

It is expected that a Quorum of the Personnel Committee, Board of Public Works, Plan Commission, Redevelopment Authority and Administration Committee will be attending this meeting: (although it is not expected that any official action of any of those bodies will be taken)

**CITY OF MENASHA  
COMMON COUNCIL  
Third Floor Council Chambers  
140 Main Street, Menasha  
Monday, January 21, 2013**

5:45 p.m. – Workshop – Disaster Preparedness Video – *Run, Hide, Fight*

**6:00 PM  
AGENDA**

- A. CALL TO ORDER
- B. PLEDGE OF ALLEGIANCE
- C. ROLL CALL/EXCUSED ABSENCES
- D. PUBLIC HEARING
- E. PUBLIC COMMENTS ON ANY MATTER OF CONCERN TO THE CITY  
(five (5) minute time limit for each person)
- F. REPORT OF 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, 1/7/13](#)
  - b. [Parks and Recreation Board, 1/14/13](#)
  - c. [Plan Commission, 1/8/13](#)
  - d. Sustainability Board, [11/20/12](#), [12/18/12](#)
  - e. [Water & Light Commission, 12/19/12](#)
- Communications:
- f. [CA/HRD Captain, 1/10/13; Incorporation of a portion of the Towns of Harrison and Buchanan Case No. 12-CV-28](#)
  - g. [Ignite Fox Cities, 12/12; Investor update](#)
  - h. [Menasha Health Department Annual Report 2011](#)
  - i. [NM Sewerage Commission WWTF Modifications, 11/27/12](#)
  - j. [Proclamation, 1/4/12; Declaring Friday 1/4/12 as Traci Edwards Day in Menasha](#)
- 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, 1/7/13](#)  
Administration Committee, 1/7/13; recommends approval of:
  - 2. [Renewal of listing agreements with Drifka Group Inc. – Racine St. and Broad St. lots](#)
  - 3. [Renewal of listing agreements with Drifka Group Inc. – Midway Business Park and Province Terrace lots](#)  
Parks and Recreation Board, 1/14/13; recommends approval of:
  - 4. [Agreement for reciprocity between the city and town of Menasha Park & Recreation Departments for 2013-2014](#)
  - 5. [Agreement for reciprocity between the city of Menasha and Appleton Park & Recreation Departments for 2013-2014](#)
- H. ITEMS REMOVED FROM CONSENT AGENDA

I. ACTION ITEMS

1. [Accounts payable and payroll for the term of 1/10/13 to 1/17/13 in the amount of \\$7,315,471.76](#)
2. [Reserve " Class B" liquor license application for Mario's Old House Fresh Mexican Cuisine LLC, d/b/a Mario's Old House, 14 Tayco Street, Menasha to deal in intoxicating liquor and fermented malt beverages, January 21, 2013 to June 30, 2013](#)
3. [Change of Agent for Mr. Taco LLC, 403 Racine Street, Menasha from Luis A. Morales to Francisca Jaimes](#)
4. [Proposed acquisition of part of parcel #7-00815-85, Woodlands nature Park, for \\$123,000](#)
5. [Disposition of former NMFR Station 36 – 901 Airport Rd.](#)
6. Remove from table – That the site at 901 Airport Rd. (Old Fire Station #36) be cleared and that the lot be marketed for an appropriate use

J. ORDINANCES AND RESOLUTIONS

K. APPOINTMENTS

1. Mayor's reappointment of Mary Lueke, 836 Ida St., Menasha, to the Committee on Aging for the term of Feb. 1, 2013-Feb. 1, 2016

L. HELD OVER BUSINESS

M. CLAIMS AGAINST THE CITY

N. PUBLIC COMMENTS ON ANY MATTER LISTED ON THE AGENDA  
(five (5) minute time limit for each person)

O. ADJOURN

**MEETING NOTICE**  
**Common Council – Monday, February 4, 2013**  
Common Council - 6:00 pm  
Administration Committee – 6:30 p.m.  
Board of Public Works – 7:00 p.m.

# DRAFT

CITY OF MENASHA  
ADMINISTRATION COMMITTEE  
Third Floor Council Chambers  
140 Main Street, Menasha  
January 7, 2013  
MINUTES

A. CALL TO ORDER

Meeting called to order by Chairman Klein at 6:40 p.m.

B. ROLL CALL/EXCUSED ABSENCES

PRESENT: Aldermen Sevenich, Langdon, Krueger, Zelinski, Englebert, Benner, Klein, Taylor

ALSO PRESENT: Mayor Merkes, CA/HRD Captain, PC Styka, DPW Radtke, CDD Keil, C/T Stoffel, Clerk Galeazzi.

C. MINUTES TO APPROVE

1. Administration Committee, 12/17/12

Moved by Ald. Langdon, seconded by Ald. Krueger to approve minutes.

Motion carried on voice vote.

D. COMMUNICATIONS

1. 2013 Insurance Summary

CA/HRD Captain reviewed the City's insurance coverage for 2013.

E. DISCUSSION/ACTION ITEMS

1. Renewal of listing agreements with Drifka Group Inc.

CDD Keil explained the two listing agreements. One agreement covers 81 & 87 Racine Street and 504 Broad Street. The other agreement covers the remaining lots in Midway Business Park and on Province Terrace.

General discussion ensued on the need for a sign on the Racine/Broad Street parcels advertising the sale of the lots.

Chairman Klein requested each listing agreement be listed separately on the Common Council agenda.

Moved by Ald. Langdon, seconded by Ald. Englebert to recommend to Common Council renewal of Listing Agreements with Drifka Group Inc.

Motion carried on roll call 8-0.

F. ADJOURNMENT

Moved by Ald. Sevenich, seconded by Ald. Krueger to adjourn at 6:52 p.m.

Motion carried on voice vote.

Respectfully submitted by Deborah A. Galeazzi, WCMC, City Clerk

CITY OF MENASHA  
Parks and Recreation Board  
Council Chambers, 3<sup>rd</sup> Floor City Hall – 140 Main Street  
January 14, 2013  
DRAFT MINUTES

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**A. CALL TO ORDER**

The meeting was called to order by Chr. Dick Sturm at 6:05 p.m.

**B. ROLL CALL/EXCUSED ABSENCES**

MEMBERS PRESENT: Chr. Dick Sturm, Luke Schiller, Nancy Barker, Lisa Hopwood, Cindy Schaefer-Kemps

MEMBERS EXCUSED: Sue Pawlowski, Ald. Kevin Benner

OTHERS PRESENT: PRD Tungate, PS Maas, Ald. Chris Klein, Roger Kanitz - Sustainability Board

**C. MINTUES TO APPROVE**

1. **Minutes of the December 10, 2012 Park Board Meeting**

Moved by L. Schiller seconded by N. Barker to approve the December 10, 2012 Park Board minutes. Motion carried.

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

Five (5) minute time limit for each person.

1. Roger Kanitz introduced himself and stated the Sustainability Board is willing to work on projects with the Park Department.

**E. REPORT OF DEPARTMENT HEADS/STAFF/YOUTH LIAISON OR CONSULTANTS**

1. **Department Report – PRD Tungate**

PRD Tungate reported on opening the ice rink, planning for the Winter Gala (\$500 donation from KC), planning on summer programs, pool and brochure including the Grunski Runski. WDNR grant for the new park was also mentioned. I-Tree information for Menasha will be presented to the Board next month. A representative from WDNR will be invited to present tree information to the Council later in February.

2. **Park, Pool and Vandalism Report – PS Maas**

PS Maas reported that the park crew was making some brackets for the Koslo scoreboard, trimming street trees, re-flooding the ice rink, grooming ski trails (good public feedback), installing pool filter bags and building a new frame for making snow blocks

**F. DISCUSSION**

1. **Update on Pool Analysis – PRD Tungate**

PRD Tungate updated the Board that the Pool Friends are scheduled to meet on January 15. Their main goal at this time is to provide initial input on what amenities pool users (young to old) would like to have in a public pool. This information would be shared with Water Technologies, Inc. who is in the midst of a pool analysis. This study will include at least one public input session and will be presented to the Park Board and Council within the next couple months.

2. **Jefferson Park/Neighborhood Master Plan – PRD Tungate**

PRD Tungate stated that CDD Keil is drafting a scope of services for this plan. He will be consulting with a contact from UW-Milwaukee on what should be included in the scope. This

planning process is somewhat more involved than creating a relatively simple park master plan and the selection of a qualified firm may take some time. A timeline will soon be created for this project.

**G. ACTION ITEMS**

1. **Approve Reciprocity Agreement with the Town of Menasha for 2013-2014**  
Motion by L. Hopwood, seconded by N. Barker to recommend this agreement to the Common Council. Motion carried.
2. **Approve Reciprocity Agreement with the Town of Menasha for 2013-2014**  
Motion by L. Hopwood, seconded by L. Schiller to recommend this agreement to the Common Council. Motion carried.

**H. PUBLIC COMMENT ON ANY MATTER LISTED ON THE AGENDA**

Five (5) minute time limit for each person

1. Ald. C. Klein made some suggestions about some policy revisions related to having trees planted along new streets, after the curb and gutter are constructed.

**I. ADJOURNMENT**

Moved by L. Hopwood, seconded by N. Barker, to adjourn at 7:00 p.m. Motion carried.

**CITY OF MENASHA**  
**Plan Commission**  
**Council Chambers, City Hall – 140 Main Street**  
**January 8, 2013**  
**DRAFT MINUTES**

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**A. CALL TO ORDER**

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

**B. ROLL CALL/EXCUSED ABSENCES**

PLAN COMMISSION MEMBERS PRESENT: Mayor Merkes, Ald. Benner, DPW Radtke and Commissioner Schmidt.

PLAN COMMISSION MEMBERS EXCUSED: Commissioners Sturm and Cruickshank.

PLAN COMMISSION MEMBERS ABSENT: None

OTHERS PRESENT: CDD Keil

**C. MINUTES TO APPROVE**

1. **Minutes of the December 18, 2012 Plan Commission Meeting**

Motion by Comm. Schmidt, seconded by DPW Radtke to approve the December 18, 2012 Plan Commission meeting minutes. The motion carried.

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

1. No one spoke.

**E. DISCUSSION**

1. **Digital Billboards**

Commissioners discussed a number of considerations including:

- The existing non-conforming status of static billboards and the prospects for them being retired.
- The possible locations for electronic billboards if the state's standards for electronic billboard spacing in unincorporated areas were applied.
- The permanence of electronic billboards if made a permitted/conforming use.
- The impacts of the proposed realignment of STH 441 and its impact on potential billboard sites.
- The complexity of the highway segment in terms of accessing and exiting the highway and concerns about drivers needing to focus their attention on the roadway.
- Comm. Cruickshank's written comments opposing electronic billboards based upon safety concerns she expressed at previous meetings.

Motion by Comm. Schmidt, seconded by DPW Radtke to not pursue allowing digital billboards in the STH 114 corridor based on the following findings:

- WisDOT has determined that the segment of STH 114 from Little Lake Butte des Morts to Oneida Street is among the top 5% of highway segments in terms of crash rate incidents
- A WisDOT study of crash rates has concluded that crash rates in the I94 corridor segment increased significantly following the installation of a variable message advertising sign.
- The existing sign ordinance provides adequate accommodations for outdoor advertising.

The motion carried 4-0 on a roll call vote.

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2. **Ignite Fox Cities**

CDD Keil reported on the regional economic development initiative to be carried out by the organization. Activities are to include business recruitment and retention and developing a brand/marketing strategy for the region.

Commissioners discussed:

- The relationship of Ignite Fox Cities to the Fox Cities Chamber of Commerce.
- The potential for the City of Menasha to be positively impacted.
- Participation/funding by other governmental entities in the region.
- Metrics for determining success of the organization.

**ACTION ITEMS**

1. None

**G. ADJOURNMENT**

Motion by Ald. Benner, seconded by DPW Radtke to adjourn at 4:40 p.m.

The motion carried.

*Minutes respectfully submitted by CDD Keil.*

**CITY OF MENASHA  
SUSTAINABILITY BOARD  
Common Council Chambers  
140 Main Street, Menasha**

**Tuesday, November 20, 2012  
Minutes**

**A. CALL TO ORDER**

Meeting called to order by Kathy Thunes at 6:32 p.m.

**B. ROLL CALL/EXCUSED ABSENCES**

Present: Ed Kassel, Roger Kanitz, Kathy Thunes, Paul Van de Sand

Also Present: Mayor Merkes

Excused: Danielle Handler, Linda Stoll

**C. PUBLIC COMMENTS ON ANY MATTER OF CONCERN TO THE SUSTAINABILITY BOARD**

No one spoke

**D. MINUTES TO APPROVE**

1. Motion to Approve the September Sustainability Board minutes by Paul Van de Sand, seconded by Roger Kanitz, motion carried

**E. Reports**

1. Ed Kassel provided synopsis of progress to date on the River-Gen project. Contact will occur in upcoming weeks with renewable energy groups, local businesses, suppliers and educational institutions.

**F. DISCUSSION**

1. Sustainability Board Annual Report and future work plan  
Board members are working to create a listing of accomplishments, in process projects, and goals to present to the community and common council.
2. Complete Streets  
Committee members reviewed maps provided by community development noting that walkability and bikeability generally decrease the further East and North one progresses through the city. Consensus among board members was that a determination of priorities, goals, and financing plan were needed in order to bring a recommendation to the common council. Other items needed would be ordinances from similar communities and destination listings/locations.
3. Waste Management  
No report.
4. Report on City of Menasha facilities energy usage intensity  
Based on survey, work buildings with the highest energy per square foot are the Hart Park Shelter, Public Protection Facility, Library, City Hall, Memorial Building, Health Department, and the Public Works Facility. Based on total use and use compared to similar building types in other communities, the buildings with the most opportunities for energy and financial savings are City Hall, Library, Public Protection Facility, Public Works, a 1% reduction would be reasonable, a 3% would be considered aggressive. Potential areas to explore would be HVAC, occupancy/light sensors, insulation, ceiling fans, air compressors, and sodium lighting fixtures. The Mayor will work with the buildings superintendent to identify items with the best ROI from this list and earlier survey work and identify budget capacity for installation in 2013 or placement into 5 year CIP.

5. City of Menasha recycling event

Past events have been very successful, discussion if next event should be at the same time as our neighboring communities or if we should coordinate the events for consecutive weekends with members of all three communities being able to participate at any of the three events.

G. ADJOURNMENT

Motion made by Paul Van de Sand and seconded by Roger Kanitz to adjourn at 7:45 p.m.  
Motion carried.

*Minutes submitted by Mayor Merkes*

DRAFT

**CITY OF MENASHA  
SUSTAINABILITY BOARD  
Common Council Chambers  
140 Main Street, Menasha**

**Tuesday, December 18, 2012  
Minutes**

**A. CALL TO ORDER**

Meeting called to order by Linda Stoll at 6:04 p.m.

**B. ROLL CALL/EXCUSED ABSENCES**

Present: Danielle Handler, Roger Kanitz, Linda Stoll, Kathy Thunes, Paul Van de Sand

Also Present: Mayor Merkes

Excused: Ed Kassel

**C. PUBLIC COMMENTS ON ANY MATTER OF CONCERN TO THE SUSTAINABILITY BOARD**

No one spoke

**D. MINUTES TO APPROVE**

1. The November 2012 minutes will be approved at the January 2013 meeting.

**E. Reports**

1. Ed Kassel provided a summary report of progress to date via email of the River-Gen project. Contacts have been made with multiple organizations including MREA, American Hydro, Menasha Utilities, and local businesses. Contacts will be made with engineering schools regarding partnership opportunities for student projects. A cost outline for the project is under development as well as a listing of performance requirements.

**F. DISCUSSION**

1. Sustainability Board Website

Danielle offered to bring suggestions to the next meeting making our website more user friendly and providing additional helpful information for residents.

2. Sustainability Board Annual Report and future work plan

Board members are working to create a listing of accomplishments, in process projects, and goals to present to the community and common council.

3. Complete Streets

Linda presented Active Community Environments workbook as a guide that other communities have used to implement both healthy community concepts and complete street concepts.

4. Waste Management

Danielle reported that the survey is underway. Survey results will include information on collection frequency adequacy, bin size adequacy, why types of materials are recycled and why.

5. City of Menasha recycling event

Discussion regarding best format 3 consecutive weeks that all Menasha, Town, and Neenah residents could use any location or concurrent events on one date. Events would be jointly advertised. Questions regarding clean sweep locations and medical disposal locations.

**G. ADJOURNMENT**

Motion made by Kathy Thunes and seconded by Paul Van de Sand to adjourn at 7:45 p.m.  
Motion carried.

*Minutes submitted by Mayor Merkes*

REGULAR MEETING OF THE WATER AND LIGHT COMMISSION

December 19, 2012

**Draft**

Commission President Allwardt called the Regular Meeting of the Water and Light Commission to order at 8:10 A.M., with Commissioners Roy Kordus, Joanne Roush, and Dan Zelinski present on roll call. Also present were Melanie Krause, Co-General Manager/Business Operations; Dick Sturm, Co-General Manager/Engineering and Operations; Steve Grenell, Project Engineer; Tim Gosz, Water Plant Supervisor; Kristin Hubertus, Business Operations Accountant; Paula Maurer, Customer Services Manager; Lonnie Pichler, Electric and Water Distribution Supervisor; John Teale, Technical Services Engineer; and the Press. Peggy Jesion from WPPI Energy was also present.

Those absent were: Commissioner Don Merkes

Item II. No one from the Gallery was heard on any topic of public concern to the Utility.

Item III. Motion made by Comm. Roush, seconded by Comm. Zelinski, was unanimous on roll call to approve the following:

- A. Minutes of the Regular Meeting of November 21, 2012.
- B. Approve and warrant payments summarized by checks dated November 29 & December 1-19, 2012, which includes Net Payroll Voucher Checks, Void O & M Checks #044785-044786, and Operation and Maintenance Voucher Checks for a total of \$982,813.17, and Operation and Maintenance Vouchers and Rebates to be paid prior to the next Regular Meeting. Motion approved unanimously on roll call.
- C. Correspondence, as listed:
  - Copy of letter from Greg Keil, Executive Director of Redevelopment Authority of the City of Menasha re: Request for WPPI Economic Development Grant.
  - Copy of 2013 APPA Legislative Rally from WPPI Energy re: WPPI Energy Grant Application.

Item IV. November Financial and Project Status Reports – Business Operations Accountant Hubertus reported consumption of electricity decreased overall compared to budget for the month and demand for the year is following trends of prior years. Net operating income is lower than budgeted due to less consumption and higher cost of power. The cash flow in the Electric Utilities is better than budgeted, largely due to project cuts earlier in the year. Major charges in the November Project Status Report include the purchase of transformers and a snowplow attachment.

Commissioner Allwardt asked for clarification regarding delayed projects. Ms. Hubertus stated that most of the delayed projects are included in the 2013 budgets. Project Engineer Steve Grenell added delayed projects for substation upgrades had been deferred beyond 2013 to reduce costs; however, no maintenance projects were delayed.

Water consumption increased 28% compared to budget due an industrial customers increased consumption. Revenue and consumption have exceeded the budget both for the month and the

year. The water loss ratio corrected itself for the month of November, with the year's ratio coming in at 6.83%, which is under the PSC limit of 15%. Chemical expenses were over budget for the month because of producing more water than anticipated; yet are still under budget for the year. A positive cash balance is projected for year-end.

Commissioner Roush requested an update on the capacity available as compared to water being consumed; to include the percentage industrial customers are using. Water Plant Supervisor Tim Gosz will provide this information at the next meeting.

After discussion, the Commission accepted the November Financial and Project Status Reports as presented.

Item V. Claims Against The Utility – there were no claims discussed at this meeting.

Item VI. Purchase Orders over \$10,000.00 issued since the last Commission meeting were presented for informational purposes.

Item VII. Unfinished Business, Electric Rate Case – Co-General Manager/Business Operations Melanie Krause reported the Public Service Commission is asking the Commission to take formal action and approve the rate case filing as presented at the November 29, 2012 Commission meeting.

Commissioner Roush stated she had read the minutes pertaining to the Rate Case filing and that she was in agreement with the discussion held during the November meeting.

After discussion a motion by Comm. Allwardt, seconded by Comm. Zelinski was unanimous on roll call to approve filing of the Electric Rate Case Application as presented at the November 28, 2012 meeting.

Item VIII. New Business, Lindy L. Eake Resolution of Appreciation - the motion by Comm. Allwardt, seconded by Comm. Roush, was unanimous to approve the following:

#### RESOLUTION OF APPRECIATION

WHEREAS, Lindy L. Eake was employed at Menasha Utilities from March 19, 1993 through January 4, 2013, and

WHEREAS, Lindy L. Eake dedicated almost 20 years of her life to the Menasha Utilities, serving as Executive Secretary, Administrative Assistant and Communications Coordinator, and Administrative and Confidential Accounting Assistant;

WHEREAS, Lindy L. Eake's positive attributes were the dedication she gave to her work, her determination and team spirit, the knowledge of her job, and the respect, courtesy, and cooperative attitude she portrayed towards her co-workers;

NOW THEREFORE BE IT RESOLVED by the Menasha Utilities Commission and the Co-General Managers to extend to Lindy L. Eake our Sincere Appreciation and Thanks for her dedication and service to the Community.

RESOLVED FURTHER, by the Menasha Utilities Commission and the Co-General Managers that a copy of this resolution be tendered to her as a record of this Appreciation and Thanks.

Passed and approved this 19<sup>th</sup> day of December, 2012.

Commissioner Allwardt thanked Lindy for the volunteer work she did for the Utility and stated she would be missed.

Non-Represented Compensation – Comm. President Allwardt proposed compensation for Non-Represented employees should be in line with what has been approved by the Common Council for city employees. Common Council approved an increase of 1.5% in January 2013 and an additional increase of 1.5% in July of 2013.

The motion by Comm. Allwardt, seconded by Comm. Roush, was passed on roll call (3-1) to approve a 1.5% wage increase in January and a 1.5% wage increase in July for Non-Represented employees. Commissioners Allwardt, Kordus and Roush voted yes, Commissioner Zelinski voted no.

Commissioner Roush thanked the staff for their hard work.

Process for General Manager's Evaluation – Comm. President Allwardt stated Commission is awaiting the outcome of the Springsted Study and the process of evaluation would stay the same as last year with discussions being held with the management team.

2013 Commission Meeting Calendar – Commissioners reviewed the proposed meeting schedule for next year. Comm. Zelinski made a motion to have half the meetings at 8 AM and half the meetings at 5 PM. Comm. Allwardt seconded the motion for discussion.

After discussion, there was no consensus reached and the item will be placed on the next agenda.

Item IX. Project Reports, Water Plant Projects – Mr. Gosz reported the High Lift Pump Station Project backup generator is installed and tested. VFD's are on site and the install should begin in January. A walk through is scheduled for next week regarding the East Basin Project; work is anticipated to begin mid January. Mr. Grenell gave an update on the Weir motor control modifications.

