

It is expected that a Quorum of the Personnel Committee, Board of Public Works, and Common Council 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
ADMINISTRATION COMMITTEE
Third Floor Council Chambers
140 Main Street, Menasha
June 15, 2009
7:00 PM
or immediately following Board of Public Works
AGENDA**

A. CALL TO ORDER

B. ROLL CALL/EXCUSED ABSENCES

C. MINUTES TO APPROVE

1. [Administration Committee, 6/1/09](#)

D. ACTION ITEMS

1. [Due Process Hearing – Ramsey & Ramsey, Inc.](#)
2. [Amendment to Listing Contract with Bomier Properties Inc., Province Terrace and Midway Business Park](#)
3. [R-16-09 Resolution Transferring/Appropriating Funds \(Introduced by Ald. Wisneski\)](#)
4. [R-17-09 Resolution Continuing Appropriations \(Introduced by Ald. Wisneski\)](#)

E. ADJOURNMENT

CITY OF MENASHA
ADMINISTRATION COMMITTEE
Third Floor Council Chambers
140 Main Street, Menasha
June 1, 2009
MINUTES

DRAFT

A. CALL TO ORDER

Meeting called to order by Chairman Wisneski at 7:10 p.m.

B. ROLL CALL/EXCUSED ABSENCES

PRESENT: Ald. Englebert, Benner, Pamenter, Taylor, Wisneski, Pack, Hendricks,
Zelinski

ALSO PRESENT: Mayor Merkes, Atty Rich Carlson, PC Stanke, DPW Radtke,
CDD Keil, C/T Stoffel, Clerk Galeazzi, and the Press.

C. MINUTES TO APPROVE

1. [Administration Committee, 5/18/09](#)

Moved by Ald. Pack, seconded by Ald. Pamenter to approve minutes.
Motion carried on voice vote.

D. ACTION ITEMS

1. [Appeal of Denial of Operator's License – Kathryn A. Harding](#)

PC Stanke explained his reason for denying an operator's license to Kathryn A. Harding was past convictions of three OWI and possession of the drug THC.

Kathryn A. Harding explained she has had a clean record since 2005.

Kathy Bayer, licensed agent for R&R Bar, stated Kathryn is a good worker and believes everyone should have a second chance to prove themselves.

PC Stanke explained temporary licenses have been issued with conditions. He has a set of guidelines that he follows. He would be open to any suggestions on guidelines from the Council.

Atty Carlson stated it is at the discretion of the Committee as to how long a person should wait from their last conviction before being granted an operator's license.

Moved by Ald. Pack, seconded by Ald. Pamenter to deny an Operator's License to Kathryn Harding.

Motion carried on roll call 6-2.

Ald. Pamenter, Wisneski, Pack, Zelinski, Englebert, Benner – yes

Ald. Taylor, Hendricks – no

2. [R-14-09 Resolution Relating To 2010 Census Complete Count Committee](#)

Mayor Merkes explained this resolution will authorize the creation of a count committee to help with the 2010 census. He will bring forth names of citizens for recommendation to this committee.

Moved by Ald. Hendricks, seconded by Ald. Pack to recommend approval to Common Council.

Motion carried on voice vote.

3. Retain Jeff Brandt as Consultant/Interim City Attorney (Ald. Pack) (Held 5/18/09)

Mayor Merkes reported Atty. Brandt revised his original proposal. He would hold office hours at City Hall one day a week and then be available on an as needed basis. Mayor Merkes stated the City Attorney Search Committee has been interviewing candidates and should have a recommendation soon.

Discussion ensued that the Council has given Mayor Merkes authorization to hire interim legal representation. Mayor Merkes currently has interim attorneys representing the City on an as needed basis.

Moved by Ald. Pack to retain Jeff Brandt as an interim City Attorney.
No second, motion dies.

E. ADJOURNMENT

Moved by Ald. Hendricks, seconded by Ald. Taylor to adjourn at 7:35 p.m.
Motion carried on voice vote.

Respectfully submitted by
Deborah A. Galeazzi, WCMC
City Clerk

CITY OF MENASHA, A Wisconsin
Municipality and Body Politic
140 Main St
Menasha WI 54951

v.

RUSSELL DAVID JONES
2 Tayco St
Menasha WI 54952
(RAMSEY & RAMSEY, INC.)

JEFFREY LEE JONES
350 Ahnaip St
Menasha WI 54952
(RAMSEY & RAMSEY, INC.)

