

CITY OF MENASHA
COMMON COUNCIL
100 MAIN STREET, MENASHA
JUNE 17, 2024
MINUTES

A. CALL TO ORDER

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

B. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was recited.

C. ROLL CALL

PRESENT: Ald. Lewis, Marshall, Grade, Ropella, Nichols, Eisenach, Sevenich, and Perkins

ALSO PRESENT: PC Thorn, FC Teesch, CDD Schroeder, DPW Jungwirth, FD Sassman, PHD Hutter, PRD Sackett, LD Kopetsky, CA Struve, Mayor Hammond, DC Snyder, Clerk Neuman

D. PUBLIC HEARING

E. PRESENTATION

1. Fox Cities Chamber Annual Report

Becky Bartoszek, President & CEO and Eric Broten, Vice President, representatives of the Fox Cities Chamber, spoke on the annual report for their organization, including an overview of the economic initiatives to help businesses thrive in the Fox Valley community. They addressed "Connect Free" small business membership, Pulse Network, their expansion in partnerships with the City of Menasha, local businesses, and did a reflection of the economy over the past years.

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

1. Clerk Neuman - the following minutes and communications have been received and placed on file:

Minutes to receive:

- a. Administration Committee, 6/3/24
- b. Board of Health, 5/1/24
- c. Board of Public Works, 6/3/24

Communications:

- d. City of Menasha Housing Needs Assessment
- e. Resignation Letter for City Clerk Val Neuman
- f. Pollinator Week Proclamation
- g. East Central Regional Planning Commission Redesignation of the Appleton (Fox Cities) Metropolitan Planning Organization (MPO) Board Structure
- h. Jefferson Park Playground Ribbon Cutting
- i. Courtyard of Menasha – Farm Market Use of Breezeway Space

Moved by Ald. Sevenich seconded by Ald. Perkins to receive Minutes a-c and Communications d., f., g., h., and i.

Motion carried on voice vote.

Moved by Ald. Grade and seconded by Ald. Nichols to receive Communication e. the resignation of Clerk Neuman.

Motion failed 5-3.

Ald. Nichols, Lewis, and Grade voted yes.

Ald. Eisenach, Sevenich, Perkins, Marshall and Ropella voted no.

Ald. Sevenich voiced support for Clerk Neuman and that he is voting no in protest.

Ald. Grade voiced support for respecting and accepting Clerk Neuman's decision.

Ald. Eisenach voiced confusion and concern.

Ald. Sevenich requested a roll call vote.

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

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

Mike Hagens, N319 Breezewood Drive, Appleton – Commented on Action Item No. 7 Woodland Heights Subdivision and requested Common Council to support the measure, as the private owner wishes to purchase two (2) lots with the expectation homes will be built on each parcel.

Sanda Dabill-Taylor, 545 Broad Street, Menasha – commented on Clerk Neuman's resignation and the upcoming farmers market which will occur in the Downtown area.

H. 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, 6/3/24

Administration Committee, 6/3/24, Recommends Approval of:

2. Professional Service Agreement by and between the City of Menasha and Eplex, LLC as it relates to the Commercial Plan Review for the City of Menasha

Board of Public Works, 6/3/24, Recommends Approval of:

3. Recommend to Award – Contract Unit No. 2024-09; Asphaltic Concrete Pavement Chip Sealing; Fahrner Asphalt Sealers, LLC; \$60,487.00

4. Change Order – Contract Unit No. 2024-06; Utility and Street Construction; Calnin and Goss, LLC – Add Oak Street Extension \$53,500.04

5. Payment – Faith Technologies Incorporated; 2023-07; Public Works Facility Solar Expansion; \$17,192.42 (Payment No. 3 and Final)

Special Board of Public Works, 6/17/24, Recommends Approval of:

6. Change Order – Contract Unit No. 2024-06; Utility and Street Construction; Calnin and Goss, LLC – Add Racine Street Storm Sewer Construction; \$71,180.52 (Change Order No. 2)

7. Street Use Application – Community Fest Parade of Lights; Wednesday, July 3, 2024 from 9:00pm to 10:15pm; City of Menasha and City of Neenah

Ald. Sevenich requested the Common Council vote in each item individually. Mayor Hammond ruled the motion germane.

I. ITEMS REMOVED FROM THE CONSENT AGENDA

1. Common Council Minutes, 6/3/24

Motion by Ald. Sevenich seconded by Ald. Perkins to approve minutes of the 6/3/24 Common Council meeting includes on contingencies which were part of the outdoor street serve applications (minutes as corrected).