Mr. Gosz reported on the meeting with the DNR regarding the Source Water Study. The DNR requested a Risk Assessment Analysis.

Water Plant Lab Proficiency Testing – Mr. Gosz reported on a failed state proficiency testing for lab re-certification. Staff is still investigating the cause of the failure. Another proficiency test was completed and passed; we are awaiting a state lab proficiency officer's approval for re-certification.

Water Distribution Projects – Electric and Water Distribution Supervisor Pichler reported that all projects are complete and that contracts are being closed out.

Metering Practice & Plan – Mr. Grenell reported that Chapman has been doing more testing and will be sending the results. Following three large customer change outs the process will be complete. Technical Services Engineer Teale added that test switches are scheduled to be installed next year.

Steam Plant – Mrs. Krause gave an update on the dissolution of the Steam Utility and the transfer of assets at the end of the year. City Council tabled the item until January, since our auditors were researching other options. The objective is to make sure we get a clear audit opinion.

Item X. Staff Reports, Co-General Manager/Engineering and Operations, and Project Engineer – there were no additional questions to the reports presented.

Electric and Water Distribution/Safety Report – Mr. Pichler reported on an outage on River Street planned for after Christmas.

Comm. Roush congratulated the Electric Distribution Department on their 99.9906% Index of Reliability rate.

Telecommunications & Substations, Water Plant, and Co-General Manager/Business Operations – there were no additional questions to the reports presented.

Customer Services – Customer Services Manager Maurer reported on the finalization of the calendars created using Menasha student posters submitted during Public Power Week. The calendars are available, with a donation of two non-perishable food items, at the Menasha Utility office. Calendars were distributed to the commissioners.

Energy Services Representative/Key Accounts – there were no additional questions to the report presented.

Item XI. No one from the Gallery was heard on any items discussed at this Meeting.

Item XII. The motion by Comm. Allwardt, seconded by Comm. Roush, was unanimously approved on roll call at 10:13 a.m. to convene into Closed Session pursuant to Section 19.85 (1) (c) of the Wisconsin Statutes for the purpose of considering employment, promotion, compensation or performance evaluation data of any public employee over which the governmental body has jurisdiction or exercises responsibility. RE: Performance Evaluations of Co-General Managers.

And pursuant to Section 19.85 (1) (e), of the Wisconsin Statutes for the purpose of 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 (f) of the Wisconsin Statutes for the purpose of considering financial, medical, social or personal histories or disciplinary data of specific persons, preliminary consideration of specific personnel problems or the investigation of charges against specific persons except where par. (b) applies which, if discussed in public would be likely to have a substantial adverse effect upon the reputation of any person referred to in such histories or data, or involved in such problems or investigations. RE: Delinquent Accounts

The motion by Comm. Zelinski, seconded by Comm. Kordus was unanimously approved to adjourn from Closed Session and to reconvene into Open Session of the Water and Light Commission meeting at 10:35 a.m.

There being no further business, the motion by Comm. Roush, seconded by Comm. Zelinski was unanimously approved to adjourn at 10:35.

By: MARK L. ALLWARDT  
President

DAN ZELINSKI  
Secretary

NOTE: THESE MINUTES ARE NOT TO BE CONSIDERED OFFICIAL UNTIL ACTED UPON AT THE NEXT REGULAR MEETING, THEREFORE, ARE SUBJECT TO REVISION.

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## MEMORANDUM

Date: January 10, 2013

To: Common Council  
From: Pamela A. Captain, City Attorney

RE: <sup>PAC</sup> The Incorporation of a portion of the Towns of Harrison and Buchanan  
Case No. 12-CV-28

This memo is provided as an update. Following the Wisconsin Department of Administration, Incorporation Review Board, determination granting the petition for incorporation and finding that said incorporation is in the public interest, a court order has been entered that a referendum be held to determine whether portions of the Towns of Harrison and Buchanan shall incorporate as the Village of Harrison. The referendum is set to be held on February 19, 2013.



## INVESTOR UPDATE

DECEMBER, 2012

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**"I choose to support the Fox Cities Economic Development Corporation because the well being of the Fox Cities is clearly dependent on a growing, vibrant economy. It's all about job creation. Fox Cities Economic Development Corporation is well positioned to help our community by using a comprehensive, aggressive economic development strategy that focuses on job creation—existing business expansion and recruitment of new companies to the region. I believe this effort is critical for the future prosperity of our communities, workforce and families."**

*Bill Braun, District President, BMO Harris Bank*

Recognizing the benefits of an effective economic development program, and aware that our community has never implemented such a program, the Fox Cities Chamber of Commerce has assumed a leadership role in creating the Fox Cities Economic Development Corporation. A new initiative, leaders from local business, education, government and non-profits have joined together around the goal of a stronger local economy to foster local economic development through the efforts of the Fox Cities Economic Development Corporation.

### ○ **What is the Fox Cities Economic Development Corporation?**

The Fox Cities Economic Development Corporation was created early in 2012 as an affiliate of the Fox Cities Chamber of Commerce. It exists to:

- Aggressively market and promote the Fox Cities region to attract new companies, foster new investment and create high quality jobs for local residents
- Stimulate new investment and job creation
- Protect and support the existing employment base
- Support the education and training of existing and future workers
- Improve the quality of life for the residents of the Fox Cities region
- Increased focus on product development

The EDC serves as the point of contact for local businesses seeking assistance with labor training, funding, government advocacy, building and land opportunities, demographic and economic information and other individual needs.

## ○ Key Objectives/goals

- Effectively market our region to site selectors and prospective employers—positioning our communities to effectively compete for market share
- Conduct 100+ visits annually to our existing industries in order to build strong working relationships with primary employers using on-site visits with senior management in order to facilitate access to resources needed to strengthen their competitiveness, and encourage their growth in our service area
- Through its retention/expansion efforts with existing primary employers and attraction efforts with new employers; support the creation of 1,200 new, high quality jobs and associated \$350+ million in new capital investment during the next five years

## ○ Economic impacts

- As identified by the University of Wisconsin Extension, the economic impacts realized annually associated with reaching the EDC's goals are:
  - \$75.1 million in direct payroll
  - \$36.8 million in new business-to-business activity
  - \$29.4 million in new associated economic activity throughout the community
  - \$4.7 million in new local property taxes
  - Total direct, indirect and induced economic impact totals \$141.4 million annually

## ○ Our Investors

We are excited about our prospects for success, and humbled by the support extended by the following as the Lead Investors in our "Ignite Fox Cities" campaign.

Affinity Health System	Goodwill NCW
Air Wisconsin Airlines Corporation	Great Northern Corporation
American National Bank	Gulfstream Aerospace-Appleton
Appleton Downtown, Inc.	Innovative Machining, Inc.
AT &T	Integrity Mutual Insurance Company
BMO Harris Bank	Keller, Inc.
Baker Tilly Virchow Krause, LLP	Landmark Staffing Resources, Inc.
Bassett Mechanical	Martenson & Eisele, Inc.
Bergstrom Automotive	McMahon
Boldt Company, The	Miron Construction Co., Inc.
Business Lending Group	Nicolet National Bank
Calumet County	Nordon Business Environments
Chase	OMNNI Associates
Children's Hospital of Wisconsin, Inc.	Outagamie County Regional Airport
City of Appleton	Pfefferle Companies
City of Menasha	Post-Crescent, The
City of New London	Prospera Credit Union
Coalesce, Inc.	SECURA Insurance
Coldwell Bank, The Real Estate Group	ThedaCare
Community First Credit Union	Town of Buchanan
Consolidated Construction Co., Inc.	Town of Grand Chute.
CopperLeaf Boutique Hotel & Spa	Town of Harrison
Employment Resource Group, Inc.	Village of Kimberly
Epiphany Law Firm, LLC	Village of Little Chute
Faith Technologies, Inc.	We Energies (WI Energy Foundation)
First National Bank Fox Valley	WHBY (Woodward Radio Group)
Fox Banquets Rivertyme Catering	Wipfli

We invite you to join these community leaders in supporting a stronger local economy and an expanded primary job base. Please call Larry Burkhardt at 734-7101 to schedule an appointment to discuss your investment in the Fox Cities Economic Development Corporation

- **Progress toward our Campaign Goal**

Support for the Economic Development Corporation continues to build. Current pledges put us at **75% of our \$800,000 goal** to support our work plan of local industry retention/expansion and industry attraction efforts. These investments made by both the public and private sectors, will be used to build and sustain an aggressive economic development program designed to support the retention, expansion and attraction of quality, primary employers in Outagamie, Calumet and the northern portion of Winnebago Counties.

**"I support the efforts of the Fox Cities Economic Development Corporation because building a strong economy benefits everyone—business, education, non-profits, government, and particularly individuals in our community. This effort provides a great opportunity for us to take a proactive approach to growing and developing our region and I look forward to collaborating with everyone involved with Fox Cities Economic Development Corporation."**

*Dr. Susan May, President/CEO, Fox Valley Technical College*

- **Next steps**

- **Existing Industry Visits**

- Our program of formalized, structured on-site visits to our region's primary employers will begin at the first of the year. Scheduled visits will be made by our "Fire Up" team of EDC staff, local business volunteers and local government representatives. These 30 minute visits will work to establish productive relationships with our local primary employers, and provide important information regarding their challenges and opportunities, as well as identify areas where the EDC may be able to provide resource support.

- **Website Construction**

- The business of economic development has become one that centers around community analysis performed online. There is no question that an effective economic development organization must have a state-of-the-art website in order to compete for business expansion projects. We are pleased to have identified an award-winning web development firm in Ady Voltege, who will immediately begin construction of our website, with a target launch by the end of the first quarter, 2013.

- **Site Selectors Guild**

- Site selection consultants have become entry points to companies looking to bring job creation projects to communities. These consultants serve as guides for employers, as they assess the merits of individual communities and properties. Location factors that distinguish communities from each other include workforce availability, transportation assets, educational quality, quality of place, wage and salary information, taxation and incentive policies, and many more. Because it is the site selector that plays such an important advisory role to expanding companies, it is critical that we build solid relationships and market the Fox Cities to them.

The 2013 Site Selectors Guild Annual Conference held in late February represents the largest gathering of site selection consultants in the world. Fox Cities Economic Development Corporation will have two representatives in attendance who will continue the process of building the positive reputation of the Fox Cities as a desirable business location with this important audience.

## Menasha Health Department

### Annual Report

2011

The mission of the Menasha Health Department is to promote public health, protect consumers, and encourage a healthy living environment in response to the needs of the community and Menasha Joint School District. This report is a summary of programs and services provided in 2011.

#### Public Health

The Menasha Health Department has a Level 3 Designation by the Wisconsin Department of Health and Family Services, Division of Public Health. A Level 3 Designation means the health department must meet certain requirements in staffing and provide a certain number of programs targeting Healthy Wisconsin 20/20 objectives. There are eight staff in the department, all of whom have an integral role in promoting the health and well being of Menasha residents and children in the school district. These dedicated individuals do what they can to try and make life better for others. Programs and services provided in 2011 include the following:

##### Communicable Disease Control

A key role of public health is to control the spread of infection and illness by following up on all reportable communicable diseases; promoting and providing immunizations; monitoring disease outbreaks; and providing education on how to reduce the risk of disease transmission.

##### **Communicable diseases reported in 2011**

Blastomycosis (1)  
Campylobacter (16)  
Chickenpox (2)  
Chlamydia Trachomatis - Sexually Transmitted (70)  
E. Coli 0157: H7 (1)  
Ehrlichiosis (2)  
Giardiasis (1)  
Gonorrhea - Sexually Transmitted (8)  
Hemophilus Influenza – Invasive Disease (1)  
Hepatitis C (10)  
Influenza Associated Hospitalization (1)  
Lyme Disease (2)  
Mycobacterial Disease – Nontuberculous (4)  
Parapertussis (1)  
Pertussis – Confirmed (10) Probable (5)  
Salmonellosis (4)  
Streptococcal Disease – Invasive Group B (1)  
Streptococcus Pneumoniae – Invasive (1)

Immunization Clinics were held monthly. Vaccines were administered to both adults and children. 1528 immunizations were given to 1084 individuals. Of this number 935 were flu shots (452 children doses and 483 adult doses).

The health department partnered with two Menasha businesses' wellness programs and provided flu vaccine and tetanus boosters on site.

A collaborative effort with the N-M Valley VNA and 60+ Health Screening Program provided 70 flu shots for senior citizens at the Menasha Senior Center.

An increase in pertussis cases was noted in 2011. Besides the disease intervention, staff provided continued education on disease prevention transmission to school age families and the public.

Health department staff monitored school absenteeism on a weekly basis assessing for increases in respiratory and gastrointestinal illnesses. Evaluation of increased illness in the school setting is one measure of knowing what is happening in the community as a whole.

The City of Menasha has a rabies control program. This program is a cooperative effort between the health department and the Menasha Police Department. In 2011, 34 animal bite cases were followed by staff.

Head lice checks are done by the department's public health aide as part of the school districts no nit policy. Head lice are not considered a communicable disease but rather are a health nuisance. In 2011, 268 office visits were for the purpose of head lice checks.

#### Health Promotion and Prevention

Another function of public health is the promotion of healthy behaviors and practices. This includes providing health screenings; health education; participating in community partnerships; and completing a community needs assessment. In 2011, the health department offered blood pressure screenings at the Menasha Senior Center; wellness screenings; colorectal and skin cancer screenings. Health department staff contributed health promotion information to the city newsletter distributed twice yearly to every household. In addition, staff participated in the annual library BRAIN WALK, and provided health promotion education to the Menasha Day Care Providers Group. Staff participated in the following community partnerships: Head Start Community Advisory Council; Teen Pregnancy Prevention Task Force; Immunization Coalition; Lead Prevention Task Force; Wisconsin Well Women's Program Advisory Group; and Walk to Win.

A community needs assessment is required every 5 years. The Appleton, Neenah and Menasha health departments worked together to complete a Fox Cities health assessment for the United Way Fox Cities Life Study. The telephone survey was completed in November/December of 2010. Results were made available in 2011 with key findings of obesity and lack of physical exercise; diabetes prevalence; lack of access for mental health issues; and a decline in perception of overall health status.

Case Management

Public health nurses work with individuals, birth through elderly, providing health assessments and consultations in-home, via telephone, and in the office. Referrals are often made to appropriate local and state resources. In 2011, a total of 3413 visits were completed. Another 200 packets of health information for parents of newborns were mailed in 2011.

Emergency Preparedness

The health department receives grant funding for emergency preparedness, and to have the capability to respond to a public health emergency either from a natural disaster, an act of terrorism, or a widespread communicable disease outbreak (pandemic flu). In 2011, the health department conducted a drill of its mass clinic plan by holding a seasonal flu clinic for all families in the school district. Health department staff and other key partners reviewed the mass clinic plan for UW-Fox Valley. The health department continues to recruit and maintain a volunteer registry. Annual training on different emergency protocols was offered to all active volunteers. In 2011, some of the volunteers participated in the mass flu clinic drill; and 30 participated in CPR/First Aid training. CPR/First Aid training was also provided to 11 Youth Academy participants.

School Health

The Menasha Joint School District contracts with the Menasha Health Department for school nursing services. The nurses provide individual health assessments including health counseling for students and staff; monitor the health and coordination of health services for students with special health needs; and provide classroom instruction on various health topics and issues. Vision, hearing, dental and scoliosis screenings are also provided. There are five school health aides (supervised by the nurses) 3 are assigned to elementary buildings, 1 is assigned to the middle school and 1 is assigned the high school. The health aides provide service over the lunch period dispensing medications, monitoring diabetic students, providing first aid, and caring for ill children. In addition, health department staff provides CPR/First AID certification for school employees. Each school has an identified emergency response team with emergency training drills completed three times during the school year.

A registered dental hygienist screens children in grades pre-k through 4 for dental neglect, referring those for treatment where needed. Dental education in the elementary grades pre-k through 4 is done annually. The fluoride varnish program was expanded in 2011 to include Kindergarten students. A dental sealant program was re-established for grade 6, using Seal-A-Smile grant funding.

A summary of the 2011 school health services is provided below:

Individual contacts for health assessments, health monitoring, health procedures, health teaching, IEPs .....	9271
CPR/First Aid classes participants.....	178
(recertify every 2 yrs.)	
Health and Dental Education participants ..	3336
Vision Screening	1776 with 121 referred
Hearing Screening	1033 with 13 referred
Scoliosis Screening	197 with 12 referred

Dental Screening 1630 with 184 referred  
Fluoride Varnish Program Participants ..... 561  
Dental Sealant Program Participants .....126

#### Senior Center

Winnebago County Aging and Outreach Services contracts with the City of Menasha to provide services for adults 60 years and older at the Senior Center. Health Services are provided as part of that contractual arrangement and include health screenings and health education. Blood pressure screenings are offered monthly in conjunction with a health consultation by a public health nurse. Other screenings done on an annual basis include skin cancer (provided by a local dermatologist), colorectal, wellness, and anemia. Flu shots are administered in a collaborative effort with Valley VNA. In addition a Healthy Steps to Healthy Aging program was initiated in 2011. An early morning walking program during the months of January through April has continued at MHS field house for those unable to walk outdoors.

#### Environmental Health

The environmental health program is responsible for food safety at licensed establishments; asbestos compliance inspections through a contact with the DNR; inspection of manufactured home parks; lead risk assessments; nuisance animal complaints (includes follow-up on animal bites/rabies); human health hazard follow-up; and indoor air quality follow-up (mold, elevated radon). The weights and measures program for the city is also a component of environmental health. The registered sanitarian who administers the environmental health program was funded through an FDA grant in 2011 to enroll in the FDA National Voluntary Program Standards. In addition, the sanitarian was re-standardized in the Wisconsin Food Code.

#### **Activities in 2011 include:**

Restaurant Inspections for 45 Establishments - 134  
Retail Food Establishment Inspections for 28 Establishments – 66  
Mobile Restaurant Inspections for 4 Establishments – 4  
Temporary non-profit restaurants permitted – 37  
School food service inspections for 10 locations – 18  
Tattoo and Body Piercing inspections for 1 establishment – 1  
(plus an additional investigation of an illegal  
in-home tattoo operation. Operation ceased)  
Swimming Pools/water attraction inspections for 6 permittees – 9  
Mobile Home Park Inspection for 1 establishment – 1  
Wts. And Measures inspections of 352 devices located in 31 businesses.  
DNR Asbestos Contract Inspections – 10

**Human Health Hazard Complaints:**

Lead hazards	13
Indoor Air Quality/Mold	26
Outdoor Air Quality	2
Radon Kit Distribution	47
Housing	27
Animal Issues/Animal Waste	22
Sewage	11
Solid Waste (garbage)	23
Insect infestation/bed bugs	21
Asbestos (non DNR contract)	12

Coordinated visits with Human Services for health hazard investigations in homes - 6

Clandestine Drug Lab (meth lab) inspection/remediation – 1 lab

5 site visits

Water Quality - 1 location

5 site visits

Chemical - 4

City Safety Program

The health department provides oversight of 3 safety committees. Staff provide CPR/First Aid/AED training for 48 employees as well as other required annual trainings. In 2011, staff have been updating safety policies as needed.

Clinical Site for Student Nurses

The health department was a clinical site in 2011 for 16 UW-Oshkosh undergrad nursing students; 2 BSN completion students; and 1 BSN completion student from UW-Green Bay. The students are mentored by staff and are required to complete an academic project that promotes health in school children and city residents.

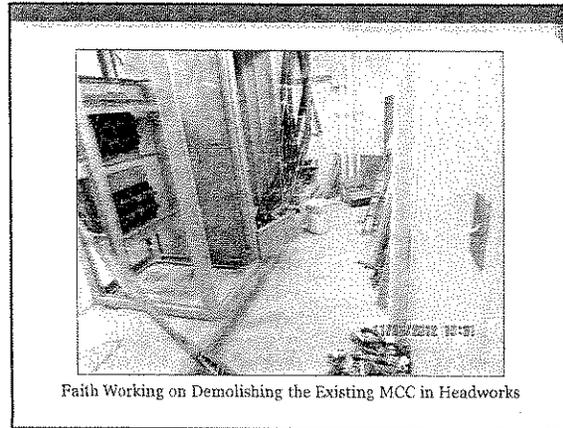
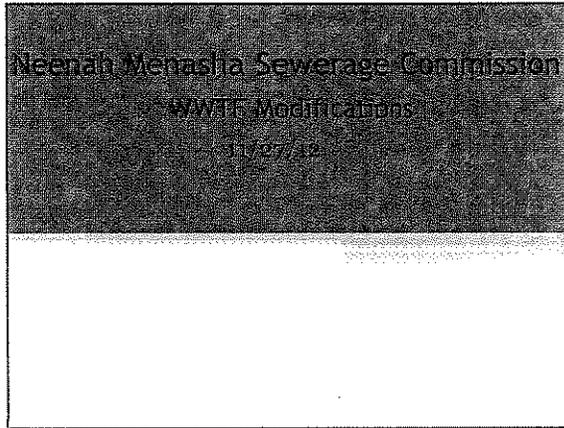
Other Accomplishments

The public health director was part of a work group of public health professionals, parish nurses, and an academic professor who researched and developed a tool kit for faith based communities on infection control and emergency preparedness. This toolkit has been widely distributed both in-state and nationally. The success of this resource spurred a request to publish an article for the Journal of Christian Nursing. In the October-December 2011 issue an article authored by the workgroup was published. An abstract was also submitted to the Journal of Public Health and unfortunately was not accepted.

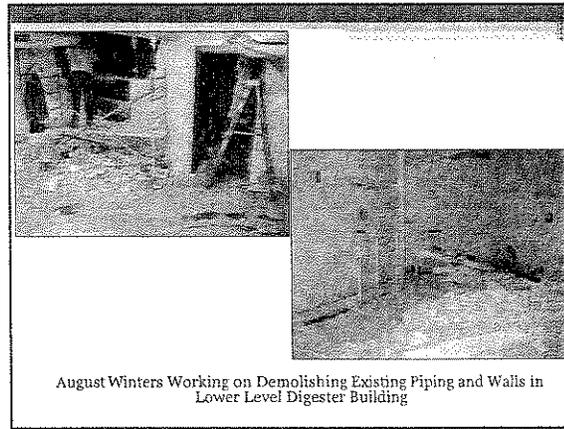
Budget

Revenues of \$445,831 in 2011 for all programs were a combination of grants, contracts, and fees.

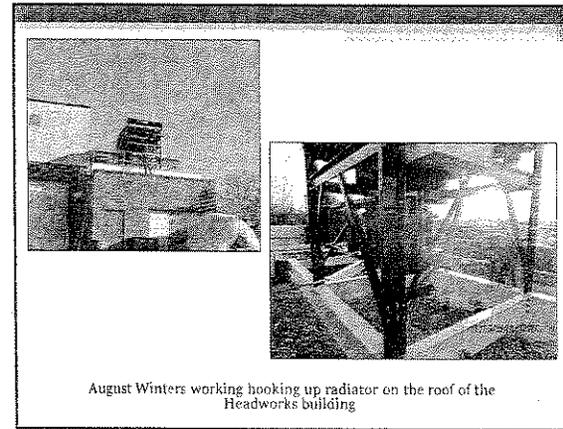
Expenditures in 2011 totaled \$703,100.



