

CITY OF MENASHA
COMMON COUNCIL
First Floor Conference Room
100 Main Street
Monday, March 2, 2020
MINUTES

A. CALL TO ORDER

Meeting called to order by Mayor Merkes at 6:03 p.m.

B. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was recited.

C. ROLL CALL

PRESENT: Aldermen Ann Schmidt, Tom Grade, Ted Grade, Randy Ropella (6:07pm),
Rebecca Nichols, James Taylor, Stan Sevenich, Mark Langdon.

ALSO PRESENT: Mayor Merkes, CA Captain, PC Styka, FC Kloehn, CDD Schroder, DPW Alix,
PHD McKenney, PRD Tungate, LD Lenz, Clerk Galeazzi.

DEPT. HEAD EXCUSED: FD Sassman

D. PUBLIC HEARING

E. REPORT OF DEPARTMENT OFFICERS/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, 2/17/2020
- b. Board of Public Works, 2/17/2020
- c. Library Board, 2/25/2020
- d. Police Commission, 12/12/2019
- e. NM Sewerage Commission, 1/28/2020

Communications:

- f. 2020 Spring Primary Election Results
- g. CA Captain to Steven R. Roehl and Barbara L. Roehl Revocable Living Trust – Claim to Recover Unlawful Tax
- h. Office of the Commissioner of Railroads, Public Hearing Notice - Repair of the Public Crossing of the Wisconsin Central Ltd. Tracks with Racine Street, Appleton Street, and Depere Street/STH 47
- i. Office of the Commissioner of Railroads, Public Hearing Notice - Closure of the Public Crossing of the Wisconsin Central Ltd. Tracks with Appleton Street
- j. Menasha Public Library Fine Free Proposal

Moved by Ald. Sevenich seconded by Ald. Tom Grade to receive Minutes & Communication a-j.
Motion carried on voice vote.

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

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

1. Sandra Dabill Taylor, 545 Broad Street, Menasha comments:

- Encouraged Council members to attend upcoming Plan Commission and RDA meetings; important topics will be discussed;
- Concerned with some decisions by the Plan Commission on building requirements;
- Suggested reinstating Parking Committee for changes to street and parking regulations;
- The memo from the Library on the Fine Free Proposal;

- The Memorandum of Understanding between the City of Menasha and EM Strategic Development to analyze the feasibility of a hotel development at Banta/Gilbert site;
- Recommendation to Award Contract 2020-02 for parking lot and basketball courts at Jefferson Park;
- Payment to the YMCA for managing of the Senior Center.

Kathy Bauer, 709 Lincoln Street, Menasha, commented on Memorandum of Understanding between the City of Menasha and EM Strategic Development to analyze the feasibility of a hotel development at Banta/Gilbert site;

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, 2/17/2020

Administration Committee, 2/17/2020, Recommends Approval of:

2. Proposed Rental Fee Structure for Senior Center for 2020

Board of Public Works, 2/17/2020, Recommends Approval of:

3. Recommendation to Award – Contract 2020-02, Jefferson Park Parking Lot, Basketball Court & Regrading to include Alternate Bids 1A and 1B, be awarded to Vinton Construction Company in the amount of \$492,867.95.

Ald. Taylor requested to remove item 3 from Consent Agenda.

Moved by Ald. Sevenich seconded by Ald. Ted Grade to approve Consent Agenda items 1 & 2. Motion carried on roll call 8-0.

H. ITEMS REMOVED FROM THE CONSENT AGENDA

1. Moved by Ald. Langdon seconded by Ald. Ted Grade to approve Consent Agenda item 3, Recommendation to Award – Contract 2020-02, Jefferson Park Parking Lot, Basketball Court and regrading to include Alternate Bids 1A and 1B, be awarded to Vinton Construction Company in the amount of \$492,867.95.

General discussion ensued on:

- Concerns with the cost of the project;
- Number of parking stalls in and around Jefferson Park;
- Amount to be donated by the school district;
- Residents' concerns on placement of basketball courts;
- Project is in 2020 budget;
- Public Input Workshops were held on the Jefferson Park Master Plan;
- Improvements to drainage issues in parking lot;
- Fundraising and donations for the project;
- Delaying project could increase costs;
- Bids good for 30 days after bids are open.

