

CITY OF MENASHA
COMMON COUNCIL
First Floor Conference Room
100 Main Street
Monday, May 6, 2019
MINUTES

A. CALL TO ORDER

Meeting called to order by Mayor Merkes at 6:20 p.m.

B. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was recited.

C. ROLL CALL

PRESENT: Aldermen James Taylor, Stan Sevenich, Mark Langdon, Steve Krueger, Tom Grade, Ted Grade, Randy Ropella, Rebecca Nichols.

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

D. PUBLIC HEARING

E. REPORT OF DEPARTMENT OFFICERS/DEPARTMENT HEADS/STAFF/CONSULTANTS

1. Police Week Presentation

PC Styka reviewed the Police Department 2018 Annual Report and updated the Council on the activities of the Police Department. PC Styka introduced the new sworn officers that started with the Police Department in the last year: Dan Linstrom (not present), Rick Heinen, Matt Schanke, Kelly Gennrich, Katelyn Oberle, and John VanSchyndel. Officers Gennrich and Oberle received mild stone/challenge coins presented by PC Styka.

Mayor Merkes recognized Police Week with a proclamation. Council members recognized the new sworn officers.

2. Habitat for Humanity Presentation—Rock the Block

Ryan Roth and John Weyenberg from Habitat for Humanity gave a presentation on Rock the Block. They explained the Habitat for Humanity presence in the City of Menasha and how the program impacts City residents. Mr. Roth and Mr. Weyenberg explained the different programs offered through Habitat for Humanity and how neighborhoods are chosen to be revitalized.

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

Minutes to receive:

- a. Administration Committee, 4/16/2019
- b. Board of Public Works, 4/16/2019
- c. Committee on Aging, 4/12/2019
- d. Housing Authority, 4/22/2019
- e. Landmarks Commission, 4/10/2019
- f. Library Board, 4/24/2019
- g. Neenah Menasha Sewerage Commission, 3/26/2019
- h. Personnel Committee, 4/16/2019
- i. Water & Light Commission, 3/27/2019

Communications:

- j. 2019-2020 Common Council Scheduled Meetings
- k. Electronic Recycling Event Flyer
- l. Public Service Recognition Week 5/5/2019—5/11/2019
- m. Lingnofski Family Thank you
- n. Safe Kids Fox Valley—Recognizing the Service of Linda Palmbach, RN, BSN, City of Menasha Health Department Memorandum, 5/2/2019, PHD McKenney

o. Police Annual Report

Moved by Ald. Sevenich seconded by Ald. Krueger to receive Minutes and Communications a-o.
Motion carried on voice vote

F. 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. She commented on:

- Council meetings have not been televised and the taped meetings via the City website are hard to watch;
- If Housing Authority will keep same meeting schedule and how issuing of funds approved by Housing Authority appear on the check register;
- If the statue that reappeared in front of 1 Main Street needs to go to Plan Commission for approval since it's on public property;
- Mayor's comment during an interview about amenities for Racine Street Bridge and when the Bridge Aesthetics Workgroup will meet.

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 Sine Die, 4/16/2019

2. Common Council (New), 4/16/2019

Board of Public Works, 4/16/2019, Recommends the Approval of:

3. Payment—Janke General Contractors, Inc.; Contract Unit No. 2019-02; Province Terrace Trail—Nature's Way to USH 10/STH 114; \$77,339.70 (Payment No. 2)

4. Recommendation to Award—Contract Unit No. 2019-06; Asphaltic Concrete Pavement Crack Sealing (Various City Streets); Fahrner Asphalt Sealers, LLC; \$75,000

Board of Public Works, 5/6/2019

5. Recommendation to Award—Menasha Utilities—Racine Road Relocation; KS Energy Services, LLC; \$139,112.64

6. Change Order—Menasha Utilities—Racine Road Relocation; KS Energy Services, LLC; ADD: \$20,574.71 (Change Order No. 1)

Ald. Sevenich requested to remove items 3-6 and Ald. Taylor requested to remove item 2 from the Consent Agenda.

Moved by Ald. Sevenich seconded by Ald. Krueger to approve Consent Agenda item 1, Common Council Sine Die minutes of 4/16/2019.

Motion carried on voice vote.

H. ITEMS REMOVED FROM THE CONSENT AGENDA

1. Moved by Ald. Sevenich seconded by Ald. Krueger to approve Consent Agenda item 2, Common Council (New) minutes of 4/16/2019.

Ald. Taylor commented on the C.Coakely Relocation System parking lot.

Motion carried on voice vote.

2. Moved by Ald. Krueger seconded by Ald. Tom Grade to approve Consent Agenda item 3, Payment—Janke General Contractors, Inc.; Contract Unit No. 2019-02; Province Terrace Trail—Nature's Way to USH 10/STH 114; \$77,339.70 (Payment No. 2)

Motion carried on roll call 8-0.