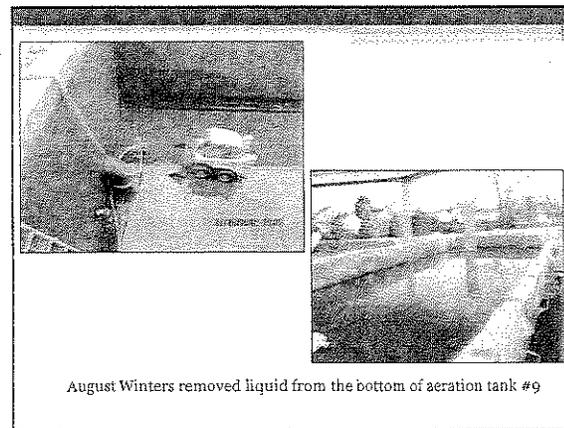
Faith Working on Demolishing the Existing MCC in Headworks



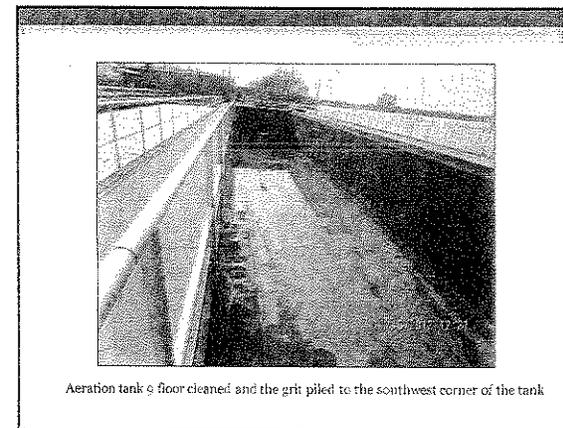
August Winters Working on Demolishing Existing Piping and Walls in Lower Level Digester Building



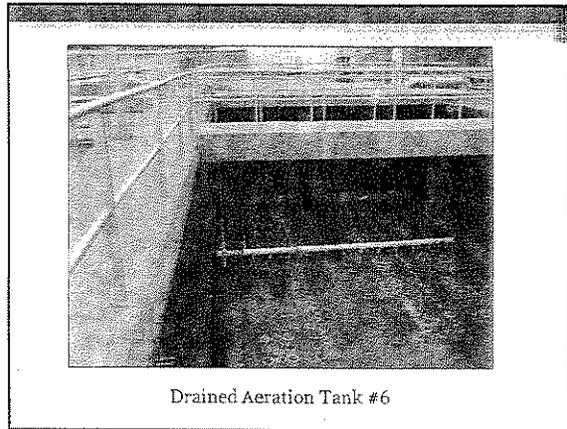
August Winters working hooking up radiator on the roof of the Headworks building



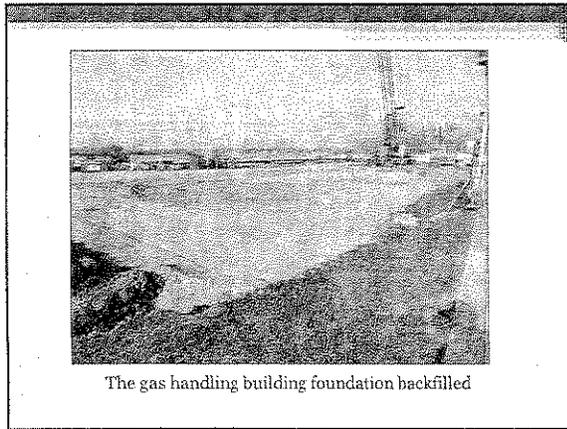
August Winters removed liquid from the bottom of aeration tank #9



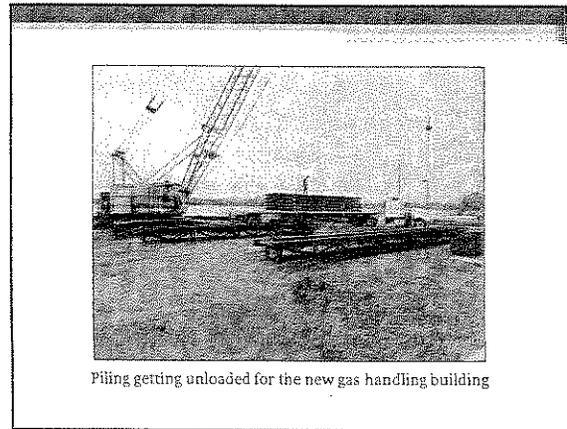
Aeration tank #9 floor cleaned and the grit piled to the southwest corner of the tank



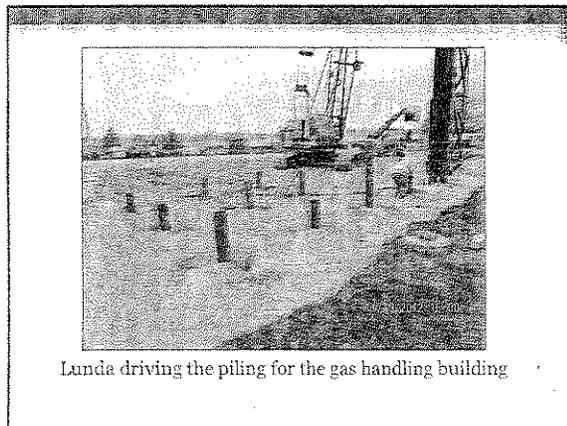
Drained Aeration Tank #6



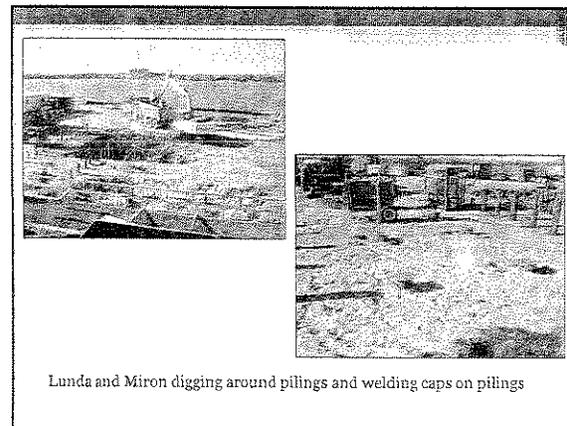
The gas handling building foundation backfilled



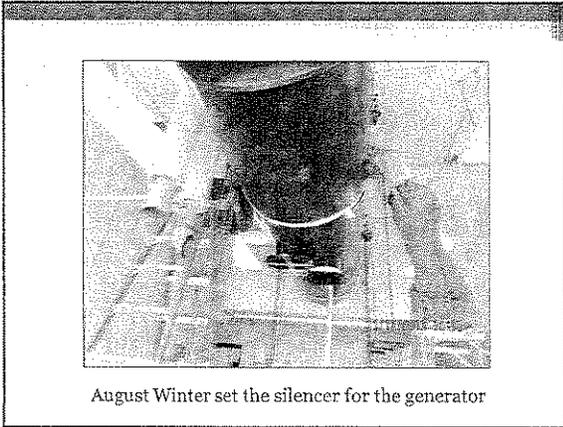
Piling getting unloaded for the new gas handling building



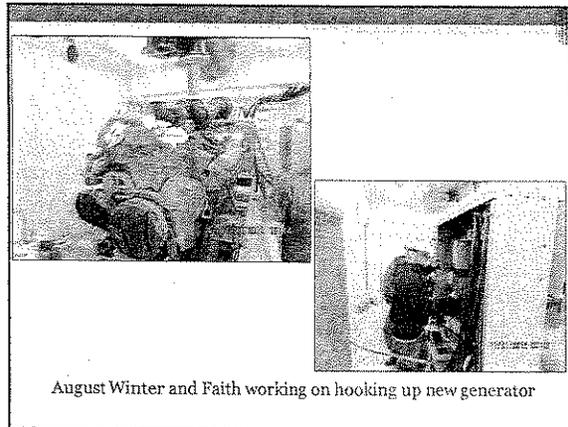
Lunda driving the piling for the gas handling building



Lunda and Miron digging around pilings and welding caps on pilings



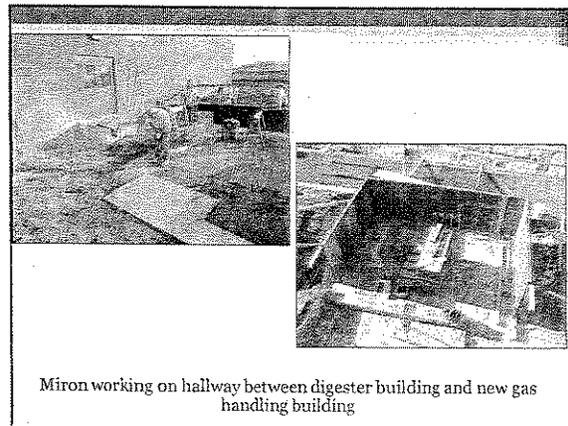
August Winter set the silencer for the generator



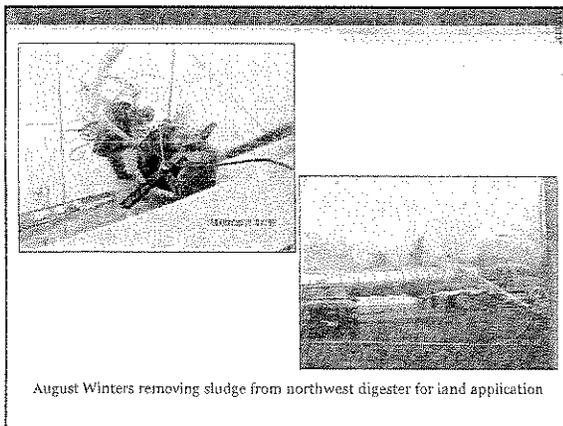
August Winter and Faith working on hooking up new generator



Miron working on grouting floor next to generator



Miron working on hallway between digester building and new gas handling building



August Winters removing sludge from northwest digester for land application

# PROCLAMATION

Declaring Friday January 4, 2013 as  
Traci Edwards Day in Menasha

Whereas, Traci's jersey number, #54 will be retired at a ceremony at the Menasha High School during the game against Appleton North on Friday, January 4, 2013, and;

Whereas, Traci set several records during her high school career, led the conference during her senior season with 21.6 points, 12.2 rebounds and 3.3 blocks per game and was a first-team all-Fox Valley Association selection in her last three seasons, and;

Whereas, Traci played for UW-Milwaukee from 2005-2009, where she is ranked as the top NCAA Division 1 scorer in Wisconsin history and in 2008 she was named all-Horizon League player of the year, and;

Whereas, Traci played professional basketball in Australia in 2009, Bulgaria in 2009-2010 and in Switzerland in 2010-2011, and;

Whereas, Traci also has a long history of volunteering, including: Coaching/mentoring at high school basketball camps, Dylan's Race for Autism, Komen Race for the Cure and at the Children's Hospital of Wisconsin, and;

Whereas, Traci's natural ability to lead by example, persevere despite obstacles and succeed in several different countries has made her an outstanding role model for girls and women everywhere.

Now, therefore, be it proclaimed that I, Donald Merkes, Mayor, honor Traci Edwards' accomplishments and declare Friday, January 4, 2013 as Traci Edwards Day in the city of Menasha.

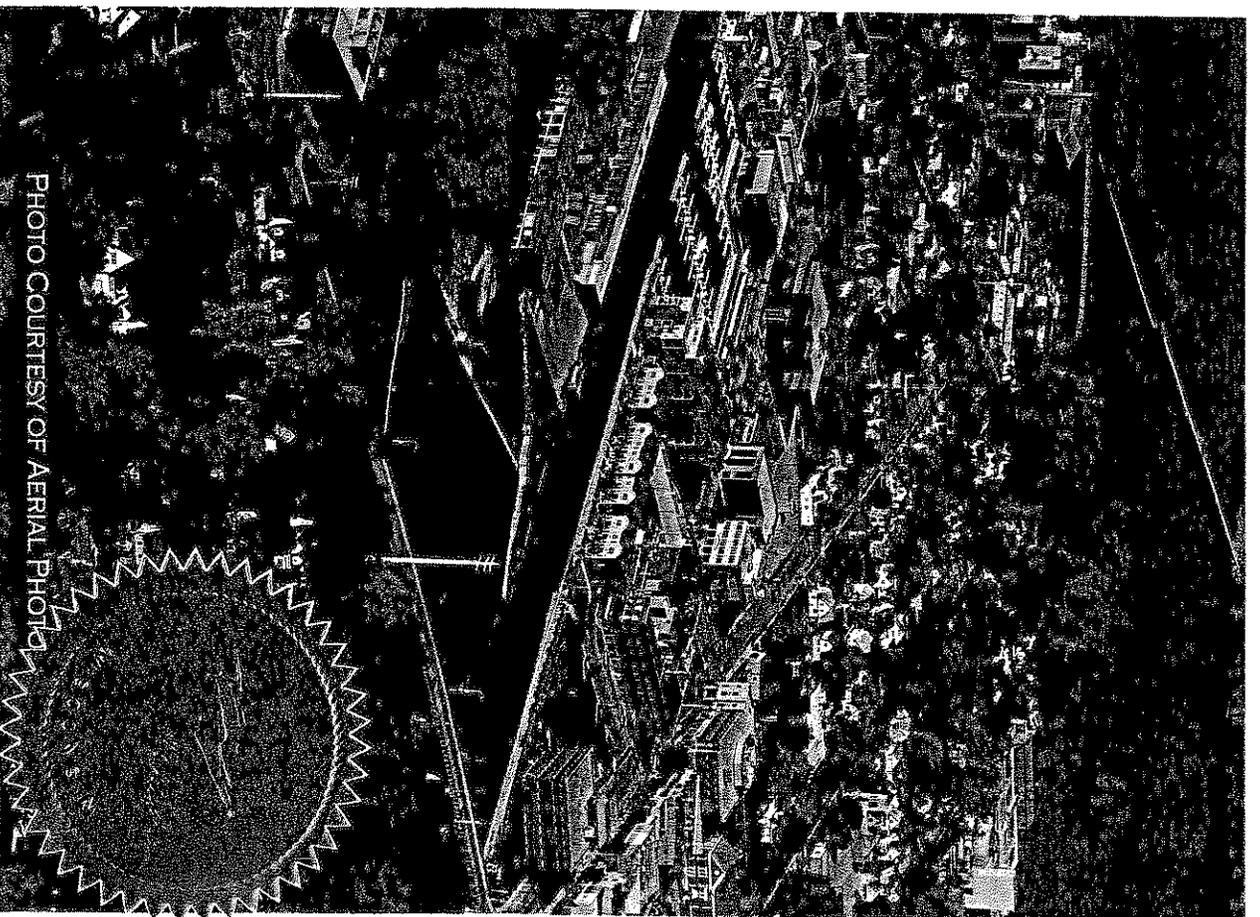


PHOTO COURTESY OF AERIAL PHOTO

Dated this 4th day of January, 2013

Donald Merkes, Mayor

CITY OF MENASHA  
COMMON COUNCIL  
Third Floor Council Chambers  
140 Main Street, Menasha  
Monday, January 7, 2013  
MINUTES

DRAFT

A. CALL TO ORDER

Meeting called to order by Mayor Merkes at 6:00 p.m.

B. PLEDGE OF ALLEGIANCE

C. ROLL CALL/EXCUSED ABSENCES

PRESENT: Aldermen Sevenich, Langdon, Krueger, Zelinski, Englebert, Benner, Klein, Taylor  
ALSO PRESENT: Mayor Merkes, CA/HRD Captain, PC Styka, FC Auxier, DPW Radtke, CCD Keil,  
C/T Stoffel, PRD Tungate, PHD Nett, LD Lenz, Taryn Nall (Kaempfer & Assoc), and Clerk Galeazzi.

D. PUBLIC HEARING

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

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

FC Al Auxier, NMFR. Ice Safety Presentation on Jan 23, 2013, 6:30pm at Neenah City Hall, public is welcome.

F. REPORT OF DEPARTMENT HEADS/STAFF/CONSULTANTS

1. Recognition of Comptroller/Treasurer Thomas Stoffel

Mayor Merkes and the Council recognized C/T Stoffel for his 31 years of service to the City. C/T Stoffel will retire on January 18, 2013. The Mayor presented a plaque to C/T Stoffel.

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

Minutes to receive:

- a. Administration Committee, 12/17/12
- b. Board of Public Works, 12/17/12
- c. Board of Health, 11/7/12
- d. Committee on Aging, 11/8/12
- e. Information Technology Steering Committee, 12/19/12
- f. NM Sewerage Commission, 11/27/12
- g. NM Sewerage Commission, 11/29/12; Special meeting
- h. Plan Commission, 12/18/12
- i. Police Commission, 12/11/12
- j. Safety Committee, 11/1/12; City Hall
- k. Safety Committee, 8/30/12; Police

Communications:

- i. PRD Tungate, 12/18/12; Outdoor Recreation Creates Economic Growth

Moved by Ald. Sevenich, seconded by Ald. Langdon to receive Minutes and Communications A-I  
Motion carried on voice vote.

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, 12/17/12

DRAFT

Administration Committee, 12/17/12; recommends approval of:

2. Acquisition of 7265 Manitowoc Road for \$36,275.00, funds to come from TID #9
3. Proposed Weights and Measures fees for licensing year 7/1/13-6/30/14
4. Grant Agreements between Winnebago County and City of Menasha for the term 1/1/13 - 12/31/13 for Senior Center Coordinator and Senior Center Activity Coordinator and authorized signature
5. 2013 Agreement and Contract among ADVOCAP, Inc and City of Menasha and Neenah-Menasha YMCA for the term 1/1/13-12/31/13 and authorized signatures

Board of Public Works, 12/17/12; recommends approval of:

6. Change Order for Northeast Asphalt, Inc, Contract Unit No. 2012-03, Street Reconstruction, Concrete Curb & Gutter, Asphalt Pavement, Paris Street/Manitowoc Street, deduct \$136.40
7. Payment to Northeast Asphalt, Inc, Contract Unit No. 2012-03, Street Reconstruction, Concrete Curb & Gutter, Asphalt Pavement, Paris Street/Manitowoc Street, \$21,836.94
8. Rate schedule transferring legal fees of \$200,000 from Sanitary Sewer Fixed Charges to Volume Charges and transfer \$100,000 from Sanitary Sewer Contingency Fund to Volume Charges for 2013

Ald. Sevenich requested to remove item 8 from the Consent Agenda.

Moved by Ald. Sevenich, seconded by Ald. Langdon to approve Consent Agenda Items 1-7.  
Motion carried on roll call 8-0.

H. ITEMS REMOVED FROM CONSENT AGENDA

Consent Agenda item 8 (Rate schedule transferring legal fees of \$200,000 from Sanitary Sewer Fixed Charges to Volume Charges and transfer \$100,000 from Sanitary Sewer Contingency Fund to Volume Charges for 2013) is no longer germane as Resolution R-1-13 will cover the recommendation.

I. ACTION ITEMS

1. Accounts payable and payroll for the term of 12/17/12 to 1/3/13 in the amount of \$818,097.01

Moved by Ald. Klein, seconded by Ald. Krueger to approve accounts payable and payroll.  
Motion carried on roll call 8-0.

J. ORDINANCES AND RESOLUTIONS

1. R-1-13 – A Resolution Pertaining to Sewer Service Charges and Surcharges

Moved by Ald. Taylor, seconded by Ald. Zelinski to adopt R-1-13.  
Discussion ensued on transfer of funds and debt repayment requirements.  
Motion carried on roll call 7-1. Ald. Benner – no

K. APPOINTMENTS

1. Mayor's Appointment of Interim Comptroller/Treasurer

Moved by Ald. Sevenich, seconded by Ald. Langdon to approve Mayor's Appointment of Staff Accountant Jennifer Sassman as interim Comptroller/Treasurer.  
Motion carried on voice vote.

L. HELD OVER BUSINESS

M. CLAIMS AGAINST THE CITY

N. PUBLIC COMMENTS ON ANY MATTER LISTED ON THE AGENDA

(five (5) minute time limit for each person)  
No one spoke.

O. ADJOURN

Moved by Ald. Klein, seconded by Ald. Langdon to adjourn at 6:39 p.m.  
Motion carried on voice vote.

Respectfully submitted by Deborah A. Galeazzi, WCMC, City Clerk



**Memorandum**

TO: Common Council  
FROM: Greg Keil, CDD   
DATE: January 17, 2013  
RE: Amendment to Listing Agreement – Midway Business Park and Province Terrace Lots

Please note that the amendment to the listing agreement for the above-referenced lots has been modified from what was presented to the Administration Committee on January 7. Lot 3 of CSM 1144 (the Manitowoc Road parcel that was recently acquired from Emanona LLC) was added to the listing agreement.

**WB-42 AMENDMENT TO LISTING CONTRACT**

1 It is agreed that the Listing Contract dated January 19, 2010, between the undersigned,  
2 for sale of the property known as (Street Address/Description) See lines 11 - 12 below  
3 in the City of Menasha, County of  
4 Calumet, Wisconsin is amended as follows:

5  The list price is changed from \$ \_\_\_\_\_ to \$ \_\_\_\_\_  
6  The expiration date of the contract is changed from midnight January 19, 2013 to  
7 midnight January 19, 2014

8  The following items are (added to)(deleted from) STRIKE ONE the list of property to be included in the list  
9 price: \_\_\_\_\_  
10 \_\_\_\_\_

11  Other: 1. Remaining properties include Midway Business Park - Lots 5 and 7.  
12 Province Terrace - Lots 1, 2, 4, 10, 11, 12.  
13 \_\_\_\_\_  
14 2. Added to the Listing Contract is; Lot 3 of CSM 1144, City of Menasha,  
15 Calumet County, consisting of approximately 44,724 square feet. The listed  
16 price shall be \$89,448.00.  
17 \_\_\_\_\_  
18 \_\_\_\_\_  
19 \_\_\_\_\_  
20 \_\_\_\_\_  
21 \_\_\_\_\_  
22 \_\_\_\_\_

23 ALL OTHER TERMS OF THIS CONTRACT AND ANY PRIOR AMENDMENTS REMAIN UNCHANGED.

24 CAUTION: Agents (salespersons) for Broker (firm) do not have the authority to enter into a mutual  
25 agreement to terminate a listing contract, amend the commission amount or shorten the term of a  
26 listing contract, without the written consent of the Agent(s)' supervising broker.

