

CITY OF MENASHA
COMMON COUNCIL
First Floor Conference Room
100 Main Street
Monday, July 6, 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. MOMENT OF SILENCE

1. Christopher Kunz – Neenah-Menasha Fire Rescue Joint Finance and Personnel

A moment of silence was observed for Christopher Kunz, Neenah Alderman and member of the Neenah-Menasha Fire Rescue Joint Finance and Personnel committee who passed away.

D. ROLL CALL

PRESENT: Alderman Ann Schmidt, Tom Grade, Ted Grade, Randy Ropella, Rebecca Nichols, James Taylor, Stan Sevenich, Mark Langdon.

ALSO PRESENT: Mayor Merkes, CA/HRD Captain, PC Styka, PWD Alix, DDE Gordon, CDD Schroeder, FD Sassman, PHD McKenney, City Clerk Krautkramer.

E. TEMPORARY SUSPENSION OF THE RULES OF THE COMMON COUNCIL AND MAYOR /TEL WEB CONFERENCE

Moved by Ald. Nichols seconded by Ald. Tom Grade to temporarily suspend the rules and allow the use of electronic devices.

Motion failed on roll call 3-5.

Ald. Nichols, Tom Grade, and Taylor voted yes.

Ald. Taylor was present virtually at 6:03 p.m. and was instructed he may listen to the meeting virtually, but not vote.

F. PUBLIC HEARING

1. Amendment to Title 13, Chapter 1, Article C, Section 13-1-30 of the Menasha Code of Ordinances pertaining to shoreland setback (C-2 District).

Staff provided an overview of the on the public hearing pertaining to shoreland setbacks and current shoreland setback ordinance.

Sandra Dabill Taylor, 545 Broad Street, Menasha. She commented on the current shoreland setback ordinance.

2. Amendments to Title 13, Chapter 1, Article B, Section 13-1-12 of the Menasha Code of Ordinances pertaining to Site Plans Required (Façade).

Staff provided an overview of the public hearing pertaining to site plans required with in the zoning code reference to façade or architectural materials.

Sandra Dabill-Taylor, 545 Broad Street, Menasha. She commented on building material quality, challenges for builders, and structural concerns.

3. Application for a Special Use Permit by Mach IV Engineering and Surveying, LLC, on behalf of the developer, RF Development Group, LLC, to construct a three story mixed use building along with a four story apartment building featuring both below and above ground parking within the C-2 Central Business District, as required by Sec. 13-1-30(c)(5) of the City of Menasha Municipal Code. The proposed use is to take place on parcels located at Tayco Street (3-00831-00), 1 Main Street (3-00835-00), Water Street (3-00828-00), 7 Tayco Street (3-00832-00), Water Street (3-00829-00), Water Street (3-00826-00), and 13 Main Street (3-00836-00), City of Menasha, Winnebago County, Wisconsin (Brin Development).

Staff provided an overview of the public hearing pertaining to a special use permit Mach IV Engineering and Surveying, LLC, on behalf of the developer, RF Development Group, LLC, to construct a three story mixed use building along with a four story apartment building featuring both below and above ground parking within the C-2 Central Business District.

Sandra Dabill-Taylor, 545 Broad Street, Menasha. She commented on right of way to the water and the Water Street vacation.

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

1. Great Neighbor Presentation by Vicki Bokelman, Neighborhood Partners
Vicki Bokelman, Neighborhood Partners/Goodwill NCW, 1800 Appleton Road, Menasha.
Ms. Bokelman provided an overview of the Great Neighbor Shout-Out program and thanked those that been involved in the program.

General discussion ensued on the Great Neighborhood Shout-Out program.

2. PHD McKenney, COVID-19 Update

Staff provided an update on current local and regional COVID-19 statistics, testing and tracking measures, situational awareness metrics, CARES Act funding, demographic data, personal protective equipment. She thanked staff and community members for their continued for support.

General discussion ensued on face covering research and statistics.