3. Moved by Ald. Krueger seconded by Ald. Sevenich to approve Consent Agenda item 4, Recommendation to Award—Contract Unit No. 2019-06; Asphaltic Concrete Pavement Crack Sealing (Various City Streets); Fahrner Asphalt Sealers, LLC; \$75,000.
Motion carried on roll call 8-0.

4. Moved by Ald. Krueger seconded by Ald. Langdon to approve Consent Agenda item 5, Recommendation to Award—Menasha Utilities—Racine Road Relocation; KS Energy Services, LLC; \$139,112.64.
Motion carried on roll call 7-1. Ald. Ropella voted no.

5. Moved by Ald. Krueger seconded by Ald. Langdon to approve Consent Agenda item 6, Change Order—Menasha Utilities—Racine Road Relocation; KS Energy Services, LLC; ADD: \$20,574.71 (Change Order No. 1).
Motion carried on roll call 7-1. Ald. Ropella voted no.

I. ACTION ITEMS

1. Accounts payable and payroll for the term of 4/12/2019—5/2/2019 in the amount of \$5,408,608.77

Moved by Ald. Nichols seconded by Ald. Ted Grade to approve accounts payable and payroll.
Motion carried on roll call 8-0.

2. Beverage Operators License Applications for the 2017-2019 licensing period.
Moved by Ald. Nichols seconded by Ald. Krueger to approve beverage operator's license application for the 2017-2019 licensing period as listed in memo dated 5/2/19.
Motion carried on roll call 8-0.

3. Motion to Reconsider—Ald. Nichols—Beverage Operator's License Application of Joseph Young (As per Council Rules a motion to reconsider does not require a second, is non-debatable, and requires 2/3 vote to pass)

Ald. Nichols explained she was contacted by Joseph Young who stated he did not realize he needed to list all the citations he received on the Beverage Operator's License Application.

Ald. Nichols made the motion to reconsider the Beverage Operator's License Application of Joseph Young

Motion failed on roll call 3-5.

Ald. Nichols, Sevenich, Langdon voted yes.

Ald. Taylor, Krueger, Tom Grade, Ted Grade, Ropella voted no.

CA Caption explained a 2/3 vote (6 votes) was needed to approve the Motion to Reconsider, so the action by Common Council at the meeting of April 16, 2019 stands.

4. Class "B" Fermented Malt Beverage License Application for Menasha Athletic Association, Carol Wierschke—Agent, Koslo Park Concession Stand for May 6, 2019 to October 31, 2019.

Moved by Ald. Nichols seconded by Ald. Taylor to approve Class "B" Fermented Malt Beverage License Application for Menasha Athletic Association, Carol Wierschke—Agent, Koslo Park Concession Stand, for May 6, 2019 to October 31, 2019.

Motion carried on roll call 8-0.

5. Change of Agent for Margaritaville Lounge, LLC, d/b/a Hammerheads, 6 Tayco Street, Menasha for the 2018-2019 licensing year

Moved by Ald. Nichols seconded by Ald. Krueger to approve Change of Agent to Zerena Aguayo for Margaritaville Lounge, LLC, d/b/a Hammerheads, 6 Tayco Street, Menasha for the 2018-2019 licensing year.

Motion carried on roll call 8-0.

6. Request to Receive and Spend \$5,000 in State Health Assessment Community Dialogue Grant Funds

Moved by Ald. Nichols seconded by Ald. Taylor to approve Request to Receive and Spend \$5,000 in State Health Assessment Community Dialogue Grant Funds.

PHD McKenney explained the Health Department was notified they are the recipient of State Grant funds from the Wisconsin Department of Health Service, Office of Policy and Practice Alignment. The funds will be used to work with community partners to increase the number of men and racial and ethnic minority older adults who participate in community listening sessions. Motion carried don roll call 8-0.

7. Second Amendment to Purchase and Development Agreement Among City of Menasha and Christine A. Sohns Date June 5, 2014 and release of \$20,000 of escrow funds (Correct escrow release amount of \$25,000 as per the Asbestos Abatement Agreement)

Mayor Merkes explained after the Common Council approved the release of \$20,000 of escrow funds for asbestos abatement from the building at 198 River Street, he was informed the amount should have been \$25,000 as per the Asbestos Abatement Agreement.

Moved by Ald. Nichols seconded by Ald. Taylor to approve Second Amendment to Purchase and Development Agreement Among City of Menasha and Christine A. Sohns Date June 5, 2014 and release of \$25,000 of escrow funds.

General discussion ensued on receiving an update on the asbestos abatement and the condition that no future requests for payments from escrow funds can be granted until the 2017 real estate taxes are paid by July 31, 2019 still applying.