Motion carried on voice vote.

2. Professional Service Agreement by and between the City of Menasha and Eplex, LLC as it relates to the Commercial Plan Review for the City of Menasha

Moved by Ald. Nichols seconded by Ald. Eisenach to approve the Professional Service Agreement by and between the City of Menasha and Eplex, LLC as it relates to the Commercial Plan Review for the City of Menasha, as recommended by the Administration Committee.

Motion carried on roll call 8-0.

3. Recommend to Award – Contract Unit No. 2024-09; Asphaltic Concrete Pavement Chip Sealing; Fahrner Asphalt Sealers, LLC; \$60,487.00

Motion by Ald. Sevenich seconded by Ald. Ropella to approve Contract Unit No. 2024-09; Asphaltic Concrete Pavement Chip Sealing for Fahrner Asphalt Sealers, LLC in the amount of \$60,487.00.

Motion carried on call 8-0.

4. Change Order – Contract Unit No. 2024-06; Utility and Street Construction; Calnin and Goss, LLC – Add Oak Street Extension \$53,500.04

Motion by Ald. Sevenich seconded by Ald. Ropella to approve the change order for Contract Unit No. 2024-06 for Utility and Street Construction for Calnin and Goss, LLC to add the Oak Street Extension in the amount of \$53,500.04.

Motion carried on roll call 8-0.

5. Payment – Faith Technologies Incorporated; 2023-07; Public Works Facility Solar Expansion; \$17,192.42 (Payment No. 3 and Final)

Motion by Ald. Sevenich seconded by Ald. Marshall to approve the change order for Contract Unit No. 2024-06; Utility and Street Construction; Calnin and Goss, LLC to add Oak Street Extension \$53,500.04.

Motion carried on roll call 8-0.

6. Change Order – Contract Unit No. 2024-06; Utility and Street Construction; Calnin and Goss, LLC – Add Racine Street Storm Sewer Construction; \$71,180.52 (Change Order No. 2)

Motion by Ald. Sevenich seconded by Ald. Perkins to recommend approval of the change order for Contract Unit No. 2024-06; Utility and Street Construction for Calnin and Goss, LLC to add Racine Street Storm Sewer Construction project in the amount of \$71,180.52.

Motion carried on roll call 8-0.

7. Street Use Application – Community Fest Parade of Lights; Wednesday, July 3, 2024 from 9:00pm to 10:15pm; City of Menasha and City of Neenah

Motion by Ald. Sevenich seconded by Ald. Ropella to approve the Street Use Application for the CommunityFest Parade of Lights, which will be Wednesday, July 3, 2024 from 9:00pm to 10:15pm with participations between the City of Menasha and City of Neenah.

Motion carried on roll call 8-0.

J. ACTION ITEMS

Mayor Hammond requested unanimous consent to move R-27-24 as first Action Item due to the presenter coming from the Milwaukee Area (and not to monopolize his time).

Moved by Ald. Sevenich seconded by Ald. Ropella to move to Item 5 (R-27-24) of Ordinances and Resolutions.

Motion carried on voice vote.

1. Accounts payable and payroll for the term of 5/31/24 – 6/13/24 in the amount of \$2,942,775.54

Moved by Ald. Nichols seconded by Ald. Eisenach to approve Accounts payable and payroll for the term of 5/31/24 – 6/13/24 in the amount of \$2,942,775.54.

Motion carried on roll call 8-0.

2. Sesquicentennial Committee Donation Request to Neenah-Menasha Elks #676

Moved by Ald. Sevenich seconded by Ald. Grade to approve Sesquicentennial Committee Donation Request to Neenah-Menasha Elks #676 to \$1,500 from its Celebration 150 Budget.

Motion carried on roll call 8-0.

3. Liquor License Renewal Applications for the 2024-2025 Licensing Period (July 1, 2024 – June 30, 2025)

Moved by Ald. Nichols seconded by Ald. Grade to approve the Liquor License Renewal Applications mentioned in the enclosed memo to Council for the 2024-2025 Licensing Period (July 1, 2024 – June 30, 2025).

Motion carried on roll call 8-0.

4. Application for Temporary Class “B” Retailer’s License – CommunityFest 2024; July 3, 2024 from 2 PM to 10 PM at Curtis Reed Square; Menasha Wrestling Club

Moved by Ald. Nichols seconded by Ald. Marshall to approve the Application for Temporary Class “B” Retailer’s License – CommunityFest 2024; July 3, 2024 from 2 PM to 10 PM at Curtis Reed Square; Menasha Wrestling Club.