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

Minutes to receive:

- a. Board of Public Works, 6/15/20
- b. Landmarks Commission, 6/17/20
- c. Library Board, 6/23/20
- d. NMFR Joint Finance & Personnel, 6/23/20
- e. NM Sewerage Commission, 5/26/20
- f. Plan Commission, 6/16/20
- g. Police Commission, 5/14/20 & 6/10/20
- h. Water & Light Commission, 5/27/20

Communications:

- i. Opening of Contract Negotiations – Menasha Professional Police Union
- j. 2021 WRS Contribution Rates
- k. Valley Marine Mart regarding license agreement of property at 100 Water Street Menasha
- l. Wisconsin DNR Knowles-Nelson Stewardship Program – Land acquisition of Heckrodt Wetland Reserve

Moved by Ald. Sevenich seconded by Ald. Langdon to approve minutes and communications a-l.

Motion carried on voice vote.

H. 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 municipal buildings open and closed to the public, virtual meeting opportunities, the City's social media accounts, public hearings listed on the agenda, Common Council meeting dates and times, mutual aid agreement between the Neenah-Menasha Fire Rescue, and the Strong Neighborhoods program requirements.

James Taylor, 340 Broad Street, Menasha. He voiced his concerns about social distancing, face coverings, access to virtual meetings, exposure to COVID-19, and federal health guidelines.

I. 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, 6/15/2020

Board of Public Works, 6/15/20, Recommends Approval of:

2. Payment – Vinton Construction Company; Contract Unit No. 2020-02; Jefferson Park Parking Lot, Basketball court & Regrading; \$148,422.40 (Payment No. 3).
3. Change Orders – Miron Construction Co., Inc.; Contract Unit No. 2020-06; PWF Project Add \$93,586.71 (Change Order No. 4-9).
4. Payment – Miron Construction Co., Inc.; Contract Unit No. 2020-06; PWF Project \$691,398.90 (Payment No 3).
5. To enter into the agreement with the Wisconsin Department of Transportation for the planned street work on Plank Road from Manitowoc Street to Melissa Street.
6. To enter into the agreement with Winnebago County and the Village of Fox Crossings for the urbanization of CTH P.

NMFR Joint Finance & Personnel Committee, 6/23/20, Recommends Approval of:

7. Memorandum of Understanding for Mutual Aid and Fire Suppression services with the State of Wisconsin DNR pending review by both City Attorney's before signing.

Plan Commission, 6/16/20, Recommends Approval of:

8. Special use permit as presented for 1 Main Street, 7 Tayco Street, 13 Main Street and additional associated parcels (parcel #3-00836-00, 3-00826-00, 3-00828-00, 3-00835-00, 3-00832-00, 3-00831-00, and 3-00829-00) finding that the proposed use meets the ordinance criteria outlined in staff memo.

Ald. Sevenich requested to remove items 2-6 from the Consent Agenda.

Moved by Ald. Sevenich seconded by Ald. Ted Grade to approve Consent Agenda items 1, 7, and 8.

Motion carried on roll call 7-0.

Ald. Taylor was absent.

Ald. Taylor arrived at the meeting in person 7:00pm and was present for the remainder of the meeting.

J. ITEMS REMOVED FROM THE CONSENT AGENDA

1. Moved by Ald. Langdon seconded by Ald. Ted Grade to approve item 2, Payment – Vinton Construction Company; Contract Unit No. 2020-02; Jefferson Park Parking Lot, Basket Ball court & Regrading; \$148,422.40 (Payment No. 3).
General discussion ensued on the parking lot polls and basketball hoops.
Motion carried roll call 7-1. Ald. Taylor voted no.

2. Moved by Ald. Langdon seconded by Ald. Schmidt to approve item 2, Change Orders – Miron Construction Co., Inc.; Contract Unit No. 2020-06; PWF Project Add \$93,586.71 (Change Order No. 4-9) from the Consent Agenda.
Motion carried on roll call 7-1. Ald. Taylor voted no.

3. Moved by Ald. Langdon seconded by Ald. Ted Grade to approve item 3, Payment – Miron Construction Co., Inc.; Contract Unit No. 2020-06; PWF Project \$691,398.90 (Payment No 3) from the Consent Agenda.
Motion carried on roll call 7-1. Ald. Taylor voted no.