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

8. Village of Harrison dba Harrison Utilities (Waverly Sanitary District) and the City of Menasha Agreement

CA Captain gave a brief history of the arrangement between the former Waverly Sanitary District (WSD), now Harrison Utilities, and the City of Menasha on collecting fire protection fees from City residents who are serviced by Harrison Utilities. Harrison Utilities was established in 2018 and any agreement between City of Menasha and WSD is no longer applicable. Harrison Utilities is requesting the City of Menasha collect fire protection fees from residents in their service area since Harrison Utilities is unable to include fire protection fess on its standard monthly billing until they file a rate case with the Public Service Commission (PSC). Harrison Utilities has informed the City they will not allow any extensions, connections, or hookups to the system until all public fire protection charges owed are paid

Moved by Ald. Sevenich seconded by Ald. Taylor to authorize the City Attorney to negotiate an agreement with Harrison Utilities and bring it back to Common Council.

General discussion ensued on:

- Village of Harrison relying on City for assistance in some areas;
- Village of Harrison no longer honoring agreements from when they were a township;
- Removing City properties from Harrison Utilities service area;
- Infrastructure installed by City benefiting Village;
- Requirements from PSC;
- Harrison Utilities not having asked for rate case from PSC for many years;
- Filing a complaint with PSC on some issues;
- Harrison Utilities refusing to reconnect City property located in their service area.

Motion carried on roll call 8-0.

9. Offer to Purchase 1300 Wittman Drive

CDD Schroeder explained Mike Draheim from XLR5 Sports Training submitted an Offer to Purchase 1300 Wittman Drive for \$40,000. CDD Schroeder stated this is the last available lot in the Industrial Park and the asking price is \$52,400. Proposal is to build a sports training facility. The plan is to have the building be operational by November 2019.

Unanimous consent was given to hear from Mike Draheim.

Mr. Draheim explained he has been training high school athletes in the Valley for 19 years. His business is growing and he is ready to have his own facility.

General discussion ensued on including a provision that states if the property ever became tax exempt a PILOT payment would be negotiated.

Moved by Ald. Sevenich seconded by Ald. Ted Grade to accept Offer to Purchase of 1300 Wittman Drive, Menasha for \$40,000 and include a provision that if the property becomes tax exempt, the owner shall make an annual payment in lieu of taxes (PILOT) to the City of Menasha. Motion carried on roll call 8-0.

- a. May adjourn into Closed Session pursuant to Wis. Statute 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
No action
- b. May adjourn into Open Session to take action on items discussed in Closed Session.
No action

J. HELD OVER BUSINESS

K. ORDINANCES AND RESOLUTIONS

1. R-11-19 A Resolution Approving Continuing Appropriations; Introduced by Mayor Merkes
Moved by Ald. Nichols seconded by Ald. Krueger to approve R-11-19 A Resolution Approving Continuing Appropriations; Introduced by Mayor Merkes .
Motion carried on roll call 7-1. Ald. Ropella voted no.

2. R-13-19 A Resolution Transferring/Appropriating Funds; Introduced by Mayor Merkes
Moved by Ald. Nichols seconded by Ald. Krueger to approve R-13-19 A Resolution Transferring/Appropriating Funds; Introduced by Mayor Merkes.
Motion carried on roll call 8-0.

L. APPOINTMENTS

1. Mayoral Appointment of Jeff Heimerman to the Landmarks Commission for the term of 5/6/2019—3/1/2022
Moved by Ald. Tom Grade seconded by Ald. Krueger to approve appointment of Jeff Heimerman to Landmarks Commission.
Motion carried on voice vote.

M. CLAIMS AGAINST THE CITY

N. PUBLIC COMMENTS ON ANY MATTER LISTED ON THE AGENDA

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

Sandra Dabill Taylor, 545 Broad Street, Menasha. She commented on:

- Action Item 7, release of escrow funds for asbestos removal; asked if this is in addition to \$20,000 already released.
- Action Item 8, should vote down agreement with Harrison Utilities and have City Attorney talk to Public Service Commission on where the City stands.
- Action Item 9, the Offer to Purchase should have been more specific about PILOT payment.
- She asked for permission to speak on Jefferson Park issues that will be discussed in Administration Committee and Board of Public Works.

Mayor Merkes explained the time to speak on any matters of concern to the City is at the beginning of the agenda.

Moved by Ald. Sevenich seconded by Ald. Ropella to suspend rules and allow Ms. Dabill Taylor to speak.

Mayor Merkes stated as per State Statute it has not been properly noticed to speak on Jefferson Park issues at this time.

The motion was withdrawn.

Mayor Merkes clarified on Action Item 7, the amount of \$20,000 approved by Common Council at the last meeting was sent out. There will be an additional \$5,000 for a total of \$25,000.

O. ADJOURNMENT

Moved by Ald. Taylor seconded by Ald. Tom Grade to adjourn at 8:11 p.m.

Motion carried on voice vote.

Deborah A. Galeazzi, WCMC
City Clerk