

Menasha aldermen occasionally attend meetings of this body. it is possible that a quorum of Common Council, Board of Public Works, Administration Committee, Personnel Committee may be attending this meeting; (No official action of any of those bodies will be taken).

**CITY OF MENASHA  
IT STEERING COMMITTEE  
Gegan Room, Menasha Public Library  
440 First Street, Menasha**

**July 29, 2009**

**8:15 AM**

**AGENDA**

- A. CALL TO ORDER
- B. ROLL CALL/EXCUSED ABSENCES
- C. MINUTES TO APPROVE
  - 1. [5-20-09](#)
- D. PUBLIC COMMENTS ON ANY MATTER OF CONCERN TO THIS AGENDA.  
(five (5) minute time limit for each person)
- E. REPORT OF DEPARTMENT HEADS/STAFF/CONSULTANTS
  - 1. Committee monthly update on status of projects/operations/costs
- F. ACTION ITEMS
  - 1. [Committee Discussion on Placing Links to Farmers Market Sponsors on the city website.](#)
  - 2. [Committee Discussion on Wisconsin Supreme Court to Decide on Open Records Status of Personal E-mail](#)
  - 3. Committee discussion on next IT Steering Committee Meeting Date – August 19<sup>th</sup>,2009
- G. ADJOURNMENT

"Menasha is committed to its diverse population. Our Non-English speaking population and those with disabilities are invited to contact the Menasha City Clerk at 967-3603 at least 24-hours in advance of the meeting for the City to arrange special accommodations."

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**CITY OF MENASHA  
IT STEERING COMMITTEE  
Gegan Room, Menasha Public Library  
440 First Street, Menasha**

**May 20, 2009**

**8:15 AM**

**MINUTES**

**A. CALL TO ORDER**

Meeting called to order at 8:15 AM by CHAIRMAN Wisneski.

**B. ROLL CALL/EXCUSED ABSENCES**

Present: CHAIRMAN Wisneski, AP Kester, COMP Stoffel, HR Specialist Taubel, ITMgr Lacey, PC Stanke and PWS Jacobson

Also Present: ITSupv James, PL Brunn and Mr. Larry Schmitz of Common Sense Solutions LLC.

**C. MINUTES TO APPROVE**

1. Approval of Minutes of April 15, 2009 IT Steering Committee meeting.

Motion by ITMgr Lacey, seconded by PC Stanke to approve the minutes of the April 15, 2009 IT Steering Committee meeting. Motion carried.

**D. PUBLIC COMMENTS ON ANY MATTER OF CONCERN TO THIS AGENDA.**

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

None

**E. REPORT OF DEPARTMENT HEADS/STAFF/CONSULTANTS**

1. Committee monthly update on status of projects/operations/costs

ITMgr Lacey updated the Committee on the transition of the City web page from the host to the City website. He and ITSupv James also explained what work must be done when the City changes to the new MarketDrive 2009 update. Because there are many changes in how information is entered and cataloged, there will be extensive work on updating all the other programs which use the data from MarketDrive. ITMgr Lacey also has been working with Neenah-Menasha Fire Rescue on making sure the Emergency Operations Center is ready in case of an emergency. ITMgr Lacey also informed the Committee that new PCs have been

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installed on third floor and at the Health Department and Senior Center. Next will be installation of new PCs on second floor and at the Public Works Facility.

## F. ACTION ITEMS

1. <http://www.your-communities.com> Feedback [e-mail from Website to Mayor](#).

After a brief discussion it was recommended that this item be referred to Community Development for their opinion on whether it would be an effective marking tool for that department to use.

2. Verizon Cell Phone Bid Request
  - a. Push to talk feature (Parks/PWF)

ITSupv James opened the discussion, explaining that he had met with a Verizon representative to discuss what their cell phone service could provide. It was his understanding that there no longer was a consortium of users, but in fact each user group had an individual contract. PC Stanke corrected ITSupv James on that point; that there still is a consortium of users in operation. The next contract comes due in March, 2010 and the consortium will send out an RFP for services and Verizon will be asked to submit a bid at that time. The push to talk feature is not currently offered by US Cellular and ITSupv James thought that it would be of benefit to the Public Works and Parks Departments. PWS Jacobson explained how he thought the push to talk feature could work in his department. PC Stanke countered that having those cell phones leave the group would result in some type of separation charge and diminish any benefits. CHAIRMAN Wisneski thought the consortium should be allowed to select the service levels and provider as they have done in the past.

3. Intranet

No update for this month. This item will appear on the agenda for the next meeting.

4. PrintCare- Print Management Services -Toner and Repair Services Package
  - a. Bids from:
    - I. [MBM](#)
    - II. [Accent Business Solutions](#)
    - III. [Ricoh](#)
    - IV.