Moved by Ald. Taylor seconded by Ald. Ropella to postpone to April 6 meeting. Motion failed on roll call 2-6.

Ald. Taylor, Ropella voted yes.

Ald. Nichols, Sevenich, Langdon, Schmidt, Tom Grade, Ted Grade voted no.

Original motion carried on roll call 7-1. Ald. Taylor voted no.

I. ACTION ITEMS

1. Accounts payable and payroll for the term of 2/20/20-2/27/20 in the amount of \$1,037,076.11. Moved by Ald. Nichols seconded by Ald. Grade to approve accounts payable and payroll. General discussion ensued on payment to YMCA for assistance during transition of the Senior Center.

Motion carried on roll call 8-0.

2. Beverage Operators License Applications for the 2019 – 2021 licensing period. Moved by Ald. Nichols seconded by Ald. Langdon to approve beverage operator's license application for the 2019-2021 licensing period as listed in memo 2/27/2020.

Motion carried on roll call 8-0.

The Police Department is recommending denial of beverage operator's license application for Ashley Thomas and Jennifer Zimmerman as they do not qualify based on the City of Menasha Policy Guidelines.

Ms. Thomas was present and spoke to the Council.

Ms. Thomas explained the circumstances of her convictions received between 2015-2020.

Ms. Thomas answered questions from CA Captain and Council members. CA Captain explained an habitual offender as someone who has multiple convictions in a short amount of time.

Moved by Ald. Ropella seconded by Ald. Ted Grade to approve operator's license application for Ashley Thomas.

Motion carried on roll call 6-2.

Ald. Nichols, Sevenich, Schmidt, Tom Grade, Ted Grade, Ropella voted yes.

Ald. Taylor, Langdon voted no.

Ms. Zimmerman was present and spoke to the Council.

CA Caption explained Ms. Zimmerman has a felony conviction from 2000. Guidelines state a felony conviction is grounds for denial. However, since this was from 2000 she suggests not including that conviction when reviewing the operator's license application.

Moved by Ald. Sevenich seconded by Ald. Langdon to approve operator's license application for Jennifer Zimmerman.

Motion carried on roll call 8-0.

3. Professional Service Agreement between the City of Menasha and ALV Engineering, LLC doing business as ALV Inspection Services for Commercial Building and Electrical Inspection Services.

CDD Schroeder explained the one year Professional Service Agreement between City of Menasha and ALV Engineering LLC, d/b/a ALV Inspection Services for commercial building and electrical inspection services.

General discussion ensued on the terms of the agreement and use of State Inspectors.

Moved by Ald. Sevenich seconded by Ald. Schmidt to approve Professional Service Agreement between the City of Menasha and ALV Engineering, LLC doing business as ALV Inspection Services for Commercial Building and Electrical Inspection Services.

Motion carried on roll call 8-0.

4. Memorandum of Understanding between the City of Menasha and EM Strategic Development to analyze the feasibility of a hotel development at Banta/Gilbert site.

CDD Schroeder explained Memorandum of Understanding between the City of Menasha and EM Strategic Development to analyze the feasibility of a hotel development at Banta/Gilbert site.

General discussion ensued on terms and funding of the MOU and other projects for the Banta/Gilbert site.

Moved by Ald. Sevenich seconded by Ald. Ted Grade to approve Memorandum of Understanding between the City of Menasha and EM Strategic Development to analyze the feasibility of a hotel development at Banta/Gilbert site, finding the City is desirous to develop the properties with a hotel development and additional development to enhance the immediate area funding to come from Community Development budget.

Moved by Ald. Nichols seconded by Ald. Langdon to refer the Memorandum of Understanding to Administration Committee.

General discussion ensued on delaying the feasibility study.

Motion failed on roll call 2-6.

Ald. Nichols, Taylor voted ye.

Ald. Sevenich, Langdon, Schmidt, Tom Grade, Ted Grade, Ropella voted no.

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

5. Conceptual Replat of Lots 18-25 Lake Park Villas – Cypress Homes, Inc.

CDD Schroeder explained the Land Purchase and Development Agreement between RDA and Cypress Homes.

General discussion ensued on remnant green space lands owned by the City will be included in the Conceptual Replat and submitted to the Plan Commission.