27 Drifka Group Inc. (x) \_\_\_\_\_  
28 Broker/Firm ▲ Seller's Signature ▲ Date ▲  
29 Print name ▶ City of Menasha  
30 (x) Robert E Drifka 1-16-13 (x) \_\_\_\_\_  
31 By ▲ Date ▲ Seller's Signature ▲ Date ▲  
32 Print name ▶ Robert E. Drifka Print name ▶ \_\_\_\_\_

AGREEMENT FOR RECIPROCITY BETWEEN  
THE CITY AND TOWN OF MENASHA  
PARK & RECREATION DEPARTMENTS  
~2013-2014~

The Park & Recreation Departments of the City of Menasha, WI and the Town of Menasha, WI, hereby agree to grant resident status, in regard to fees, to the citizens of the other community for the sole purpose of participating in each municipality's park and recreation services, for the term of this agreement listed below.

- 1) The scope of this agreement is limited to the granting of the privileges of residency in regard to fees only.
- 2) Each municipality retains complete control of the policies, operation, administration, and funding of the facilities and services it provides. This includes, but is not limited to, policies that allow registration priorities to municipal residents.
- 3) The City of Menasha reserves the right to charge a non-resident fee for seasonal boat launch passes, swimming lessons and pool passes.
- 4) Each municipality will verify proof of residency of participants from the other community and supply residency information for participant verification.
- 5) This agreement shall be in effect from January 1, 2013 through December 31, 2014. The agreement may be extended for another term by mutual agreement of both municipalities, or terminated, without penalty, by either municipality, with thirty days written notice to the other community.

\_\_\_\_\_  
Chairman, Town of Menasha Park Commission

\_\_\_\_\_  
Mayor, City of Menasha

\_\_\_\_\_  
Director of Parks & Recreation, Town of Menasha

\_\_\_\_\_  
City Clerk, City of Menasha

**AGREEMENT FOR RECIPROCITY BETWEEN  
APPLETON AND MENASHA  
FOR PARKS AND RECREATION SERVICES  
2013-2014**

The Parks and Recreation Departments of the City of Appleton, WI and the City of Menasha, WI, hereby agree to grant resident status, in regard to fees, to the citizens of the other community for the sole purpose of participating in each city's park and recreation services, for the term of this agreement listed below.

- 1) The scope of this agreement is limited to the granting of the privileges of residency in regard to fees only.
- 2) Each city retains complete control of policies, operation, administration and funding of the facilities and services it provides.
- 3) The home community will supply the reciprocating community with residency information for participant verification at the reciprocating community.
- 4) This agreement shall be in effect from January 1, 2013 through December 31, 2014. The agreement may be extended for another term by mutual agreement of both cities, or terminated, without penalty, by either city, with thirty days written notice of the other city.

Date: \_\_\_\_\_

\_\_\_\_\_  
Mayor of Appleton

\_\_\_\_\_  
Mayor of Menasha

\_\_\_\_\_  
Appleton City Clerk

\_\_\_\_\_  
Menasha City Clerk

\_\_\_\_\_  
Appleton City Attorney

\_\_\_\_\_  
Menasha City Attorney

## FEE RECIPROCITY USAGE 2012

### Appleton Residents in City of Menasha (1/1/2012 – 12/31/2012)

Archery – 1	Bodies in Motion – 1	Gametime – 1
Gymnastics – 2	Kickball – 4	Playground Plus – 2
Youth Baseball – 2	Skateboard Lessons – 1	Tiny Tots – 3
Tot Lot – 2	Swimming Lessons – 6	Pool Passes – 6
Boat Launch Passes – 171	Boat Slips (Jefferson) – 2	Pavilion Rentals – 12

**Total: 216**

Total Programs – 19  
 Total Swim Lessons – 6  
 Total Pool Passes – 6  
 Total Boat Launch – 171  
 Total Boat Slip – 2  
 Total Pavilion Rentals – 12

**Revenue Difference: \$4,474.00**

Total Program Revenue – \$378.00  
 Total Swim Lesson Revenue – \$60.00  
 Total Pool Pass Revenue – \$160.00  
 Total Boat Launch Revenue – \$3,383.00  
 Total Boat Slip Revenue – \$45.00  
 Total Pavilion Rental Revenue – \$448.00

### City of Menasha Residents in Appleton (1/1/12-12/31/12)

Adult Dance/Fitness – 7	Youth Friday Fun – 9	Swim Passes – 9
Bus Trips – 4	Youth Tennis/Young Child/Preschool – 29	Swimming Lessons – 32
Youth Sports – 34	Karate & Jr. Engineering – 3	Boat Launch Permits – 1
Pavilion Rentals - 11		

**Total: 139**

Total Programs – 86  
 Total Swim Lessons – 32  
 Total Pool Passes – 9  
 Total Boat Launch – 1  
 Total Pavilion Rentals – 11

**Revenue Difference: \$3,735.00**

Total Program Revenue – \$1,865.00  
 Total Swim Lesson Revenue – \$800.00  
 Total Pool Pass Revenue – \$370.00  
 Total Boat Launch Revenue – \$15.00  
 Total Pavilion Rental Revenue – \$685.00

**Town of Menasha Residents in City of Menasha (1/1/2012-12/31/2013)**

Youth Archery – 1	Adult Feel 'n Fit – 7	Youth Funky Feet Jazz Dance – 2
Youth Gametime – 1	Youth Gymnastics – 13	Youth Kickball – 1
Youth Baseball – 10	Youth Playground Plus – 3	Adult Slimnastics – 2
Adult Tennis – 1	Youth Tennis – 2	Youth Tiny Tots – 9
Youth Tot Lot – 4	Pavilion Rentals - 16	

**Total: 72**

Total Programs – 56  
Total Pavilion Rentals – 16

**Revenue Difference: \$1,961.00**

Total Program Revenue – \$1,344.00  
Total Pavilion Rental Revenue – \$617.00

**City of Menasha Residents in Town of Menasha (1/1/12-12/31/12)**

Afternoon Adventures – 9	Art in the Park – 3	Breakfast with Santa – 19
Bricks 4 Kids – 8	Camp Superhero – 2	Camp Fairytail – 4
CraftyCreations – 1	Safety School – 1	Ceramics Workshops – 11
Dance – 22	Dance (Competition) – 2	Easter Egg Hunt – 14
Flag Football – 3	Gingerbread House – 4	Holiday Candy – 1
Ice Cream Social – 4	Jr. Golf Mini Camp – 2	Karate – 5
Kiddie Camp – 12	Kiddy Keys – 4	Kidstage – 12
Little Dribblers – 6	Mothers Day A&C – 1	Movin with Music – 3
Nature Classes – 1	No Sew Fleece Blanket – 1	Soccer – 11
Spring Dance – 5	Summer Games – 2	Tae Kwon Do – 2
Tennis – 2	Tumbling – 9	Wiggles and Giggles – 3
Zumba (Adult) – 7	Zumba (Adult) 2 Day – 4	P/C Zumba – 2
Pavilion Rentals – 56	Community Center Rentals - 91	

**Total: 369**

Total Programs – 222  
Total Rentals – 147

**Revenue Difference: \$3,103.00**

Total Program Revenue – \$1,353.00  
Total Pavilion Rental Revenue – \$1,750.00

**Directors Note:** The revenue difference (fees waived) is not directly proportionate to the amount of people because non-resident fees vary widely among the communities.

## CITY OF MENASHA DISBURSEMENTS

Accounts Payable for 01/10/2013 – 01/17/2013 Checks # 35966 - 36087	\$7,144,488.58
Payroll Checks for 01/10/2013	<u>170,983.18</u>
Total	\$7,315,471.76

Medical Expense Reimbursement Trust-Retirement Pay Out

Menasha Employees Credit Union-Employee Deductions

United Way-Employee Donations

Wisconsin Support Collections-Child/Spousal Support

WI SCTF-Child Support Annual Fee

\*\*A gap in check numbers is due to more invoices being paid than fits on one check stub. In that case the last check stub used for that vendor is the check number that will show on the check register.

**AP Check Register**  
**Check Date: 1/10/2013**

Vendor Name	Check Number	Check Date	Invoice Number	Account Number	Amount	Description			
ACC PLANNED SERVICE INC	35966	1/10/2013	9690	100-1008-541.80-05	7,618.00	Furnace/Sign Shop			
				<b>Total for check: 35966</b>				<b>7,618.00</b>	
ACCURATE	35967	1/10/2013	1218192	731-1022-541.30-18	2.23	Utility Blue Blades			
				1218351	731-1022-541.30-18	78.30	Nut/Washer/Pipe/Pin		
				1218403	731-1022-541.30-18	44.00	Shop Supplies		
				1218630	731-1022-541.30-18	13.67	Ubolts/Nuts/Washers		
				<b>Total for check: 35967</b>				<b>138.20</b>	
AG-BAG FORAGE SOLUTIONS	35968	1/10/2013	7741	266-1028-543.30-18	6,305.59	Pod Bag & Pipe/Tape			
				625-1028-543.30-18	9,345.59	Pod Bag & Pipe/Tape			
				<b>Total for check: 35968</b>				<b>15,651.18</b>	
JF AHERN CO	35969	1/10/2013	173037	100-1001-514.20-01	258.95	Extinguisher Maintenance City Hall			
				173041	100-0704-552.24-03	146.80	Extinguisher Maint/Pool		
				173042	207-0707-552.24-03	254.80	Extinguisher Maint/Marina		
				173045	100-0703-553.24-03	66.75	Extinguisher Maintenance Jefferson Park		
				173046	100-0703-553.24-03	66.75	Extinguisher Maintenance Smith Park		
				173049	100-0703-553.24-03	52.85	Extinguisher Maintenance Barker Park		
				173051	100-0703-553.24-03	22.90	Extinguisher Maintenance Clovis Park		
				173052	100-0703-553.24-03	22.90	Extinguisher Maintenance Hart Park		
				173053	100-0903-531.24-03	106.85	Extinguisher Maintenance Health Dept		
				173054	100-0703-553.24-03	29.85	Extinguisher Maintenance Koslo Park		
				173055	100-0701-533.24-03	52.85	Extinguisher Maintenance Resthaven Cemetery		
				173056	100-0703-553.24-03	52.85	Extinguisher Maintenance Shepard Park		
				<b>Total for check: 35969</b>				<b>1,135.10</b>	
AMERICAN RED CROSS	35970	1/10/2013	10111459	100-0702-552.34-02	81.00	CPR/AED Classes			
				100-0601-551.34-02	9.00	CPR/AED Classes			

**AP Check Register**  
**Check Date: 1/10/2013**

Vendor Name	Check Number	Check Date	Invoice Number	Account Number	Amount	Description
AMERICAN RED CROSS...	35970...	1/10/2013...	10111459...	100-0000-123.00-00	270.00	CPRIA/ED Classes
			Total for check: 35970		<u>360.00</u>	
APPLETON HYDRAULIC COMPONENTS	35971	1/10/2013	24258	731-1022-541.38-03	2,310.88	Heil Telescopic Cylinder
			Total for check: 35971		<u>2,310.88</u>	
APPLETON SCHOOL DISTRICT	35972	1/10/2013		100-0000-203.05-00	738,468.47	2012/2013 Tax Collections
			Total for check: 35972		<u>738,468.47</u>	
APPLETON SIGN COMPANY	35973	1/10/2013	5265	457-0304-562.21-10	7,925.00	Tenant Monument Sign
		1/10/2013	5363	100-0801-521.29-05	1,050.00	Quote 6312/Squad Design
			Total for check: 35973		<u>8,975.00</u>	
ARING EQUIPMENT CO INC	35974	1/10/2013	399690	731-1022-541.38-03	372.47	Wiper Motor/Rocker Switch
			Total for check: 35974		<u>372.47</u>	
ASCAP	35975	1/10/2013		100-0702-552.32-01	327.00	License/Account 500583777
			Total for check: 35975		<u>327.00</u>	
BECK ELECTRIC INC	35976	1/10/2013	D2812-COM-ED14	100-1008-541.24-04	130.00	Pedestrian Signal Repair Altnaip
			Total for check: 35976		<u>130.00</u>	
BRAZEE ACE HARDWARE	35977	1/10/2013	020611	100-1001-514.30-13	5.29	Smart Straw
			Total for check: 35977		<u>5.29</u>	
CALLUMET COUNTY TREASURER	35978	1/10/2013		100-0000-203.01-00	514,267.33	2012/2013 Tax Collections
				100-0000-203.08-00	21,902.75	2012/2013 Tax Collections
			Total for check: 35978		<u>536,170.08</u>	

**AP Check Register**  
**Check Date: 1/10/2013**

Vendor Name	Check Number	Check Date	Invoice Number	Account Number	Amount	Description
CASPERS TRUCK EQUIPMENT INC	35979	1/10/2013	63258	731-1022-541.39-03	70.20	Cable/Feedback Sensor
				<b>Total for check: 35979</b>	<b>70.20</b>	
VALERIE DAVIS	35980	1/10/2013		100-0903-531.33-01	21.60	December Expenses
				100-0903-531.33-01	36.81	October Expenses
				100-0903-531.33-04	2.00	October Expenses
				<b>Total for check: 35980</b>	<b>60.41</b>	
EAGLE SIGN & DESIGN LLC	35981	1/10/2013	5532	100-0703-553.29-01	281.75	Boat Decal Permits
				<b>Total for check: 35981</b>	<b>281.75</b>	
EJ ARENA SPORTS	35982	1/10/2013	98746	100-0702-552.30-18	58.00	Skate Sharpening
				<b>Total for check: 35982</b>	<b>58.00</b>	
FASTENAL COMPANY	35983	1/10/2013		100-0703-553.30-18	102.92	Tap/B&G
				100-0703-553.30-18	34.77	NYLOCK/BHSCS/HCS
				<b>Total for check: 35983</b>	<b>137.69</b>	
FOX VALLEY HUMANE ASSOCIATION	35984	1/10/2013		100-0806-532.25-01	1,292.87	November Transports
				<b>Total for check: 35984</b>	<b>1,292.87</b>	
FOX VALLEY TECHNICAL COLLEGE	35985	1/10/2013		100-0000-203.04-00	548,851.60	Tax CollectionsFox Valley Technical - W
				100-0000-203.04-00	223,156.20	Tax CollectionsFox Valley Technical - C
				<b>Total for check: 35985</b>	<b>772,007.80</b>	
FOX VALLEY TECHNICAL COLLEGE	35986	1/10/2013		100-0901-515.34-02	342.66	Training/Class 64901
				<b>Total for check: 35986</b>	<b>342.66</b>	

**AP Check Register**  
**Check Date: 1/10/2013**

Vendor Name	Check Number	Check Date	Invoice Number	Account Number	Amount	Description	
GUNDERSON UNIFORM & LINEN RENTAL	35987	1/10/2013	1484927	100-0801-521.30-13	33.12	Supply Cleaning/PD	
				<b>Total for check: 35987</b>	<b>33.12</b>		
HOME DEPOT CREDIT SERVICES	35988	1/10/2013		100-0703-553.24-03	44.19	Sweep/Door Sweep/Ald	
				100-0703-553.30-18	43.85	Chr Set/Sit/Deadblow/Cult	
				100-0703-553.24-03	26.87	Tri Tap	
				<b>Total for check: 35988</b>	<b>114.91</b>		
HORN PRECAST	35989	1/10/2013	4617	601-1020-543.30-18	18.00		
				<b>Total for check: 35989</b>	<b>18.00</b>		
INDEPENDENT INSPECTIONS LTD	35990	1/10/2013	306722	100-0301-523.21-06	2,388.31	December 2012 Permits	
				<b>Total for check: 35990</b>	<b>2,388.31</b>		
INLAND POWER GROUP	35991	1/10/2013	2117256-00	731-1022-541.29-04	4,082.78	Vehicle Maintenance	
				<b>Total for check: 35991</b>	<b>4,082.78</b>		
INTERSTATE BATTERIES	35992	1/10/2013	193045	100-1003-541.30-18	91.90	Battery Packs Hand Tools	
				100-1009-541.30-18	91.90	Battery Packs Hand Tools	
				<b>Total for check: 35992</b>	<b>183.80</b>		
KITZ & PFEIL INC	35994	1/10/2013		100-0703-553.24-03	7.71	Caulk Saver/Caulk/Knife	
				625-1010-541.30-18	15.96	Suremix Concrete Kernan Backyard Drainage	
				100-0801-521.30-15	18.40	Batteries & Staples	
				781-1022-541.30-18	26.98	Blade Dispenser/Knife	
				731-1022-541.30-18	10.56	Solv Cement/Adapter	
				100-0703-553.24-03	8.62	Misc Hardware	
				100-1006-541.30-18	24.29	Tie Wire	
				100-0703-553.24-02	46.86	Fan Housings	
				100-0703-553.30-18	4.64	Repl Fuses	
				100-0703-553.30-18	4.49	Halo Bulb	

**AP Check Register**  
**Check Date: 1/10/2013**

Vendor Name	Check Number	Check Date	Invoice Number	Account Number	Amount	Description
KITZ & PFEIL INC...	35994...	1/10/2013	113009-0007	731-1022-541.82-01	8.32	Boil/Radio Building
		1/10/2013	113014-0014	100-0703-553.24-03	8.09	Toil Connector
		1/10/2013	120409-0002	731-1022-541.30-18	4.02	Power Bit
		1/10/2013	120414-0006	100-1008-541.30-18	16.14	Hex Key Set/Adapter/FusesChristmas Lights
		1/10/2013	120414-0112	731-1022-541.30-18	47.90	Misc Hardware
		1/10/2013	120514-0091	100-1001-514.30-15	11.69	Hole Saw
		1/10/2013	120714-0105	100-0801-521.30-13	6.99	Ice Melt
				100-0601-551.30-13	6.99	Ice Melt
		1/10/2013	121014-0123	100-1001-514.30-13	11.98	Ice Melt/Bit/Hardware
				100-1001-514.30-13	11.99	Ice Melt
				100-0801-521.30-13	11.99	Ice Melt
				100-0601-551.30-13	18.31	Ice Melt/Bulbs
				100-0703-553.30-18	21.59	Range Cord
				100-0501-522.24-03	21.59	Ext Cord
				100-1001-514.30-18	2.89	O-Rings/Adapter
KONE INC		1/10/2013	121214-0035	100-0703-553.30-18	44.22	Heating Cable/Spray Paint
		1/10/2013	121214-0048	100-0703-553.30-13	7.64	Broom/Hart Park
		1/10/2013	121214-0078	100-0703-553.30-13	4.76	Hex Nut
		1/10/2013	121314-0122	100-0703-553.30-13	22.49	Carr Bolt
		1/10/2013	121414-0053	100-0703-553.30-18	21.45	Brush/Spray Paint/Enamel
		1/10/2013	121709-0016	100-0703-553.30-18	479.55	
		1/10/2013	121714-0127	100-0703-553.30-18	455.00	Hydraulic Elevator Test Police & Fire
		1/10/2013	121914-0121	100-0703-553.24-03	455.00	
				<b>Total for check: 35994</b>	<b>479.55</b>	
				<b>Total for check: 35995</b>	<b>455.00</b>	
LANDLORD SERVICES LLC	35995	1/10/2013	51529986	100-0801-521.24-03	17.00	Credit Report
				<b>Total for check: 35996</b>	<b>17.00</b>	
LEAGUE OF WISCONSIN MUNICIPALITIES	35996	1/10/2013	16112	100-0801-521.21-06	3,935.38	League Dues
				<b>Total for check: 35997</b>	<b>3,935.38</b>	

**AP Check Register**  
**Check Date: 1/10/2013**

Vendor Name	Check Number	Check Date	Invoice Number	Account Number	Amount	Description
MANAWA TELEPHONE CO	35998	1/10/2013		743-0403-513.22-01	39.95	Cabin Internet Service
				<b>Total for check: 35998</b>	<b>39.95</b>	
MATTHEWS TIRE & SERVICE CENTER	35999	1/10/2013		731-1022-541.38-02	640.36	Replace Tire
				731-1022-541.38-02	739.47	Replace Tire
				<b>Total for check: 35999</b>	<b>1,379.83</b>	
MENARDS-APPLETON EAST	36000	1/10/2013		731-1022-541.24-03	45.92	Rivets/Caulk
				<b>Total for check: 36000</b>	<b>45.92</b>	
MENASHA EMPLOYEES CREDIT UNION	36001	1/10/2013		100-0000-202.05-00	14,304.00	PAYROLL SUMMARY
				<b>Total for check: 36001</b>	<b>14,304.00</b>	
MENASHA EMPLOYEES CREDIT UNION	36002	1/10/2013		100-0000-202.10-00	93.67	PAYROLL SUMMARY
				<b>Total for check: 36002</b>	<b>93.67</b>	
MENASHA JOINT SCHOOL DISTRICT	36003	1/10/2013		100-0000-203.03-00	2,745,338.26	2012/2013 Tax CollectionsMenasha Schools - W
				100-0000-203.03-00	335,338.45	2012/2013 Tax CollectionsMenasha Schools - C
				<b>Total for check: 36003</b>	<b>3,080,676.71</b>	
MENASHA NEENAH MUNICIPAL COURT	36004	1/10/2013		100-0000-201.03-00	139.00	Bond/MEPD 12-356
				100-0000-201.03-00	139.00	Bond/MEPD 12-435
				<b>Total for check: 36004</b>	<b>278.00</b>	
MENASHA TREASURER	36005	1/10/2013		100-0903-531.33-01	55.89	Sept - Nov Expenses Health Dept
				100-0903-531.33-03	3.49	Sept - Nov Expenses Health Dept
				100-0903-531.33-04	4.00	Sept - Nov Expenses Health Dept
				100-0904-531.34-03	3.94	Sept - Nov Expenses Health Dept

**AP Check Register**  
**Check Date: 1/10/2013**

Vendor Name	Check Number	Check Date	Invoice Number	Account Number	Amount	Description
MENASHA TREASURER...	36005...	1/10/2013...	...	100-0904-531.34-04	6.00	Sept - Nov Expenses Health Dept
					<u>73.32</u>	
			<b>Total for check: 36005</b>			
MENASHA TREASURER	36006	1/10/2013		100-0401-513.30-10	107.25	Checks for Tax Collection
					<u>107.25</u>	
			<b>Total for check: 36006</b>			
MENASHA UTILITIES	36007	1/10/2013	003994	601-1020-543.21-02	98.77	November 2012 Locates
				625-1010-541.21-02	98.77	November 2012 Locates
				100-1012-541.30-18	281.52	Light Bulbs
		1/10/2013	003995	625-0401-513.25-01	2,174.10	Storm Charge November
		1/10/2013	3990	601-0401-513.25-02	21,896.21	Sewer Charge November
		1/10/2013	3991	100-1008-541.22-03	237.62	Electric
		1/10/2013	BILLING #2	100-0703-553.22-03	495.45	Electric
				100-0703-553.22-05	142.00	Water/Sewer
				100-0703-553.22-06	132.51	Storm
				100-0903-531.22-03	135.52	Electric
				100-0903-531.22-05	54.18	Water/Sewer
				100-0000-123.00-00	8.22	Electric
				100-0305-562.22-06	7.50	Storm
			601-1020-543.22-03	60.91	Electric	
			<b>Total for check: 36007</b>		<u>25,823.28</u>	
MENASHA UTILITIES	36008	1/10/2013		267-0102-581.22-03	916.72	Stam Plant Electric
				267-0102-581.22-05	303.23	Steam Plant Water
				267-0102-581.22-03	1,170.89	Steam Plant Electric
				267-0102-581.22-05	182.71	Steam Plant Water
			<b>Total for check: 36008</b>		<u>2,573.55</u>	
MILLER MASONRY & CONCRETE	36009	1/10/2013	94211	457-0304-562.21-10	4,170.00	Sign Base/PO #5836 Wittmann Dr & Appleton Rd
					<u>4,170.00</u>	
			<b>Total for check: 36009</b>			