4. Moved by Ald. Langdon seconded by Ald. Sevenich to approve item 5, to enter into the agreement with the Wisconsin Department of Transportation for the planned street work on Plank Road from Manitowoc Street to Melissa Street from the Consent Agenda.
Motion carried on roll call 7-1. Ald. Taylor voted no.

5. Moved by Ald. Langdon seconded by Ald. Schmidt to approve item 6, to enter into the agreement with Winnebago County and the Village of Fox Crossing for the urbanization of CTH P from the Consent Agenda.
Motion carried on roll call 7-1. Ald. Taylor voted no.

K. ACTION ITEMS

1. Accounts payable and payroll for the term of 6/12/20-7/2/20 in the amount of \$2,638,334.73.

Moved by Ald. Nichols seconded by Ald. Ted Grade to approve accounts payable and payroll for the term of 6/12/20-7/2/20 in the amount of \$2,638,334.73.
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. Tom Grade to approve the Beverage Operators License Applications for the 2019-2021 licensing period.
Motion carried on roll call 8-0.

3. “Class B” Liquor License Application for Lake Park Swim and Fitness, LLC, d/b/a Lake Park Swim and Fitness, Megan Collins, Agent, 730 Lake Park Rd, Menasha, for the 2020-2021 licensing year.

Moved by Ald. Nichols seconded by Ald. Schmidt to approve “Class B” Liquor License Application for Lake Park Swim and Fitness, LLC, d/b/a Lake Park Swim and Fitness, Megan Collins, Agent, 730 Lake Park Rd, Menasha, for the 2020-2021 licensing year.
Motion carried on roll call 8-0.

4. A motion to reconsider (Ald. Langdon) – Approve Strong Neighborhoods Menasha Housing Program redline draft of the program accepting the recommendation listed and to prohibit any elected official from utilizing the program effective January 1, 2021 (requires 2/3 vote).

Moved by Ald. Langdon seconded by Ald. Sevenich to reconsider the original motion to approve Strong Neighborhoods Menasha Housing Program redline draft of the program accepting the recommendation listed and to prohibit any elected official from utilizing the program effective January 1, 2021 (requires 2/3 vote).
Motion carried on roll call 6-2. Ald. Nichols and Tom Grade voted no.

Staff provided an overview of the program requirements and grading criteria.

General discussion ensued on:

- Program requirements
- Application review process & grading criteria
- Program termination
- Available funds
- Program benefits to the community
- Current housing stock

Moved by Ald. Langdon seconded by Ald. Ropella to amend to be effective June 1, 2020 to not allow elected officials from utilizing the program.

Motion failed on roll call 4-5.

Ald. Sevenich, Langdon, Ted Grade, Ropella voted yes.

Ald. Nichols, Taylor, Schmidt, Tom Grade voted no.

Mayor Merkes voted no.

Moved by Ald. Nichols seconded by Ald. Schmidt to amend the original motion to remove the words “to prohibit any elected official from utilizing the program”.

Motion carried on roll call 5-4.

Ald. Nichols, Taylor, Schmidt, Tom Grade voted yes.

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

Mayor Merkes voted yes.

Moved by Ald. Ropella seconded by Ald. Langdon to amend the motion to terminate the Strong Neighborhoods Program effective July 6, 2020.

Motion failed on roll call 1-7. Ald. Ropella voted yes.

A motion to amend the Strong Neighborhoods Menasha Housing Program redline draft of the program accepting the recommendations listed effective as of January 1, 2021.

Motion carried on roll call 5-3. Ald. Sevenich, Langdon, Ropella voted no.

5. Christine A. Sohns Request to Release \$25,000 Escrow Funds – 198 River St to be used for clean up.

Johnathan Smith, representing Simply Incredible Foods, commented the clean-up of the property, inspections and escrow amount.

Staff commented on the inspections and progress on the property.

Moved by Ald. Sevenich seconded by Ald. Tom Grade to approve the release of \$25,000 in Escrow Funds to be used for asbestos abatement at 198 River Street.