NOTICE OF HEARING ON INTENT NOT TO RENEW LIQUOR LICENSE

PLEASE TAKE NOTICE, that a hearing will be held by the City of Menasha Administration Committee at City Hall, 140 Main Street, Menasha, Wisconsin, on June 15, 2009, at 7:00 p.m. The hearing will determine whether Russell David Jones, Jeffrey Lee Jones and Ramsey & Ramsey, Inc., are qualified to hold a liquor license pursuant to Section 125.04(5)(b) and (c) Wis. Stats. Under these sections, both the corporation and the officers of the corporation must be qualified to hold a liquor license, and that neither the corporation or any of its officers are qualified if convicted of a felony which substantially relates to the licensing activity.

Records available to the City indicate that Russell David Jones has been convicted of felony commercial gambling and Jeffrey Lee Jones has been convicted of felony bail jumping.

The City of Menasha will further determine whether the license will not be renewed for failure to disclose convictions on the license application.

The hearing will be conducted pursuant to Section 125.12(2)(b)2, Wis. Stats.

Dated this 3rd day of June, 2009.

Deborah A. Galeazzi
Deborah A. Galeazzi, City Clerk
City of Menasha
140 Main St.
Menasha WI 54952

cc: Mary Ann Saunders
2226 N. Bay St.
Appleton WI 54911-3216

Kathleen Bayer
1703 Plank Rd
Menasha WI 54952

RENEWAL ALCOHOL BEVERAGE LICENSE APPLICATION

Submit to municipal clerk. Read instructions on reverse side.

For the license period beginning July 1, 2009; ending June 30, 2010

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

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

CHECK ONE Individual Partnership Limited Liability Company
 Corporation/Nonprofit Organization

Complete A or B. All must complete C.

A. Individual or Partnership:

Full Name(s) (Last, First and Middle Name) Home Address Post Office & Zip Code

B. Full Name of Corporation/Nonprofit Organization/Limited Liability Company ▶ Ramsey & Ramsey Inc
 Address of Corporation/Limited Liability Company (if different from licensed premises) ▶ 2 Taylor St
 All Officer(s) Director(s) and Agent of Corporation and Members/Managers and Agent of Limited Liability Company:

Title	Name (Inc. Middle Name)	Home Address	Post Office & Zip Code
President/Member	<u>Russell David Jones</u>	<u>2 Taylor St</u>	<u>Menasha 54952</u>
Vice President/Member	<u>Jeffery Lee Jones</u>	<u>350 Anna St</u>	<u>Menasha 54952</u>
Secretary/Member	<u>Mary Anne Saunders</u>	<u>2226 N. Bay St</u>	<u>Appleton 54917</u>
Treasurer/Member			
Agent	<u>Kathleen Bayer</u>	<u>1703 Plank Rd</u>	<u>Menasha 54952</u>

 Directors/Managers

C. 1. Trade Name ▶ R+R Bar Business Phone Number 920-729-6363
 2. Address of Premises ▶ 2 Taylor St Post Office & Zip Code ▶ Menasha 54952

3. Does the applicant understand that they must purchase alcohol beverages only from Wisconsin wholesalers? Yes No
4. 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.) 1st floor Bar Room, Liquor Room & Office & Basement
5. Legal description (omit if street address is given above): _____
6. a. Since filing of the last application, has the named licensee, any member of a partnership licensee, or any member, officer, director, manager or agent for either a limited liability company licensee, corporation licensee, or nonprofit organization licensee been **convicted of any offenses** (excluding traffic offenses not related to alcohol) for violation of any federal laws, any Wisconsin laws, any laws of other states, or ordinances of any municipality? **If yes, complete reverse side** Yes No
- b. Are **charges for any offenses** presently **pending** (excluding traffic offenses not related to alcohol) against the named licensee or any other persons affiliated with this license? **If yes, explain fully on reverse side** Yes No
7. Except for questions 6a and 6b, have there been any changes in the answers to the questions as submitted by you on your last application for this license? **If yes, explain.** Yes No
8. Was the profit or loss from the sale of alcohol beverages for the previous year reported on the Wisconsin Income or Franchise Tax return of the licensee? **If not, explain.** Yes No
9. Does the applicant understand a Wisconsin Seller's Permit must be applied for and issued in the same name as that shown under Section A or B above? [phone (608) 266-2776] 004-0000-441444-01 Yes No
10. Does the applicant understand that alcohol beverage invoices must be kept at the licensed premises for 2 years from the date of invoice and made available for inspection by law enforcement? Yes No
11. 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.)