No proposal was received from Ricoh. ITSupv James explained to the committee how this was a time-saving service for the IT Department. Mr. Schmitz and ITMgr Lacey both thought the proposal from Modern Business Machines (MBM) was the most complete and warranted further negotiation. It is Mr. Schmitz goal to have the City pay only for what it really uses, not to pay on a projected use by month. Motion by PC Stanke, seconded by ITMgr Lacey to continue negotiations with MBM until ITMgr Lacey and Mr. Schmitz are satisfied the contract provides the services the City expects, and then forward the agreement to legal counsel for review and finally to the Common Council for approval. The Committee does not need to review the final agreement. ITSupv James informed the Committee that the supply of toner is low so quick action on this agreement is needed. Motion carried.

5. "Patrol" login and Patrol officer Passwords

ITMgr Lacey explained to the Committee that currently all patrol officers use a generic password to access email. However, they do not receive notice when the password expires and consequently they could not access email for days until their password is reset. To avoid this happening in the future, the IT Department is proposing that each officer create a unique password for login purposes. This will result in additional licensing fees for the City and may take patrol officers a little longer to log in, but it will save time for the IT Department staff in not having to reset passwords that expire. Motion by ITMgr Lacey, seconded by CHAIRMAN Wisneski to authorize the IT Department to make the necessary changes, which will include a budgetary impact, to the mode in which patrol officers access the email system. Motion carried.

6. Committee discussion on next IT Steering Committee Meeting Date – June-17-09

After discussion, by consensus of the Committee members present, the next Information Technology Steering Committee meeting will be held on Wednesday, June 17<sup>th</sup>, at 8:15 AM in the Gegan Room of the Menasha Public Library.

G. ADJOURNMENT

Motion by HR Specialist Taubel, seconded by ITMgr Lacey to adjourn. Motion carried. Meeting adjourned at 9:07 AM.

Respectfully submitted,

Thomas Stoffel  
Committee Secretary

	<b>Budget \$</b>	<b>YTD \$</b>	<b>% used YTD</b>
<b>Total Budget</b>	<b>\$348,510</b>	<b>\$123,202</b>	<b>35.35%</b>

January 2009 through April 2009

**I.T. Department  
Projects  
April 15, 2009 through May 19, 2009**

**Open Requests/Projects**

- **Hardware**
  - Research Hardware for Budget 2009
  - Research Hardware for future City IT projects.
- **Software**
  - Website updates
  - Health Charting
  - Permit Application development
  - PWF Excavation Billing Module

**Current Requests/Projects**

- **Software**
  - Moving Website from Heartland Servers to City of Menasha Servers.
  - Tax file updates
  - Assist Assessor Dept with reporting.
- **Hardware**
  - Deploy PCs to City Hall second floor and PWF.
  - Create Terminal Server environment for Senior Center Computer Lab.
- **Application**
  - Work with Print Service providers on Print Care contracts.

**Completed Requests/Projects**

- **Application**
  - Train users on Meetings and Agendas posting to Website process.
  - Work with Senior Center on Newsletter.
  - Worked with Health Department on the Volunteer list database and e-mail group for emergency preparedness.
  - Alterations to the Weights and Measures Databases at Health Department.
- **Hardware**
  - Deploy new PCs for Health Department, Senior Center and City Hall third floor.
  - Worked with Safety Committee and EOC Manager on labeling and creating a Map for the EOC.



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## City Clerk: Farmers Market: Sponsorship



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**Menasha's Farm Fresh Market**      **Thursdays: 2:30-6:30**

*Supporting the community*

*in healthy lifestyle choices...*



As well respected pillars of our community, the following sponsors have made a commitment to healthy and local food choices and quality handmade art.

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## City Clerk: Farmers Market: Links



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Coming Soon.....



# MUNICIPAL LAW NEWSLETTER

**BOARDMAN**<sup>LLP</sup>  
LAW • FIRM

Volume 14, Issue 3, May/June, 2009

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- *Utility's Express Easement Allows Construction of Additional Lines*
- *Speakers Forum*
- *Supreme Court Refuses Certification of Issues Regarding Nonconforming Use Standards*
- *Sale of Land as Part of a Complex Corporate Sale Does Not Constitute an Arm's Length Sale for Property Assessment Purposes*
- *Waukesha Asked To Pay Clean Wisconsin's Costs To Intervene In Waukesha's Water Rate Case*
- *Use of Property May Be Considered In Area Variance Application*

## Wisconsin Supreme Court to Decide Open Records Status of Personal E-mails

The Wisconsin Court of Appeals recently certified an appeal to the Wisconsin Supreme to decide whether personal emails of a public employee sent through a school district network and composed on a district computer are subject to disclosure under Wisconsin's Open Records Law. *Schill v. Wisconsin Rapids School District, Appeal No. 2008AP967-AC.*

The Wisconsin Rapids School District has a computer use policy which permits employees to use district email accounts for occasional personal use. The policy provides that the District owns the email accounts and any material composed and/or sent on district computers or through its network are district property and contain no expectation of privacy.

The District received an open records request from a citizen seeking copies of emails from five District employees from school computers during a six week period. The admitted "fishing expedition" had the purported purpose of examining whether the employees were comporting with the "occasional use" policy or whether the extent of personal emailing was excessive.