**AP Check Register**  
**Check Date: 1/10/2013**

Vendor Name	Check Number	Check Date	Invoice Number	Account Number	Amount	Description
MINNESOTA LIFE INSURANCE COMPANY	36010	1/10/2013		100-0000-204-07-00	2,490.14	February Premium
				<b>Total for check: 36010</b>	<b>2,490.14</b>	
MODERN BUSINESS MACHINES	36011	1/10/2013	26299484	743-0403-513.29-01	128.31	Contract
				<b>Total for check: 36011</b>	<b>128.31</b>	
NORTHEAST ASPHALT INC	36012	1/10/2013		625-1010-541.82-02	3,825.75	2012-03/Street Reconst. Paris S/Manitowoc St
				100-1003-541.82-02	16,011.20	2012-03/Street Reconst. Paris S/Manitowoc St
				100-0000-201.04-00	2,000.00	2012-03/Street Reconst. Paris S/Manitowoc St
				<b>Total for check: 36012</b>	<b>21,836.95</b>	
OUTAGAMIE COUNTY	36013	1/10/2013	95384	100-0805-521.25-01	2,255.00	Lodging October/November
				<b>Total for check: 36013</b>	<b>2,255.00</b>	
PACKER CITY INTERNATIONAL	36014	1/10/2013		3-223560040	754.30	Filters/Element/Kits/Flex
				3-223620037	(39.40)	Flex/Credit
				<b>Total for check: 36014</b>	<b>714.90</b>	
POSTAL ANNEX	36015	1/10/2013		100-0801-521.30-11	57.91	Postage
				<b>Total for check: 36015</b>	<b>57.91</b>	
PRINSCO INC	36016	1/10/2013	100707-90	266-1028-543.30-18	49.10	Goldline Micro Non-Perf
				<b>Total for check: 36016</b>	<b>49.10</b>	
DENISE QUICK	36017	1/10/2013		100-1001-514.33-01	14.40	December Expenses
				<b>Total for check: 36017</b>	<b>14.40</b>	

**AP Check Register**  
**Check Date: 1/10/2013**

Vendor Name	Check Number	Check Date	Invoice Number	Account Number	Amount	Description	
REDI-WELDING CO	36018	1/10/2013	14463	731-1022-541.30-18	804.22	Curb Cleaner/Side Rail Radiator Guard	
			<b>Total for check: 36018</b>			<b>804.22</b>	
ROLAND MACHINERY EXCHANGE	36019	1/10/2013	41003384	731-1022-541.38-03	117.26	Wearing/Ring/Seal	
			41003385	731-1022-541.38-03	520.35	Pin & Coil	
			<b>Total for check: 36019</b>			<b>637.61</b>	
ROSS IMAGING LLC	36020	1/10/2013	130930	743-0403-513.24-04	391.98	Contract	
			<b>Total for check: 36020</b>			<b>391.98</b>	
SERVICEMASTER BUILDING MAINTENANCE	36021	1/10/2013	7288	100-0801-521.20-01	50.00	PD Garage	
			7294	100-0801-521.20-01	1,395.00	Police Dept	
			<b>Total for check: 36021</b>			<b>1,445.00</b>	
			1125	100-0703-553.30-18	50.00	Mulch	
<b>Total for check: 36022</b>			<b>50.00</b>				
STAPLES ADVANTAGE	36023	1/10/2013	8024000963	100-0901-515.30-18	152.16	Office Supplies	
				100-1001-514.30-10	6.36	Office Supplies	
			8024000964	731-1022-541.30-10	54.07	Office Supplies	
			<b>Total for check: 36023</b>			<b>212.59</b>	
STREICHER'S INC	36024	1/10/2013	1986654	100-0804-521.30-18	489.88	Traffic Vests/Handcuffs	
			<b>Total for check: 36024</b>			<b>489.88</b>	
TOYS FOR TRUCKS	36025	1/10/2013	8047	731-1022-541.38-03	229.47		
			<b>Total for check: 36025</b>			<b>229.47</b>	

**AP Check Register**  
**Check Date: 1/10/2013**

Vendor Name	Check Number	Check Date	Invoice Number	Account Number	Amount	Description
UNIFIRST CORPORATION	36026	1/10/2013	097 0128113	731-1022-541.20-01	129.95	Mat/Mop/Clothing Service
			Total for check: 36026		129.95	
UNITED PAPER CORPORATION	36027	1/10/2013	58613	100-0000-132.00-00	259.15	Sweeper/Cups/Soap
			Total for check: 36027		259.15	
UNITED WAY FOX CITIES	36028	1/10/2013	20130110	100-0000-202.09-00	30.25	PAYROLL SUMMARY
			Total for check: 36028		30.25	
US CELLULAR	36029	1/10/2013	200267787-106	100-0201-512.22-01	28.72	Captain
				100-0202-512.22-01	14.41	Brunn
				100-0401-513.22-01	7.49	Stoffel
				100-1019-552.22-01	4.60	Racine St Bridge
				743-0403-513.22-01	98.97	James
				601-1020-543.22-01	2.01	Confined Space
				100-1001-514.22-01	46.62	Alix
				100-0801-521.22-01	354.38	Police Dept
				100-0803-521.22-01	6.52	CSO
				100-0919-531.22-01	8.07	Neit
				100-0904-531.22-01	38.84	Drew
				100-1002-541.22-01	40.65	Engineering
				100-0702-552.22-01	23.77	Tungate
				100-0703-553.22-01	86.17	Parks
				100-0304-562.22-01	61.17	Com Dev
				731-1022-541.22-01	175.95	PWF
				100-1008-541.22-01	5.40	Bursack
			601-1020-543.22-01	2.01	Sewer Truck	
			Total for check: 36029		1,005.75	

**AP Check Register**  
**Check Date: 1/10/2013**

Vendor Name	Check Number	Check Date	Invoice Number	Account Number	Amount	Description
US PETROLEUM EQUIPMENT	36030	1/10/2013	198595	731-1022-541.30-18	88.43	88.43 Z-Swivel
			Total for check: 36030		<u>88.43</u>	
US VENTURE	36031	1/10/2013	L45837	731-1022-541.21-06	12.00	12.00 Sample
			Total for check: 36031		<u>12.00</u>	
WAVERLY SANITARY DISTRICT	36032	1/10/2013		100-0000-203.07-00	80,409.93	80,409.93 2012/2013 Tax Collections
			Total for check: 36032		<u>80,409.93</u>	
WE ENERGIES	36033	1/10/2013		100-1008-541.22-04	48.22	48.22 Sign Shop
			Total for check: 36033		<u>48.22</u>	
WICKEHAM, LU ANN	36034	1/10/2013		100-0000-211.00-00	40.00	40.00 Resident paid Non-Res Fee
			Total for check: 36034		<u>40.00</u>	
WIL-KIL PEST CONTROL	36035	1/10/2013	2171863	731-1022-541.20-07	64.00	64.00 Public Works Facility
			Total for check: 36035		<u>64.00</u>	
WINNEBAGO COUNTY CLERK OF COURTS	36036	1/10/2013		100-0000-201.03-00	150.00	150.00 Bond/MEPD 13-3
				100-0000-201.03-00	50.00	50.00 Bond/MEPD 13-0051
			Total for check: 36036		<u>200.00</u>	
WINNEBAGO COUNTY TREASURER	36037	1/10/2013	3818	100-0805-521.25-01	1,183.58	1,183.58 Lodging
		1/10/2013	3839	100-1002-541.21-02	173.40	173.40 Equipment
		1/10/2013	LF19257	625-1002-541.21-02	57.80	57.80 Equipment
		1/10/2013		266-1027-543.25-01	484.35	484.35 Dec Outagamie City Landfill
		Total for check: 36037		<u>1,899.13</u>		
WINNEBAGO COUNTY TREASURER	36038	1/10/2013		100-0000-203.02-00	1,591,065.99	1,591,065.99 2012/2013 Tax Collections

**AP Check Register**  
**Check Date: 1/10/2013**

Vendor Name	Check Number	Check Date	Invoice Number	Account Number	Amount	Description
WINNEBAGO COUNTY TREASURER...	36038...	1/10/2013...	...	100-0000-203.08-00	50,055.27	2012/2013 Tax Collections
			Total for check: 36038		<u>1,641,121.26</u>	
WISCONSIN ARBORIST ASSOCIATION	36039	1/10/2013		100-0706-561.34-02	195.00	Arborist Conference
			Total for check: 36039		<u>195.00</u>	
WISCONSIN CHIEFS OF POLICE ASSN INC	36040	1/10/2013		100-0801-521.32-01	100.00	Membership Dues
			Total for check: 36040		<u>100.00</u>	
WISCONSIN SUPPORT COLLECTIONS	36041	1/10/2013	20130110	100-0000-202.03-00	2,566.59	PAYROLL SUMMARY
			Total for check: 36041		<u>2,566.59</u>	
2013 WPLF WINTER CONFERENCE	36042	1/10/2013		100-0801-521.34-02	195.00	WPLF Conference
			Total for check: 36042		<u>195.00</u>	
					<u>6,987,358.50</u>	

**AP Check Register**  
**Check Date: 1/17/2013**

Vendor Name	Check Number	Check Date	Invoice Number	Account Number	Amount	Description	
ACC PLANNED SERVICE INC	36043	1/17/2013	9705	100-0801-521.24-03	152.81	Filters/Belts	
				100-0501-522.24-03	101.87	Filters/Belts	
				<b>Total for check: 36043</b>		<b>254.68</b>	
ALBANY INTERNATIONAL CORP	36044	1/17/2013		601-0000-441.33-00	2,149.74	Refund	
				<b>Total for check: 36044</b>		<b>2,149.74</b>	
APPLETON POLICE DEPARTMENT	36045	1/17/2013		100-0000-201.03-00	200.00	Bond/MEPD 13-110	
				<b>Total for check: 36045</b>		<b>200.00</b>	
BADGER HIGHWAY CO INC	36046	1/17/2013		731-1022-541.82-01	36.61	3/4-in Clear	
				601-1020-543.30-18	103.50	Cold Mix	
				<b>Total for check: 36046</b>		<b>140.11</b>	
BECK ELECTRIC INC	36047	1/17/2013		457-0304-562.21-10	658.48	Service & Wiring	
				<b>Total for check: 36047</b>		<b>658.48</b>	
KYLE BENZ	36048	1/17/2013		822-0413-554.30-16	250.00	Hattie Minor Scholarship Spring 2013 Semester	
				<b>Total for check: 36048</b>		<b>250.00</b>	
BOLJASKI CONSTRUCTION &	36049	1/17/2013		263-0306-562.70-01	1,400.00	CDBG Rehab Program	
				<b>Total for check: 36049</b>		<b>1,400.00</b>	
BRAND, JAMES	36050	1/17/2013		100-0000-441.13-00	25.50	Cart Exchange	
				<b>Total for check: 36050</b>		<b>25.50</b>	
CALUMET COUNTY REGISTER OF DEEDS	36051	1/17/2013		100-0203-512.21-08	30.00	Site Plan/1180 Province	
				<b>Total for check: 36051</b>		<b>30.00</b>	

**AP Check Register**  
**Check Date: 1/17/2013**

Vendor Name	Check Number	Check Date	Invoice Number	Account Number	Amount	Description
SHAINA CARLSON	36052	1/17/2013	CARLSON	822-0413-554.30-16	250.00	Hattie Minor Scholarship Spring 2013 Semester
			Total for check: 36052		250.00	
CARRICO AQUATIC RESOURCES INC	36053	1/17/2013		100-0704-552.34-02	250.00	Training
			Total for check: 36053		250.00	
COMMUNITY HOUSING COORDINATOR	36054	1/17/2013	170	100-0304-562.21-06	1,800.00	Admin 2012 Housing Plan December, 2012
			Total for check: 36054		1,800.00	
UNEMPLOYMENT INSURANCE	36055	1/17/2013	000004577890	100-1019-552.15-09	3,854.60	12/9-12/15/12
			Total for check: 36055		3,854.60	
DIGICORPORATION	36056	1/17/2013	127966	100-0702-552.30-11	1,333.65	Winter Activity Guide Postage
			Total for check: 36056		1,333.65	
EARTHLINK BUSINESS	36058	1/17/2013		100-0402-513.22-01	7.07	Assessor
				100-0201-512.22-01	5.42	Attorney
				100-0000-123.00-00	14.47	Building Inspection
				100-0203-512.22-01	14.23	Clerk
				100-0304-562.22-01	24.57	Com Dev
				100-1001-514.22-01	78.13	City Hall
				100-0401-513.22-01	35.00	Finance
				731-1022-541.22-01	28.12	Garage
				100-0903-531.22-01	49.46	Health
				743-0403-513.22-01	17.47	IT
				100-0601-551.22-01	178.55	Library
				100-0101-511.22-01	9.15	Mayor
			100-0702-552.22-01	29.10	Recreation	
			100-0703-553.22-01	47.93	Parks	
			100-0202-512.22-01	16.55	Personnel	
			100-0801-521.22-01	265.62	Police	

## AP Check Register

Check Date: 1/17/2013

Vendor Name	Check Number	Check Date	Invoice Number	Account Number	Amount	Description
EARTHLINK BUSINESS...	36058	1/17/2013	...	100-1002-541.22-01	45.33	Engineering
				100-0920-531.22-01	14.14	Senior Center
				100-1008-541.22-01	4.29	Sign
				100-0502-522.22-01	43.10	EOC
				207-0000-123.00-00	27.87	Marina
				100-0000-123.00-00	300.72	Menasha Utilities
			<b>Total for check: 36058</b>		<b>1,256.29</b>	
EMANONA LLC	36059	1/17/2013	485-0304-562.80-02		36,365.18	Settlement Statement
					<b>36,365.18</b>	
FAITH TECHNOLOGIES INC	36060	1/17/2013	731-1022-541.82-01		860.59	Service Tech/Radio Bldg
					<b>860.59</b>	
FO'DY AUTO ELECTRIC	36061	1/17/2013	731-1022-541.38-03		144.54	Reman Import A E
					150.52	Reman Import A E
					<b>295.06</b>	
FOX VALLEY TRUCK	36062	1/17/2013	731-1022-541.38-03		328.54	Cleaner As
					<b>328.54</b>	
GALLS LLC	36063	1/17/2013	100-0803-521.30-15		140.30	Lockout Tool Kit
					<b>140.30</b>	
GANNETT WISCONSIN MEDIA #1014	36064	1/17/2013	0006871505		72.98	Legals
					50.33	Legals
					64.11	Legals
					<b>187.42</b>	

**AP Check Register**  
**Check Date: 1/17/2013**

Vendor Name	Check Number	Check Date	Invoice Number	Account Number	Amount	Description
GILBERT MILL DEVELOPMENT CO LLC &	36065	1/17/2013		489-0305-562.73-01	40,130.00	
				Total for check: 36065		40,130.00
GLAXOSMITHKLINE PHARMACEUTICALS	36066	1/17/2013		30819554	406.10	FluJaval
				Total for check: 36066		406.10
GUSTMAN CHEVROLET SALES INC	36067	1/17/2013		25829	259.57	F Connector/Manifold
				Total for check: 36067		259.57
KWIK TRIP INC	36068	1/17/2013		100-0801-521.29-05	123.69	Acct 00244691/Fuel
				Total for check: 36068		123.69
LAKE PARK VILLAS HOMEOWNERS ASSN	36069	1/17/2013		501-0703-553.21-06	268.66	Project Invoices
				501-0703-553.22-05	59.45	Project Invoices
				501-0703-553.22-03	46.84	Project Invoices
				501-1012-541.22-03	43.84	Project Invoices
				501-1010-541.22-03	25.72	Project Invoices
Total for check: 36069		444.51				
MENASHA WEEENAH MUNICIPAL COURT	36070	1/17/2013		100-0000-201.03-00	454.00	Bond/MEPD 12-421
				100-0000-201.03-00	139.00	Bond/MEPD 12-407
				Total for check: 36070		593.00
MENASHA UTILITIES	36071	1/17/2013	BILLING #3	100-1008-541.22-03	578.83	Electric
				100-1008-541.22-05	43.88	Water/Sewer
				601-1020-543.22-03	23.91	Electric
				100-0704-552.22-03	189.06	Electric
				100-0704-552.22-05	618.90	Water/Sewer
				731-1022-541.22-03	1,468.72	Electric
				731-1022-541.22-05	600.40	Water/Sewer
				731-1022-541.22-06	901.88	Storm

**AP Check Register**  
**Check Date: 1/17/2013**

Vendor Name	Check Number	Check Date	Invoice Number	Account Number	Amount	Description
MENASHA UTILITIES	36071	1/17/2013	BILLING #3...	266-1028-543.22-06	73.13	Storm
				100-0801-521.22-03	1,342.53	Electric
				100-0801-521.22-05	253.40	Water/Sewer
				100-0801-521.22-06	62.72	Storm
				100-0000-123.00-00	972.17	Electric
				100-0000-123.00-00	183.50	Water/Sewer
				100-0000-123.00-00	45.41	Storm
				100-0801-521.22-03	35.19	Electric
				100-0601-551.22-03	3,129.21	Electric
				100-0601-551.22-05	400.70	Water/Sewer
				100-0601-551.22-06	103.75	Storm
				207-0707-552.22-05	141.00	Water/Sewer
				100-1019-552.22-03	395.93	Electric
				100-1019-552.22-05	12.38	Water/Sewer
				100-0000-123.00-00	9.75	Electric
				100-1001-514.22-03	16.15	Electric
				100-1001-514.22-05	12.38	Water/Sewer
				100-1001-514.22-06	17.50	Storm
				100-0703-553.22-03	1,317.31	Electric
				100-0703-553.22-06	700.63	Storm
625-1010-541.22-06	2.50	Storm				
457-0304-562.22-06	2.50	Storm				
485-0304-562.22-06	15.00	Storm				
100-0305-562.22-06	5.00	Storm				
501-0304-562.22-06	277.51	Storm				
<b>Total for check: 36071</b>					<b>13,952.83</b>	
TOWN OF MENASHA UTILITY DISTRICT	36072	1/17/2013		100-0703-553.22-05	87.36	Undeveloped Land
				100-0703-553.22-05	9.71	1521 Brighton Beach Rd
			<b>Total for check: 36072</b>			

**AP Check Register**  
**Check Date: 1/17/2013**

Vendor Name	Check Number	Check Date	Invoice Number	Account Number	Amount	Description
MORPHOTRAK INC	36073	1/17/2013	111866	743-0403-513.24-04	442.24	Fingerprint Check Maint
			Total for check: 36073		442.24	
NEENAH-MENASHA SEWERAGE COMMISSION	36074	1/17/2013	2012-201	601-1021-543.21-01	981.25	Legal Reimbursement
			Total for check: 36074		981.25	
NEWSC	36075	1/17/2013	839	625-1010-541.32-01	1,500.00	2013 Membership
			Total for check: 36075		1,500.00	
PJC GROUP LLC	36076	1/17/2013		489-0305-562.73-01	27,408.00	
			Total for check: 36076		27,408.00	
DAVE POWELL	36077	1/17/2013		100-1001-514.33-01	23.31	Oct - Dec Expenses
			Total for check: 36077		23.31	
UNIFIRST CORPORATION	36078	1/17/2013	097 1028627	731-1022-541.20-01	129.95	Supply & Uniform Cleaning
			Total for check: 36078		129.95	
US LUBRICANTS	36079	1/17/2013	50024361	731-1022-541.30-18	3,361.64	Bulk
			Total for check: 36079		3,361.64	
US PETROLEUM EQUIPMENT	36080	1/17/2013	198778	731-1022-541.24-06	116.74	Hose Replacement
			Total for check: 36080		116.74	
VERIZON WIRELESS	36081	1/17/2013		743-0403-513.24-04	439.97	Mobile Broadband
			Total for check: 36081		439.97	

**AP Check Register**  
**Check Date: 1/17/2013**

Vendor Name	Check Number	Check Date	Invoice Number	Account Number	Amount	Description
WAVERLY SANITARY DISTRICT	36082	1/17/2013		100-0703-553.22-05	44.62	44.62 2170 Plank Road
				<b>Total for check: 36082</b>	<b>44.62</b>	
WE ENERGIES	36083	1/17/2013	296133	100-0903-531.22-04	54.32	54.32 316 Racine St
				100-0701-533.22-03	9.01	9.01 North Street
				<b>Total for check: 36083</b>	<b>63.33</b>	
WELLNESS COUNCIL OF WISCONSIN	36084	1/17/2013		100-0202-512.34-02	495.00	495.00 Membership Renewal
				<b>Total for check: 36084</b>	<b>495.00</b>	
WINNEBAGO COUNTY CLERK OF COURTS	36085	1/17/2013		100-0000-201.03-00	150.00	150.00 Bond/MEPD 13-0075
				100-0000-201.03-00	100.00	100.00 Bond/MEPD 13-0051
				<b>Total for check: 36085</b>	<b>250.00</b>	
WINNEBAGO COUNTY TREASURER	36086	1/17/2013	LF119270 LF119340	100-1016-543.25-03	60.00	60.00 Electronics/Commercial Landfill
				100-1016-543.25-01	10,396.48	10,396.48 Outagamie Cty Landfill December 2012
				100-1017-543.25-01	3,280.64	3,280.64 Outagamie Cty Landfill December 2012
<b>Total for check: 36086</b>	<b>13,737.12</b>					
WJICA	36087	1/17/2013		100-0203-512.32-01	100.00	100.00 Annual Memberships
				<b>Total for check: 36087</b>	<b>100.00</b>	
					<b>157,130.08</b>	



MEMO

To: Common Council

From: Debbie Galeazzi, Clerk *dg*

Subject: Mario's Old House Fresh Mexican Cuisine LLC  
d/b/a Mario's Old House, 14 Tayco Street

Date: January 17, 2013

An application for a Reserve "Class B" Intoxicating Liquor and Fermented Malt Beverage for the 2012-2013 liquor licensing year has been submitted by Mario's Old House Fresh Mexican Cuisine LLC, d/b/a Mario's Old House, 14 Tayco St.

The Police Dept. has done background checks on all members of the LLC and the agent and find no reason to deny a license. The Fire Department, Health Department and Building Inspectors have inspected the property and have no reason to hold up the liquor license approval.

**ORIGINAL ALCOHOL BEVERAGE RETAIL LICENSE APPLICATION**

Submit to municipal clerk.