Moved by Ald. Ropella seconded by Ald. Tom Grade to accept Land Purchase and Development Agreement between the RDA and Cypress Homes and refer the Conceptual Replat of Lots 18-25 Lake Park Villas to Plan Commission.

Motion carried on voice vote.

J. HELD OVER BUSINESS

K. ORDINANCES AND RESOLUTIONS

1. O-2-20 An Ordinance Amending Title 10, Chapter 1, Article C of the Code of Ordinances (Parking Regulations) Introduced by Mayor Merkes. Recommended by Board of Public Works
Moved by Ald. Langdon seconded by Ald. Schmidt to approve O-2-20. An Ordinance Amending Title 10, Chapter 1, Article C of the Code of Ordinances (Parking Regulations) Introduced by Mayor Merkes. Recommended by Board of Public Works.
Motion carried on roll call 8-0.

Mayor Merkes explained the funding amount and purpose for Resolutions R-3-20, R-4-20, R-5-20.

2. R-3-20 Resolution Approving Application to Board of Commissioners of Public Lands to Borrow \$1,005,000.00 from the State Trust Funds, and Authorizing the Borrowing and the Issuance of Certificates of Indebtedness and Levying a Tax in Connection Therewith

Moved by Ald. Sevenich seconded by Ald. Schmidt to approve R-3-20 Resolution Approving Application to Board of Commissioners of Public Lands to Borrow \$1,005,000.00 from the State Trust Funds, and Authorizing the Borrowing and the Issuance of Certificates of Indebtedness and Levying a Tax in Connection Therewith.

Motion carried on roll call 8-0.

3. R-4-20 Resolution Approving Application to Board of Commissioners of Public Lands to Borrow \$1,390,000.00 from the State Trust Funds, and Authorizing the Borrowing and the Issuance of Certificates of Indebtedness and Levying a Tax in Connection Therewith

Moved by Ald. Sevenich seconded by Ald. Ted Grade to approve R-4-20 Resolution Approving Application to Board of Commissioners of Public Lands to Borrow \$1,390,000.00 from the State Trust Funds, and Authorizing the Borrowing and the Issuance of Certificates of Indebtedness and Levying a Tax in Connection Therewith

Motion carried on roll call 8-0.

4. R-5-20 Resolution Approving Application to Board of Commissioners of Public Lands to Borrow \$490,000.00 from the State Trust Funds, and Authorizing the Borrowing and the Issuance of Certificates of Indebtedness and Levying a Tax in Connection Therewith

Moved by Ald. Sevenich seconded by Ald. Ted Grade to approve R-5-20 Resolution Approving Application to Board of Commissioners of Public Lands to Borrow \$490,000.00 from the State Trust Funds, and Authorizing the Borrowing and the Issuance of Certificates of Indebtedness and Levying a Tax in Connection Therewith

Motion carried on roll call 8-0.

L. APPOINTMENTS

M. CLAIMS AGAINST THE CITY

N. PUBLIC COMMENTS ON ANY MATTER LISTED ON THE AGENDA

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

PC Tim Styka, Menasha Police Department, commented on the approval of the operator's license application for Ashley Thomas and Jennifer Zimmerman.

Sandra Dabill Taylor, 545 Broad Street, commented on the Memorandum of Understanding between the City of Menasha and EM Strategic Development to analyze the feasibility of a hotel development at Banta/Gilbert site.

Moved by Ald. Taylor seconded by Ald. Ted Grade to recess to committees at 8:57p.m.

Motion carried on voice vote.

Reconvened at 10:34 p.m.

Ald. Langdon and Taylor were absent.

O. ACTION ITEMS

1. 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. (Certified Survey Map consolidating lots 1147 and 1151 Racine Road; Special Use Permit on 1147 and 1151 Racine Road).

Moved by Ald. Nichols seconded by Ald. Ted Grade to 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. (Certified Survey Map consolidating lots 1147 and 1151 Racine Road; Special Use Permit on 1147 and 1151 Racine Road).

Motion carried on roll call 6-0.

2. May adjourn into Open Session to take action on items discussed in Closed Session.
No action taken.

P. ADJOURNMENT

Moved by Ald. Sevenich seconded by Ald. Schmidt to adjourn at 11:00 p.m.

Motion carried on voice vote.