



**Memorandum**

TO: Common Council  
FROM: Greg Keil, CDD *GK*  
DATE: May 16, 2013  
RE: Acquisition of 221 Washington Street

Winnebago County has issued a Notice of Commencement of Proceedings In Rem to foreclose tax liens on certain properties in the City of Menasha per the attached. Among these properties is 221 Washington Street. The Plan Commission recommended that the City pursue acquisition of this property in April of 2011. I prepared the attached memo dated October 13, 2011 to the Administration Committee outlining several considerations relative to the property and making a recommendation that the city pursue its acquisition. This matter was brought before the Administration Committee in October of 2011, and in November, it took action disapproving of the acquisition of the property.

I am now requesting that we renew efforts to acquire the property.



**Memorandum**

To: Administration Committee  
From: Greg Keil, CDD *GK*  
Date: October 13, 2011  
RE: Acquisition of 221 Washington Street

This memo relates to the potential acquisition of 221 Washington Street for the prevention of blight. I have been in contact with the owner of the property, Richard Sheleski, since late 2010. Mr. Sheleski is a former Menasha resident who now lives out of state. He has expressed interest in selling the property to the city at a price substantially below its assessed value to eliminate his property maintenance and management responsibilities.

The property is currently valued at \$36,000 for the land and \$20,700 for improvements, for a total of \$56,700. The lot size is 11,999 square feet. There are currently \$5,438.78 in delinquent taxes and penalties owed to Winnebago County for 2008-2010.

This site also has known petroleum related groundwater contamination. I have had correspondence with Wisconsin Department of Natural Resources and Department of Commerce staff regarding this condition. The current owner has paid \$4,038 toward the PECFA (petroleum clean-up fund) deductible. The Dept. of Commerce estimates another \$10,000 of work remains of which 5% (\$500) would be the responsibility of the existing or future owner. The completion of the last phase of site monitoring is necessary to obtain a closure letter on site clean-up from the WDNR.

The potential acquisition of the property was brought to the Plan Commission on April 19, 2011 for its input as to whether staff should pursue the acquisition of the property. The direction from the Plan Commission was that the staff should continue to pursue the matter.

Mr. Sheleski recently made the following proposal:

- Sale price \$8,000
- City pays all taxes owed \$5,438.78\*
- Total \$13,438.78\*

\*The County Treasurer indicated the interest penalties in the amount of \$916.44 may be waived if the city is the purchaser.

There are multiple considerations regarding the acquisition of this property that have both short and long term implications. In the short term, these relate to the cost of the property and the source of funds for acquisition, the closure of the site with respect to the petroleum contamination, and potential uses for the property.

In the longer term, the use question remains, and will in part be determined by whether or not the site has received a closure letter and whether taxes will continue to accumulate on the property. The Winnebago County Treasurer has stated that the county will not take the property in its contaminated state. If the owner discontinues tax payments and the county does not take the property, the taxes will continue to accumulate and the petroleum contamination will remain, with a likely outcome of continued deterioration of the property.

Since this property is on a street corridor that is a significant gateway to the city, the presence of blighted properties is a detriment to the city. This situation was of primary concern to the Plan Commission in its recommendation to pursue acquisition of the property. Community Development staff share this concern.

It is my recommendation that we continue to pursue the acquisition of this property based on the following considerations:

- The site clean-up can be completed while the PECFA program is still in place and 95% of the cost can be recovered from that source.
- Future acquisition of blighted property via eminent domain will be much more costly as market value must be paid and the city is responsible for appraisal costs
- Procedures are available such that the city can acquire the property with limited environmental liability.
- The prevention/elimination of blight on this property may forestall the same type of thing happening on neighboring properties.

I am requesting direction from the Administration Committee as to whether I should continue efforts in this regard.

MARY E. KRUEGER  
County Treasurer

DIANA HELLMANN  
Deputy Treasurer



415 JACKSON STREET, PO BOX 2808  
OSHKOSH, WISCONSIN 54903-2808

OSHKOSH (920) 236-4777  
FAX (920) 303-3025  
treasurer@co.winnebago.wi.us

## Winnebago County

Office of the County Treasurer

*The Wave of the Future*

May 1, 2013

### **NOTICE OF COMMENCEMENT OF PROCEEDINGS IN REM TO FORECLOSE TAX LIENS BY WINNEBAGO COUNTY UNDER WIS. STATS. 75.521**

Taxing District Clerk:

Enclosed are copies of the Notice of Commencement of Proceedings In Rem, the Petition to Foreclose by Proceedings In Rem and a partial list of the properties being foreclosed.