For the license period beginning \_\_\_\_\_ 20\_\_\_\_ ending JUNE 30 2013

TO THE GOVERNING BODY of the:  Town of  Village of  City of } Menasha

County of Winnebago Aldermanic Dist. No. \_\_\_\_\_ (if required by ordinance)

1. The named  INDIVIDUAL  PARTNERSHIP  LIMITED LIABILITY COMPANY  CORPORATION/NONPROFIT ORGANIZATION

hereby makes application for the alcohol beverage license(s) checked above.

2. Name (individual/partners give last name, first, middle; corporations/limited liability companies give registered name): Mario's Old House Fresh Mexican Cuisine LLC

An "Auxiliary Questionnaire," Form AT-103, must be completed and attached to this application by each individual applicant, by each member of a partnership, and by each officer, director and agent of a corporation or nonprofit organization, and by each member/manager and agent of a limited liability company. List the name, title, and place of residence of each person.

President/Member Member Name Mario A. Nuñez Home Address 14 Tayco St. Post Office & Zip Code 54952

Vice President/Member \_\_\_\_\_

Secretary/Member \_\_\_\_\_

Treasurer/Member \_\_\_\_\_

Agent Mario A. Nuñez 14 Tayco St. #B Menasha WI. 54952

Directors/Managers \_\_\_\_\_

3. Trade Name Mario's Old House Business Phone Number (920) 722-0165

4. Address of Premises 14 Tayco St. Menasha WI Post Office & Zip Code 54952

- 5. Is individual, partners or agent of corporation/limited liability company subject to completion of the responsible beverage server training course for this license period?  Yes  No
- 6. Is the applicant an employe or agent of, or acting on behalf of anyone except the named applicant?  Yes  No
- 7. Does any other alcohol beverage retail licensee or wholesale permittee have any interest in or control of this business?  Yes  No
- 8. (e) Corporate/limited liability company applicants only: Insert state WI and date 11/19/2012 of registration.
- (b) Is applicant corporation/limited liability company a subsidiary of any other corporation or limited liability company?  Yes  No
- (c) Does the corporation, or any officer, director, stockholder or agent of limited liability company, or any member/manager or agent hold any interest in any other alcohol beverage license or permit in Wisconsin?  Yes  No

(NOTE: All applicants explain fully on reverse side of this form every YES answer in sections 5, 6, 7 and 8 above.)

9. Premises description: Describe building or buildings where alcohol beverages are to be sold and stored. The applicant must include all rooms including living quarters, if used, for the sales, service, and/or storage of alcohol beverages and records. (Alcohol beverages may be sold and stored only on the premises described.) First Floor Behind Bar

10. Legal description (omit if street address is given above): 14 Tayco St

11. (a) Was this premises licensed for the sale of liquor or beer during the past license year?  Yes  No  
(b) If yes, under what name was license issued? Mi Casa Mexican Grill

12. Does the applicant understand they must file a Special Occupational Tax return (TTB form 5630.5) before beginning business? [phone 1-800-937-8884]  Yes  No

13. Does the applicant understand a Wisconsin Seller's Permit must be applied for and issued in the same name as that shown in Section 2, above? [phone (608) 266-2776]  Yes  No

14. Is the applicant indebted to any wholesaler beyond 15 days for beer or 30 days for liquor?  Yes  No

READ CAREFULLY BEFORE SIGNING: Under penalty provided by law, the applicant states that each of the above questions has been truthfully answered to the best of the knowledge of the signers. Signers agree to operate this business according to law and that the rights and responsibilities conferred by the license(s), if granted, will not be assigned to another. (Individual applicants and each member of a partnership applicant must sign; corporate officer(s), members/managers of Limited Liability Companies must sign.) Any lack of access to any portion of a licensed premises during inspection will be deemed a refusal to permit inspection. Such refusal is a misdemeanor and grounds for revocation of this license.

SUBSCRIBED AND SWORN TO BEFORE ME  
this 3rd day of December, 2012  
Deborah A. Maleaszi  
(Clerk/Notary Public)  
My commission expires 7-11-16

Mario A. Nuñez  
(Officer of Corporation/Member/Manager of Limited Liability Company/Partne/Individual)  
Mario A. Nuñez  
(Officer of Corporation/Member/Manager of Limited Liability Company/Partner)  
(Additional Partners/Member/Manager of Limited Liability Company if Any)

TO BE COMPLETED BY CLERK			
Date received and filed with municipal clerk	Date reported to council/board	Date provisional license issued	Signature of Clerk / Deputy Clerk
<u>12/3/12</u>			
Date license granted	Date license issued	License number issued	

Applicant's Wisconsin Seller's Permit Number	<u>456 0000-145128-03</u>
Federal Employer Identification Number (FEIN)	
LICENSE REQUESTED	
TYPE	FEE
<input type="checkbox"/> Class A beer	\$
<input type="checkbox"/> Class B beer	\$
<input type="checkbox"/> Class C wine	\$
<input type="checkbox"/> Class A liquor	\$
<input type="checkbox"/> Class B liquor	\$
<input checked="" type="checkbox"/> Reserve Class B liquor	\$ <u>10.000</u>
Publication fee	\$ <u>50.00</u>
<b>TOTAL FEE</b>	\$ <u>10.050</u>

# AUXILIARY QUESTIONNAIRE ALCOHOL BEVERAGE LICENSE APPLICATION

Submit to municipal clerk.

Individual's Full Name (please print) (last name)		(first name)		(middle name)	
NUNEZ		MARIO		ALBERTO	
Home Address (street/route)		Post Office	City	State	Zip Code
14 TAYCO ST.		54952	MENASHA	WI	54952
Home Phone Number		Age	Date of Birth	Place of Birth	

The above named individual provides the following information as a person who is (check one):

- Applying for an alcohol beverage license as an individual.
- A member of a partnership which is making application for an alcohol beverage license.
- Member of Mario's Old House Fresh Mexican Cuisine LLC (Name of Corporation, Limited Liability Company or Nonprofit Organization) which is making application for an alcohol beverage license.

The above named individual provides the following information to the licensing authority:

1. How long have you continuously resided in Wisconsin prior to this date? 20 yrs.
2. Have you ever been convicted of any offenses (other than traffic unrelated to alcohol beverages) for violation of any federal laws, any Wisconsin laws, any laws of any other states or ordinances of any county or municipality?  Yes  No  
If yes, give law or ordinance violated, trial court, trial date and penalty imposed, and/or date, description and status of charges pending. (if more room is needed, continue on reverse side of this form.)
3. Are charges for any offenses presently pending against you (other than traffic unrelated to alcohol beverages) for violation of any federal laws, any Wisconsin laws, any laws of other states or ordinances of any county or municipality?  Yes  No  
If yes, describe status of charges pending.
4. Do you hold, are you making application for or are you an officer, director or agent of a corporation/nonprofit organization or member/manager/agent of a limited liability company holding or applying for any other alcohol beverage license or permit?  Yes  No  
If yes, identify. (Name, Location and Type of License/Permit)
5. Do you hold and/or are you an officer, director, stockholder, agent or employe of any person or corporation or member/manager/agent of a limited liability company holding or applying for a wholesale beer permit, brewery/winery permit or wholesale liquor, manufacturer or rectifier permit in the State of Wisconsin?  Yes  No  
If yes, identify. (Name of Wholesale Licensee or Permittee) (Address by City and County)
6. Named individual must list in chronological order last two employers.

Employer's Name	Employer's Address	Employed From	To
Valley Packaging	1130 Roamer Rd.	2003	2006
Holtmaster	Ferris St	1996	2002

The undersigned, being first duly sworn on oath, deposes and says that he/she is the person named in the foregoing application; that the applicant has read and made a complete answer to each question, and that the answers in each instance are true and correct. The undersigned further understands that any license issued contrary to Chapter 125 of the Wisconsin Statutes shall be void, and under penalty of state law, the applicant may be prosecuted for submitting false statements and affidavits in connection with this application.

Subscribed and sworn to before me

this 3rd day of December, 2012  
Deborah A. Galuzzi  
(Notary Public)

Mario A. Nunez  
(Signature of Named Individual)

My commission expires 9-11-16



Printed on Recycled Paper

**SCHEDULE FOR APPOINTMENT OF AGENT BY CORPORATION/NONPROFIT ORGANIZATION OR LIMITED LIABILITY COMPANY**

Submit to municipal clerk.

All corporations/organizations or limited liability companies applying for a license to sell fermented malt beverages and/or intoxicating liquor must appoint an agent. The following questions must be answered by the agent. The appointment must be signed by the officer(s) of the corporation/organization or members/managers of a limited liability company and the recommendation made by the proper local official.

To the governing body of:  Town  Village  City of MENASHA County of WINNEBAGO

The undersigned duly authorized officer(s)/members/managers of Mario's Old House Fresh Mexican Cuisine  
(registered name of corporation/organization or limited liability company)

a corporation/organization or limited liability company making application for an alcohol beverage license for a premises known as Mario's Old House Fresh Mexican Cuisine  
(trade name)

located at 14 Tayco St. Menasha WI 54952

appoints Mario A. Nunez  
(name of appointed agent)

14 Tayco St. #B Menasha WI 54952  
(home address of appointed agent)

to act for the corporation/organization/limited liability company with full authority and control of the premises and of all business relative to alcohol beverages conducted therein. Is applicant agent presently acting in that capacity or requesting approval for any corporation/organization/limited liability company having or applying for a beer and/or liquor license for any other location in Wisconsin?

Yes  No If so, indicate the corporate name(s)/limited liability company(ies) and municipality(ies).

Is applicant agent subject to completion of the responsible beverage server training course?  Yes  No

How long immediately prior to making this application has the applicant agent resided continuously in Wisconsin? 20 yrs.

Place of residence last year Menasha WI

For: Mario's Old House Fresh Mexican Cuisine  
(name of corporation/organization/limited liability company)

By: Member  
(signature of Officer/Member/Manager)

And: Mario A. Nunez  
(signature of Officer/Member/Manager)

**ACCEPTANCE BY AGENT**

Mario A. Nunez, hereby accept this appointment as agent for the  
(print/type agent's name)

corporation/organization/limited liability company and assume full responsibility for the conduct of all business relative to alcohol beverages conducted on the premises for the corporation/organization/limited liability company.

Mario A. Nunez 12-3-2013 Agent's age \_\_\_\_\_  
(signature of agent) (date)

14 Tayco St. #B Menasha WI 54952 Date of birth \_\_\_\_\_  
(home address of agent)

**APPROVAL OF AGENT BY MUNICIPAL AUTHORITY  
(Clerk cannot sign on behalf of Municipal Official)**

I hereby certify that I have checked municipal and state criminal records. To the best of my knowledge, with the available information, the character, record and reputation are satisfactory and I have no objection to the agent appointed.

Approved on 12/11/12 by Ronald Bouschoud Title 1st Police  
(date) (signature of proper local official) (town clerk, village president, police chief)



MEMO

To: Common Council  
From: Debbie Galeazzi, Clerk <sup>dg</sup>  
Subject: Change of Agent for Mr. Taco LLC  
Date: January 17, 2013

A change of agent from Luis A. Morales to Francisca Jaimes has been requested by Mr. Taco LLC, d/b/a Mr. Taco, 403 Racine Street, Menasha. All proper paperwork has been filed with the Clerk's office. A check of municipal and state criminal records on Ms. Jaimes was completed by Lt. Bouchard. Based on the information received, Lt. Bouchard has no objection to the new agent appointment.

# AUXILIARY QUESTIONNAIRE ALCOHOL BEVERAGE LICENSE APPLICATION

Submit to municipal clerk.

Individual's Full Name (please print) (last name)		(first name)		(middle name)	
Jaimes		Francisca			
Home Address (street/route)		Post Office	City	State	Zip Code
3019 Chain Dr. #12			Menasha	WI	54952
Home Phone Number		Age	Date of Birth	Place of Birth	

The above named individual provides the following information as a person who is (check one):

- Applying for an alcohol beverage license as an **individual**.
- A member of a **partnership** which is making application for an alcohol beverage license.
- Member/Agent of MY TACO LLC.  
(Officer/Director/Member/Manager/Agent) (Name of Corporation, Limited Liability Company or Nonprofit Organization)

which is making application for an alcohol beverage license.

The above named individual provides the following information to the licensing authority:

- How long have you continuously resided in Wisconsin prior to this date? 9 years
- Have you ever been convicted of any offenses (other than traffic unrelated to alcohol beverages) for violation of any federal laws, any Wisconsin laws, any laws of any other states or ordinances of any county or municipality?  Yes  No  
 If yes, give law or ordinance violated, trial court, trial date and penalty imposed, and/or date, description and status of charges pending. (If more room is needed, continue on reverse side of this form.)
- Are charges for any offenses presently pending against you (other than traffic unrelated to alcohol beverages) for violation of any federal laws, any Wisconsin laws, any laws of other states or ordinances of any county or municipality?  Yes  No  
 If yes, describe status of charges pending.
- Do you hold, are you making application for or are you an officer, director or agent of a corporation/nonprofit organization or member/manager/agent of a limited liability company holding or applying for any other alcohol beverage license or permit?  Yes  No  
 If yes, identify. (Name, Location and Type of License/Permit)
- Do you hold and/or are you an officer, director, stockholder, agent or employee of any person or corporation or member/manager/agent of a limited liability company holding or applying for a wholesale beer permit, brewery/winery permit or wholesale liquor, manufacturer or rectifier permit in the State of Wisconsin?  Yes  No  
 If yes, identify. (Name of Wholesale Licensee or Permittee) (Address By City and County)
- Named individual must list in chronological order last two employers.

Employer's Name <u>MY TACO LLC.</u>	Employer's Address <u>403 Racine St Menasha WI</u>	Employed From <u>11-27-11</u>	To <u>Present.</u>
Employer's Name <u>EL Azteca</u>	Employer's Address <u>Northland Ave Appleton WI</u>	Employed From <u>3-7-11</u>	To <u>11-25-11</u>

The undersigned, being first duly sworn on oath, deposes and says that he/she is the person named in the foregoing application; that the applicant has read and made a complete answer to each question, and that the answers in each instance are true and correct. The undersigned further understands that any license issued contrary to Chapter 125 of the Wisconsin Statutes shall be void, and under penalty of state law, the applicant may be prosecuted for submitting false statements and affidavits in connection with this application.

Subscribed and sworn to before me

this 11<sup>th</sup> day of January, 20 13

Deborah D. Hallazze  
(Clerk/Notary Public)

Francisca Jaimes  
(Signature of Named Individual)

My commission expires 9-11-16



Printed on Recycled Paper

**SCHEDULE FOR APPOINTMENT OF AGENT BY CORPORATION/NONPROFIT ORGANIZATION OR LIMITED LIABILITY COMPANY**

Submit to municipal clerk.

All corporations/organizations or limited liability companies applying for a license to sell fermented malt beverages and/or intoxicating liquor must appoint an agent. The following questions must be answered by the agent. The appointment must be signed by the officer(s) of the corporation/organization or members/managers of a limited liability company and the recommendation made by the proper local official.

To the governing body of:  Town  
 Village of Menasha County of Winnebago  
 City

The undersigned duly authorized officer(s)/members/managers of Mr. Taco LLC  
(registered name of corporation/organization or limited liability company)

a corporation/organization or limited liability company making application for an alcohol beverage license for a premises known as Mr. Taco  
(trade name)

located at 403 Racine st. Menasha, WI 54952

appoints Francisca Jaimes  
(name of appointed agent)

3019 Chain dr. #12 Menasha, WI 54952  
(home address of appointed agent)

to act for the corporation/organization/limited liability company with full authority and control of the premises and of all business relative to alcohol beverages conducted therein. Is applicant agent presently acting in that capacity or requesting approval for any corporation/organization/limited liability company having or applying for a beer and/or liquor license for any other location in Wisconsin?

Yes  No If so, indicate the corporate name(s)/limited liability company(ies) and municipality(ies).

Is applicant agent subject to completion of the responsible beverage server training course?  Yes  No

How long immediately prior to making this application has the applicant agent resided continuously in Wisconsin? 9 years

Place of residence last year 3019 chain dr. #12 Menasha WI 54952

For: Mr. Taco LLC  
(name of corporation/organization/limited liability company)

By: [Signature]  
(signature of Officer/Member/Manager)

And: \_\_\_\_\_  
(signature of Officer/Member/Manager)

**ACCEPTANCE BY AGENT**

I, Francisca Jaimes, hereby accept this appointment as agent for the  
(print/type agent's name)

corporation/organization/limited liability company and assume full responsibility for the conduct of all business relative to alcohol beverages conducted on the premises for the corporation/organization/limited liability company.

Francisca Jaimes 1-9-13 Agent's age \_\_\_\_\_  
(signature of agent) (date)

3019 Chain dr. #12 Menasha, WI 54952 Date of birth \_\_\_\_\_  
(home address of agent)

**APPROVAL OF AGENT BY MUNICIPAL AUTHORITY  
(Clerk cannot sign on behalf of Municipal Official)**

I hereby certify that I have checked municipal and state criminal records. To the best of my knowledge, with the available information, the character, record and reputation are satisfactory and I have no objection to the agent appointed.

Approved on 1/15/13 by Ronald Borechard Title Lt - Police Dept  
(date) (signature of proper local official) (town chair, village president, police chief)



**MEMORANDUM**

To: Mayor Merkes and Common Council

From: PRD Tungate

Date: January 16, 2013

RE: Woodlands Nature Park Acquisition

We have an accepted offer to purchase for 5.24 acres of land for a new neighborhood park. This acquisition has taken several years to accomplish and will serve the openspace needs of current and future residents on the cities far east side.

The following is a financial summary of the acquisition.

Purchase price at appraised value:	\$123,000
WDNR approved grant:	\$ 60,098
City Share (from Parkland Dedication Fund*) 209-0703-553-80-02	\$ 62,902

\*Current fund balance is \$176,937.90

**WB-13 VACANT LAND OFFER TO PURCHASE**

1 **BROKER DRAFTING THIS OFFER ON** 1/16/13 [DATE] IS (AGENT OF SELLER)(AGENT OF BUYER)(DUAL AGENT) **STRIKE TWO**

2 **GENERAL PROVISIONS** The Buyer, CITY OF MENASHA

3 offers to purchase the Property known as [Street Address] PART OF PARCEL # 7-00815-R5

4 in the CITY of MENASHA, County of CALUMET

5 Wisconsin, (Insert additional description, if any, at lines 179 - 187 or attach as an addendum, line 188), on the following terms:

6 **PURCHASE PRICE:** ONE HUNDRED TWENTY THREE THOUSAND

7 Dollars (\$ 123,000.00).

8 **EARNEST MONEY** of \$ 0 accompanies this Offer and earnest money of \$ 0

9 will be paid within \_\_\_\_\_ days of acceptance.

10 **THE BALANCE OF PURCHASE PRICE** will be paid in cash or equivalent at closing unless otherwise provided below.

11 **ADDITIONAL ITEMS INCLUDED IN PURCHASE PRICE:** Seller shall include in the purchase price and transfer, free and clear of  
12 encumbrances, all fixtures, as defined at lines 15 - 18 and as may be on the Property on the date of this Offer, unless excluded at line 14,  
13 and the following additional items: NONE

14 **ITEMS NOT INCLUDED IN THE PURCHASE PRICE:** \_\_\_\_\_

15 A "Fixture" is defined as an item of property which is physically attached to or so closely associated with land so as to be treated as part  
16 of the real estate, including, without limitation, physically attached items not easily removable without damage to the Property, items  
17 specifically adapted to the Property, and items customarily treated as fixtures including but not limited to all: perennial crops; garden  
18 bulbs; plants; shrubs and trees. CAUTION: Annual crops are not included in the purchase price unless otherwise agreed at line 13.

19 **ZONING:** Seller represents that the Property is zoned R-1 SINGLE FAMILY RESIDENTIAL

20 **ACCEPTANCE** Acceptance occurs when all Buyers and Sellers have signed an identical copy of the Offer, including signatures on  
21 separate but identical copies of the Offer. CAUTION: Deadlines in the Offer are commonly calculated from acceptance. Consider  
22 whether short-term deadlines running from acceptance provide adequate time for both binding acceptance and performance.

23 **BINDING ACCEPTANCE** This Offer is binding upon both Parties only if a copy of the accepted Offer is delivered to Buyer on or  
24 before JANUARY 25, 2013. CAUTION: This Offer may be withdrawn prior to delivery of the accepted Offer.

25 **DELIVERY OF DOCUMENTS AND WRITTEN NOTICES** Unless otherwise stated in this Offer, delivery of documents and written notices  
26 to a Party shall be effective only when accomplished by one of the methods specified at lines 27 - 36.

27 (1) By depositing the document or written notice postage or fees prepaid in the U.S. Mail or fees prepaid or charged to an account with  
28 a commercial delivery service, addressed either to the Party, or to the Party's recipient for delivery designated at lines 30 or 32 (if any),  
29 for delivery to the Party's delivery address at lines 31 or 33.

30 Seller's recipient for delivery (optional): JASON HAEN

31 Seller's delivery address: YAN'S REALTY & CONSTRUCTION OF APPLETON, INC.

32 Buyer's recipient for delivery (optional): GREG KEIL

33 Buyer's delivery address: 140 MAIN ST. MENASHA, WI 54220

34 (2) By giving the document or written notice personally to the Party or the Party's recipient for delivery if an individual is designated at lines 30 or 32.

35 (3) By fax transmission of the document or written notice to the following telephone number:

36 Buyer: (920) 467-5272 Seller: \_\_\_\_\_

37 **OCCUPANCY** Occupancy of the entire Property shall be given to Buyer at time of closing unless otherwise provided in this Offer (lines  
38 179 - 187 or in an addendum per line 188). Occupancy shall be given subject to tenant's rights, if any. Caution: Consider an agreement  
39 which addresses responsibility for clearing the Property of personal property and debts, if applicable.

