner seconded by Ald. Nichols to approve Consent Agenda item 2, Gold Cross Ambulance Service, Inc. to Participate in Tax Refund Intercept Program (TRIP). General discussion ensued on the program is designed to intercept income tax refund. Motion carried on roll call 6-2.

Ald. Nichols, Taylor, Krautkramer, Keehan, Spencer, Benner voted yes.

Ald. Collier, Zelinski voted no.

2. Moved by Ald. Benner seconded by Ald. Keehan to approve Consent Agenda item 3, Change Order for Northeast Asphalt, Inc. for 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; ADD: \$37,935.98 (Change Order No. 1)

Motion carried on roll call 8-0.

3. Moved by Ald. Benner seconded by Ald. Keehan to approve Consent Agenda item 8, Mill Street terminus conceptual design including the reuse of the four former First National Bank building columns.

Moved by Ald. Taylor seconded by Ald. Zelinski to amend, to use the pillars from the old Elisha D. Smith Library in place of the four former First National Bank building columns.

General discussion ensued on the use of the library pillars in place of bank columns, timing of change to design plan, cost of changes, and other uses for bank columns.

Ald. Taylor and Ald. Zelinski removed their motion to amend.

Moved by Ald. Zelinski seconded by Ald. Taylor to ~~postpone~~ **table** action until next Common Council meeting.

Motion failed on roll call 4-5.

Ald. Taylor, Krautkramer, Collier, Zelinski voted yes.

Ald. Nichols, Keehan, Spencer, Banner, Mayor Merkes voted no.

Original motion to approve Consent Agenda item 8 carried on roll call 5-4.

Ald. Nichols, Keehan, Spencer, Benner, Mayor Merkes voted yes.

Ald. Taylor, Krautkramer, Collier, Zelinski voted no.

I. ACTION ITEMS

1. [Accounts payable and payroll for the term of 2/9/17—2/16/17 in the amount of \\$4,787,041.28](#)

Move by Ald. Nichols seconded by Ald. Keehan to approve accounts payable and payroll.

General discussion ensued on expenditures.

Motion carried on roll call 8-0.

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 date 2/15/17.

Motion carried on roll call 8-0.

3. [Master License Agreement between the City of Menasha and Wisconsin Technology Networking, LLC, for the use of public rights-of-way,](#)

CA Captain explained the request from Wisconsin Technology Networking (WITN) to install telecommunications utility poles in the City's right of way. Menasha Utilities requires a license agreement for any attachments to utility poles. WITN initial proposal was denied based on a variety of reasons. Staff has met with representatives from WITN and alternate locations of utility poles were agreed to. Staff has been working with WITN to put together a licensing agreement to address types of installation. Staff is asking Council for direction on preference of size and number of poles, and for authorization to enter into a lease agreement with WITN upon terms and conditions acceptable to Menasha Utilities.

3. [Master License Agreement between the City of Menasha and Wisconsin Technology Networking, LLC, for the use of public rights-of-way. \(cont'd\)](#)

Moved by Ald. Nichols seconded by Ald. Keehan to authorize staff to enter into licensing agreement with Wisconsin Technology Networking LLC based on terms and conditions acceptable to Menasha Utilities.

General discussion ensued on terms of agreement, placement of poles, number and height of poles, licensing fees, future placement of poles, maintenance of poles, what other municipalities are doing, safety devices installed around poles.

Moved by Ald. Nichols seconded by Ald. Keehan to postpone action until next Common Council meeting.

Motion carried on voice vote.

4. [Lake Park Trail Easement.](#)

CDD Buck explained before work can begin on a trail from the east side of Lake Park Villas to Lake Park Road the City must release an existing easement that does not align with the proposed trail and obtain a new easement that matches where the trail is. The City also needs to obtain a temporary easement for the trailhead until Lake Park Road is reconstructed. The Plan Commission supports the new easement configuration.

Moved by Ald. Benner seconded by Ald. Keehan to approve the easement release, easement acceptance, temporary easement acceptance, and new easement configuration for the Lake Park Trail.

Motion carried on roll call 8-0.

5. [Approval to Exercise Action on a Trail Easement along Rear Yard of 95 Broad Street \(Connecting Trestle Trail/Broad Street to Water Street\)](#)

CDD Buck explained as part of the agreement for the easement in the rear yard of 95 Broad Street, work on a trail needs to begin by April 2017. Staff has discussed with the property owner options for the easement, but they are not interested. Staff is requesting approval to begin work on the walkway in accordance with the original easement to establish the connection between the Trestle Trail/Broad Street to Water Street along the shore of the Fox River Navigational Channel.

Moved by Ald. Benner seconded by Ald. Collier to approve action on the trail easement along rear yard of 95 Broad Street (connecting Trestle Trail/Broad Street to Water Street).

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

J. HELD OVER BUSINESS

None

K. ORDINANCES AND RESOLUTIONS

1. [O-01-17 - An Ordinance Title 2, Chapter 3 of the Code of Ordinances \(Municipal Officers and Employees\) \(As Recommended by Administration Committee; Introduced by Ald. Nichols\).](#)

Mayor Merkes explained some of the changes to this section need to be done by charter ordinance.

Moved by Ald. Nichols seconded by Ald. Benner to table O-01-17

Motion carried on roll call 8-0.

2. [O-2-17 An Ordinance Amending Title 13, by Making Certain Changes to the District \(216 Washington Street, Parcel #3-00566-00; 221 Washington Street, Parcel #3-00530-00; 222 Washington Street, Parcel #3-00571-00\) \(As Recommended by Plan Commission; Introduced by Alderman Nichols\)](#)

Moved by Ald. Nichols seconded by Ald. Keehan to approve O-02-17.

General discussion ensued on the status of property at 221 Washington Street.

Motion carried on roll call 8-0.

3. [R-03-17 Final Resolution Authorizing Public Improvement and Levying Special Assessments Against Benefited Property \(Province Terrace\) \(As Recommended by Board of Public Works; Introduced by Ald. Krautkramer\)](#)

Moved by Ald. Krautkramer seconded by Ald. Benner to approve R-03-17.
Motion carried on roll call 8-0.

L. APPOINTMENTS

1. [Accept resignation of Kara Homan from the Board of Appeals](#)

Moved by Ald. Benner seconded by Ald. Taylor to accept resignation of Kara Homan from Board of Appeals.

Motion carried on voice vote.

2. [Appointment of Jeanine Knapp to the Sustainability Board](#)

Moved by Ald. Benner seconded by Ald. Keehan to approve appointment of Jeanine Knapp to the Sustainability Board.

Motion carried on voice vote.

3. Reappointment of James Koslowski to the Board of Appeals for the term of 2-1-2017—2-1-2020

Moved by Ald. Benner seconded by Ald. Keehan to approve reappointment of James Koslowski to Board of Appeals.

Motion carried on voice vote.

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. ACTION ITEMS

None

P. ADJOURNMENT

Moved by Ald. Taylor seconded by Ald. Spencer to adjourn at 8:54 p.m.

Motion carried on voice vote.

Deborah A. Galeazzi, WCMC
City Clerk