The District advised the employees that it intended to comply with the request. The employees had no objection to the release of work-related email, but filed this action to preclude the release of their private emails. The case raises an issue

of great significance to municipal employers and employees who are permitted to use municipal computers and networks for personal uses. It was for this reason that the Court of Appeals referred the case directly to the Wisconsin Supreme Court for appellate review.

Under the analysis required by the Wisconsin Open Records Law ("Law"), the first step is to determine whether the Law applies to the requested records. A record is defined to include emails which are kept by an "authority." A record does not include "drafts, notes, preliminary computations and like materials prepared for the originator's personal use..." One of the issues before the Supreme Court is whether this personal use exemption applies to personal emails. The District contends that since the personal emails are not "drafts, notes (or) preliminary computations" that they do not fall within the exemption. Even if the emails were initially considered to fall within this exemption, the Supreme Court must still decide the scope of the term "personal use" in the exemption; *i.e.*, is it governed by the subject matter of the communication, the parties involved in the communication or both?

In construing the Law, the Supreme Court must analyze it under the stated purpose of providing the public the greatest possible

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## Wisconsin Supreme Court Adopts Expansive Rules for Insurance Coverage In Asbestos Exposure Case

The Wisconsin Supreme Court recently addressed a number of important issues relating to insurance coverage in the context of "long-tailed" asbestos exposure. In *Plastics Engineering Company v. Liberty Mutual Insurance Company*, the Court gave expansive meaning to the concept of an "occurrence" for purposes of triggering insurance coverage. The Court also rejected pro-rata allocation of damages where exposure to asbestos continued after the term of a policy expired.

### Wisconsin Supreme Court to Decide Open Records Status of Personal E-mails *(continued from front page)*

information regarding "the affairs of government and the official acts of those officers and employees who represent them. Wis. Stat. §19.31. The question presented by this request is whether it deals with the affairs of government and the official acts of the District employees. A broad view of the request would suggest that how the employees utilize their paid time is precisely what the law permits inquiry into, while a narrower view would conclude that the personal emails are not related to official municipal action and, therefore, not within the statute's contemplation of a record which must be disclosed.

If the Supreme Court were to conclude that the emails constitute a record under the Law, then it must engage in a balancing test. On one side is the public's interest in disclosure, which carries a presumption in favoring disclosure. On the other side is the public's interest in protecting its employees' privacy, which is distinguished from the employees' personal interest in protecting their privacy. As the Court of Appeals noted, the issue is complicated in this case because while the emails are of a private nature, they involve a public issue related to the employees' conduct during their paid time.

Most employers permit their employees to use business email systems for limited personal use, just as employees have been allowed to use company telephones for personal use. However, the use of emails by employees has given rise to a host of employment problems, including confidentiality, harassment, labor law and privacy issues. This case represents another issue, which specifically impacts municipal employers and employees, and which could have a significant impact on the ability or desire of municipal employees to use public email systems for personal communications.

— Steven C. Zach

~~The *Plastics Engineering* case involved claims by multiple individuals alleging that they were injured by their first exposure to asbestos manufactured and sold by an insured of Liberty Mutual Insurance Company. The claimants alleged that asbestos-related injuries did not become manifest until long after their initial exposure to asbestos. The claimants' exposures, moreover, allegedly occurred at different times and at different geographical locations.~~

Liberty Mutual argued that the manufacturer's sale of asbestos-containing products without warning constituted one occurrence regardless of the number of people injured. This construction of the term "occurrence" would potentially limit the insurer's liability exposure because there would be fewer occurrences subject to the policy limits for each occurrence. The standard policy at issue provided \$500,000 of coverage per occurrence, which the policy defined as "an accident, including continuous or repeated exposure to conditions, which results in bodily injury or property damage neither expected nor intended from the standpoint of the insured."

The Supreme Court concluded from the policy language that an "occurrence" in the case of asbestos exposure is the repeated exposure to asbestos-containing products. The Court relied on the policy language that an occurrence is the "continuous or repeated exposure" to harmful conditions. Multiple occurrences arise, according to the Court, because each individual's injury stems from his or her own repeated exposure to asbestos-containing products.

The Supreme Court further concluded that once policy coverage is triggered by an occurrence, then an insurer must fully defend a lawsuit in its entirety and pay for all sums up to the policy limits that the insured is obligated to pay because of the injury. The policy language, according to the Court, does not support a pro-rata allocation of damages between the insurer and the insured for periods after expiration of the policy at issue. Liberty Mutual had argued, on the other hand, that the insurer need not defend nor indemnify for injury that takes place outside the policy period.

In refusing to allocate asbestos-related damages, the Supreme Court noted that Wisconsin has adopted the continuous trigger theory of liability whereby all policies are triggered from the time of exposure until manifestation of injury. Once a policy is triggered, the policy then requires the insurer, according to the provisions at issue, "to pay on behalf of the insured all sums which the insured shall become legally obligated to pay as damages."

The Supreme Court rejected Liberty Mutual's ~~argument that if the insured did not purchase a policy for~~

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