40 **LEASED PROPERTY** If Property is currently leased and lease(s) extend beyond closing, Seller shall assign Seller's rights under said  
41 lease(s) and transfer all security deposits and prepaid rents thereunder to Buyer at closing. The terms of the (written) (oral) **STRIKE ONE**  
42 lease(s), if any, are \_\_\_\_\_

43 **PLACE OF CLOSING** This transaction is to be closed at the place designated by Buyer's mortgagee or MENASHA

44 CITY OF HARRIS no later than FEBRUARY 28, 2013 unless another date or place is agreed to in writing.

45 **CLOSING PRORATIONS** The following items shall be prorated at closing: real estate taxes, rents, private and municipal charges,  
46 property owner's association assessments, fuel and \_\_\_\_\_

47 Any income, taxes or expenses shall accrue to Seller, and be prorated, through the day prior to closing.

48 Net general real estate taxes shall be prorated based on (the net general real estate taxes for the current year, if known, otherwise on  
49 the net general real estate taxes for the preceding year) ( \_\_\_\_\_ )

50 \_\_\_\_\_ ) **STRIKE AND COMPLETE AS APPLICABLE**

51 **CAUTION: If proration on the basis of net general real estate taxes is not acceptable (for example, completed/pending**

52 **reassessment, changing mill rate, lottery credits), insert estimated annual tax or other formula for proration.**

53 **PROPERTY CONDITION PROVISIONS**

54 **PROPERTY CONDITION REPRESENTATIONS:** Seller represents to Buyer that as of the date of acceptance Seller has no notice  
55 or knowledge of conditions affecting the Property or transaction (see below) other than those identified in Seller's Real Estate Condition  
56 Report dated \_\_\_\_\_, which was received by Buyer prior to Buyer signing this Offer and which is made a part of this Offer  
57 by reference **COMPLETE DATE OR STRIKE AS APPLICABLE** and  
58 \_\_\_\_\_

58 **INSERT CONDITIONS NOT ALREADY INCLUDED IN THE CONDITION REPORT.**

133 PROPERTY ADDRESS: PART OF PARCEL #7-00815-85 [page 3 of 5, WB-13]  
134 TIME IS OF THE ESSENCE "Time is of the Essence" as to: (1) earnest money payment(s); (2) binding acceptance; (3) occupancy; (4)  
135 date of closing; (5) contingency deadlines STRIKE AS APPLICABLE and all other dates and deadlines in this Offer except:

136 \_\_\_\_\_ If "Time is of the Essence"  
137 applies to a date or deadline, failure to perform by the exact date or deadline is a breach of contract. If "Time is of the Essence" does  
138 not apply to a date or deadline, then performance within a reasonable time of the date or deadline is allowed before a breach occurs.

139 DATES AND DEADLINES Deadlines expressed as a number of "days" from an event, such as acceptance, are calculated by excluding  
140 the day the event occurred and by counting subsequent calendar days. The deadline expires at midnight on the last day. Deadlines  
141 expressed as a specific number of "business days" exclude Saturdays, Sundays, any legal public holiday under Wisconsin or Federal  
142 law, and other day designated by the President such that the postal service does not receive registered mail or make regular deliveries  
143 on that day. Deadlines expressed as a specific number of "hours" from the occurrence of an event, such as receipt of a notice, are  
144 calculated from the exact time of the event, and by counting 24 hours per calendar day. Deadlines expressed as a specific day of the  
145 calendar year or as the day of a specific event, such as closing, expire at midnight of that day.

146 THE FINANCING CONTINGENCY PROVISIONS AT LINES 148 - 162 ARE A PART OF THIS OFFER IF LINE 148 IS MARKED,  
147 SUCH AS WITH AN "X". THEY ARE NOT PART OF THIS OFFER IF LINE 148 IS MARKED N/A OR IS NOT MARKED.

148  FINANCING CONTINGENCY: This Offer is contingent upon Buyer being able to obtain a \_\_\_\_\_  
149 INSERT LOAN PROGRAM OR SOURCE first mortgage loan commitment as described below, within \_\_\_\_\_ days of acceptance of this  
150 Offer. The financing selected shall be in an amount of not less than \$ \_\_\_\_\_ for a term of not less than \_\_\_\_\_ years,  
151 amortized over not less than \_\_\_\_\_ years. Initial monthly payments of principal and interest shall not exceed \$ \_\_\_\_\_.  
152 Monthly payments may also include 1/12th of the estimated net annual real estate taxes, hazard insurance premiums, and private  
153 mortgage insurance premiums. The mortgage may not include a prepayment premium. Buyer agrees to pay a loan fee not to exceed  
154 \_\_\_\_\_ % of the loan. (Loan fee refers to discount points and/or loan origination fee, but DOES NOT include Buyer's other closing  
155 costs.) If the purchase price under this Offer is modified, the financed amount, unless otherwise provided, shall be adjusted  
156 to the same percentage of the purchase price as in this contingency and the monthly payments shall be adjusted as necessary to maintain  
157 the term and amortization stated above. CHECK AND COMPLETE APPLICABLE FINANCING PROVISION AT LINE 158 OR 159.

158  FIXED RATE FINANCING: The annual rate of interest shall not exceed \_\_\_\_\_ %.  
159  ADJUSTABLE RATE FINANCING: The initial annual interest rate shall not exceed \_\_\_\_\_ %. The initial interest rate shall  
160 be fixed for \_\_\_\_\_ months, at which time the interest rate may be increased not more than \_\_\_\_\_ % per year. The maximum  
161 interest rate during the mortgage term shall not exceed \_\_\_\_\_ %. Monthly payments of principal and interest may be adjusted  
162 to reflect interest changes.

163 LOAN COMMITMENT: Buyer agrees to pay all customary financing costs (including closing fees), to apply for financing promptly, and  
164 to provide evidence of application promptly upon request by Seller. If Buyer qualifies for the financing described in this Offer or other  
165 financing acceptable to Buyer, Buyer agrees to deliver to Seller a copy of the written loan commitment no later than the deadline for loan  
166 commitment at line 149. Buyer's delivery of a copy of any written loan commitment to Seller (even if subject to conditions) shall  
167 satisfy the Buyer's financing contingency unless accompanied by a notice of unacceptability. CAUTION: BUYER, BUYER'S LENDER  
168 AND AGENTS OF BUYER OR SELLER SHOULD NOT DELIVER A LOAN COMMITMENT TO SELLER WITHOUT BUYER'S PRIOR  
169 APPROVAL OR UNLESS ACCOMPANIED BY A NOTICE OF UNACCEPTABILITY.

170 SELLER TERMINATION RIGHTS: If Buyer does not make timely delivery of said commitment, Seller may terminate this Offer if Seller  
171 delivers a written notice of termination to Buyer prior to Seller's actual receipt of a copy of Buyer's written loan commitment.

172 FINANCING UNAVAILABILITY: If financing is not available on the terms stated in this Offer (and Buyer has not already delivered an  
173 acceptable loan commitment for other financing to Seller), Buyer shall promptly deliver written notice to Seller of same including copies  
174 of lender(s) rejection letter(s) or other evidence of unavailability. Unless a specific loan source is named in this Offer, Seller shall then  
175 have 10 days to give Buyer written notice of Seller's decision to finance this transaction on the same terms set forth in this Offer and this  
176 Offer shall remain in full force and effect, with the time for closing extended accordingly. If Seller's notice is not timely given, this Offer shall  
177 be null and void. Buyer authorizes Seller to obtain any credit information reasonably appropriate to determine Buyer's credit worthiness  
178 for Seller financing.

179 ADDITIONAL PROVISIONS/CONTINGENCIES PURCHASE IS CONTINGENT UPON  
180 BUYER'S RECEIPT OF AWARD OF GRANT FUNDS IN AN  
181 AMOUNT NOT LESS THAN \$58,600 FOR PARK LAND ACQUISITION  
182 PURCHASE IS CONTINGENT UPON APPROVAL BY THE  
183 MENASHA COMMON COUNCIL

184 ADDENDA: The attached LEGAL DESCRIPTION & REFERENCE DRAWING is/are made part of this Offer.

185 TITLE EVIDENCE  
186 CONVEYANCE OF TITLE: Upon payment of the purchase price, Seller shall convey the Property by warranty deed (or other  
187 conveyance as provided herein) free and clear of all liens and encumbrances, except: municipal and zoning ordinances and  
188 agreements entered under them, recorded easements for the distribution of utility and municipal services, recorded building and use  
189 restrictions and covenants, general taxes levied in the year of closing and \_\_\_\_\_  
190 \_\_\_\_\_ (provided none of the foregoing prohibit present use of the Property), which constitutes merchantable title  
191 for purposes of this transaction. Seller further agrees to complete and execute the documents necessary to record the conveyance.

268 PROPERTY ADDRESS: PART OF PARCEL # 7-00315-35 [page 5 of 5, WB-13]

269 OPTIONAL PROVISIONS: THE PARAGRAPHS AT LINES 271 - 314 WHICH ARE PRECEDED BY A BOX ARE A PART OF THIS OFFER IF  
270 MARKED, SUCH AS WITH AN "X". THEY ARE NOT PART OF THIS OFFER IF MARKED N/A OR ARE LEFT BLANK.

271  PROPOSED USE CONTINGENCY: Buyer is purchasing the property for the purpose of: \_\_\_\_\_  
272 This Offer is contingent upon Buyer obtaining the following:

273  Written evidence at (Buyer's)(Seller's) ~~STRIKE ONE~~ expense from a qualified soils expert that the Property is free of any subsoil  
274 condition which would make the proposed development impossible or significantly increase the costs of such development.

275  Written evidence at (Buyer's)(Seller's) ~~STRIKE ONE~~ expense from a certified soils tester or other qualified expert that indicates that  
276 the Property's soils at locations selected by Buyer and all other conditions which must be approved to obtain a permit for an acceptable private  
277 septic system for: \_\_\_\_\_ [insert proposed use of Property; e.g., three

278 bedroom single family home] meet applicable codes in effect as of the date of this offer. An acceptable system includes all systems approved  
279 for use by the State for the type of property identified at line 277. An acceptable system does not include a holding tank, privy, composting  
280 toilet or chemical toilet or other systems (e.g. mound system) excluded in additional provisions or an addendum per lines 179 - 188.

281  Copies at (Buyer's)(Seller's) ~~STRIKE ONE~~ expense of all public and private easements, covenants and restrictions affecting the  
282 Property and a written determination by a qualified independent third party that none of these prohibit or significantly delay or increase  
283 the costs of the proposed use or development identified at lines 271 to 272.

284  Permits, approvals and licenses; as appropriate, or the final discretionary action by the granting authority prior to the issuance  
285 of such permits, approvals and licenses at (Buyer's)(Seller's) ~~STRIKE ONE~~ expense for the following items related to the proposed  
286 development \_\_\_\_\_

287  Written evidence at (Buyer's)(Seller's) ~~STRIKE ONE~~ expense that the following utility connections are located as follows ( e.g.,  
288 on the Property, at the lot line across the street, etc.): electricity \_\_\_\_\_; gas \_\_\_\_\_; sewer  
289 \_\_\_\_\_; water \_\_\_\_\_; telephone \_\_\_\_\_; other \_\_\_\_\_

290 This proposed use contingency shall be deemed satisfied unless Buyer within \_\_\_\_\_ days of acceptance delivers  
291 written notice to Seller specifying those items of this contingency which cannot be satisfied and written evidence substantiating why each  
292 specific item included in Buyer's notice cannot be satisfied.

293  MAP OF THE PROPERTY: This Offer is contingent upon (Buyer obtaining)(Seller providing) ~~STRIKE ONE~~ a map of the Property prepared  
294 by a registered land surveyor, within \_\_\_\_\_ days of acceptance, at (Buyer's)(Seller's) ~~STRIKE ONE~~ expense. The map shall identify the legal  
295 description of the Property, the Property's boundaries and dimensions, visible encroachments upon the Property, the location of improvements,  
296 if any, and:

297 ~~STRIKE AND COMPLETE AS APPLICABLE~~ ~~STRIKE AND COMPLETE AS APPLICABLE~~ Additional map features  
298 which may be added include, but are not limited to: specifying how current the map must be; staking of all corners of the Property; identifying  
299 dedicated and apparent streets, lot dimensions, total acreage or square footage, easements or rights-of-way. CAUTION: Consider the cost  
300 and the need for map features before selecting them. The map shall show no significant encroachment(s) or any information materially  
301 inconsistent with any prior representations to Buyer. This contingency shall be deemed satisfied unless Buyer, within five days of the earlier  
302 of: 1) Buyer's receipt of the map, or 2) the deadline for delivery of said map, delivers to Seller, and to listing broker if Property is listed, a copy  
303 of the map and a written notice which identifies the significant encroachment or the information materially inconsistent with prior representations.  
304  INSPECTION CONTINGENCY: This Offer is contingent upon a qualified independent Inspector(s) conducting an inspection(s), at  
305 Buyer's expense, of the Property and \_\_\_\_\_

306 as defined below. This contingency shall be deemed satisfied  
307 unless Buyer within \_\_\_\_\_ days of acceptance delivers to Seller, and to listing broker if Property is listed, a copy of the Inspector's

308 written inspection report and a written notice listing the defects identified in the report to which Buyer objects. This Offer shall be null and  
309 void upon timely delivery of the above notice and report. CAUTION: A proposed amendment will not satisfy this notice requirement.  
310 Buyer shall order the inspection and be responsible for all costs of inspection, including any inspections required by lender or follow-up to

311 inspection. Note: This contingency only authorizes inspections, not testing, see lines 98 to 110. For the purposes of this contingency a defect  
312 is defined as any condition of the Property which constitutes a significant threat to the health or safety of persons who occupy or use the  
313 Property or gives evidence of any material use, storage or disposal of hazardous or toxic substances on the Property. Defects do not include  
314 conditions the nature and extent of which Buyer had actual knowledge or written notice before signing this Offer.  
315 This Offer was drafted on \_\_\_\_\_ (date) by [Licensee and Firm] \_\_\_\_\_

316 (X) Gregory M. Keil \_\_\_\_\_ Social Security No. or FEIN # \_\_\_\_\_ Date # 1/16/13

317 Buyer's Signature \* Print Name Here: \* GREGORY M. KEIL \_\_\_\_\_ Social Security No. or FEIN # \_\_\_\_\_ Date # \_\_\_\_\_

318 (X) \_\_\_\_\_ Social Security No. or FEIN # \_\_\_\_\_ Date # \_\_\_\_\_  
319 Buyer's Signature \* Print Name Here: \* \_\_\_\_\_ Social Security No. or FEIN # \_\_\_\_\_ Date # \_\_\_\_\_

320 EARNEST MONEY RECEIPT: Broker acknowledges receipt of earnest money as per line 8 of the above Offer. (See lines 242 - 267)  
321 \_\_\_\_\_ Broker (By) \_\_\_\_\_

322 SELLER ACCEPTS THIS OFFER. THE WARRANTIES, REPRESENTATIONS AND COVENANTS MADE IN THIS OFFER SURVIVE CLOSING AND  
323 THE CONVEYANCE OF THE PROPERTY. SELLER AGREES TO CONVEY THE PROPERTY ON THE TERMS AND CONDITIONS AS SET FORTH  
324 HEREIN AND ACKNOWLEDGES RECEIPT OF A COPY OF THIS OFFER.

325 (X) \_\_\_\_\_ Social Security No. or FEIN # \_\_\_\_\_ Date # 1-16-13

326 Seller's Signature \* Print Name Here: \* \_\_\_\_\_ Social Security No. or FEIN # \_\_\_\_\_ Date # \_\_\_\_\_

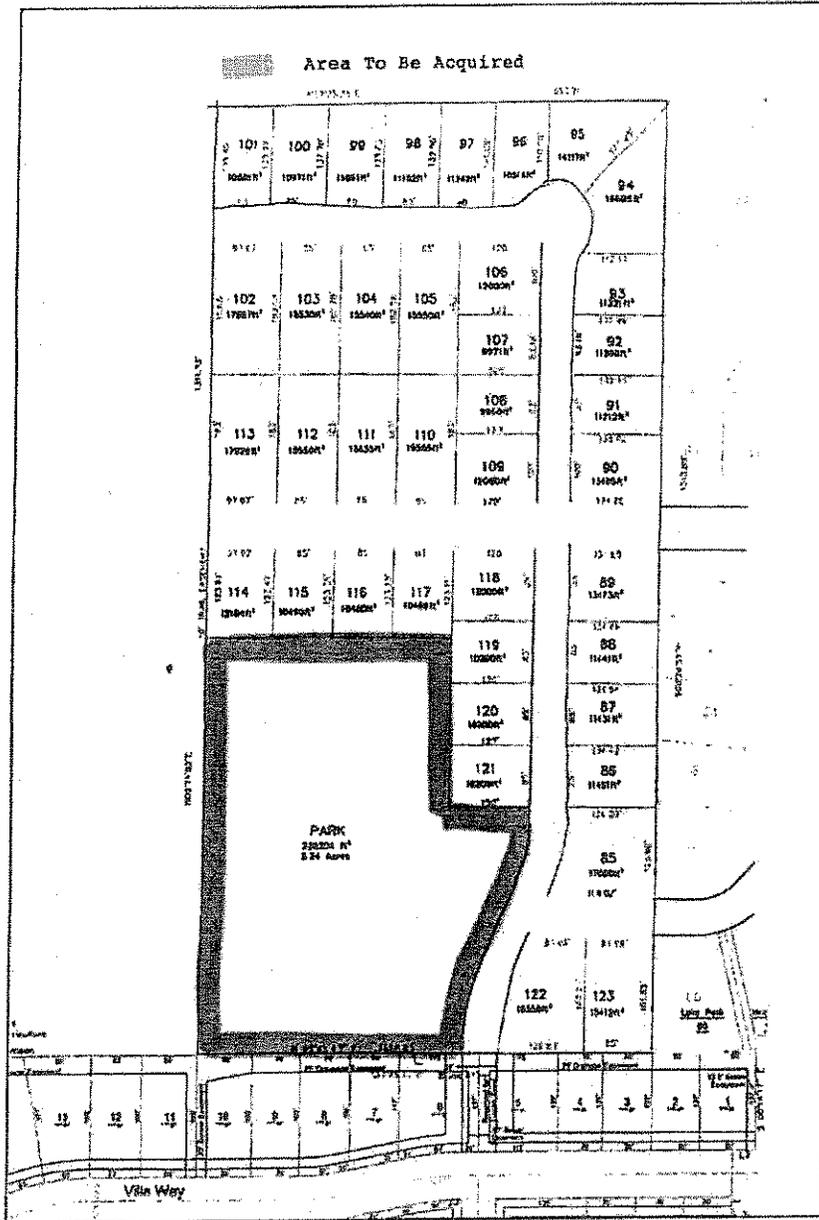
327 (X) \_\_\_\_\_ Social Security No. or FEIN # \_\_\_\_\_ Date # \_\_\_\_\_  
328 Seller's Signature \* Print Name Here: \* \_\_\_\_\_ Social Security No. or FEIN # \_\_\_\_\_ Date # \_\_\_\_\_

329 This Offer was presented to Seller by \_\_\_\_\_ on \_\_\_\_\_ at \_\_\_\_\_ a.m./p.m.

330 THIS OFFER IS REJECTED \_\_\_\_\_ THIS OFFER IS COUNTERED [See attached counter] \_\_\_\_\_  
331 Seller Initials \* Date \* \_\_\_\_\_ Seller Initials \* Date \* \_\_\_\_\_

# ADDENDUM B

## FIGURE 1





## Memorandum

To: Common Council  
From: Greg Keil, CDD *GK*  
Date: January 16, 2013  
RE: Disposition of Former NMFR Station 36

In May of 2011 this facility was damaged by high winds. Since the Fire Department had already relocated its operations to the Manitowoc Road site, there was no immediate need to repair the structure and its long-term use was put to the Plan Commission for its consideration.

In June of 2011 the Plan Commission made its recommendation that “the site be cleared and that the lot be marketed for an appropriate use”. That recommendation was presented to the Common Council on two occasions. In the first instance no action was taken and in the second, the recommendation was tabled pending settlement of the insurance claim. That claim was settled in August of 2012, and the city received payment of somewhat over \$30,000 for the damage to the structure.

In August of 2012 offers to purchase were presented by two different entities, both of which were countered by the Common Council. Neither counter offer was accepted. Staff is now seeking direction from the Common Council as to how it wishes to proceed with the reuse or redevelopment of the property.

Should the Common Council decide to sell the property for reuse, the prospective purchaser will need to address several building code and zoning requirements prior to the building being reoccupied. Due to existing zoning nonconformities relating to building setback, parking, landscaping, etc., the building may not be reoccupied until a Special Use Permit has been granted. This process involves review of the site plan and supporting documentation accompanying the Special Use Permit application by the Plan Commission and approval of a Special Use Permit and any conditions attached thereto by the Common Council following public hearings. The repair of structural damage to the building will also be required as well as any structural, HVAC, plumbing or electrical upgrades that may be required by the commercial building code to accommodate a specific class of occupancy. The cost to the city preceding the sale for reuse would be based on the parameters contained in the offer to purchase presented to the city.

Should the Common Council decide to follow the Plan Commission recommendation to market the property, we would need to proceed with clearing the site to make it ready for redevelopment. The estimated cost for the site clearance is around \$20,000. This amount would be covered by the \$30,000 insurance settlement.

Attached to this memo is correspondence from Endter Construction and from Grubb & Ellis-Pfefferle relating to the future use of the property. Also attached is an Opinion of Value prepared by Bob Drifka of the Drifka Group, Inc. at my request.

It is my recommendation that the Common Council proceed with clearing the site and making it available for redevelopment. My recommendation is based upon the same considerations regarding deriving the most tax revenue from the property over the long term that were outlined in my memo of May 12, 2012 (see attached).

There is a need to proceed expeditiously with the disposition of this property. The City Attorney has pointed out that there are increased risks and insurance expense to hold a vacant building. Additionally, we have a building with structural damage that is open to the elements, contrary to building code requirements.

I am requesting authorization from the Common Council to proceed with razing the structure and restoring the site to a level graded condition suitable for reuse. I am also requesting authorization to prepare a Phase I Environmental Assessment to make available to prospective purchasers. I would further request that the Common Council enter into a listing agreement list the property with the Drifka Group, Inc., with an exclusion of FP One LLC (the entity that previously made an offer to purchase), from brokerage commission.



**Memorandum**

To: Common Council  
From: Greg Keil, CDD *ek*  
Date: May 17, 2012  
RE: Reuse/Redevelopment of NMFR Station 36 – 901 Appleton Road

Over the past two months the Administration Committee has had before it an Option to Purchase the former fire station on Airport Road. The option was tabled. There is now on the Administration Committee Agenda an Offer to Purchase by another entity whose intention is to make repairs to the structure and use the building as a contractor's office and shop.

Based on action formerly taken by the Plan Commission (see attached) and Community Development staff's opinion, the reuse of the existing structure is not the highest and best use of the property. Staff's opinion is based on the following considerations:

- The site offers commercial development potential because of its visibility, corner location and is adjacent to STH 47 with average daily traffic counts of approximately 12,000 vehicles.
- The value of a new structure on the parcel would range between \$54/sq. ft. and \$86/sq ft. This would equate to a total value of between \$267,300 and \$425,700 based on the existing building size of 4,950 sq. ft., not including other site improvements.
- Per Menasha Assessor Mark Brown, the value as a contractor's office and shop in the existing building would range between \$15/sq. ft. and \$30.00sq.ft., for a total value of between \$74,250 and \$148,500.
- Based on the above noted range of values, the city would receive between \$4,600 and \$10,200 less in annual tax payments if the existing building is retained.
- Per the developer, retention of the existing building would have an adverse impact on redevelopment of the property owned by FP One, LLC, a copy of whose redevelopment concept plan is attached. This plan concept includes the fire station parcel.
- The development concept proposed by FP One, LLC will result in a petition to the city to annex a 9,750 sq. ft. parcel.