Motion carried on roll call 8-0.

5. Application for Temporary Class “B” Retailer’s License – CommunityFest 2024; July 4, 2024 from 7 AM to 11:59 PM at Jefferson Park; Menasha Athletic Association

Moved by Ald. Nichols seconded by Ald. Grade to approve the Application for Temporary Class “B” Retailer’s License – CommunityFest 2024; July 4, 2024 from 7 AM to 11:59 PM at Jefferson Park; Menasha Athletic Association, contingent upon Parks & Recreation Board approval.

Motion carried on roll call 8-0.

6. Special Consideration as it relates to the Development Agreement by and between the City of Menasha and Woodland Development, LLC – Woodland Heights Subdivision

Moved by Ald. Nichols seconded by Ald. Grade to approve the special exception as presented by Michael Hagens dated June 10, 2024 to sell two adjoining lots within the Woodland Heights Subdivision to a property owner under the same ownership with the understanding that the lots will not be combined and that two single family dwellings (one on each lot) will be built in the future.

Motion carried on roll call 8-0.

Staff provided an overview regarding the special consideration regarding two (2) parcels in Woodland Heights subdivision. This is this developer’s final section within the City of Menasha to be formally developed, and it contains 18/19 single-family residential lots. Part of the parameters on their agreement with the city is to not combine a property with an adjoining property, with the expectation of having one single family home per lot. One buyer approached the developer requesting to purchase two lots, but with the intention of building two single-family houses (one per parcel). This special consideration to approve the buyer to buy two adjoining with the understanding the lots will not be combined in the future – a signed

agreement with all parties (City of Menasha, Woodland Heights, the buyer) clarifying these conditions will be drafted and executed.

General discussion ensued on:

- Foreseeable timeline associated with building both homes
- Deferred assessment parameters will be paid back more quickly and on schedule
- Verifying single-family homes (not a duplex)
- Upkeep of property to be presentable for the subdivision (code enforcement)

K. HELD OVER BUSINESS

L. ORDINANCES AND RESOLUTIONS

1. O-4-24 – An Ordinance Repealing and Replacing Article A through Article E, Chapter 1, Title 15 of the Code of Ordinances (Building, Electric, Plumbing, Mechanical Code and Penalties and Fees) (Introduced by Ald. Sevenich)

Moved by Ald. Sevenich seconded by Ald. Nichols to approve O-4-24 – An Ordinance Repealing and Replacing Article A through Article E, Chapter 1, Title 15 of the Code of Ordinances (Building, Electric, Plumbing, Mechanical Code and Penalties and Fees) (Introduced by Ald. Sevenich), by repealing and replacing the building code as presented. Motion carried on roll call 8-0.

2. O-5-24 – An Ordinance Repealing and Replacing Chapters 2 and 3, Title 5 of the Code of Ordinances (Fire Prevention and Hazardous Materials Code) (Introduced by Ald. Sevenich)
Moved by Ald. Sevenich seconded by Ald. Ropella to approve O-5-24 – An Ordinance Repealing and Replacing Chapters 2 and 3, Title 5 of the Code of Ordinances (Fire Prevention and Hazardous Materials Code) as amended.
Motion carried as amended 8-0.

Moved by Ald. Sevenich seconded by Ald. Perkins to amend main motion on the floor by adding clarity on Sec. 5-2-7(b)(e)(1)(16): “Neenah-Menasha” in reference to the Joint Personnel and Finance Committee.
Motion carried on roll call 8-0.

3. R-25-24 – A Resolution Supporting and Approving of the New Appleton (Fox Cities MPO Policy Board Structure and Redesignation Agreement) (Introduced by Mayor Hammond)
Moved by Ald. Nichols seconded by Ald. Grade to approve R-25-24 – A Resolution Supporting and Approving of the New Appleton (Fox Cities MPO Policy Board Structure and Redesignation Agreement) (Introduced by Mayor Hammond)
Motion carried on roll call 8-0.

Unanimous consent was given by Craig Moser, Deputy Director for the East Central Regional Planning Commission (ECRPC). Mr. Moser commented on the purpose and mission of the ECRPC, including the Metropolitan Policy Board (MPO) guidelines (an area of at least 50,000 or more in population must have a MPO). Updating and reaffirming the MPO will provide cohesiveness with units of government within the Fox Valley metro.