This letter is notification in accordance with Wis. Stats. 75.521. If your municipality or taxing district has any right, title or interest in the land or in the tax liens or in the proceeds thereof, you must notify me and take action to protect your claim. If you have any deferred special assessments due, you must take action under Wis. Stats. 66.0715 (2) and certify to the County the amount due your municipality or taxing district to be eligible for a share of the proceeds from the sale of tax deed property under Wis. Stats. 75.36.

All of the taxes listed, plus interest, penalties and fees must be paid on or before July 15, 2013, the final redemption date, to stop this foreclosure action.

Call the County Treasurer's Office (920) 236-4777 for the exact amount due.

Sincerely,

Mary E. Krueger  
Winnebago County Treasurer

Encl.

**RECEIVED**

MAY 1 2013

**CITY OF MENASHA**  
BY \_\_\_\_\_

Statutory References:

- 75.521(5) Proceeding In Rem removes all liens of any mortgage or lien holder, including the ability a municipality to collect deferred special assessments by adding the deferred assessments to future tax bills. Failure of a municipality to pay the taxes and redeem the parcel forecloses their right or lien on the property.
- 66.0715(2)(b) If a tax certificate is issued under s. 74.57 for property which is subject to a special assessment that is deferred under this subsection, the governing body may provide that the amounts of any deferred special assessments are due on the date that the tax certificate is issued and are payable as are other delinquent special assessments from any moneys received under s. 75.05 or 75.36.
- 66.0715(2)(c) The lien of any unpaid amounts of special assessments deferred under this subsection with respect to which a governing body has not taken action under par. (b) is not merged in the title to property taken by the county under ch. 75.
- 75.521(3)(5)(c) A copy of the petition and so much of the list of tax liens shall be mailed by registered mail to each owner, mortgagee of record, the State of Wisconsin and to each municipality having any right title or interest in the property.
- 75.36(2)(b) If the county did not settle for unpaid special assessments or special charges under 74.29, the county shall notify all taxing jurisdictions that the county has acquired the property under this chapter. Each taxing jurisdiction shall certify to the county treasurer the unpaid special assessments and special charges to which the property is subject.
- 75.36 If the property is sold at a profit the proceeds are distributed according to 75.36. Deferred special assessments certified to the county would be paid to the taxing jurisdictions under 75.36(3)(b).
- If the property is sold at a loss Winnebago County prorates the loss calculated under 75.36(3)(a)(3), based on the ratio of taxes and special assessments & special charges to the total of taxes and special assessments & special charges settled under 74.29.
- 75.69 No tax delinquent real estate may be sold by a county unless notice of such sale is mailed to the clerk of the municipality in which the real estate is located at least 3 weeks prior to the time of the sale.