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

L. HELD OVER BUSINESS

M. ORDINANCES AND RESOLUTIONS

1. O-6-20 An Ordinance Amending Title 13 – Zoning Code, Chapter 1, Article C, Section 13-1-30(g)(6) (Shoreland Setback within C-2 Central Business District) Introduced by Ald. Stan Sevenich.

Staff commented on the government channel and the C-2 district.

Moved by Ald. Sevenich seconded by Ald. Tom Grade to approve O-6-20 An Ordinance Amending Title 13 – Zoning Code, Chapter 1, Article C, Section 13-1-30(g)(6) (Shoreland Setback within C-2 Central Business District).

Motion carried on roll call 8-0.

2. O-7-20 An Ordinance Amending Title 13 – Zoning Code, Chapter 1, Article B, Section 13-1-12 (Site Plans Required) Introduced by Ald. Tom Grade.

Staff commented on the site plan review process and building material requirements.

General discussion ensued on the site plan review process, building material requirements, staff review of existing building alterations, current zoning code ordinance, and types of brick.

Moved by Ald. Tom Grade seconded by Ald. Schmidt to approve O-7-20 An Ordinance Amending Title 13 – Zoning Code, Chapter 1, Article B, Section 13-1-12 (Site Plans Required).

Moved by Ald. Taylor seconded by Ald. Sevenich to amend to remove the words “concrete block” from section F (Architectural Design and Materials), number 8 (Building Materials for New Construction), item a (Commercial Zoning District), paragraph 1.

Motion carried on voice vote.

O-7-20 An Ordinance Amending Title 13 – Zoning Code, Chapter 1, Article B, Section 13-1-12 (Site Plans Required) as amended.

Motion carried on roll call 8-0.

N. APPOINTMENTS

1. Mayor’s appointment of Paul Kornfeind to the Police Commission for the term of 7/6/2020-5/1/2025.

Moved by Ald. Sevenich seconded by Ald. Tom Grade to approve Mayor’s appointment of Paul Kornfeind to the Police Commission for the term of 7/6/2020-5/1/2025.

Motion carried on voice vote.

2. Mayor’s reappointment of Jessica Crane to the Board of Review for the term of 7/6/2020-7/6/2025.

Moved by Ald. Sevenich and second by Ald. Tom Grade to approve Mayor’s reappointment of Jessica Crane to the Board of Review for the term of 7/6/2020-7/6/2025.

Motion carried voice vote.

O. CLAIMS AGAINST THE CITY

P. PUBLIC COMMENTS ON ANY MATTER LISTED ON THE AGENDA

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

No one spoke.

Q. PRESENTATION TO OUTGOING ALDERMEN

1. Alderman Steve Krueger – District 5 (April 2017- December 2019)

Mayor Merkes presented former Alderman Steve Krueger with a commemorative plaque thanking him for his years of service to the City.

R. RECESS TO COMMITTEES

Moved by Ald. Schmidt seconded by Ald. Tom Grade to recess to committees.

Motion carried on voice vote.

S. ACTION ITEM

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 (Request of Robert R. Smith to Detach 500 9th Street Menasha from Village of Fox Crossing).
2. May adjourn into Open Session to take action on items discussed in Closed Session.

Moved by Ald. Sevenich seconded by Ald. Tom Grade to adjourn into closed session.
Motion carried on voice vote.

Moved by Ald. Sevenich seconded by Ald. Taylor to reconvene into open session.
Motion carried on voice vote.

Moved by Ald. Sevenich seconded by Ald. Taylor to accept the attachment of parcels numbers 1210325 and 1210325-03 from Village of Fox Crossing to the City of Menasha and detach parcel number 40077500 from the City of Menasha to Village of Fox Crossing to facilitate orderly development and logical boundaries in our two communities.
Motion carried on roll call 8-0.

T. ADJOURNMENT

Moved by Ald. Tom Grade seconded by Ald. Schmidt to adjourn at 9:45 p.m.
Motion carried on voice vote.

Haley Kautkramer
City Clerk