SUBSCRIBED AND SWORN TO BEFORE ME
 this 15th day of April, 2009
Kristin R. Swartz
 (Clerk/Notary Public)
 My commission expires 3-10-13

Russell D. Jones
 (Officer of Corporation/Member/Manager of Limited Liability Company /Partner/Individual)

 (Officer of Corporation/Member/Manager of Limited Liability Company /Partner)

 (Additional Partner(s)/Member/Manager of Limited Liability Company if Any)

TO BE COMPLETED BY CLERK		
Date received and filed with municipal clerk <u>4/15/09</u>	Date reported to council/board	Date license granted
License number issued	Date license issued	Signature of Clerk / Deputy Clerk



Memorandum

TO: Common Council
FROM: Greg Keil, CDD *CK*
DATE: June 11, 2009
RE: Renewal of Listing Agreement for City-Owned Property- Bomier Properties

The attached listing agreements are for city-owned commercial properties in the Midway Business Park and along Province Terrace. This is the second extension of the original listing agreement from November of 2007. Bomier Properties was selected to perform commercial property brokerage services by the Common Council following a Request for Proposals solicitation and review of qualifications. A report summarizing Bomier Properties' recent marketing activities is contained in the attached email from Jason Gallmier.

Prior to engaging Bomier Properties, parcels were listed on This Property.com and notification was made to all commercial brokers under terms described in the attached memorandum dated June 19, 2000. This memorandum was periodically updated and redistributed to commercial brokers.

WB-42 AMENDMENT TO LISTING CONTRACT

1 It is agreed that the Listing Contract dated November 19, 2007, between the undersigned, for sale of the property known as

2 (Street Address/Description) Province Terr. & Midway Business Park

3 in the City of Menasha, County of

4 Outagamie, Wisconsin is amended as follows:

5 () The list price is changed from \$ _____ to

6 \$ _____.

7 (X) The expiration date of the contract is changed from June 1, 2009, to midnight

8 December 1, 2009.

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

10 _____

11 _____

12 () Other: _____

13 _____

14 _____

15 _____

16 _____

17 _____

18 _____

19 _____

20 _____

21 _____

22 _____

23 _____

24 _____

25 _____

26 ALL OTHER TERMS OF THE CONTRACT AND ANY PRIOR AMENDMENTS REMAIN UNCHANGED.

27 (X) Jason Gallmeier/Bomier Properties, Inc.

28 (Broker/Firm) ▲

29

30 (X) 06/05/2009

31 By ▲

32 (Print Name) ► Jason Gallmeier

(X) _____

(Seller's Signature) ▲

(Date) ▲

(Print Name) ► Mayor Donald Merkes

(X) _____

(Seller's Signature) ▲

(Date) ▲

(Print Name) ►

33

34

ATTACH THIS AMENDMENT
TO THE LISTING CONTRACT

WISCONSIN REALTORS® ASSOCIATION, 4801 Forest Run Road, #201, Madison, Wisconsin 53704 (608) 241-2047 Fax (608) 241-5168

Greg M. Keil

From: Jason G. Gallmeier [jason@bomier.com]
Sent: Monday, June 08, 2009 2:14 PM
To: Greg M. Keil
Subject: Marketing update

Greg,

Thanks for taking the time to meet with me last Friday. As we discussed, I have a couple of good opportunities in the City but still have some work to do to get the transactions signed. One opportunity I am very optimistic about is a project slated for the Midway Business Park. As part of our meeting you asked that I provide a marketing update for the two listings the City has with me. (Province Terrace & Midway Business Park) We would appreciate the opportunity to extend our listing contract for an additional 6 month period.

As we discussed, vacant land is probably one of the slowest moving aspects of commercial real estate in our current market. We have had the opportunity however to present your property to a few parties looking over the past few weeks. Currently, I am working with Keller Structures to provide a build to suit lease back building to a local Chiropractor that is interested in locating in the Midway Business Park. To date I am told the tenant has signed a design build contract with Keller Structures and I am now working on scheduling a meeting with them to assist in writing an offer on one of the lots. I believe they are most interested in Lot #3. I will be in touch with you yet this week with further updates.

Regarding Province Terrace, I have had a serious inquiry from a gentleman wanting to purchase lots 1,2 & 3 for a "high end" storage facility. Assuming this was not a permitted use at this location I tried to inquire more about the nature of the business and building construction but the developer was not willing to share any details at this time as he didn't want anyone to "steal" his idea. He asked that I simply find out if the City would allow a storage use on these parcels. Per our discussion from Friday, I have informed him that the City would not allow storage facilities on these parcels.