PARCEL # & DESCRIPTION	LAST OWNER'S NAME OTHER'S INTERESTED	TAX YEAR	SALE YEAR	CERT NO.	AMOUNT
<b>TOWN OF WOLF RIVER</b>					
032-0546-23 THAT PART OF FRACTIONAL LOT TWO (2) OF SECTION TWENTY-FIVE (25) TOWNSHIP TWENTY (20) NORTH, OF RANGE FOURTEEN (14) EAST, IN THE TOWN OF WOLF RIVER, WINNEBAGO COUNTY, WISCONSIN, DESCRIBED AS FOLLOWS, VIZ: - COMMENCING AT A POINT ON THE WEST LINE OF THE EAST ½ OF SAID FRACTIONAL LOT 2 THAT IS 1713.34 FEET SOUTH OF THE NORTH LINE OF SAID FRACTIONAL LOT 2; THENCE SOUTH 37 DEGREES 40 MINUTES EAST, 250 FEET, THE PLACE OF BEGINNING; THENCE CONTINUING SOUTH 37 DEGREES 40 MINUTES EAST, 78 FEET; THENCE SOUTH 52 DEGREES 20 MINUTES WEST TO THE SHORE LINE OF LAKE POYGAN; THENCE NORTHWESTERLY, ALONG THE SHORE LINE OF SAID LAKE POYGAN, TO A POINT THAT IS SOUTH 52 DEGREES 20 MINUTES WEST OF THE PLACE OF BEGINNING; THENCE NORTH 52 DEGREES 20 MINUTES EAST TO THE PLACE OF BEGINNING.	TED MILLER BADGER ENERGY SERVICES LLC WINNEBAGO COUNTY CLERK OF CIRCUIT COURT CLERK - TOWN OF WOLF RIVER	2008	2009	01261	\$2,039.96
032-0655 THE SOUTH 11 RODS OF THE NORTH 20 RODS OF WEST 8 RODS OF THE SOUTHEAST ¼ OF THE NORTHEAST ¼ SECTION THIRTY (30), TOWNSHIP TWENTY (20) NORTH, RANGE FOURTEEN (14) EAST, IN THE TOWN OF WOLF RIVER, WINNEBAGO COUNTY, WISCONSIN.	ARENSTEIN WOHLRAB LEON MAIERHAFFER CLERK - TOWN OF WOLF RIVER	2008	2009	01266	\$2.21
<b>VILLAGE OF WINNECONNE</b>					
191-0852 THE WEST 16 FEET OF LOT 3, ALL OF LOT 4, THE NORTH HALF OF LOT 17 AND THE WEST 16 FEET OF THE NORTH ONE-HALF, EXCEPTING THEREFROM THE SOUTH 20 FEET OF LOT 18, ALL IN BLOCK 24 IN SCOTT'S ADDITION TO THE VILLAGE OF WINNECONNE, WINNEBAGO COUNTY, WISCONSIN.	PATRICIA J FRERKS ESTATE OF EDWARD A FRERKS CITIZENS BANK MEDICAL ASSISTANCE LIEN CLERK - VILLAGE OF WINNECONNE	2008	2009	01335	\$1,718.62
<b>CITY OF OMRO</b>					
265-1573 OUTLOT ONE (1) OF BLOCK FOUR (4) IN FOURTH ADDITION TO SLEEPY HOLLOW ESTATES, IN THE SECOND WARD, CITY OF OMRO, WINNEBAGO COUNTY, WISCONSIN	ROEMING TWINS DEVELOPMENT LLC CLERK - CITY OF OMRO	2008	2009	01463	\$12.76
<b>CITY OF MENASHA</b>					
<b>SECOND WARD</b>					
702-0084 - 305 Chute St. LOTS TWENTY-EIGHT (28) AND TWENTY-NINE (29) OF BLOCK SEVEN (7) IN THE PLAT OF THE TOWN OF MENASHA, IN THE SECOND WARD, CITY OF MENASHA, WINNEBAGO COUNTY, WISCONSIN, EXCEPTING THEREFROM THE WEST 60 FEET THEREOF.	ANDREW B UJAZDOWSKI INTERNAL REVENUE SERVICE WEST POINTE BANK CLERK - CITY OF MENASHA	2008	2009	01544	\$84.32