Based on these considerations, and most significantly, the potential for the city to garner an additional \$184,000 to \$408,000 in additional tax revenue over the 40 year life of a new building, **I recommend that the Administration Committee advance the Option to Purchase from FP One, LLC to the Common Council for its approval.**

Other information pertinent to the fire station property is attached.

January 16, 2013

Greg Keil  
City of Menasha  
140 Main Street  
Menasha, WI 54852

Re: 901 Appleton Road, City of Menasha

Dear Greg:

As per your request following is my opinion of value on the former fire station on Appleton Road. I am providing my opinion on the Property as vacant land and with the land and current building.

LAND:

Lot Size 16,010 square feet.

In determining the current land value, I reviewed your previous appraisal from 2006 and comparable land sales in the immediate area; see attached Exhibit 1. The 2 comparable land sales that I gave the most weight are numbers 1 (O-Reilly's) at \$6.46 per square foot, and 2 (Subway) at \$2.22 per square foot.

Using the attached comps, and considering the drop in land value throughout the Fox Cities the past several years, I believe that the Property's vacant land value is still consistent with the 2006 appraisal at \$76,000. This equates to \$4.75 per square foot. I was valuing it in a range of \$70,000 - \$80,000 dependent upon who pays for the demolition testing/permitting and razing. In addition I considered the new Dollar General which kept the price stable at approximately \$76,000.

The land's size is the main issue that will restrict redevelopment. What is the maximum size of a building that could be constructed on the lot and have adequate parking; 2,000-2,500? Would the property be better used by selling to the adjoining land owner to incorporate into their new development? The adjoining owner would gain access to and from Airport Road.

BUILDING:

Building square footage of 4,950 was provided by the City of Menasha.

In determining the current Property value with land and building, I used comparable building sales the immediate area; see attached Exhibit 2. I also expanded the comp search area; see attached Exhibit 3. Properties that were given little to no weight are on Exhibit 2 number 3, and on Exhibit 3 numbers 4 and 6.

Using the attached comps and adjusting for building sizes, location, type, I have a current opinion of value in the range of \$155,000 - \$175,000. This equates to \$31.31 - \$35.35 per square foot. I have not been through the building to see its layout and condition; assuming fair. My opinion also does not take into consideration the storm damage that I observed on the buildings northwest corner. Any repair cost would be deducted from the above opinion of value.

A used building value always has a wide range which is determined by the new user. For example, a car repair shop will have the most value selling to another car repair shop. Otherwise the new buyer has to retrofit therefore consider their repair and remodeling costs in addition to the building, lowering its value to them.

I hope the above is of assistance to the City of Menasha in determining which direction to move forward.

Sincerely,

**DRIFKA GROUP INC.**

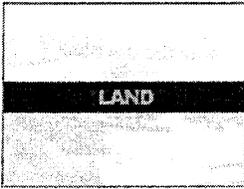
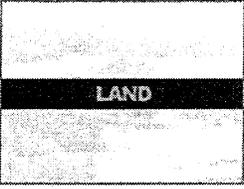
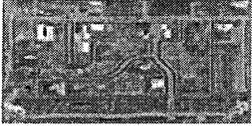
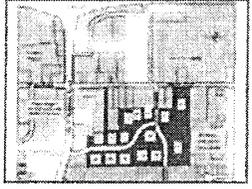
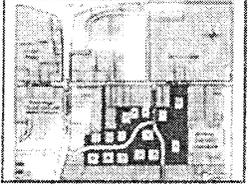


Robert E. Drifka

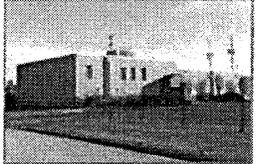
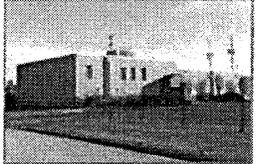
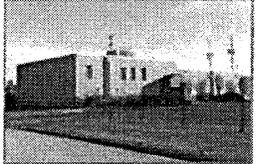
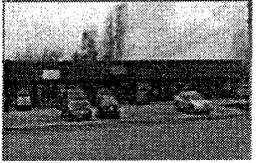
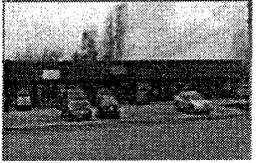
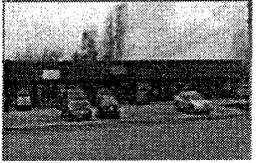
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3 attachments

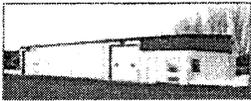
# EXHIBIT 1

<b>1</b>	<b>1312 Appleton Rd</b>	<b>SOLD</b>														
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## EXHIBIT 2

1	618-622 W Airport Rd	SOLD						
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# EXHIBIT 3

<b>1</b>	<b>Multi-Property</b>	<b>SOLD</b>
<p><b>2 Retail buildings in Neenah, WI, having total size of 6,890 SF.</b></p> <p>Sale Date: <b>02/01/2012 (337 days on mkt)</b> # Properties: <b>2</b>                  Sale Price: <b>\$200,000 - Full Value</b> Total Size: <b>6,890 SF</b>                  Price/SF: <b>\$29.03</b> Total Land Area: <b>1 AC</b></p> <p>Pro Forma Cap - Sale Conditions: <b>REO Sale</b>                  Rate:                  Comp ID: <b>2499806</b>                  Research Status: <b>Full Value</b></p>		
		
<b>2</b>	<b>618-622 W Airport Rd</b>	<b>SOLD</b>
<p><b>Menasha, WI 54952</b> <span style="float: right;"><b>Winnebago County</b></span></p> <p>Sale Date: <b>09/14/2011</b> Bldg Type: <b>RetailFreestanding</b>                  Sale Price: <b>\$240,000</b> Year Built/Age: <b>Built 1979 Age: 32</b>                  Price/SF: <b>\$26.43</b> RBA: <b>9,081 SF</b></p> <p>Pro Forma Cap - Parcel No: <b>704-00795-01</b>                  Actual Cap Rate: - Sale Conditions: <b>-</b>                  Comp ID: <b>2202461</b>                  Research Status: <b>Public Record</b></p>		
		
<b>3</b>	<b>2140 American Dr</b>	<b>SOLD</b>
<p><b>Neenah, WI 54956</b> <span style="float: right;"><b>Winnebago County</b></span></p> <p>Sale Date: <b>12/15/2011 (280 days on mkt)</b> Bldg Type: <b>Class C Flex</b>                  Sale Price: <b>\$156,250 - Confirmed</b> Year Built/Age: <b>-</b>                  Price/SF: <b>\$22.44</b> RBA: <b>6,963 SF</b></p> <p>Pro Forma Cap - Parcel No: <b>008-013304</b>                  Actual Cap Rate: - Sale Conditions: <b>-</b>                  Comp ID: <b>2229284</b>                  Research Status: <b>Confirmed</b></p>		
		
<b>4</b>	<b>200 W Cecil St</b>	<b>UNDER CONTRACT</b>
<p><b>Neenah, WI 54956</b> <span style="float: right;"><b>Winnebago County</b></span></p> <p>Asking Price: <b>\$275,000</b> Sale Type: <b>Investment</b>                  Price/SF: <b>\$17.19</b> Bldg Type: <b>Class B IndustrialWarehouse</b>                  Days on Market: <b>2172</b> Bldg Status: <b>Built 1957</b>                  Sale Status: <b>Under Contract</b> RBA: <b>16,000 SF</b></p> <p>Actual Cap Rate: - Parcel No: <b>802-03980000</b>                  Sale Conditions: <b>-</b></p>		
		
<b>5</b>	<b>854-856 S Commercial St</b>	<b>SOLD</b>
<p><b>Neenah, WI 54956</b> <span style="float: right;"><b>Winnebago County</b></span></p> <p>Sale Date: <b>02/02/2012 (1,029 days on mkt)</b> Bldg Type: <b>RetailStorefront</b>                  Sale Price: <b>\$136,000 - Confirmed</b> Year Built/Age: <b>Built 1965 Age: 41</b>                  Price/SF: <b>\$52.96</b> RBA: <b>2,568 SF</b></p> <p>Pro Forma Cap - Parcel No: <b>809-02480000</b>                  Actual Cap Rate: - Sale Conditions: <b>-</b>                  Comp ID: <b>2266831</b>                  Research Status: <b>Confirmed</b></p>		
		
<b>6</b>	<b>2188 S Memorial Dr</b>	<b>SOLD</b>
<p><b>Appleton, WI 54915</b> <span style="float: right;"><b>Winnebago County</b></span></p> <p>Sale Date: <b>11/22/2011</b> Bldg Type: <b>RetailFreestanding</b>                  Sale Price: <b>\$175,000</b> Year Built/Age: <b>Built 1965 Age: 46</b>                  Price/SF: <b>\$56.82</b> RBA: <b>3,080 SF</b></p> <p>Pro Forma Cap - Parcel No: <b>31-8-2228-00</b>                  Actual Cap Rate: - Sale Conditions: <b>-</b>                  Comp ID: <b>2222795</b>                  Research Status: <b>Public Record</b></p>		
		

## Greg M. Keil

---

**From:** Chris Endter [endterconst@yahoo.com]  
**Sent:** Friday, December 28, 2012 3:26 PM  
**To:** Kevin Benner; Jim Englebert; Daniel Zelinski; Steve Krueger; Mark Langdon; Stan Sevenich; Michael Taylor.; Chris Klein; Don Merkes; Pamela Captain; Debbie Galeazzi; Greg M. Keil  
**Subject:** Fire Station  
**Attachments:** Greg Keil letter 8-22-12.docx

To whom it may concern,

It has been brought to my attention that city council has the impression that my partner and I are no longer interested in purchasing the fire station that has been brought up in several council meetings. In fact we are very much still interested. I believe there has been some confusion do to a lack of communication. I received and e-mail from Greg Keil on August 22nd (I have attached a copy) stating that the Administration Committee took action to create a counter offer for \$125,000 and attorney Captain would be drafting a formal counter offer; however, we never received the formal counter offer. We had assumed that the matter had been held up and we would be hearing back from the city on how to proceed. We never received another phone call, e-mail, letter, nothing.

As stated in our first offer, we would need a few things to be approved, in writing before we would move forward with the purchase.

- 1) We would need a commitment from the City of Menasha and/or the Wisconsin Department of Transportation, as applicable, to maintain ingress and egress to and from the subject property to Airport Road.
- 2)The offer is contingent upon the Buyer receiving a commitment from the City of Menasha to allow no less than eight (8) outdoor parking stalls on the subject premises with access to Airport Road. Four (4) parking stalls exist now, so the creation of an additional four(4) would need approval.
- 3)The offer is contingent upon the City of Menasha rezoning the subject property to C1.
- 4)The offer is contingent upon Buyer, at Buyer's expense, obtaining a survey of the subject property demonstrating that all the improvements to the subject property are located within the legal boundaries of the subject property.
- 5)The offer is contingent upon the Buyer receiving a commitment from the City of Menasha to allow one(1) monument style, lighted sign to be placed on the northwest corner of the subject property, as well as lighted signage to be placed on the west and north sides of the subject property.

All of the above mentioned were included in our original offer minus line five(5), and we were never notified about any of the above being approved. I do understand that the city had approved supplying a Phase 1 environmental audit report before the sale.

We would like to explain in detail our intentions for the building so that the entire council understands. I am the owner of a local small business, Endter Construction, LLC. The building would be our headquarters and include a shop area to park and service vehicles, a reception area for visiting clients, a small showroom to demonstrate products and services, as well as office space for our employees. We want the city to understand that we intend on spending a sizable amount of money to repair/remodel the building if we were to get it. Improvements we have budgeted for are as follows:

- 1)Replace HVAC system in entire building ( The current HVAC system is aging and inefficient, also the air conditioning system is not to code. A rooftop a/c condenser is simply laying on the dirt on the south side of the building currently.)
- 2) Upgrade electrical and lighting systems (The current lighting fixtures are inefficient and dated)
- 3) Replace plumbing fixtures (When the new fire station was built, several fixtures were taken from the subject property. Right now there is no kitchen in the building, everything was taken out, even the counter tops, the shower heads are no longer there, etc.) We intend on replacing lavatory fixtures, kitchen fixtures, cabinets, counter tops, etc.)

- 4) As mentioned above, we would like to place signage on the north and west walls of the building, as well as place a lighted monument sign on the northwest corner of the property.
- 5) Landscaping (We would like to add shrubs, flowers, etc. around the entire building to enhance the appeal of the building)
- 6) Exterior plastering (We had discussed the option of installing plaster to the north and west elevations of the building with coin corners, etc. to enhance the appeal of the building. This would include decorative trim work around the windows and doors.)
- 7) Flooring (The current floor coverings in the building are outdated and may contain asbestos. We intend on installing new flooring in the entire building as well as new ceiling tiles, etc.)

In conclusion, we would like the City to re visit our offer of \$80,000 which we think is a fair offer when considering the current condition of the property. Also, the City would have an instant tax base from the sale of the property as well as additional revenue when the improvements are completed.

Thanks for your consideration in this matter,

Chris Endter  
Gilbert Mader

*Chris Endter*  
*Endter Construction, LLC*  
*(920)585-2042*  
*[Endterconst@yahoo.com](mailto:Endterconst@yahoo.com)*  
*<http://www.endterconstruction.com/>*



**GRUBB & ELLIS.**  
Pfefferle

January 16, 2013

Mr. Greg Keil, CBB  
City of Menasha  
140 Main Street  
Menasha, WI 54952-3151

Via Email: [gkeil@ci.menasha.wi.us](mailto:gkeil@ci.menasha.wi.us)

Dear Greg:

Per our conversation, I am submitting the following thought as an alternate to our previous negotiations to acquire the fire station property located on Appleton Road.

I certainly understand the City's need to sell this property at the highest price, but respectfully submit that for the long range good of the community, you may want to consider holding the property out for development. As I previously stated in other correspondence, this highly visible site as an entrance to your City needs to be redeveloped with a quality project. We recognize that on our property to the south where we have now demolished the building and made the site ready for commercial development of a higher standard. I would think the City would like to have the same opportunity.

The highest and best use of the property, in my opinion, is to demolish the building and market it in conjunction with our property to the south. At this point I do not have any interest in acquiring the property, but would suggest the following scenario.

We would be willing to list the parcel as vacant at a price of \$112,000. This equates to a per square foot price of \$7.00. Your appraiser had concluded a unit price of \$4.75 per square foot for the value of the land. I am attaching to this letter our marketing sheet showing the properties that we currently have for sale. Lot 3 adjoins the fire station property and consists of .62 acres with an asking price of \$168,000, or \$6.22 per square foot. We have the flexibility of moving property lines on our site to expand your parcel, if necessary, for a larger user, thus creating additional opportunities for marketing your parcel. We would not charge a commission for listing your property. However, if another broker is involved in the transaction we would need to respect their need for a commission and build that into the purchase price.

It seems to me that this would be a win/win for everyone. It exposes your property to a broader market; it expands the potential tax base for your site as well as ours; and your only obligation would be to demolish the building.

If you have any questions regarding this proposal, I would be happy to respond. Please pass it onto the appropriate authorities for review and further discussion.

Sincerely,

GRUBB & ELLIS | PFEFFERLE

A handwritten signature in black ink, appearing to read "John Pfefferle", with a stylized flourish at the end.

John Pfefferle

JP/sj

Enclosure

cc: Todd Platt

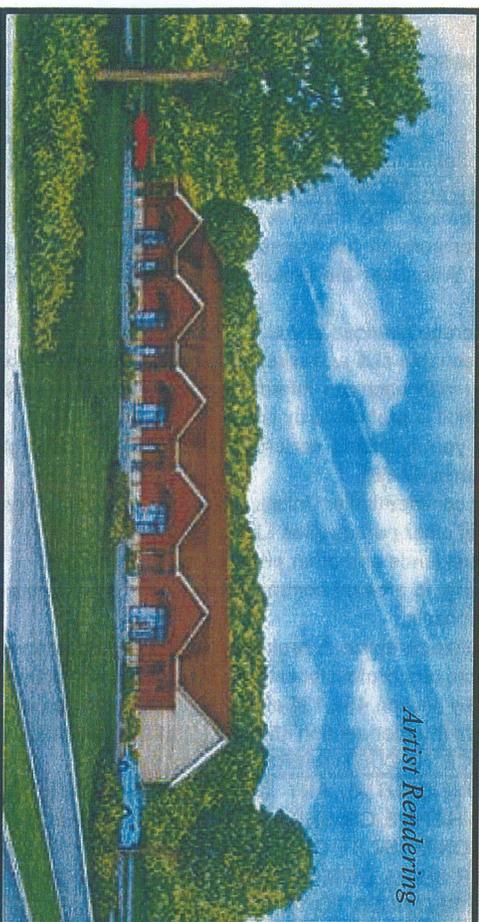
# Land For Sale or Build to Suit

## Class-A Office/Retail Center

1165 Appleton Road, Menasha



**GRUBB & ELLIS**  
Pfefferle  
Independently Owned and Operated



### Property Profile

#### NEW CONSTRUCTION

- Vanilla shell build-out provided
- Upscale, decorative block & brick exterior
- Ample on-site parking
- Easy access to Hwy 441
- Great visibility

#### To learn more, please contact:

Grubb & Ellis | Pfefferle  
200 E. Washington St., Suite 2A  
Appleton, WI 54911  
920.968.4700 main  
920.968.4300 fax

**Mike Pfefferle**  
Commercial Real Estate Advisor  
920.560.5069 office  
920.450.4154 cell  
mikep@gcpwi.com



### Snapshot

### For Lease / Build to Suit

<b>Price</b>	\$12/SF (NNN)
<b>Square Feet</b>	1,200—10,000 SF (divisible)
<b>CAM</b>	Approximately \$3/SF
<b>Lease Term</b>	Minimum 5-year lease
<b>Traffic Count</b>	12,000 vehicles per day

### For Sale (see attached)

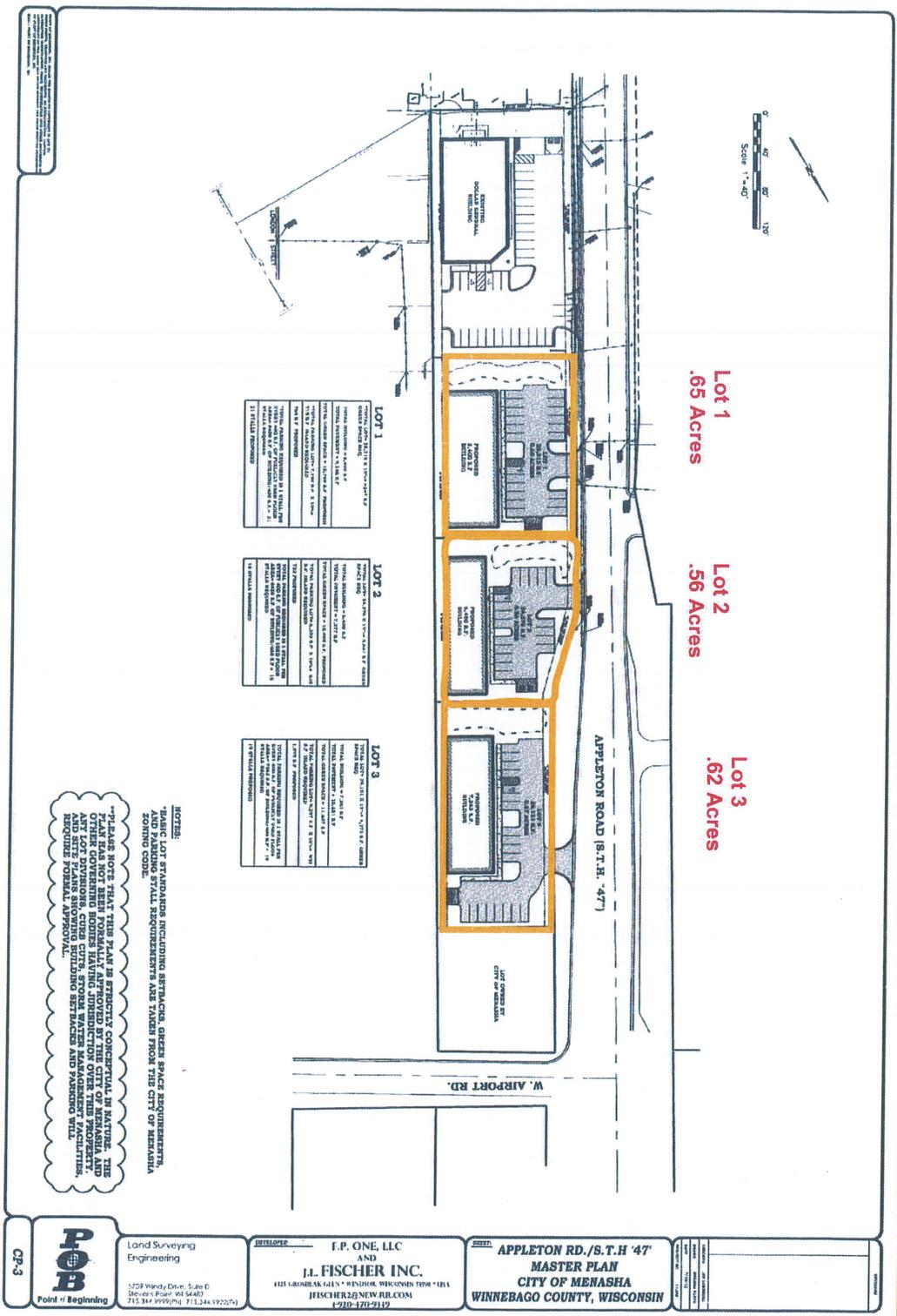
Lot 1 - .65 Acres	\$145,000
Lot 2 - .56 Acres	\$122,000
Lot 3 - .62 Acres	\$168,000

The information contained herein was obtained from sources believed reliable, however, Grubb & Ellis | Pfefferle makes no guarantees, warranties, or representations as to the completeness or accuracy thereof. The presentation of this property is submitted subject to errors, omissions, change of price or conditions prior to sale or lease, or withdrawal without notice.

# Land For Sale or Build to Suit

## Class-A Office/Retail Center

1165 Appleton Road, Menasha





## MEMORANDUM

Date: December 28, 2012

To: Common Council

From: Pamela A. <sup>PAC</sup>Captain, City Attorney

RE: Fire Station #2

Staff is seeking direction about what the City wants to do with fire station #2 at 1197 Appleton Road. The plan commission has recommended that the building be demolished and the property sold for development. Community Development concurs with this recommendation. As a city owned building it is off the tax roll.

The city has no plans to reuse the building or the land. There is no common council authorization to list the property for sale. The building's structure is damaged from a spring 2011 storm for which the city collected insurance proceeds of just over \$30,000. There is also water damage which occurred after the building became vacant in winter 2011 and we are aware of asbestos in the building.

As we begin another new year the building remains vacant. It is not advisable to continue to hold a vacant building as it carries with it a greater risk of vandalism. Additionally, we are required to take out a special vacant building insurance endorsement.