We plan to continue marketing both parks to potential users looking to build. We have been do a great deal of outbound cold calling to various end users and continue to keep in contact with all area brokers, developers, engineering firms and contractors in an effort to be sure we are not missing any opportunity to present the City land to those looking to build.

Once you have had a chance to review the amendment internally please feel free to give me a call with any questions or concerns. I look forward to hearing from you.

Regards,

Jason G. Gallmeier
Sales Associate
Bomier Properties Inc.
5553 Waterford Lane
Appleton, WI 54913-8402
P: (920) 739-5300
F: (920) 739-7007
M: (920) 205-3846
www.bomier.com <<http://www.bomier.com>>



City of Menasha • Department of Community Development

Memorandum

TO: Commercial Real Estate Brokers & Other Interested Parties
FROM: Greg Keil, Community Development Director *GK*
DATE: June 19, 2000
RE: Midway Business Park Site Availability

The City of Menasha has recently completed development of the Midway Business Park. This facility is located near the intersection of Midway Road and STH 47.

The 31 acre business park is fully improved with streets and utilities. Parcels range in size from about one to three acres. Office, service and light manufacturing uses are permitted within the business park, and retail and commercial recreational uses are permissible as special uses.

Quality development is assured by C-4 Zoning District standards (see enclosed) which incorporate requirements for building materials, landscaping and site design and development.

The sale price is \$34,000/acre. The city is offering an 8 percent commission to brokers on lot sales. A plat of the business park is enclosed for your reference.

RESOLUTION TRANSFERRING/APPROPRIATING FUNDS

Introduced by Alderman Wisneski

WHEREAS, it is necessary for the City of Menasha to transfer funds to cover 2008 Budget overdrafts and to appropriate revenues received but not budgeted,

NOW, THEREFORE, BE IT RESOLVED by the Mayor and the Common Council concurring that the following budget transfers/appropriations be made:

A/C #	ACCOUNT NAME	AMOUNT	AMOUNT
TO:			
51-02-1034	CITY CLERK	\$ 2,281.29	
51-10-115	CITY BUILDINGS	11,288.82	
51-04-305	ILLEGAL TAX/TAX REFUND	4,662.32	
52-03-301	BLDG & PLUMB INSPECTOR	15,000.46	
52-08-602	PRISONER MEAL CHARGE	6,118.00	
53-09-108	DENTAL SEALANT PROGRAM	8,057.91	
53-08-115	ANIMAL IMPOUNDMENT	2,054.77	
53-09-118	BIOTERRORISM	16,726.39	
54-10-123	STREET CLEAN/FLUSH	5,098.32	
54-10-124	SNOW & ICE CONTROL	368,461.08	
54-10-134	STORM SEWERS AND DRAINS	29,640.61	
54-10-143	STREET LIGHTING	23,422.15	
54-10-202	PARKING LOTS AND METERS	23,085.30	
54-03-205	DIAL-A-RIDE SUBSIDY	1,200.00	
54-10-502	WEED CONTROL	10,341.47	
55-07-203	SWIMMING POOL	14,794.90	
55-10-215	LIFT BRIDGES	12,884.06	
55-04-221	CIVIC COMMEMORATIONS	4,298.31	
56-03-501	URBAN REDEVELOPMENT	8,027.34	
		\$ 567,443.50	

FROM:

43-04-965	ST AID - PUBLIC HEALTH	\$ 11,964.00
44-04-301	BUILDING PERMITS	15,000.46
46-04-165	PUBLIC HEALTH DEPARTMENT	5,745.00
47-04-165	LOCAL GOV-PUBLIC HEALTH	7,075.00
47-04-978	STATE-LIFT BRIDGES	12,884.06
51-02-103	CITY ATTORNEY	8,482.36
51-02-105	PERSONNEL DEPARTMENT	9,483.88
51-04-106	COMPTROLLER/TREASURER	1,419.77
51-04-107	CITY ASSESSOR	4,662.32
51-04-109	INFORMATION TECHNOLOGY	4,907.94
51-02-118	EMPLOYEES SAFETY COMM	7,410.24
52-08-101	POLICE DEPARTMENT	148,630.06
52-08-103	CROSSING GUARD PATROL	5,155.08
52-08-106	COMMUNITY SERVICE OFFICER	38,917.15
52-05-201	FIRE DEPARTMENT	12,572.84
53-09-102	HEALTH DEPARTMENT	12,050.04
53-09-103	ENVIRONMENTAL HEALTH	5,205.77
53-09-212	SENIOR CENTER	3,231.84
53-07-401	RESTHAVEN CEMETERY OPS	5,760.96
54-10-111	ENGINEERING/PUBLIC WORKS	69,628.71
54-10-121	STREET CONSTRUCTION	64,071.32
54-10-131	STREET SIGNS/MARKINGS	3,901.29
54-10-304	REFUSE COLLECT/DISPOSAL	22,254.58
54-06-101	PUBLIC LIBRARY	14,617.55
55-07-201	RECREATION DEPARTMENT	35,307.62
55-07-202	PARKS DEPARTMENT	9,016.79
56-07-101	FORESTRY	4,126.57
56-03-202	COMMUNITY DEVELOPMENT	23,960.30