PARCEL # & DESCRIPTION	LAST OWNER'S NAME OTHER'S INTERESTED	TAX YEAR	SALE YEAR	CERT NO.	AMOUNT
<b>THIRD WARD</b>					
703-0530 - <i>221 Washington St.</i> THAT PART OF BLOCK "B" IN THE PLAT OF THE TOWN OF THE ISLAND, IN THE THIRD WARD, CITY OF MENASHA, DESCRIBED AS FOLLOWS, VIZ: COMMENCING ON THE EASTERLY LINE OF WASHINGTON STREET AT THE NORTHWEST CORNER OF TRACT OF LAND HERETOFORE CONVEYED TO MENASHA AND NEENAH RAILWAY COMPANY BY DEED RECORDED IN VOLUME 159 ON PAGE 325; THENCE NORTHERLY, ALONG THE EASTERLY LINE OF WASHINGTON STREET TO POINT OF INTERSECTION WITH THE SOUTHERLY LINE OF THE RIGHT OF WAY OF THE CHICAGO AND NORTHWESTERN TRANSPORTATION COMPANY, THENCE EASTERLY, ALONG THE SOUTHERLY LINE OF SAID RIGHT OF WAY, TO A POINT THAT IS EIGHTY (80) FEET EASTERLY OF THE EASTERLY LINE OF WASHINGTON STREET (MEASURED AT RIGHT ANGLES TO SAID EASTERLY LINE OF WASHINGTON STREET), THENCE SOUTHERLY, PARALLEL WITH THE EASTERLY LINE OF WASHINGTON STREET, TO THE NORTHERLY LINE OF TRACT OF LAND CONVEYED TO SAID RAILWAY COMPANY, THENCE WESTERLY, ALONG THE NORTHERLY LINE OF SAID RAILWAY COMPANY'S TRACT OF LAND, TO THE PLACE OF BEGINNING.	RICHARD N SHELESKI GERHARD J GEIGER JENNIFER W DUFFY INTERNAL REVENUE SERVICE CLERK- CITY OF MENASHA	2008	2009	01611	\$1,435.21
703-0652 - <i>46 Lawson St.</i> LOTS ONE (1) AND TWO (2) OF BLOCK ONE (1) IN BUTTE DES MORTES GARDENS ADDITION, THIRD WARD, CITY OF MENASHA, WINNEBAGO COUNTY, WISCONSIN.	VINCENT C KNUTH VAUGHN KNUTH WISCONSIN ELECTRIC POWER COMPANY CLERK - CITY OF MENASHA	2008	2009	01621	\$1,297.10
<b>FOURTH WARD</b>					
704-0160 - <i>648 State St.</i> THE SOUTH NINETY-SEVEN (97) FEET, FRONT AND REAR, OF THE WEST SEVENTY-FOUR AND FIVE TENTHS (74.5) FEET, FRONT AND REAR, OF THE EAST ONE HUNDRED FOUR AND FIVE TENTHS (104.5) FEET, OF LOT TWO (2) OF BLOCK FOUR (4), IN ROUNDS' ADDITION TO MENASHA, IN THE FOURTH WARD, CITY OF MENASHA, WINNEBAGO COUNTY, WISCONSIN.	MICHAEL STRAW CLERK- CITY OF MENASHA	2008	2009	01639	\$2,566.47
<b>FIFTH WARD</b>					
705-0232 - <i>632 Second St.</i> LOT 21 OF BLOCK 38 IN THE PLAT OF MENASHA (TWO ADDITIONS), IN THE FIFTH WARD, CITY OF MENASHA, WINNEBAGO COUNTY, WISCONSIN	RICHARD & CATHERINE ROBBINS EDWARD E & SUZANNE M CARTER CITY OF MENASHA HAND & UPPER EXTREMITY CENTER OF NE WI, LTD WISCONSIN ELECTRIC POWER COMPANY CREDIT ACCEPTANCE CORPORATION DAVIDSON CHIROPRACTIC SURGICAL ASSOCIATES OF NEENAH, SC FOX VALLEY EMERGENCY MEDICINE SC AFFINITY HEALTH SYSTEM AND ST. ELIZABETH HOSPITAL INC OAKWOOD CAMPSITES BAR & GRILL LLC COTTONWOOD FINANCIAL LLC CLERK - CITY OF MENASHA	2008	2009	01682	\$881.74
705-0851 - <i>845 Martin St</i> THE SOUTH ONE HUNDRED AND ONE TENTH (101.1) FEET OF NORTH ONE HUNDRED TWENTY-SIX AND ONE TENTH (126.1) FEET OF EAST FIFTY-SIX AND EIGHT TENTHS (56.8) FEET OF LOT TWENTY-FIVE (25) OF SUBDIVISION OF LOT FOUR (4), BLOCK TEN (10) ROUNDS ADDITION, FORMERLY IN THE FOURTH WARD, NOW IN THE FIFTH WARD, CITY OF MENASHA, WINNEBAGO COUNTY, WISCONSIN, PER ASSESSOR'S MAP OF 1924.	LAWRENCE T & DEBORAH A SWIERTZ WELLS FARGO BANK, N A ING BANK, FSB CITIBANK (SOUTH DAKOTA) NA WISCONSIN DEPT OF REVENUE MAIN STREET ACQUISITION CORP CLERK - CITY OF MENASHA	2008	2009	01714	\$1,177.24

CITY OF MENASHA  
Plan Commission  
Council Chambers, City Hall – 140 Main Street  
April 19, 2011  
DRAFT MINUTES

---

**Public Hearing – TID # 12 Project Plan and Boundary**

No one spoke.