4. R-26-24 – A Resolution Authorizing the Issuance and Sale up to \$1,031,105 Water System Revenue Bonds, Series 2024, and Providing for Other Details and Covenants with Respect Thereto (Introduced by Mayor Hammond)
Moved by Ald. Nichols seconded by Ald. Grade to approve R-26-24 – A Resolution Authorizing the Issuance and Sale up to \$1,031,105 Water System Revenue Bonds, Series 2024, and

Providing for Other Details and Covenants with Respect Thereto (Introduced by Mayor Hammond).

Motion carried on roll call 8-0.

Ald. Nichols requested unanimous consent for GM Krause to speak about R-26-24 and request was granted.

GM Krause explained the reasoning behind this resolution is for the new water mains that was awarded earlier this evening. Borrowing (revenue bonds) will be totally sustained through the established water rates and water utility bills from Menasha Utilities

5. R-27-24 – A Resolution Authorizing the Issuance and Establishing Parameters for the Sale of Not to Exceed \$4,655,000 General Obligation Promissory Notes (Introduced by Mayor Hammond)

Moved by Ald. Sevenich seconded by Ald. Ropella to approve R-27-24 – A Resolution Authorizing the Issuance and Establishing Parameters for the Sale of Not to Exceed \$4,655,000 General Obligation Promissory Notes (Introduced by Mayor Hammond).

Motion carried on roll call 8-0.

Greg Johnson, a representative from Ehlers, spoke on behalf of R-27-24 – A Resolution Authorizing the Issuance and Establishing Parameters for the Sale of Not to Exceed \$4,655,000 General Obligation Promissory Notes (Introduced by Mayor Hammond).

General discussion ensued on:

- Overview of the General Obligations and Promissory Notes
- Explanation of included charts and reporting regarding the financing the City is considering in borrowing, interest rates, and tax levy for debt service
- Review of existing debt service profile
- Review of multiyear tax impact analysis with the Capital Improvements Plan project financing remains stable
- Bidding process will include issuance of the competitive bids, and the sale is awarded to the lowest true interest cost
- Explanation of a parameters sale – can be awarded by signature of Mayor or Finance Director as long as certain financial parameters are met (flexibility of when the sale can occur)

M. APPOINTMENTS

1. Resignation of Jeff Nichols from the Board of Review

Moved by Ald. Sevenich seconded by Ald. Marshall to approve the resignation of Jeff Nichols from the Board of Review.

Motion carried on voice vote.

2. Mayor's appointment of Karl Volkman to the Board of Review for the term effective 7/1/24 – 7/1/27

Motion by Ald. Sevenich seconded by Ald. Ropella to approve Mayor's appointment of Karl Volkman to the Board of Review for the term effective 7/1/24 – 7/1/27.

Motion carried on voice vote.

N. CLAIMS AGAINST THE CITY

O. PUBLIC COMMENTS ON ANY MATTER LISTED ON THE AGENDA

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

Sandra Dabill-Taylor, 545 Broad Street, Menasha – commented on communication referencing the City of Menasha Housing Needs Assessment, and explained the city’s landlocked footprint, and the housing needs for the community.

Eli Wickman, 700 Tenth Street, Menasha – commented on the Housing Needs Assessment. He also commented on the soon-to-be-vacated position of the City Clerk during a vital election time.

P. DISCUSSION / ACTION ITEMS

1. Temporary Limited Easement (TLE) – Racine Street Reconstruction from Third Street to Ninth Street – 403 Racine Street (Parcel #1-00319-00)
 - a. May adjourn into Closed Session pursuant to Wisconsin State Statutes §19.85(1)(e) and (g): 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 and/or 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 (Temporary Limited Easement (TLE) – Racine Street Reconstruction from Third Street to Ninth Street)
 - b. May adjourn into Open Session to take action on item discussed in Closed Session Motion by Ald. Sevenich seconded by Ald. Ropella to adjourn into Closed Session pursuant to Wisconsin State Statutes §19.85(1)(e) and (g): Deliberating or negotiating the purchase of public properties, the investing of public funds or conducting other specified public business, whenever competitive or bargaining reasons require a Closed Session and/or conferring with legal counsel for the governmental body who is rendering oral or written advice concerning strategies to be adopted by the body with respect to litigation in which it is or is likely to become involved. This is pertaining to a Temporary Limited Easement (TLE) on Racine Street (Reconstruction from Third Street to Ninth Street).
- Motion carried on roll call 8-0.

Q. ITEMS FOR NEXT MEETING AGENDA
(by majority vote)

R. ADJOURNMENT

Moved by Ald. Marshall seconded by Ald. Perkins to adjourn the Common Council meeting at 7:40 p.m.
Motion carried on voice vote.

Respectfully submitted by:

Valerie Neuman, WCMC
City Clerk