		\$ 567,443.50
		=====

Passed and approved this ____ day of _____, 2009

Donald Merkes, Mayor

Deborah A. Galeazzi, Clerk

FISCAL NOTE: This resolution is only to cover those individual accounts which exceeded their budgeted amount or to appropriate revenues received but not budgeted for in the General Fund.

The General Fund, in its entirety, had Expenditures in excess of [Revenues of approximately \\$1,325,000 for 2008.](#)

Thomas Stoffel, City Comptroller/Treasurer

RESOLUTION CONTINUING APPROPRIATIONS

Introduced by Alderman Wisneski

WHEREAS, it is desirous and necessary for the City of Menasha to continue some 2008 Appropriations into 2009 to finance ongoing projects,

NOW, THEREFORE, BE IT RESOLVED by the Mayor and the Common Council concurring that the following appropriations be continued:

<u>A/C #</u>	<u>ACCOUNT NAME</u>	<u>AMOUNT</u>
51-04-106	FINANCE DEPARTMENT	\$ 8,000
51-02-117	ELECTIONS	20,000
52-05-201	FIRE DEPARTMENT	5,500
53-09-102	HEALTH DEPARTMENT	330
53-09-103	ENVIRONMENTAL HEALTH	3,132
53-09-105	PREVENTION PROGRAM	1,276
53-09-106	RADON GRANT	498
53-09-108	DENTAL SEALANT PROGRAM	3,540
53-09-112	LEAD PREVENTION GRANT	99
53-09-113	IMMUNIZATION GRANT	2,749
53-09-114	MATERNAL CHILD HEALTH	1,235
53-09-118	BIO TERRORISM	8,607
53-09-119	TWENTY-FOUR/SEVEN COVERAGE	48,156
54-10-111	ENGINEERING/PUBLIC WORKS	12,000
54-10-133	SIDEWALKS/CROSSWALKS	32,500
56-03-202	COMMUNITY DEVELOPMENT	24,100
		- - - - -
	TOTAL	\$ 171,722
		=====

Passed and approved this ____ day of _____, 2009

Donald Merkes, Mayor

Deborah A. Galeazzi, City Clerk

EXPLANATION OF CONTINUING APPROPRIATIONS
 From 2008 into 2009

<u>A/C #</u>	<u>PURPOSE</u>	<u>AMOUNT</u>	<u>REQUESTED BY</u>
51-04-106	GASB 45 Actuarial Study	\$ 8,000	COMPT Stoffel
51-02-117	Optic scan machines (4)	20,000	CLERK Galeazzi
52-05-201	Maintenance on Station # 36	5,500	CHIEF Vander Wyst
53-09-102	Red Cross Instructor Certification	330	PHD Nett
53-09-103	Emergency preparedness supplies/needs	3,132	PHD Nett
53-09-105	Walk to Win Staff hours/supplies	1,276	PHD Nett
53-09-106	Radon Inspection training for Staff	498	PHD Nett
53-09-108	Dental Program supplies	3,540	PHD Nett
53-09-112	Lead Prevention Supplies	99	PHD Nett
53-09-113	Immunization Program supplies/postage	2,749	PHD Nett
53-09-114	MCH Child Passenger Seat Program	1,235	PHD Nett
53-09-118	Bio-Terrorism/Emergency Preparedness	8,607	PHD Nett
53-09-119	Disaster-related 24/7 coverage	48,156	PHD Nett
54-10-111	Third Street Engineering Design	12,000	PWD Radtke
54-10-133	Sidewalk Replacement	32,500	PWD Radtke
56-03-202	Planning Grant-Gilbert Mill Site	21,500	CDD Keil
56-03-202	High Resolution Aerial Photography	2,600	
	TOTAL	\$ 171,722	