**A. CALL TO ORDER**

The meeting was called to order at 3:30 p.m. by Mayor Merkes.

**B. ROLL CALL/EXCUSED ABSENCES**

PLAN COMMISSION MEMBERS PRESENT: Mayor Merkes, Commissioners Schmidt, Cruickshank, Homan and Sturm, DPW Radtke and Ald. Benner

PLAN COMMISSION MEMBERS EXCUSED:

OTHERS PRESENT: CDD Keil, Tom Vandeyacht, Jim Slezak, Chuck Krause, Ald. Dan Zelinski, Ald. Steve Krueger, Ellen Maxymek and Tom Maxymek

**C. MINUTES TO APPROVE**

1. **Minutes of the March 8, 2011 Plan Commission Meeting**

Motion by Ald. Benner, seconded by DPW Radtke to approve the March 8, 2011 Plan Commission meeting minutes. The motion carried.

**D. PUBLIC COMMENT ON ANY ITEM OF CONCERN ON THIS AGENDA**

1. Ellen Maxymek commented on the potential negative impacts of the proposed development of the vacant land west of the existing Lake Park Villas development.

**E. DISCUSSION**

1. **Conceptual Site Plan for Automobile Sales at 835 Oneida Street**

Chuck Krause, owner of the site, discussed the preliminary site plan and stated that it is his intention that the car sales lot be a transitional use.

Commissioners discussed:

- On-site stormwater management
- Site access and its relationship to the adjoining Kwik Trip
- Future use of the property
- Adjoining land uses and wetlands considerations

CDD Keil stated that a Special Use Permit is required for automobile sales lots. Mr. Krause will need to submit an application and provide a fully developed set of plans in support of the application for his proposal to move forward.

2. **Sign Illumination Standards**

Tom Vandeyacht, site owner of 700 Midway Road and Jim Slezak from Appleton Sign explained the aesthetic and practical issues relative to the standards in the city's sign code relative to internally lit signs. The specific concerns relate to the required opacity of light colored sign backgrounds in multi-tenant signs when only one of the sign panels is being changed-out. This gives the appearance of the sign lighting not working properly.

Plan Commissioners discussed the differing impacts of the lighting requirements for single vs. multi-tenant signs and the desirability of creating standards for each type. CDD Keil is to make a determination regarding the sign panel insert at this address and prepare ordinance language clarifying the lighting/opacity standards for multi-tenant signs.

3. **Acquisition of 121 Washington Street**

CDD Keil stated that there have been discussions with the owner regarding acquisition by the city. The primary purpose of the acquisition would be to clean-up the site as it is located in a gateway corridor. The owner lives out of state and has a difficult time ensuring that the site is properly maintained. The site has petroleum contamination and about \$10,000 of clean-up work remains. The clean-up is PECFA eligible and the owner would be responsible for 5% of the clean-up cost.

Commissioners discussed the desirability of improving the Washington Street corridor as a gateway into the community, PECFA clean-up costs and future liability, and the long range benefits of securing the property.

It was the consensus of the Plan Commission that staff should continue to pursue acquisition.

## F. ACTION ITEMS

1. **Plan Commission Resolution 1-2011 Recommending Approval of the Project Plan and Boundary of Tax Increment District #12**

CDD Keil reviewed the background leading up to the development of the project plan. TID #12 is being proposed as a means of stimulating development in Lake Park Villas (LPV). The debt associated with the original phases of the LPV development was intended to be supported by lot sales. Since the city hasn't sold a lot in over 3 years, this debt is now being placed on the general tax levy.

Commissioner's discussed:

- The various phases of the new development
- Its relationship and impact on the existing residential area
- The character, quality and density of development
- Future street and pedestrian access
- Extending the existing trail system

Motion by DPW Radtke, seconded by Catherine Cruickshank to approve Plan Commission Resolution PC 1-2011 Recommending Approval of the Project Plan and Boundary of TID #12 to the Common Council. The motion carried.

## G. ADJOURNMENT

Motion by Ald. Benner, seconded by DPW Radtke to adjourn at 5:10 p.m. The motion carried.

*Minutes respectfully submitted by Greg Keil, CDD.*